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**Project # 1604**

The Director General  
NSW Department of Planning and Environment  
84 Crown Street  
Wollongong NSW 2500

Attn: **Ms L Marley**

Dear Sir

**Application for Compatibility Certificate for Seniors Living Development  
120 Walker Street Helensburgh**

This application relates to a request for a Compatibility Certificate on land adjoining land zoned primarily for urban purposes. The subject site is zoned RU2 Rural Landscape within Wollongong Local Environmental Plan 2009 (the LEP). The adjoining land is zoned IN2 Light Industrial.

Minutes of a prelodgement meeting with Wollongong City Council (WCC) on 27 April 2016 relating to the use of the property as a hospital or seniors living development are provided at **Annexure "A"**.

The minutes advise, in part, the following:

*"The SEPP does not permit seniors housing in the RU2 zone, however the subject site is considered to "adjoin" land zoned primarily for urban purposes, being IN2 Light Industrial land, on the opposite side of Walker Street. As such, a Site Compatibility Certificate would be required to be obtained from the Director General prior to the lodgement of the development application."*

Clause 17 (1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 [the SEPP]) advises that *the consent authority must not consent to a development application on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:*

- (a) a hostel;
- (b) a residential care facility;
- (c) serviced self-care housing.

This submission relates to serviced self-care housing with provision for housing for people with a disability.

Clause 24 (2) of the SEPP advises that *a consent authority must not consent to a development application to which this clause applies unless it is satisfied that the Director General has certified in a current site Compatibility Certificate, that, in the Director General's opinion*

- (a) the site of the proposed development is suitable for more intensive development; and*
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in Clause 25 (5) (b).*

The attached information responds to the Clause 25 (5) criteria and follows the document requirements specified within the Department's Part C requirements for Compatibility Certificates. .

The subject site contains a number of existing improvements including four dwellings, a number of sheds, stables, dams and is currently used for the adjustment of horses.

A plan, prepared by Phil O'Donnell Architects, indicates the potential for seniors living development within the property and has considered a number of constraints on the land including the location of Asset Protection Zones (APZs) and the location of the riparian corridor.

The draft plan provides for serviced self-care housing providing for 136 studio style apartments, 44 villa style dwellings and 13 dementia dwellings.

The application is supported by the following documents:

- Survey plans by Survplan;
- Bushfire Constraints Analysis by Peterson Bushfire;
- Contaminated Land Preliminary Site Investigation by SESL Australia;
- a copy of Section 149 Certificate;
- Flood Impact Analysis by Zeta Engineering;
- Classification of Watercourses by Rienco Consulting;
- response from Office of Water;
- Pump to Sewer Approval from Sydney Water;
- advice from Rural Fire Service; and
- Traffic report by McLaren Traffic Engineering.

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- J Copy of Sydney Water Advice of 15 March 2017
- K Copy of email from Department of Planning & the Environment dated 9/5/2016
- L Copy of minutes from RFS meeting 19/1/2017
- M Survey Plan

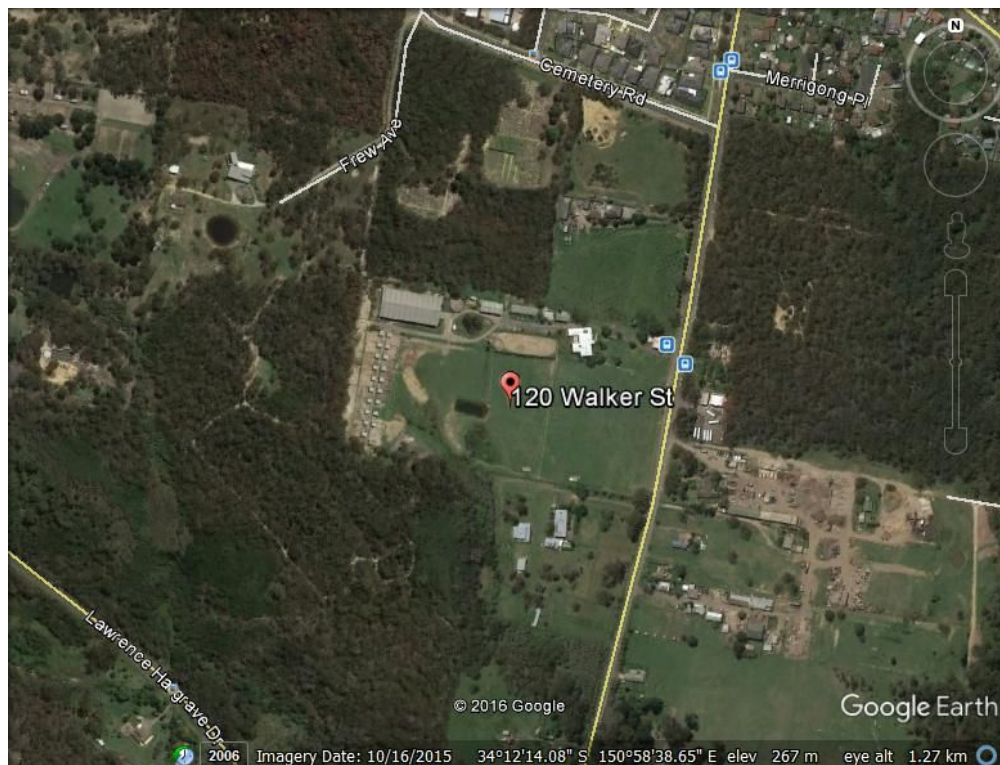
## PART C – SITE COMPATIBILITY OF PROPOSED DEVELOPMENT

### C1 – Development Proposal Information

#### 1. Context

##### **A. Location, zoning of the site and presentation of surrounding areas.**

The location of the site, 120 Walker Street, Helensburgh, is indicated on the following aerial photograph. The property is approximately 1 kilometre south of the Helensburgh commercial centre.



**Figure 1 – Aerial Photograph of the Site**

The property is located about 300 metres from the southern edge of the low density residential area of the Helensburgh township, the most dense urban landform in the northern area of the City of Wollongong. The site is bounded by predominantly rural residential properties to the north, west and south.

To the east of the site is a property utilised as a bus depot by Premier Buses. That property is significantly cleared but is bounded by mature native vegetation. Immediately to the south of that property is a recycling and civil contracting operation identified as Blackwell Brothers (No 159 Walker Street). This is the IN2 property on which this application relies on as adjoining land to trigger the Site Compatibility Certificate under the SEPP.

To the north of the subject site is an olive orchard and to the west of that site is the Helensburgh cemetery, which also adjoins in part of the subject land.

The subject site is accessed from Walker Street, a bitumen sealed public access. Further access is available from Frew Avenue, an unformed road located at the rear of the site.

Approximately 500 metres to the south of the site is the Sri Venkateswara Hindu Temple (No 1 Temple Road).

The property is zoned RU2 Rural Landscape within the LEP. A copy of the land use table for the zone are included as ***Annexure “B”***.

Senior living development is not permissible within the zone and any future development application would need to rely upon Clause 4 (4) of the SEPP being land that adjoins land zoned primarily for urban purposes.

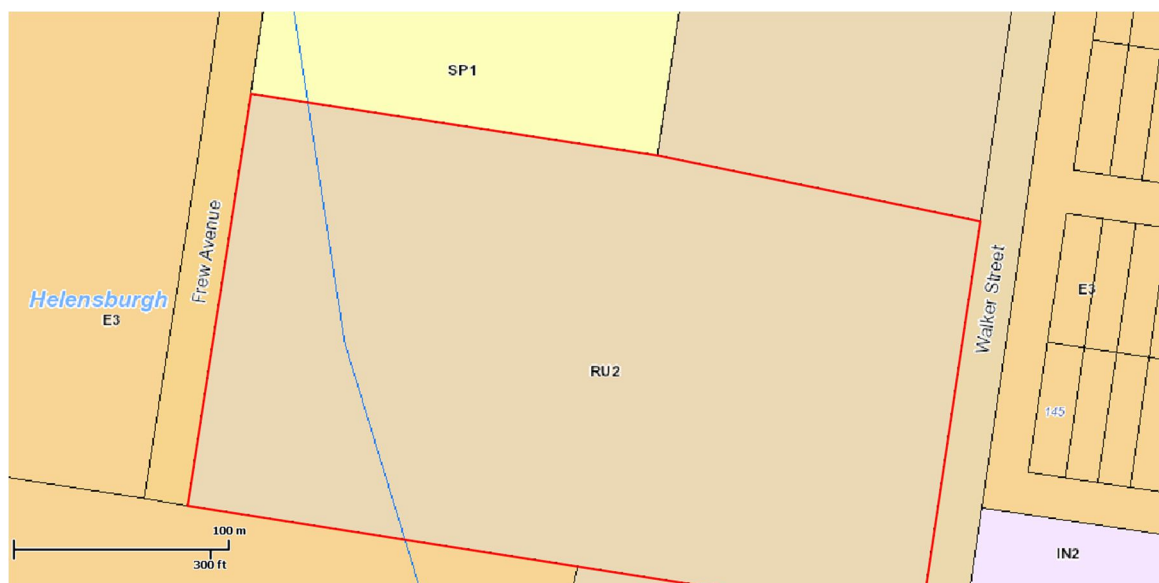
With regards representation of surrounding uses, it will be noted that the subject site is not too far removed from the low density residential development of the Helensburgh township to the north.

## **B. Description of Surrounding Development**

### **i) Built Form**

The surrounding built form is limited in scale and is and will be generally restricted as a consequence of the zonings adjacent to the site.

A zoning map of the site and precinct appears below in Figure 2.



**Figure 2 – Zoning Map**

The immediate precinct is described hereunder:

**West:** Immediately to the west is Frew Avenue, a formed but unsealed road. To the west of Frew Avenue is a rural residential property.

This property is zoned E3 – Environmental Management and consists of established native vegetation adjacent to Frew Avenue. Improvements upon the land include a dwelling and farm buildings.

