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| File no: IRF18/1011**Report to the Secretary on an application for a Site Compatibility Certificate****State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004** |
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**SITE:** 120 Walker Street, Helensburgh (Lot 2 DP 548129)

**APPLICANT:** TCW Consulting Pty Ltd

**PROPOSAL:** The proposal is for a retirement village with 193 serviced and self-care dwellings comprising 136 studio-style apartments, 44 villa-style dwellings, 13 dementia care dwellings, 201 car parking spaces, administrative centre, café, hairdresser, doctor and dentist.

The application seeking a site compatibility certificate was received on 1 May 2017 **(Attachments D and D1)**.

**LGA:** Wollongong.

**PERMISSIBILITY STATEMENT**

The subject land is zoned RU2 Rural Landscape under the Wollongong Local Environmental Plan 2009 **(Attachment F)**. Seniors housing is not permitted in
this zone.

Development of the site for seniors housing purposes requires a site compatibility certificate (SCC) under clause 24 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The provisions under clause 4 of the SEPP provide that a SCC can be issued for the site because:

* the land adjoins land to the south-east that is primarily zoned for urban purposes, being IN2 Light Industrial (clause 4(1) and clause 4(4));
* while the land is not zoned primarily for urban purposes, dwellings and hospitals are permitted on the land (clause 4(1) and clause 4(2)(a)); and
* the land to which the SCC applies is not covered by any of the exclusions listed in schedule 1 of the SEPP.

The proposal has been lodged under “Clause 17 Development on land adjoining land zoned for urban purposes” of the SEPP as serviced self-care housing provided as a retirement village (within the meaning of the *Retirement Villages Act 1999*). The proposal is consistent with clause 17 of the SEPP as a retirement village for serviced self-care housing.

**CLAUSES 24(2) AND 25(5) of the SEPP**

The Secretary must not issue a certificate unless the Secretary:

* 1. has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and
	2. is of the opinion that:
		1. the site of the proposed development is suitable for more intensive development; and
		2. the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

**COUNCIL COMMENTS**

Wollongong City Council provided comments on the proposed development on
26 May 2017 **(Attachment E)**. Council’s concerns are summarised below:

**Council comment**

* **Council recognises the need for seniors housing in the Helensburgh area but considers the proposal would be more appropriately located on residential land closer to the town centre.**

Department comment

The site is approximately 1.3km from Helensburgh town centre. The Helensburgh town centre is the closest centre providing local services, particularly retail, social and health/medical services, which are especially important for seniors. Pedestrian and cycle access to Helensburgh is constrained due to the undulating topography of the area and, the lack of continuous all-weather pathways. Public transport services providing direct access from the site to Helensburgh are also limited in frequency and operate mostly during daylight hours.

On-site services are proposed to be provided by the applicant.

The location of the site with no adjoining residential development and the distance to Helensburgh is considered to make the site unsuitable for seniors housing.

**Council comment**

* **The land is zoned RU2 Rural Landscape and the proposed use of the land for seniors housing was not envisaged under this zone. The zone was applied in recognition of the agricultural use of the land. Seniors housing is not consistent with the objectives of the zone.**

Department comment

Council applied the RU2 zoning to the site specifically for use as small-scale agricultural operations or rural-residential development. The site and surrounding RU2-zoned lots are being used for these purposes.

The proposed use is inconsistent with the nature of current adjoining land uses. Permitting seniors housing on the site would potentially result in on-going land use conflicts not envisaged by Council when the site was originally zoned.

**Council comment**

* **The minimum lot size for RU2-zoned land in this area is 39.99ha. Developing the site for seniors housing would inhibit opportunities to consolidate land to create appropriate-sized lots on which rural-residential (and agricultural) development could be carried out. The proposal would create an isolated, undersized rural allotment to the north of the subject land.**

Department comment

Noted.

**Council comment**

* **The scale of the proposed development is not considered to be in context
with surrounding development, which is characterised by single dwellings on rural/environmental allotments. The character of the area is unlikely to change in the foreseeable future due to current zoning and minimum lot sizes. The proposal is not in keeping with the existing street character or the nature of surrounding development.**

Department comment

The site is within a semi-rural landscape setting currently characterised by low-scale development. The site adjoins a cemetery to the north, single dwellings and vegetation on rural-residential/environmental allotments to the east and west, and a building supply and recycling facility to the south-east.

The development of a 193-unit retirement village on the site with 201 car parking spaces and supporting facilities would result in a use more intensive than any other in proximity to the site. The proposal would therefore introduce a built form that is inconsistent with the existing and desired future rural landscape character of the area.

**Council comment**

* **The proposal does not provide good design; specifically, the proposed use of existing buildings as ancillary and support buildings, the location of car parking spaces and car ports, the proposed setback to Walker Street and the general lack of architectural merit.**

Department comment

Design issues may be appropriately addressed at the development application stage.