The objectives of the E3 zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

It is considered that the issue of a Compatibility Certificate and any future development of the land for seniors living will not impede these objectives being satisfied. Although the property is within a bushfire prone area, any bushfire mitigation works would need to be carried out on the subject land and there is no reliance on Frew Avenue for that purpose.

**North:** The northern boundary adjoins 2 properties.

The property with frontage to Walker Street is zoned RU2 Rural Landscape, similar to the subject site. This property contains a number of olive trees, which appear to be in poor condition. The improvements include a dwelling house and several outbuildings.

The objectives of the RU2 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- *To maintain the rural landscape character of the land*
- *To provide for a range of compatible land uses, including extensive agriculture*
- *To encourage the retention, management or restoration of native vegetation.*

This property is extensively cleared and is abutted to the north and west by Helensburgh Cemetery.

The site is not of an area to provide for sustainable primary industry production or extensive agriculture.

The other adjacent site, owned and managed by Wollongong City Council, to the north is zoned SP1 Special Activities and is the location of the Helensburgh Cemetery, which is a heritage site (item 6123) with an archaeological component.

The objectives of this zone are:

- *To provide for special land uses that are not provided for in other zones*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*

The cemetery also has frontage to Cemetery Road, which adjoins low density residential development. The cemetery will be separated from any future seniors living development by dense vegetation as indicated on the aerial map.

As advised, Helensburgh Cemetery is an item of environmental heritage of local significance.

Clause 5.10 (1) of the WLEP 2009 in relation to heritage conservation advises that the objectives of this clause are:

- (a) *to conserve the environmental heritage of Wollongong; and*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views; and*
- (c) *to conserve archaeological sites; and*
- (d) *to conserve plans of Aboriginal heritage significance.*

Subclause 5(c) advises that the consent authority may require a heritage impact statement before granting development consent to any development within the vicinity of a heritage item.

It is considered that a future seniors living development would not have any effect on the heritage significance of the heritage item.

**South:** The southern boundary adjoins two properties.

The property with frontage to Walker Street is zoned RU2 Rural Landscape and is extensively cleared and contains two dwelling houses and outbuildings.

The property to the rear of that land is zoned E3 Environmental Management, which contains a dwelling and farm improvements. For reasons previously expressed, it is considered that any future seniors living development would not adversely impact upon the objectives of either zone.



**East:** The properties to the east of the site are contained within two zones.

Council's mapping indicates a number of lots and roads are within a paper subdivision within the E3 Environmental Management zone. These properties are heavily vegetated with native vegetation and include some improvements including a bus depot.

Following the review of 7 (d) lands undertaken by Wollongong City Council and the Joint Regional Planning Panel, it is unlikely that this area will experience further residential development.

To the south of this lot is No 159 Walker Street, which is zoned IN2 Light Industrial. This lot is within a light industrial precinct, which also includes Nos 159, 161 – 163, 165 and 167 – 169 Walker Street.

These properties accommodate Blackwell Brothers civil works operations.

The objectives of the IN2 zone are:

- *To provide a wide range of light industrial, warehouse and related land uses*
- *To encourage employment opportunities and to support the viability of centres*
- *To minimise any adverse effect of industry on other land uses*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area*
- *To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.*

Blackwell Brothers recycling activities have been a long term occupant of their site. There have been issues with Council and the Office of Environment & Heritage with regards permissibility and occupation of the site but it is understood that the continued processes have not delivered any significant adverse environmental impacts upon the local community.

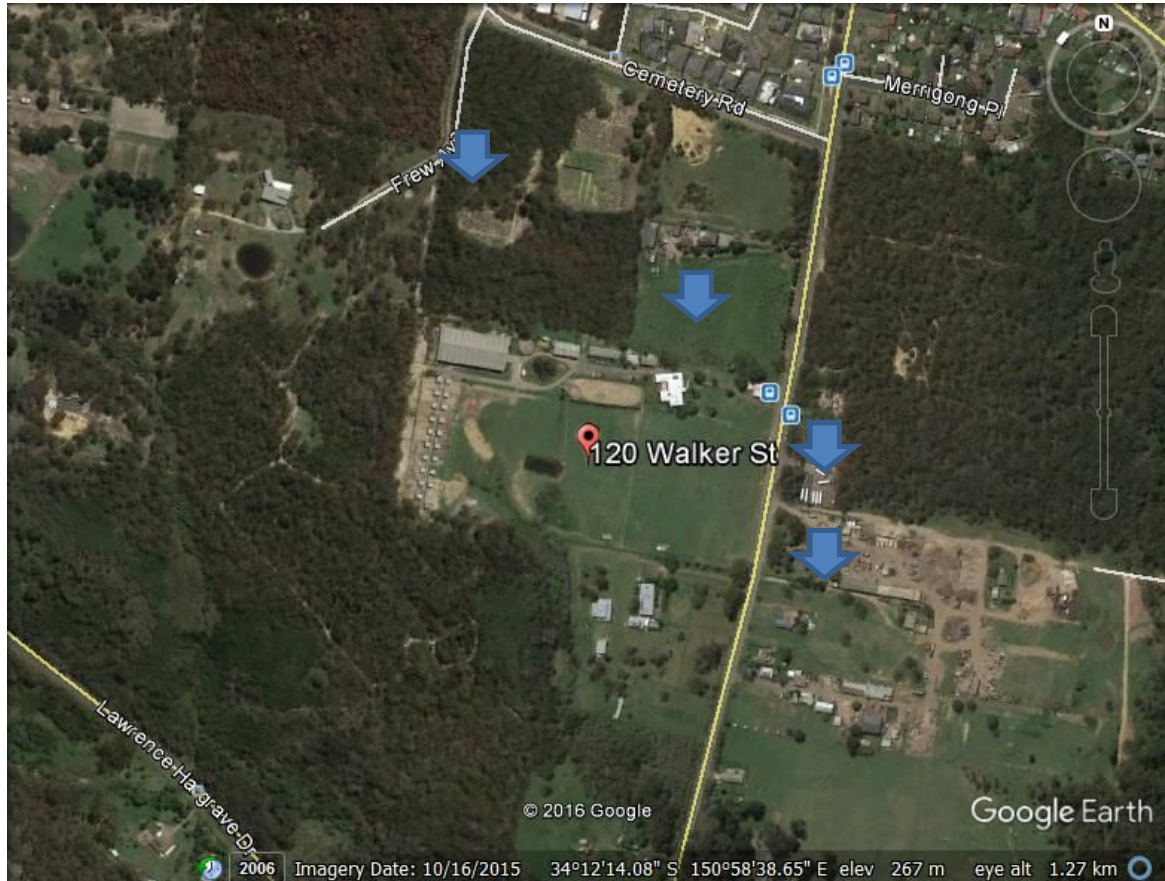
The business has consent and is operating a waste recycling business in Wylie Road Kembla Grange and, therefore, potential environmental impacts have been relocated from the site.

Any future and current development on the recycling site will be controlled by conditions of consent imposed by both Council and also the Office of Environment & Heritage through conditions imposed by the Protection of the Environment legislation.

ii) **Potential Land Use Conflicts**

The above section identifies the properties surrounding the subject site. The section also recognises the zonings of those properties, the objectives of the zones and existing development upon the land.

As evidenced by the aerial photograph, there is little potential for land use conflict from those properties to the west, north and south.



**Figure 3 – Location of Walker Street Properties**

The property to the west has been developed as a rural residential development containing a dwelling house, sheds and a dam but is densely vegetated at its frontage to Frew Avenue.

There are two adjoining properties to the north. One is Helensburgh Cemetery, which is provided with a dense vegetated buffer at its interface with the subject land.

The second is a rural residential lot consisting of an orchard. The dwelling and farm infrastructure are located within the north western corner of the property, which is the greatest distance from the subject site.

The site to the south is also developed as a rural residential site and includes a dwelling house and a number of substantial buildings.

The dwelling house is located approximately 50 metres from the common boundary. There will be sufficient distance between the proposed development and the existing dwelling including an emergency road access to minimise any significant visual impacts.

To the east of Walker Street is a bus depot located at No 145. That property is screened by native vegetation along its frontage.

Within that property, an area of about 3000m<sup>2</sup> has been cleared for hardstand for the parking of buses. At the rear of the site is a paper subdivision that indicates heavily vegetated allotments.

Adjoining the site is No 159 Walker Street occupied by Blackwell Brothers as a heavy machinery storage and recycling facility and has been operating for approximately 30 years.

The site operates under conditions of consent granted by WCC and an EPA Licence.

To better consider the potential land use, conflicts, consents and development history for each of the properties existing approvals for surrounding properties has been scrutinised as follows:

(a) 110 Walker Street Helensburgh

The property immediately to the north has the following development history:

DA 1984/145	- Dwelling
BA 1985/776	- Dwelling
DA 1988/993	- Swimming Pool
BA 1988/2482	- Inground Swimming Pool
DA 1991/106	- Granny Flat
BA 1991/1029	- Granny Flat
DA 1993/94	- Addition to Existing Dwelling
BA 1993/1199	- Addition to Dwelling
DA 1996/772	- Nine Stables and Feed Shed and Associated Water Quality Works

It is considered that these land uses are well established and would not create any adverse impacts with a proposed seniors living development. Similarly, it is considered that a seniors living development would not adversely impact upon the amenity of the approved use.

(b) 14 Frew Avenue

The property to the west of the subject site has the following history of applications:

DA 2002/2313	- Erect Single Storey Dwelling
DA 2004/1397	- Construction of Two Storey Dwelling and Pool
PC 2005/30248	- Construction of Two Storey Dwelling and Pool Enclosure
BC 2005/59	- Colorbond Shed

DA 2009/1371	- Machine and Pottery Shed
PC 2010/259	- Machine and Pottery Shed

As previously stated, the site is heavily vegetated along the joint boundary of the properties. It is considered that the approved land uses would have little impact upon a seniors living development and the seniors living development would be in harmony with these land uses.

(c) 130 Walker Street

The property immediately to the south of the subject property has the following history of applications:

DA 1981/279	- Garage for the Storage of Stud Records and Equipment
DA 1981/1447	- Dwelling
BA 1981/1881	- Water Closet
BA 1982/88	- Brick Veneer Dwelling
DA 1988/339	- Extension to Existing Dwelling
BA 1988/1023	- Additions to Dwelling, Living Space and Office
BC 2000/392	- Residence and Outbuildings
DA 2001/1868B	- Two Storey Addition & Construction of a Stable – Modification to extend lounge and stables
BC 2003/498	- Additions to Dwellings & Stables
PC 2007/1208	- Two Storey Addition and Construction of a Stable

These improvements are established. Although the dwelling house is located approximately 50 metres from the adjoining boundary, it is considered that a seniors living development could live in harmony with the occupants of 130 Walker Street particularly through the provision of appropriate conditions of consent.

(d) 145 Walker Street (Lot 1 Sec 4 DP 2644)

This property is located on the eastern side of Walker Street and has the following development history:

DA 1987/383	- Bus Depot (approved 14/10/1997)
DA 1987/383/A	- Modification
DA 1987/383/B	- Modification of Condition 1 (approved 20/4/2016)
DA 2015/668	- Boundary Adjustment

The potential for the bus depot to create adverse impacts is mitigated by the following conditions of consent provided in DA-1987/383/A:

2. *The storage of goods, waste or extraneous material in the vehicular manoeuvring and parking areas shall be strictly prohibited. These areas shall be kept clear at all times for the free movement of vehicles on site.*
10. *A landscape plan shall be submitted to Council with the Building Application and shall include:
  - i. *a 1.5m front landscape strip and a 1.5m landscape strip for the remaining boundary perimeter (except for vehicular accessways)*
  - ii. *informally grouped trees and shrubs to reduce the visual impact of the building, planted in sufficient numbers to achieve a softening effect, and shall be in scale with the development.**
12. *Details of the proposed method of disposal of industrial waste shall be submitted to Council with the Building Application and the development shall not proceed until such details have been approved by Council.*
13. *The lighting of the premises shall be directed so as not to cause annoyance to the owners or occupiers of adjoining premises or glare to motorists on nearby roads.*
14. *All servicing and mechanical repairs to buses shall be carried out within the confines of the building at all times.*
15. *Any requirements of the State Pollution Control Commission shall be complied with prior to the commitment of the use.*
21. *All staff and visitor car parking must occur within the site.*

It is assumed that Council is satisfied that the operators are not causing concern by the deletion of Condition 1 relating to the early expiry date of the consent (Modification B approved 20.4.16). The condition requires visual screening and operational arrangements so as not to create nuisance. These appear to have been provided in accordance with the conditions of consent.

It is considered that a future seniors living development could live in harmony with the bus depot operation.

(e) 159 Walker Street (Blackwell Brothers)

This property is located also on the eastern side of Walker Street and is in close proximity to the subject site. The property has a long history as a resource recovery facility and landscape material supply centre.

The application history of the site is as follows:

BA 1978/1722	- Brick Veneer Dwelling
DA 1978/1042	- Country Dwelling
BA 1978/2449	- Dwelling
CC 1999/1273	- Extension of Machinery Shed
DA 1982/61	- Double Garage, Fence Lines and Firebreak
DA 1983/668/B	- Clearing of Land for Fence Lines & Firebreak. Use of Earth Moving Business, Erection of Storage Bins & Identification Sign
BA 1983/5170	- Machinery Shed
DA 1986/536	- Dwelling
BA 1986/597	- Inground Swimming Pool
DA 1998/534/A	- Extension to Existing Shed
BC 2012/146	- Industrial Land Use – dwelling & shed located approximately 234 metres east of Walker Street front property boundary
DA 2012/847	- Environmental Protection Works
DA 2012/893	- Erection of two buildings (office & staff facilities) and landscaping
BC 2013/188	- Residential – metal shed & awning
DA 2015/1018	- Alterations & Additions to Use of Buildings Associated with Resource Recovery Facility/Landscaping Materials Supplies
PC 2016/220	- Clearing Land for Fence Lines & Firebreaks. Use for Earth Moving Business, Erection of Storage Bins & Identification Sign – Modification B
PL – 2016/48	- Upgrade to an Existing Approved & EPA licensed landscaping and material recycling facility

It is considered that DA 2015/1018 for alterations and additions to and use of buildings associated with the resource recovery facility/landscaping supplies would have the greatest potential to impact upon the above property.

The conditions imposed to mitigate adverse environmental impacts are as follows:

6. *On Site Waste Water Management System*

*The proposed use of the building as an office must be connected to “Pump Out” on site wastewater management system.*

19. *Piping of Stormwater to Existing Stormwater Drainage System*  
*Stormwater from the building/structure must be piped to existing stormwater drainage system that connects to the dam on the site.*
21. *Restricted Hours of Work*  
*The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 a.m. to 5.00 p.m. Monday to Friday and 7.00 a.m. to 1.00 p.m. Saturdays without the prior written consent of the Principal Certifying Authority and Council.*  
*No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays and Fridays.*

The condition also includes the following note:

*“The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that consistent with the Environmental Protection Authority’s Interim Construction Noise Guidelines (July 2009) the noise from construction ( $< A_{eq} (15 \text{ min})$ ) must not exceed the background noise level ( $< A_{90} (15 \text{ min})$  plus 10dB(A), and  $< A_{eq} (15 \text{ min})$  of 75dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5m above ground level. If the property boundary is more than 30m from the residence, the location for measuring noise levels is at the most noise-affected point within 30m of the residence.”*
22. *The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.*
25. *Provision of Waste Receptacles*  
*The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.*
33. *Environment Protection Licence*  
*The operation of the use of the land must obtain and/or hold the relevant Environment Protection Licence from the NSW Environmental Protection Authority*
34. *Maintenance of Landscaping – this condition provides requirements as to how the site should be managed to mitigate against bushfire risk.*

The conditions provide for licencing requirements and also for measures to minimise against potential adverse impacts. Further to this, the Blackwell Brothers waste recovery operation has relocated to a licensed premises at Kembla Grange so any expansion of the Helensburgh operation is unlikely.

It is considered that any future seniors living development on the subject site could co-exist in harmony with the Blackwell Brothers operations.

Overall, it is considered that that there are no potential land use conflicts that would adversely impact upon the site Compatibility Certificate going forward.

iii) **Natural Environment (including known significant environmental values & resources or hazards)**

The aerial photography indicates that the majority of the land area has been cleared of significant vegetation.

There are four issues that need to be considered being:

- bushfire risk;
- potential contamination;
- flooding; and
- riparian corridor.

1. **Bushfire Risk**

The site is mapped as bushfire prone. As a consequence, a Bushfire Constraints Analysis, provided by Peterson Bushfire, dated by 19 April 2017, accompanies this application.

The report is an overview of constraints based on consideration of the hazards and possible future development outcomes, and features limitations and assumptions.

The development potential considered in the constraints analysis is Seniors Living is in accordance with the plan provided by Phil O'Donnell Architects.

Clause 27 of the SEPP advises that *a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified as bushfire prone land unless the consent authority is satisfied that the development complies with the document titled "Planning for Bush Fire Protection 2006 (PBP).*

Subclause (2) states that *a consent authority, in determining a development on land identified as bushfire prone, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters including the following:*

- (a) *the size of the existing population within the locality,*
- (b) *age groups within the population and the number of persons within those age groups,*



- (c) *the number of hospitals and other facilities providing care to the residents within the locality, and the number of beds within those hospitals and facilities,*
- (d) *the number of schools within the locality and the number of students at those schools,*
- (e) *existing development within the locality that has been carried out under this Policy or SEPP No. 5 – Housing for Older People or People with a Disability,*
- (f) *the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bushfire,*
- (g) *the adequacy of access to and from the site of the proposed development for emergency response vehicles,*
- (h) *the nature, extent and adequacy of bushfire emergency procedures that are able to be applied to the proposed development and its site, and*
- (i) *the requirements of the NSW Fire Brigade.*

**Responses:**

**(a) size of the existing population**

According to 2011 census information, the population of Helensburgh was 5,996 comprised of approximately 50.4% female and 49.6% males. There has been no significant urban expansion since that time to suggest a noticeable increase in population. The outcomes of the 2016 Census are not yet available.

**(b) aged groups within the population**

The 2011 provided the following information in relation to age groups:

People	Number	Percentage
0 – 4	530	8.8
5 – 9	476	7.9
10 – 14	476	7.9
15 – 19	450	7.5
20 – 24	338	5.6
25 – 29	297	5.0
30 – 34	444	7.4
35 – 39	502	8.4
40 – 44	464	7.7
45 – 49	510	8.5
50 – 54	417	7.0
55 – 59	327	5.5
60 – 64	249	4.2
65 – 69	187	3.1
70 – 74	123	2.1
75 – 79	86	1.4
80 – 84	64	1.1
85+	55	0.9

(c) **number of hospitals**

There are no hospitals within the township. Bulli Hospital provides some day care facilities and regional hospitals are located at Wollongong and Shellharbour.

There are 3 medical practices within Helensburgh and NSW Ambulance has a facility within the township.

(d) **number of schools**

There are two primary schools within the township viz

- Helensburgh Primary School: 450 students
- Holy Cross School: 189 students

(e) **existing seniors living development**

There are no other developments within the immediate area carried out under SEPP Seniors Living for SEPP No 5 – Housing for Older People or People with a Disability. A hostel with restricted capacity exists in Stanwell Park.

(f) **the road network**

A report from McLaren Traffic Engineers accompanies this report. This report advises that the current road network has the capacity to cater for traffic to and from the proposed development if there was need to evacuate persons from the locality in the event of a bushfire.