**Council comment**

* **Extensive development of the site is likely to result in land-use conflicts between surrounding agricultural land uses and the proposed residential land use.**

Department comment

The property adjoins other rural lots to the north and south that are used (or have been used) for small-scale agricultural uses such as horse training and olive growing. A bus depot is on the eastern side of Walker Street and the lot to the south-east of the site is zoned IN2 and used as a building supply and recycling facility.

The development of a 193-unit retirement village on the site with 201 car parking spaces and supporting facilities would potentially generate land-use conflicts with adjoining rural, and light-industrial land uses, particularly from noise, dust and traffic. As a result, the amenity of future residents of the proposed development could be compromised. The existing and likely future uses of surrounding sites or the expansion of current on-site activities would therefore be restricted.

**Council comment**

* **The site is within an uncategorised flood risk precinct. Seniors housing is unsuitable on land with high or medium flood risk. The flood modelling report has been prepared for a different proposal elsewhere on the site and is not relevant to the current proposal. The flood study has significantly underestimated the catchment areas. The proponent has provided insufficient information to demonstrate that the proposed development is wholly outside the medium or high flood risk precincts.**

Department comment

The flooding impact report provided by the applicant is for a previously proposed (now withdrawn) development application on the site for a jockey and horse training arena, including self-contained cabins for staff and jockeys. The flood study does not satisfy the relevant requirements of Council’s development control plan and is not considered relevant to the current proposal. Council may request further flooding information at the development application stage; however, it is unclear
if flooding issues including evacuation during flooding events has been adequately addressed with the information provided.

**Council comment**

* **There is limited pedestrian access in this area and any development would need to provide a footpath along the site frontage.**

Department comment

The plans provided with the application illustrate that a footpath is proposed to be provided along the site frontage. Links to other pedestrian pathways in the local area are not illustrated. Parking is also proposed to be provided at the rear of the site in bushfire protection zones, which may not be suitable for elderly residents with mobility issues during bushfire events.

**Council comment**

* **There are unlined dams on the property that intersect a known perched aquifer. Redevelopment would require the dams to be lined and the development would need to protect water quality**.

Department comment

Water quality would need to be considered in the assessment of any development application.

**SUITABILITY FOR MORE INTENSIVE DEVELOPMENT**

*The Secretary must not issue a certificate unless of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):*

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

Advice from Sydney Water provided by the proponent indicates water and sewerage connections are likely to be available to service the proposed

development.

The site is within a semi-rural landscape setting with low-scale development. The proposal would result in a form of development that is generally inconsistent with the existing and future desired character of the surrounding area which is characterised by its RU2 zoning.

Further, it is likely the proposal would result in land-use conflicts with adjoining rural, agricultural and light-industrial land uses, particularly from noise, dust and traffic. The site is therefore considered to be unsuitable for the scale and intensity of development proposed.

**COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES**

*The Secretary must not issue a certificate unless of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):*

1. **The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))**

The subject land is cleared and has a gently undulating slope and a small watercourse in the south-west corner of the property. The proposal does not involve clearing of native vegetation and all development is proposed to be located outside of the riparian buffer. The Department of Primary Industries – Water has reviewed the proposal and raised no concerns.

Bushfire

The site is mapped as bushfire prone; however, preliminary referral/discussion with the NSW Rural Fire Service (RFS) and documentation provided indicates that the development can achieve necessary asset protection zones. The RFS did not object to the proposal.

There is land zoned E3 Environmental Management across Walker Street to the north-east of the site (known as the land pooling area) and west of the site across Frew Avenue. These lands are environmentally constrained, with limited development opportunities.

Flood risk

Council considers that insufficient information has been provided on flood risk.

The flooding impact report provided by the applicant is for a previous development application (now withdrawn) on the site for a jockey and horse training arena, including self-contained cabins. The flood study does not satisfy the relevant requirements of Council’s development control plan and is not considered relevant to the current proposal. Council may request further flooding information at the development application stage; however, it is unclear if flooding issues could be resolved.

Contamination

A preliminary contamination report identifies that there is the potential for soil contamination associated with previous and current uses and activities such as an unknown source of fill and the use of chemicals/pesticides. The report concludes that the site could be suitable for the proposed development of a seniors housing development. It is appropriate for this issue to be further addressed through additional studies with mitigation/management measures implemented if contamination is identified through the development assessment process.

Current use of site and nearby properties

The site is currently used for horse agistment. The property adjoins other rural lots to the north and south that are used (or have been used) for small-scale agricultural uses such as horse training and olive growing. A bus depot is on the eastern side of Walker Street, and the lot to the south-east of the site is zoned IN2 and used as a building supply and recycling facility.

The proposal would result in a use that is far more intensive than any other in the general proximity and would introduce a significant number of new residents to the site.

It is therefore likely the proposal would result in land-use conflicts with adjoining rural, agricultural and industrial land uses, particularly from noise, dust and traffic, and would adversely impact on the amenity of future residents. Existing and likely future uses of surrounding sites would also be restricted. The proposal is therefore considered to be incompatible with surrounding land uses.