(g) **emergency vehicle response**

The McLaren report also states that the proposed access will be suitable for emergency response vehicles.

(h) **bushfire emergency procedures**

A report from Peterson Bushfire Consulting describes the nature, extent and adequacy of bushfire emergency procedures that are able to be applied to the proposed development and its site.

(i) **requirements of RFS**

A prelodgement consultation meeting was held with RFS on 19 January 2017 and the outcomes of that meeting are provided at ***Annexure “L”***.

Proposals involving Seniors Living are defined as Special Fire Protection Purpose (SFPP) development, which is integrated development under the Rural Fires Act 1997 and development applications would be referred to the RFS for assessment and concurrence. [A pre-lodgement meeting was held with RFS on 19.1.2017.]

PBP outlines the planning requirements for development of bushfire prone land which needs to consider:

- asset protection zones (APZs);
- water supply;
- access for fire fighters; and
- building construction standards.

The report includes a bushfire hazard assessment, which shows that the site is impacted upon all four sides. This assessment assumes that the site will remain cleared and managed and will only contain limited landscaping.

The individual components of the assessment are discussed hereunder.

(i) Asset Protection Zones (APZs)

The required APZs range from 60m to the north and west, to 70m to the east and south

The APZs are contained wholly within the site. The site is currently maintained to an Inner Protection Area as described by PBP. The removal of trees or vegetation is not required to achieve compliance.

(ii) Access

The PBP requires an access design that enables safe evacuation whilst facilitating emergency and operational response. All bushfire prone areas should have an alternate access or egress option depending on the bushfire risk, the density of the development and the chances of the road being cut by fire for a prolonged period.

The Peterson Bushfire report advises that Walker Street is considered adequate access for a seniors living development as it will front the road, which provides a north and south access/egress option. Internal access roads have been designed to comply with PBP “*acceptable solutions*” for “*public roads*” designed for service and emergency vehicles.

In addition to the Peterson report, Preliminary Traffic Advice in relation to Seniors Living Development on the subject site has been provided by McLaren Traffic Engineers (27 April 2017).

This report advises that the site is well provided for in terms of road access during an emergency. The report also advises on internal road design and the plan provided meets with these requirements.

Clause 38 of the Seniors Living SEPP advises that *the proposed development should:*

- (a) *have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) *provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

A drop off bus stop is located south of Tarawa Road and a pick up bus stop is located by the opposite side of the road. It is considered that a future development will be capable of meeting the requirements of Clause 38.

(iii) Evacuation

The Peterson Bushfire report advises that PBP requires the preparation of a Bushfire Emergency Management and Evacuation Plan to be finalised for release of the Occupation Certificate. The plan is to address the decision making process and procedures for safe onsite refuge or onsite evacuation, as well as Emergency Control Organisation operations/administration, training and maintenance.

The plan will be adequate in addressing safe emergency management and evacuation, and will guide operation of evacuation procedures within an internal and external environment possessing a good level of access.

The McLaren Traffic Engineers report advises that the proposed internal access roads comply with PBP and the existing external roads also comply and offer alternatives in opposing directions providing sufficient redundancy and a good level of access to the local and state road network.

(iv) Water Supply

Fire hydrants are to be provided to comply with AS 2419 – 2005 Fire hydrant installations – System design, installations and commissioning. An additional water supply for fire-fighting is not required for the proposal.

(v) Building Certificate Standards

The building construction standard is specified by a Bushfire Attack Level (BAL) determined in accordance with AS 3959 – 2009 Construction of Buildings in Bushfire prone areas. Part of the development will require compliance with a BAL – 12.5 rating.

A plan, indicating the location of APZs in relation to a potential development, appears as ***Annexure “C”***.

## **2. Potential Contamination**

The Compatibility Certificate will not propose the rezoning of the land.

However, matters contained within State Environmental Planning Policy No 55 – Remediation of Land needs to be considered.

Clause 7 (1) of the SEPP advises that *a consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has been considered whether the land is contaminated; and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Subclause (2) provides that *before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning principles.*

A contaminated land preliminary site investigation report has been prepared by SESL Australia (April 2017) and accompanies this application.

A walkover of the site was undertaken to support the desk top review. The report advises that Asbestos Containing Material (ACM) was not observed at any part of the site. A detailed hazardous materials inspection may be required should demolition be required. Some filling was observed as a result of the construction of the horse arena within the north of the site.

Some potentially contaminating practices were observed at the site including fill of unknown origin, spill of oil or hydraulic fluid within the shed and the storage of scrap metal around the site.

The report identified the following areas of environmental concern (AEC):

- AEC 1 – potential former agricultural activities undertaken at the site (1947 – 1961)
- AEC 2 – storage of scrap metals
- AEC 3 – oil or hydraulic spill within the shed in the north western corner of the site
- AEC 4 – presence of a large number of horses at the site (faecal matter).

The report concludes that there is the potential for soil contamination to exist at the site. However, the site could be suitable for the proposed development, subject to the development of a Tier 1 Detailed Site Investigation (DSI) to assess if the AECs have resulted in actual contamination that would render the site unsuitable for the proposed development. The DSI must investigate all AECs identified within the report.

The proponent agrees to undertake the intrusive site investigation. However, as the filling relates to only portion of the site and demolition of all buildings is not being contemplated, it is considered that the information provided is adequate to assess the application for a Compatibility Certificate.

Any future development application would need to ensure that any contamination on the site can either be legally disposed of or adequately managed on site. Any future development application would include a Remedial Action Plan.

### **3. Flooding Risk**

A 149 Certificate, appearing as **Annexure “D”**, advises that the property is located within an uncategorised flood risk precinct. Any future development application would need to respond to the requirements of Wollongong Development Control Plan 2009 - Chapter E 13 Floodplain Management & Clause 7.3 of the LEP.

In addition to this, the pre lodgement notes of 27 April 2016 (**Annexure “A”**) advises that as the proposed development is located in close proximity to a watercourse traversing the site and, therefore, any future application would need to be referred to the Office of Water. Comments from the Office of Water are included within this application.

With regards the flooding issue, two reports are provided being:

- Flood Impact Report by Zeta Engineering dated 9 June 2014; and
- Flood Classification of Watercourse by Rienco Consulting dated 1 July 2016.

#### **(i) Zeta Engineering Report**

This report was prepared in June 2014 to support a development application for the use of the existing premises as a jockey training establishment with an indoor horse training arena and worker and jockey self-contained cabins (DA 2014/828). This application was withdrawn prior to determination.

However, the potential inundation of the site was modelled and the following is a summary of the methodology adopted:

- i) divide the upstream catchment into 2 halves;
- ii) determine the extent of each half in accordance with the natural contour line pattern;

- iii) measure the area of each sub catchment using NSW Land & Property Information map;
- iv) model the sub catchments in Drains to determine the overland flow rates;
- v) the two cabins on the western side were modelled separately using HEC RAS with stations taken perpendicular to the arena. Cabins on the north were then modelled with HEC RAS with stations also taken perpendicular to the arena.

The worst case scenario for all storms up to a 100 year flood was adopted in DRAINS.

The outcome of the modelling was that all cabins were found to be in a low precinct flood category for each of the cabins. All cabins, including floor and walls, are above the 100 year flood level.

Although this report is not specific to this application, it provides assistance in the assessment of this issue.

(ii) Rienco Report

This report was prepared on 1 July 2016 and provides the information relating to the following:

1. Review of all likely flood related extents and how they may impact on any proposed development across the site.
2. Review of the indicative watercourse through the site, and advise as to whether or not this watercourse constitutes a “watercourse” for the purposes of a controlled activity.
3. Provide opinion on the likely extent of riparian corridor that exists on the site and the likely riparian corridor widths that should be provided for in any proposed development on the site.

In terms of flooding, the runoff from the minor catchment area (approximately 5 hectares) above the site would be expected to produce 1% AEP peak flows of  $\sim 3\text{m}^3/\text{s}$ . Not all of this peak flow would be directed at the subject site, but even if it were, the entire 1% AEP peak flow could be entirely conveyed by a 600mm concrete pipe. This confirms the minor nature of the flood related matters.

The statutory provisions relating to flood planning areas is within Wollongong LEP 2009.

Clause 7.3 of the LEP – is the statutory assessment requirements in considering development applications within the Wollongong LGA

The objectives of this clause are:

- (a) *to maintain the existing flood regime and flow conveyance capacity,*
- (b) *to enable evacuation from land to which this clause applies,*
- (c) *to avoid significant adverse impacts on flood behaviour,*

- (d) *to avoid significant effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourse,*
- (e) *to limit uses to those compatible with flow conveyance function and flood hazard.*

Clause 7.3 (3) provides that development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied in relation to all the following matters

- (a) *all habitable floor levels of the development will be above the flood planning level,*
- (b) *the development will not adversely affect the flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,*
- (c) *the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the flood plain,*
- (d) *the development will not affect evacuation from the land,*
- (e) *the development will not significantly detrimentally affect the flood plain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,*
- (f) *the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,*
- (g) *if located in a floodway area – the development will not be incompatible with the flow conveyance function of or increase a flood hazard in, the floodway area.*

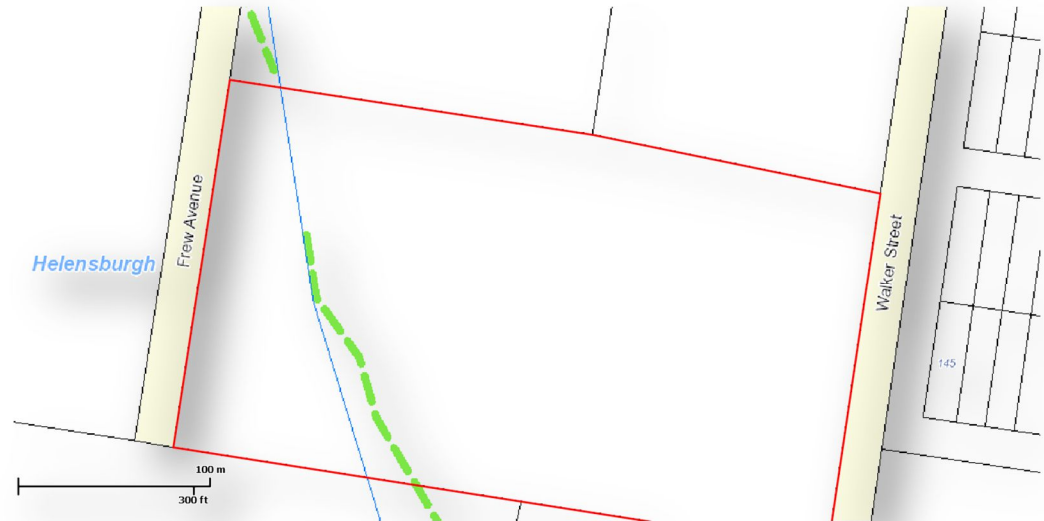
**Summary:**

- The Zeta Engineering report advised on the flood modelling of the site for proposed cabin development for the subject land. The conclusion of this modelling was that the cabins would be located in a low flood risk precinct.  
Further modelling would need to be undertaken for any future development of the site, however, as the topography of the land is similar, it would be expected that the outcome would be the same. It is submitted that for the purpose of the assessment for the Compatibility Certificate this information is adequate.
- The Rienco report advises that the run off from the minor catchment above the site would be expected to produce 1% AEP peak flows of  $\sim 3\text{m}^3/\text{s}$ , which could be entirely conveyed by a 600mm concrete pipe.
- From the information already available, it is considered that the objectives of the clause could be satisfied in the assessment of a future development application.
- From the information already available, it is considered that a future development application could provide adequate information to satisfactorily respond to the requirements of Clause 7.3 (3).



#### 4. Riparian Corridor

Council's maps indicate that an objective 2 riparian corridor traverses part of the site as indicated below:



**Figure 4      Riparian Corridor Map**

A Category 2 watercourse provides for Terrestrial & Aquatic Habitat and aims to restore the natural functions of a stream in order to maintain the viability of riparian vegetation and provide suitable habitat for terrestrial and aquatic fauna as well as improve water quality and improve bank stability.

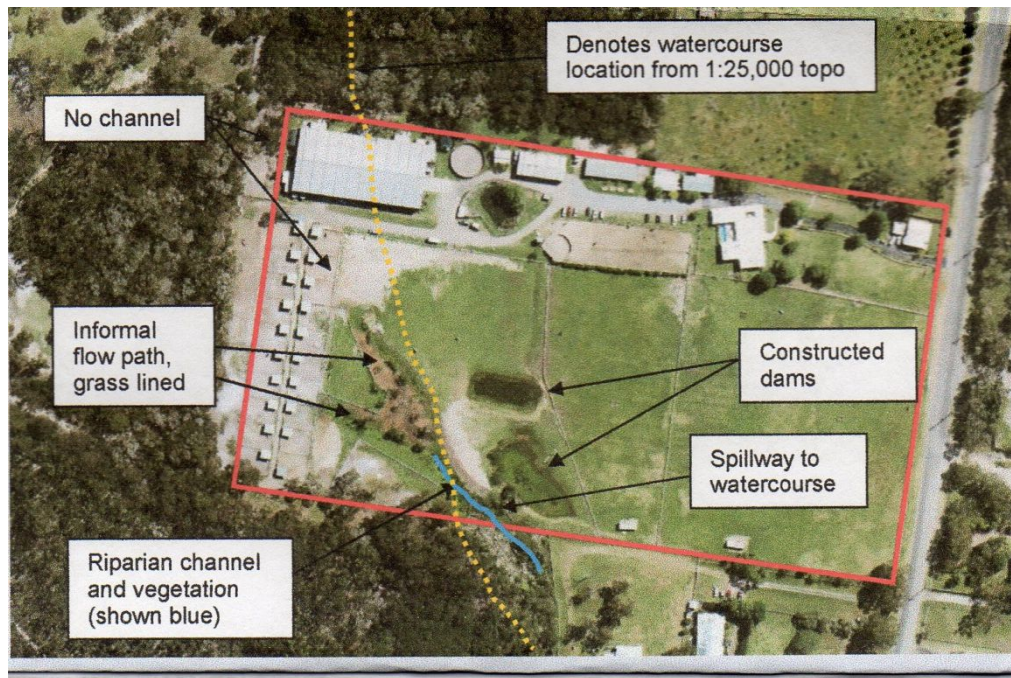
The provisions of the LEP also need to be satisfied.

Clause 7.4 of the LEP advises that the objective of the clause is *to ensure that development does not adversely impact upon riparian lands*.

Clause 7.3 (3) states that *development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the impact of the proposed development on the land and any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land*.

The Rienco Consulting report of 1 July 2016, accompanying this application, also considers the likely extent of the riparian corridor that exists on the site.

This report indicates an aerial photograph, which provides some commentary on the riparian corridor and is reproduced below:



**Figure 4 Rienco Figure A**

The report provides the following observation:

*"It is our opinion that the start of the watercourse or the start of the first order stream under the WM Act, is the upstream end of the blue line shown in Figure A. This is different to that shown on the 1 : 25,000 topographic maps (shown in yellow on Figure A), where the watercourse can be seen running under the existing buildings and in a location that does not align with the observed on site."*

The conclusion is that the only area where the existing "watercourse" exists is for the area of the blue link in Figure A.

The report also observes that there are no attributes associated with the watercourse of environmental value such as available or potential habitat and viable habitat.

Given the incised nature of the riparian area, the report suggests a 10m from top of creek bank zone for the riparian area post development. Any flood related extent would sit well inside this 10m zone.

A response to the Rienco report was received from the Department of Primary Industry/Water on 30 March 2017 (**Annexure "E"**) advising of agreement with the assessment of the drainage lines and the recommended riparian corridor width contained within the Rienco report.

The response advised that any works within 40m from the top of the bank of the defined channel as depicted in Figure 4 of the report will require referral to DPI Water for assessment and potential issue of a Controlled Activity Approval under the Water Management Act.

**Summary:**

- Any future development application would need to be accompanied by a Vegetation Management Plan.
- The Rienco report challenges the mapped location of the first order stream and, as a consequence, an application was made to the NSW Office of Water to seek reclassification.
- The Department of Primary Industries/Water have agreed with the Rienco assessment of the drainage lines on the site and the recommended riparian corridor width.
- The existing condition of the riparian corridor could be vastly improved with a future development application.

**C. Access to Services & Facilities & Access**

Clause 26 of the Seniors Living SEPP states that ***consent cannot be granted unless the consent authority is satisfied that residents must have access that complies with subclause (2) to:***

***1 (a) shops, bank service providers and other retail and commercial services that residents may reasonably require.***

**Response:**

The commercial Helensburgh township centre commences approximately 1 kilometre north of the site. The town centre provides a wide range of commercial and retail services, which include:

IGA Supermarket	Walker Street
Smile Dentists	3/131 Parkes Street
Southern Pathology	2/131 Parkes Street
Dental Surgery	6/20 – 24 Walker Street
Babister Legal	Parkes Street
Helensburgh Pharmacy	cnr Parkes & Walker Street
La Belle Boutique	3/12 Walker Street
Neil Lyon Solicitor	5 Walker Street
Helensburgh Physiotherapy	20 Walker Street
Hey Beautiful Hair	14 Walker Street
McAnaney Lawyers	16 Walker Street
Natural Strands Hairdressers	Parkes Street
Helensburgh Newsagency	7/123 Parkes Street
Helensburgh Post Office	114 Parkes Street
Illawarra Credit Union ATM	114 Parkes Street

Besides other services including real estate offices, cafes, liquor stores and veterinary services the above list indicates not only a range but also a choice of services among suppliers.

The 2011 Census indicated a local population of 5,996 sufficient in size to provide for a range of retail and commercial activities.

**(b) community services & recreation facilities**

The area is provided with a number of community access services and recreational facilities.

**Response:**

The township is provided with a diverse range of facilities which includes:

- Charles Harper Park and swimming pool;
- Helensburgh Workers Club;
- Centennial Hotel;
- Helensburgh Library;
- Northern Illawarra Neighbourhood Aid (18 Walker Street); and
- NSW Ambulance Services (Lilyvale Street).

The area also offers abundant natural resources including the Garrawarra State Conservation Area and the Royal National Park.

It is an intention of the proposed development to include medical services on site.

**(c) the practice of a general practitioner**

**Response:**

The following medical practices currently exist:

- Helensburgh Family Practice - 4/131 Parkes Street
- Medical Practice - 129 Parkes Street

**2) Access complies with this clause if:**

- a) *The facilities and services referred to above are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the average gradient for the pathway is no more than 1 : 14, although the following gradient along the pathway are also acceptable*
- (i) *a gradient of no more than 1 : 12 for slopes for a maximum of 1.5 metres at a time,*
  - (ii) *a gradient of not more than 1 : 10 for a maximum length of 5 metres at a time,*

- (iii) a gradient of no more than 1 : 8 for distance no more than 1.5 metres at a time.

**Response:**

- The facilities and services referred to are approximately 1 kilometre from the site.
- External footpaths are not formally established but improvements will form part of any future application.
- Internal pathway gradients will be made to comply with the nominated criteria.
- Where compliance is not achievable, the access requirements need to comply with the provisions of Clause 26 (2) (c) [see below].

Clause 26 (2) (c) – in the case of a *proposed development on land in a local government area that is not within the Sydney Statistical Division – there is a transport service available to residents that will occupy the proposed development:*

- i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway; and*
- ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (i); and*
- iii) *that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive)*

*and the gradient along the pathway from the site to the public transport services and the transport service to the facilities and services referred to above need to have an overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services and facilities previously mentioned) is to be no more than 1 : 14, although the following gradients along the pathway are also acceptable:*

- (i) a gradient of no more than 1 : 12 for slopes for a maximum of 1.5 metres at a time,
- (ii) a gradient of no more than 1 : 10 for a maximum length of 5 metres at a time,
- (iii) a gradient of no more than 1 : 8 for distance no more than 1.5 metres at a time.