1. **T****he impact that the proposed development is likely to have on the uses that, in the opinion of the Secretary, are likely to be the future uses of that land (clause 25(5)(b)(ii))**

The site and surrounding RU2-zoned lots are being used for small-scale agricultural operations or rural residential development. A bus depot is on the eastern side of Walker Street and the lot to the south-east of the site is zoned IN2 and used as a building supply and recycling facility.

The proposal results in a use that is far more intensive than any other in the surrounding area and would introduce a significant number of new residents to the site. It is therefore likely the proposal would result in land-use conflicts with existing adjoining rural, agricultural and industrial land uses, particularly from noise, dust and traffic, and would adversely impact on the amenity of future residents.

Council has advised that the character of the area is unlikely to change in the foreseeable future due to current zoning and minimum lot size controls. As such, it is considered the proposal would adversely impact on / restrict the current and likely future uses of the site and surrounds, particularly industrial-zoned land to the east of the site.

1. **The services and infrastructure that are or will be available to meet the demands arising from the proposed development** **(particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))**

Helensburgh town centre provides a range of retail, medical, community and commercial services. The site is approximately 1.3km from Helensburgh town centre with pedestrian and cycle access constrained by the topography of the area.

There is no certainty on site facilities proposed by the Applicant (on-call transport, doctor, dentist and café) would be provided through the development application process and they are unlikely to completely fulfil the needs of residents. Residents are likely to require access to additional services in Helensburgh, causing traffic congestion on Walker Street.

The distance to the town centre, topography of the land, a lack transport services and infrastructure (e.g. footpaths) would also potentially restrict access to off-site services. The nearest pick-up bus stop operating services direct to Helensburgh town centre appears to be located 300m to 450m from the site, is not connected by a suitable access pathway or safe pedestrian link and operates limited services (i.e. approximately every 32 minutes up until 5 pm on weekdays).

For these reasons, the site location is considered unsuitable and it is likely inadequate services and infrastructure would be available to meet the demands of residents if the proposal was to proceed.

Advice from Sydney Water indicates water and sewerage connections are likely to be available to service the proposed development.

1. **In the case of applications in relation to land that is zoned open space of special uses – the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))**

Not applicable.

1. **Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))**

Plans provided indicate that the proposal will have a floor space ratio of 0.28:1 and approximately 50% of the site area will be landscaped. The buildings are
a mix of one storey and two storeys with a height of up to 8m.

The site is within a semirural landscape setting with low-scale development. The introduction of a 193-unit seniors’ housing development with associated facilities and at-grade parking is therefore highly likely to result in an adverse visual impact and will generate significant additional traffic movements along adjoining roads.

The proposed development will be far more dense and intense than surrounding rural-residential uses, is out of character with existing development in the locality and is likely to have a negative impact on the amenity of the area.

The bulk, scale, built form and character of the proposed development will therefore result in a development that is not in character with the existing and future uses of land in the locality.

1. **If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act***

***2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))**

The proposed seniors housing development does not involve the clearing of any native vegetation.

**CONCLUSION**

The assessment indicates that this site is not suitable for more intensive development as proposed in the application.

The proposal is considered to be inconsistent with the objectives and intent of the Seniors Housing SEPP as is it inappropriately located and designed. The proposal would have inadequate access to services and infrastructure, result in unacceptable land use conflicts and be out of character with existing and future uses of land in the locality.

It is not appropriate that a SCC be issued for the proposed development.

Not issuing a SCC is recommended for the following reasons:

* having regard to the site location and accessibility, inadequate services (particularly, retail, community, medical, transport services) and infrastructure (suitable access pathways) would be available to meet the demands of residents arising from the proposed development;
* the site is on flood-prone land and insufficient evidence has been provided to demonstrate development potential or to ensure there would be no adverse impact on surrounding land uses or risk to life and property;
* the proposed development would be likely to result in unacceptable land-use conflicts with adjoining properties, which could adversely impact on the amenity of future seniors’ residents and is likely to restrict the existing and likely future uses of surrounding sites; and
* the bulk, scale, built form and density of the proposed development is considered to be incompatible with the existing and desired future character of the area and would result in adverse visual and amenity impacts on existing and future uses of land in the vicinity of the development.

**RECOMMENDATION**

It is recommended that the Deputy Secretary, Planning Services, as delegate of the Secretary:

* **note** the report **(Attachment A)**;
* **consider** Wollongong City Council’s comments on the application under clause 25(5)(b**) (Attachment E)**;
* **form the opinion** that the site of the proposed development is not suitable for more intensive development;
* **form the opinion** that the proposed development for the purposes of seniors housing is not compatible with the surrounding land uses and environment having had regard to the criteria specified in clause 25(5)(b);
* **determine** the application for a site compatibility certificate under clause 25(4)(a) by not issuing a certificate for 120 Walker Street, Helensburgh
(Lot 2 DP 548129).



**14.03.2018**

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