**Response**

- The Illawarra Premier bus depot is located opposite the site and the bus stop into the Helensburgh township will be in close proximity to and from the entry to the site.
- The facility will provide its own transport services and will carry residents to facilities and services on request.
- As previously stated, the services and facilities nominated are at a greater distance than 400 metres from the site. However, this situation is not usual for seniors living facilities and residents will not be disadvantaged as the senior living provider will provide a transport service.

- The transport service will be provided on request and will exceed the minimum one daily requirement stipulated within the SEPP.
- Internal footpath gradients can be made to comply with the requirements of the SEPP.

**The SEPP provides further specifics at Part 5 - Development on Land Adjoining Land Zoned Primarily for Urban Purposes as follows:**

Clause 43 states that *a consent authority must not consent to a development application for the purpose of serviced self-care housing on land that adjoins land primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided for residents*

- (a) *that will drop off and pick up passengers at a local centre that provides residents with access to the following:*
- i) *shops, bank service providers and other retail and commercial services that residents may reasonably require,*
  - ii) *community services and recreation facilities,*
  - iii) *the practice of a general medical practitioner, and that is available both to and from the proposed development to such a local centre at least once between 8.00 a.m. and 12.00 p.m. each day and at least once between 12.00 p.m. and 6.00 p.m. each day.*

**Response:**

- It is the intention of the seniors living provider to provide a bus service capable of complying with the requirements of the SEPP.
- It is the intention of the seniors living provider to provide a general practitioner on the site.

**D. Open space and special use provisions (if relevant)**

The property is not in such close proximity to land zoned for public recreation, private recreation or National Parks and nature reserves to a degree that its use for seniors living would adversely impact upon the objectives of those zones or potential land uses.

As previously explained, the site abuts land to the north zoned SP1 Special Activities and is identified as Helensburgh Cemetery. As previously discussed, a dense vegetative buffer exists upon that land and it is considered that there are no potential land use conflicts with a future seniors living development.

Adequate private open space would be provided within the development for the needs and activities of residents.

**E. Agricultural capability of the site and adjoining land if the proposal affects land not zoned primarily for urban purposes**

The property is zoned RU2 Rural Landscape. The objectives of the zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- *To maintain the rural landscape character of the land*
- *To provide for a range of compatible land uses, including extensive agriculture*
- *To encourage the retention, management or restoration of native vegetation.*

The property is known as Glen Keiri Ranch, which provides for the adjustment of horses. As previously noted, the property has a number of consents for infrastructure that provide for this land use. Photographs of the site appear as **Annexure "F"**.

Although the business has been existing for some time, it does so as an interest rather than a commercial activity. The land area is a restriction on the ability of the business to expand. The current use for animal boarding and training establishments does meet with the definition of agriculture within the LEP. However, it is considered that there are abundant opportunities within the Northern Illawarra for similar activities.

Therefore, the loss of the existing activities upon the land would not be detrimental with regards the removal of an existing agricultural activity. The adjoining RU2 land, to the north of the site, has some orchard activity but not to a commercial scale. The seniors living development would not restrict that activity from continuing.

**F. Types, values & significance of native vegetation on site, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003**

The site is not located with an urban area, urban zone or LGAs included within Schedule 1 of the Native Vegetation Act 2003.

The site has been extensively cleared. Opportunities for the enhancement of the riparian land have been discussed earlier in this application.

## 2. PROPOSAL

### A. Description of the proposal including the type of seniors living proposed including numbers of beds/units, community facilities and any ancillary development

The Compatibility Certificate application relates to serviced self-care housing. Clause 13 (3) of the Seniors Living SEPP provides an example of “serviced self-care housing” as *seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

Plans, provided by Phil O'Donnell Architects, indicate a schematic overview of the property showing the location of the APZs, the riparian zone, position of community facilities, internal roads and identifies 136 studio dwellings, 44 villas and 13 dementia units of accommodation.

The site is impacted through the requirements to provide for APZs to mitigate against bushfire risk. However, this provides an opportunity to ensure that extensive open space will be provided and estimated at 33,844m<sup>2</sup>, which will provide for the amenity of the residents.

The concept plan will also provide for health services, community facilities and ample car parking.

Plans are also provided of typical floor plans and elevations.

Planning Circular PS07-016 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 advises that *a Site Compatibility Certificate is to accompany development applications to ensure new seniors living housing development occurs in appropriate places and is compatible with the local environment.*

*Unless a current Site Compatibility Certificate has been issued by the Director General, a consent authority cannot grant consent for development on land adjoining land zoned primarily for urban purposes.*

*Serviced self-care housing is permitted on land adjoining land zoned primarily for urban purposes, subject to the consent authority being satisfied that housing will be provided for people with a disability, or in combination with a residential care facility or a retirement village under the Retirement Villages Act 1999.*

Clause 42 of SEPP Seniors Living advises that *a consent authority must not consent to a development application to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that the residents of the proposed development will have reasonable access to*



- (a) *home delivered meals; and*
- (b) *personal care and home nursing; and*
- (c) *assistance with housework.*

**Response:**

Written evidence as to the provision of these services will be provided within any future development application. However, at this time, the proponents provide an assurance that these services can be delivered.

The proposal provides for serviced self-care housing.

Clause 13 (3) of the SEPP explains an example of “*serviced self-care housing*” as *seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care and nursing care.*

Clause 50 of the SEPP provides *standards that cannot be used to refuse development consent for self-contained dwellings which includes serviced self-care housing.*

These standards include:

- (a) *building height*: *if all proposed buildings are 8 metres or less in height (and regardless of any other development standard specified by another environmental planning instrument limiting development to 2 storeys)*
- (b) *density and scale*: *if the density and scale of the buildings when expressed as a floor space ratio is 0.5 : 1 or less*
- (c) *landscaped area*: *if*
  - (i) *in the case of a development application made by a social housing provider – a minimum 35m<sup>2</sup> of landscaped area/dwelling is provided, or*
  - (ii) *in any other case – a minimum of 30% of the area of the site is to be landscaped*
- (d) *deep soil zones*: *if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres*
- (e) *solar access*: *if living rooms and private open spaces for a minimum of 70% of the dwellings receive a minimum of 3 hours of direct sunlight between 9.00 a.m. and 3.00 p.m. in mid winter*

- (f) private open space for in-fill self-care housing: if:
- (i) *in the case of a single storey dwelling or a dwelling that is located, wholly or, in part, on the ground floor of a multi-storey building, not less than 15m<sup>2</sup> of private open space/dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
  - (ii) *in the case of any other dwellings, there is a balcony of not less than 10m<sup>2</sup> (or 6m<sup>2</sup> for a 1 bedroom dwelling) that is not less than 2 metres in either length or depth and that is accessible from a living area*
- (g) parking: if at least the following is provided:
- (i) *0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or*
  - (ii) *1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.*

**Response:**

- (a) Building height will be at a maximum of 8 metres.
- (b) The proposed FSR will be 0.28 : 1.
- (c) A total landscape area of 33,844m<sup>2</sup> could be available, which is 51% of the site area.
- (d) Deep soil zones can be provided in accordance with the requirements.
- (e) Solar access can comply with the requirements.
- (f) Private open space can comply with the requirements.
- (g) 0.5 car spaces/bedroom can be provided.

Schematic plans for the proposal have been prepared by Phil O'Donnell Architects. The design needs to consider Planning for Bushfire Protection considerations and the plans identify the location of the Asset Protection Zone (APZs).

In summary, the proposal will include the following development:

- 44 villa style dwellings;
- 136 motel style dwellings;
- 13 dementia dwellings;
- administration centre;
- café, hairdresser facilities;
- doctor and dentist surgeries;
- 201 car parking spaces; and
- landscaped areas.

The proposal is neither “in fill development” or “social housing”. The plans indicate that the required provisions of Clause 50 of the SEPP can be satisfied.

**B. Site description – natural elements of the site (including known hazards and constraints)**

The application for the Compatibility Certificate needs to consider the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development (Clause 25 (5) (b) (i)).

The property is legally described as Lot 2 DP 548129.

A survey plan, prepared by Survplan, accompanies this application (**Annexure “M”**). The plan identifies the existing buildings on the site, the location of two dams and contours indicate a fall to the south east. The survey detail compartmentalises areas within the property providing extensive detail.

The property has an area of 66,380m<sup>2</sup>.

As previously explained, a waterway traverses the western section of the site and discussions have been had with the Office of Water seeking its reclassification. A copy of the Departments response is included.

The site is affected by bushfire hazard and a preliminary site assessment is provided in relation to contamination within the property.

Detailed description of surrounding land uses is contained within Section 1 of this report.

**C. Building envelope – footprint and height relevant to adjoining development/uses and indicative layout of proposed uses in relation to adjoining development/uses**

Plans, provided by Phil O'Donnell Architects, indicates footprint details for each type of seniors living housing. Plans also indicate indicative heights. The maximum building height proposed is 8 metres.

The site plan reveals the location of ancillary structures and their proximity to boundaries.

**D. Proposed extent of native vegetation clearing, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003**

The land has been extensively cleared as a consequence of past land uses and has been maintained in that condition.

There will not be any clearing of native vegetation.

### 3. STRATEGIC JUSTIFICATION

#### A. Relationship with regional and local strategies

The following strategies and reports have been considered in the preparation of this application.

##### a) Illawarra Shoalhaven Regional Plan

The Regional Plan for the Illawarra Shoalhaven provides the strategic policy, planning and decision-making framework to guide the region to sustainable growth over the next 20 years. It will make efficient use of urban lands, promote energy efficiency and support healthy and vital communities.

A key principle of the Plan is to take a balanced approach to housing that provides choice, affordability and supports the orderly supply of land for development.

The Vision for the Illawarra-Shoalhaven region is for *a sustainable future and a resilient community capable of adapting to changing economic, social and environmental circumstances.*

The following goal is relevant to this application:

- *a region with a variety of housing choices, with homes that meet needs and lifestyles.*

Goal 2 of the Plan is to *provide a variety of housing choices, with homes that meet the needs and lifestyles. The region will need at least 35,400 new homes between 2016 and 2036 to meet the demands of population growth and change i.e. an average of 1770 each year.*

*With one in four residents aged 65 years or older, and more one and two person households, decisions about the types of housing available and the locations of new housing, as well as the environmental impact of development, are all important.*

Direction 2.1 of the Plan is to *provide sufficient housing supply to suit the changing demands of the region. Councils are to plan for the mix of housing that suits the projected growth, changing demographics (such as an ageing population) and market demand.*

*This means that zonings and planning controls maintain, or in some cases, increase capacity for housing.*

##### b) Review of Illawarra Housing Market – SGS Economical & Planning April 2014

SGS was commissioned by Planning & Infrastructure to conduct a review of the housing market in the Illawarra region. The report notes that the ageing population is a key demographic trend and likely to impact significantly on the Illawarra housing market over the coming decades. Local

councils should be encouraged to consider the requirements for accessible housing that allows residents to age in place if they choose.

In regards to this application, the following content within the report is significantly relevant:

*“In terms of the supply of accommodation that supports ageing, there are around 994 independent living units (ILUs) in the Illawarra region, with a minimum expected demand of 1,436 new units by 2031. Assuming the current service ratio remains constant and no additional capacity is made available, an under supply of 442 units by 2031 is conservatively expected. In addition, there are almost 4,000 total beds in residential aged care facilities in the Illawarra, 48% of which are in Wollongong. Currently, the supply of aged care in the Illawarra region meets the required ratio of 80 places per 1000 people aged 70 years and over. However, if there is no increase in supply in coming years, by 2016 there will be a gap of 495 places in residential aged care facilities increasing steadily to 2,879 places by 2031.*

*To address these predicted shortages in aged care, P & I should continue engaging with providers in the sector. This may improve communication and provide the right signals for developers and operators of aged care to consider the Illawarra as a feasible location for services. It is vital to encourage development of flexible housing that can be adapted to suit its occupants needs.”*

It is also of significance that the Illawarra Discussion Paper released by the Department of Planning & Infrastructure in August 2013 predicted that the proportion of the Illawarra population who will be 65 years and over by 2031 will be 23%. Further to this, the Illawarra Urban Development Program Update Report 2013 highlighted that greenfield release areas are expected to play more of a role in supplying dwellings over the next 5 years. Helensburgh is identified as a centre where increased dwelling density may be appropriate. The ageing of the population is the single most important trend predicted to occur in Australia in the next 25 years and beyond (“Integrated Report” – Commonwealth Government).

The report advises that the common issues affecting aged care accommodation and providers in regional NSW include:

- regional areas are seen as an attractive locations for retirement living, which leads to the perception that service providers must do more to support the planning needs of local population ageing
- prices may vary within different centres often relating to constrained rental and housing choice as a result of retirement living.
- retirement – led migration brings challenges for service provision in provision of facilities.

This proposal provides for predominantly serviced self-care housing. The report identifies this style of accommodation or independent living units (ILUs) where on site services are included.

Table 10 of the report identifies the number of ILUs in the Illawarra at the time of the report (**Annexure “G”**).

This table has been compacted to indicate the number of ILUs in the Wollongong LGA:

<b><u>Supplier</u></b>	<b><u>Suburb</u></b>	<b><u>No of Units</u></b>
ARV St Lukes Village	Dapto	65
IRT Diment Towers	Wollongong	45
IRT Links Seaside	Wollongong	154
IRT Towradgi Park	Towradgi	66
* IRT William Beach Gardens	Kanahooka	60
IRT Woonona	Woonona	25
Nareena Homes	Figtree	20
Presbyterian Aged Care	North Wollongong	27
St Marys Aged Care	Berkeley	33
		495

\* Recent Expansion

The report assumes that, if the current service ratio of 0.9% remains constant i.e. 9 in every 1000 55 residents seeking an ILU and no additional capacity is made available, an under supply of 442 units by 2031 is expected.

It is also noted that the closest facility to the subject site is at Woonona, some 22.5 kilometres to the south.

Residential aged care is split into 2 main categories:

- residential low care providing a semi-autonomous nursing home or hostel care accommodation
- residential high care catering to those with limited independent mobility or high personal care needs.

Residential aged care (low care) settings are nursing home establishments that provide lower levels of care support, catering for those who need some help with basic duties but who can generally move about on their own. Support services such as cleaning, laundry and meals are provided, and some health services may be delivered on site.

Residential aged care (high care) settings are nursing home establishments which cater to the needs of the frail aged and older people with high or complex needs. Nursing and personal care services are provided.

Table 12 of the report (**Annexure “H”**) details the supply of residential aged care in the Illawarra. However, the table has been amended below to reflect the supply in the Wollongong LGA:

<b>Name of Home</b>	<b>Suburb</b>	<b>High Care</b>	<b>Low Care</b>	<b>Total Beds</b>
ARV St Lukes	Dapto	45	44	89
Chesalon Care	Woonona	60		60
HammondCare	Horsley	30	60	90
Hillside	Figtree		81	81
Illawarra Diggers	Corrimal		96	96
IRT Diment Towers	Wollongong		63	63
IRT Five Islands	Port Kembla		40	40
IRT Seaside Links	Wollongong	53	100	153
RT Towradgi Park	Towradgi	74	42	116
IRT William Beach Gardens	Kanahooka	34	126	160
IRT Woonona	Woonona	74	127	201
Kennett Home	Stanwell Park		24	24
Marco Polo	Unanderra	85	52	137
McCauley Lodge	Thirroul		36	36
Multicultural Village	Warrawong		74	74
Presbyterian Aged Care	North Wollongong	32		32
St Mary's	Berkeley		33	33
Uniting Care	Unanderra	58	50	108
Villa Maria	Unanderra	40	56	96
Warrigal Care	Coniston	60		60
Wollongong Nursing Home	Figtree	120		120
		765	1104	1869

Currently, the supply of aged care in the region meets the required ratio of 30 places/1000 people aged 70 and over. However, if there is no increase in coming years, by 2016 there will be a gap of 495 places, increasing steadily to 2879 places in 2031.

c) Helensburgh Urban Capacity Study – SES Economics & Planning – Final Report August 2006

The report responded to a request from Wollongong City Council to determine the potential ability of Helensburgh to increase its residential housing capacity. The report also reacts to the Sydney Metropolitan Strategy advice of December 2005 that the anticipated population growth over the next 25 years will be 1.1 million requiring an additional 640,000 new dwellings.

Further to this, the Sydney Futures Forum highlighted ageing population, smaller household sizes and population growth as the key drivers for demand for housing. The Strategy anticipates that 60 – 70% of new housing will be provided in existing urban areas.

The report advises that the key drivers of housing supply that should be considered within the context of Helensburgh include the:

- availability of vacant land and urban consolidation potential within the existing areas zoned for residential purposes within Helensburgh;
- infrastructure availability and servicing costs associated with the development, particularly environmental constraints and any inefficiencies involved in providing infrastructure to non-urban localities;
- the distance to existing services and infrastructure within the Wollongong and Sutherland Shire; and
- the demand for, and subsequent supply of, different dwelling types.

The report makes a number of assumptions including that family type and relationship in households will still change after 2011 due to underlying demographic changes including an ageing population.

The report estimates that Wollongong will require an additional 26,300 dwellings to accommodate population growth by 2031. Even in a situation of zero population growth, additional dwellings will still be required to accommodate for divorce and life expectancy contributing to older people living longer but often alone.

The report also noted that the Commission of Inquiry report found that Helensburgh and its surrounds has highly erosive soils, moderate to steep slopes and very intensive rainfalls. The potential for this is to impact on the Hacking River and the Royal National Park can include loss of fauna habitat, reduced wildlife corridor, increased domestic animal predation, increased weed invasion and increased nutrient/algal problems in National Park waters.

The report states that the supply of land zoned for residential development in Helensburgh is reducing and this will impact upon the extent to which Helensburgh's ability to meet future demand is extremely limited.

Two key findings emerge from the analysis:

- 1) taking a broader sub-regional view strategic planning settings are sufficient to provide for future housing demand; and
- 2) from a local Helensburgh market perspective, a demand for new housing product is strong and will remain so, and supply is constrained.

Given the second of these findings, there is a case for reviewing housing supply options for Helensburgh.

The context of the report provides valuation historical background and events, such as the review of 7D lands in the Helensburgh, Otford & Stanwell Tops area, has been concluded with recommendations towards amendments to the LEP.



However, two considerations have been exposed:

- (i) the shortage of available residential land; and
- (ii) the need for stringent environmental controls to guide any future development.

d) Planning Proposal – Review of Former 7(d) Lands at Helensburgh, Otford and Stanwell Tops

At an extraordinary meeting of Council on 29 July 2013, Council considered recommendations relating to the zoning of lands following the review of 7(d) lands at Helensburgh, Otford and Stanwell Tops.

The subject site is within the Walker Street and Frew Avenue Precincts.

Council adopted the following resolutions with regards the precinct:

1. *The part of the Planning Proposal for the Walker Street precinct (excluding 159 – 169 Walker Street), which seeks to amend the Wollongong LEP 2009 by rezoning the majority of the precinct to RU2 Rural Landscape zone, and part of Lot 2 DP 1127083 (Knowslay Park) to E2 Environmental Conservation, be progressed to finalisation.*
2. *The part of the Planning Proposal for the Frew Avenue precinct, which seeks to amend the Wollongong LEP 2009 by retaining a E3 Environmental Management zone, be progressed to finalisation.*
3. *The part of the Planning Proposal for Lot 672 DP 752033 (Crown land located on the corner of Walker Street and Cemetery Road) not proceed and the lot retains a SP1 Cemetery zoning, by deleting the site from the Planning Proposal.*
4. The new rezoning proposals for:
  - a. *Lot 1 DP 606870 (No 338) Cemetery Road, requesting rezoning to IN2 Light Industrial;*
  - b. *Lot 1 DP 319310 Lawrence Hargrave Drive, seeking a place of worship, education facility; and*
  - c. *Lot 1 DP 584467 221 Parkes Street, requesting a rezoning to B6 Enterprise Corridor not be supported as amendments to the current Planning Proposal.*

The application for the Compatibility Certificate has no implications on the Planning Proposal as a rezoning is not being sought. This application relates to development on land adjoining land zoned primarily for urban purposes and provision is made for such circumstances within Clause 17 of SEPP (Housing for Seniors or People with a Disability) 2004.

Clause 5 (3) of the SEPP states that *if this policy is inconsistent with any other environmental planning instrument made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

**B. Public interest reasons for applying for seniors housing in this locality**

This application provides evidence that the ageing population is a significant social issue facing the nation in the immediate future.

In the “Inaugural report on the funding and financing of the Aged Care Sector” (Aged Care Financing Authority 2013), it was projected that there is a need for an additional 75,000 residential and 85,000 home care packages from 2013 – 2023.

Further to this, in its submission to the Senate Standing Committee on Community Affairs, the Illawarra Forum (4 March 2016), the following was included:

*“Statistics show that the Illawarra region has an ageing population growing at a rate higher than the national average and has limited care services available. 17% of the Illawarra population is over 65 (NSW 15%) rising in 20 years to 23% (NSW 20%). The dependency ratio is set to rise from 26% to 39%, outpacing the average for NSW.”*

The Illawarra Shoalhaven Medical Local in their “Population Health Profile 2013” estimates by 2021 there will be a 32% increase in the population 65+ and a 52% increase in the population 85+ (which is higher than the State and Australian average).

The SGS review of the Illawarra Housing Markets (April 2017) strongly encouraged the Department’s role in encouraging the supply of seniors living housing by stating the following:

*“To address these predicted shortages in aged care, P&I should continue engaging with providers in the sector. This may improve communication and provide the right signals for developers and operators of aged care to consider the Illawarra as a feasible location for services. It is vital to encourage development of flexible housing that can be adapted to suit its occupants’ needs.”*

**C. Adequacy of Services and Infrastructure to Meet Demand**

Clause 28(1) of the Seniors Living SEPP states that *a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*

In relation to these infrastructure services, the following advices are provided:

i) Sewer

Advice from Sydney Water dated 22/12/2016 giving conditional authorisation to connect to their gravity wastewater system supports this application (**Annexure “I”**). This permission is for domestic quality wastewater and is valid for one year from the date of the letter.

Further correspondence from Sydney Water dated 15 March 2017 appears at (**Annexure “J”**). This correspondence advises that pump to sewer will be permitted at a maximum flow rate of 2l/s.

The proposed connection point is to the existing 150mm wastewater main located at Walker Street, constructed under PRO 1000 4111.

ii) Water

The correspondence of 15 March 2017 (**Annexure “J”**) advises that the drinking water main available for connection is the 300mm main in Walker Street.

Enquiries have not, as yet, been made to Endeavour Energy in relation to the electricity supply. It would appear that supply is such that it could be increased on site through the installation of a transformer of suitable size.

#### 4. **Pre-lodgement Consultation**

The following pre-lodgement discussions have been held in relation to the proposal.

##### a) Wollongong City Council

A pre-lodgement meeting was held with WCC on 27 April 2016 to discuss permissibility issues around the proposed land use as a hospital or Seniors Living Proposal in the RU2 zone.

Hospitals are a land use that is permissible with development consent in the RU2 zone however WCC had concerns with both the characterisation of the proposed “hospital” and also its compatibility with the surrounding development.

WCC considered that the development proposed may more appropriately be defined as some form of seniors housing as defined by SEPP (Housing for Seniors or People with a Disability) 2004. The SEPP does not permit seniors housing in the RU2 zone, however, the subject site is considered to “adjoin” land zoned primarily for urban purposes, being IN2 Light Industrial land on the opposite side of Walker Street. As such, a Site Compatibility Certificate would be required to be obtained from the Director General prior to the lodgement of the development application.

The main issues were identified as:

- Definition of hospital;
- Definition of seniors housing;
- Compatibility of both a proposed hospital or seniors housing development with the existing surrounding development; and
- Consideration of application under SEPP (Housing for Seniors or People with a Disability) 2004 and the need for a Site Compatibility Certificate.

A copy of the pre-lodgement minutes appear as ***Annexure “A”***.

##### b) Department of Planning and the Environment

A meeting with the Department was held on 7 July 2016. Departmental officers advised that they would not indicate support or otherwise for the proposal but would advise on the information to be provided.

Minutes of the meeting were not taken as it was a broader discussion on inputs to the application for the Compatibility Certificate was the key consideration. However, an email from the Department, dated 9 May 2016 (***Annexure “K”***), considers some of the matters arising.

c) Rural Fire Service

A meeting with the RFS was held on 19 January 2017 and minutes appear at **Annexure “L”**.

The significant matters raised were:

- Use of the shed in the north-west corner of the site located with an APZ. The use of the shed by residents is not supported, however, the use for administration is acceptable.
- The use of the existing dwelling, partly within the APZ, could be compartmentalised into different uses.
- No significant constraints to the development were identified.

(d) NSW Department of Primary Industries/Water

Advice was sought through the Rienzo report relating to the significance of the drainage lines on site. An email response from the Department, dated 30 March 2017, advised:

- DPI Water is in agreement with the assessment of drainage lines on the site and the recommended riparian corridor width.
- Any works within 40m from the top of the bank of the defined channel as depicted in Figure 4 of the report will require referral to DPI Water for assessment and potential issue of a Controlled Activity Approval under the Water Management Act 2000.

A copy of this response appears at **“Annexure E”**

## SUMMARY

The application for a Compatibility Certificate needs to consider the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of the land in the vicinity of the proposed development.

In issuing a Compatibility Certificate, the Director General needs to have been satisfied that

- (a) *the site of the proposed development is suitable for more intensive development, and*
- (b) *development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard (at least) to the criteria specified in Clause 25 (5) (b).*

This application provides responses to these criteria and is summarised hereunder:

- (i) the natural environment (including known significant environmental, resources or hazards) and the existing uses and approved uses of land in the vicinity of the development

The report makes commentary on the bushfire risk, the existing watercourse and the contamination on site.

The proposal has been discussed with the RFS and its comments are included. The existing and approved uses of land in the vicinity of the site have been provided in some detail.

The subject site and its neighbours to the north and south have been extensively cleared.

Advice has been received from the DPI Water commenting on the status of the drainage lines. A preliminary site contamination assessment has been provided to satisfy the provisions of SEPP 55.

- (ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director General, are likely to be the future uses of that land

The subject site and its precinct were included in a Commission of Inquiry into 7(d) lands in Helensburgh, Otford and Stanwell Tops. The lands are now included in a draft Planning Proposal, which suggests that the site and the properties immediately to the north and south zoned RU2 Rural Landscape and given recent zoning recommendations are likely to remain so in the foreseeable future.

The application relies on the provisions of the Seniors Living SEPP, and not a rezoning for its advancement.

The report details the surrounding development and gives reasons why it is considered that the proposed development could exist in harmony with its surrounds.

- (iii) 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 25) and any proposed financial arrangements for infrastructure provisions

Advice is provided in relation to sewer availability and water supply. Electricity is available to the site. It is acknowledged that the site is greater than 400 metres from retail, recreational or community services, however, there is sufficient precedent to suggest that this requirement could be considered in the light of service to the site.

The application does highlight the services and recreational facilities within the Helensburgh township, which would be available to residents.

Of particular importance is to note that the development will provide both transport services and a medical practitioner.

- (iv) 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

The site is neither zoned for open space or special uses.

- (v) 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

It is a significant consideration that the APZ requirements for the development will limit the extent of the development upon the land.

It is also noted that the edge of the residential development for the Helensburgh township is approximately 300 metres to the north of the site.

The majority of the surrounding development, with the exception of the southern property, is set back a considerable distance from the proposed development. The southern dwelling is some 50 metres south of the adjoining boundary and is considered that future design will protect its amenity.

It is also a relevant consideration that a future seniors living development could meet with the standards outlined in Clause 50 of the SEPP i.e. standards that cannot be used to refuse development for self-contained dwellings.

A constraint to development within Helensburgh identified in the Commission of Inquiry has been the potential of environmental degradation. It is considered that a suitable scheme in relation to water reuse and discharge and mitigation against siltation could accompany a future development application.

The plans, provided by Phil O'Donnell Architects, indicate a proposed FSR of 0.28 : 1 and a potential landscape area in excess of 50% of the site area.

Elevations indicate a maximum height of 8 metres, which is contained in limiting areas. Floor plans indicate the extent of the residential amenity.

- (vi) if the development may involve the clearing of native vegetation that is the subject to the requirements of Section 12 of the Native Vegetation Act 2003 - the impact that the development is likely to have on the conservation and management of native vegetation

The proposal will not involve in clearing of native vegetation. Further, the Peterson Bushfire report advises that the removal of trees or vegetation is not required to achieve compliance.

In summary, it is considered that the criteria, set out in Clause 25, have been addressed. Although not a specific requirement for assessment, it is required that the ongoing demand for seniors living accommodation, set out in the application, also be carefully considered.

The involvement by the Department in encouraging senior living housing supply is explained in the SGS Review of the Illawarra Housing Market (April 2017).

It is considered that this application provides an opportunity to substantially increase the supply and support for the issue of a Compatibility Certificate is now requested.

T Wetherall  
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