

**Report to the Secretary on an application for a Site Compatibility Certificate.
State Environmental Planning Policy (Housing for Seniors or People with a
Disability) 2004**

SITE: The site compatibility certificate (SCC) (Attachment E) applies to Part Lot 1, DP 220319, 47 Darrell Road, Calala, with the proposed development to be located in the south-eastern corner of the allotment (Figure 1).



Figure 1 - Site location and focus area

The subject site is located approximately 8.3km by road south-east of the Tamworth main commercial area. The whole of Lot 1 DP 220319 is approximately 32.36ha in area with the focus area, the site of the Site Compatibility Certificate (SCC) being approximately 9.5 ha. The site is zoned RU4 Primary Production Small Lots under Tamworth Local Environmental Plan (LEP) 2010. Land surrounding the site is zoned R2 Low Density Residential to the north and R5 Large Lot Residential to the east (Figure 2). The surrounding land to the west and south is also zoned RU4 Primary Production Small Lots.

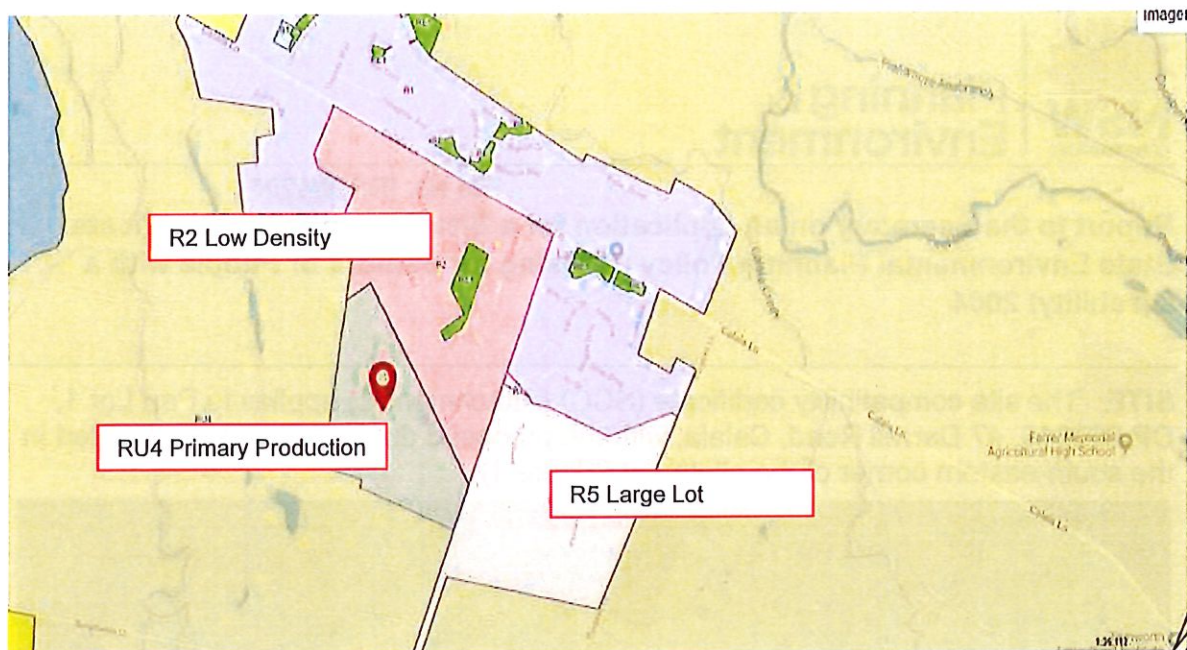


Figure 2 – Zoning – Tamworth Regional LEP 2011

APPLICANT: Perception Planning Pty Ltd

PROPOSAL: Serviced self-care housing consisting of 20 independent living units, 30 two-bedroom homes and 19 three-bedroom homes. The proposed development also includes a café, pool, tennis court and medical centre (Figure 3).

LGA: Tamworth Regional Council

PERMISSIBILITY STATEMENT

The subject site is zoned RU4 Primary Production Small Lots under Tamworth Local Environmental Plan (LEP) 2010. Seniors Housing is not a permitted land use within the RU4 zone under the LEP. Development on this site for Seniors Housing purposes therefore requires a SCC under clause 24 of *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004* (Policy). The provisions under clause 4(1) of the Policy provide that an SCC for a residential care facility can be issued for the site because:

- Dwellings houses are permissible in the RU4 Production Small Lot zone under Tamworth Regional LEP 2011;
- The site adjoins land zoned for urban purposes being the R2 Low Density Residential zone (Figure 2); and
- The land to which the SCC applies is not covered by any of the exclusions listed in Schedule 1 of the Seniors Housing Policy.

CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate unless the Secretary:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and

(b) is of the opinion that:

- (i) the site of the proposed development is suitable for more intensive development; and
- (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).



Figure 3 – Proposed development concept

COMMENTS FROM COUNCIL

The Secretary must not issue a SCC unless the Secretary has taken into account any written comments concerning the consistency of the proposed development with the criteria specified in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the SCC was made (clause 25(5)(a)).

The SCC application was received on 9 July 2018 and the application and supporting information were referred to Tamworth regional Council on 12 July 2018. The 21 day period for compulsory consideration of Council comments lapsed on the 30 July. Comments were received from Council on 3 August 2018 (Attachment B).

Council has advised that they do not support the proposed development for the following reasons:

- New England North West Regional Plan 2036 (NENWRP)
 - The land has not been identified in the NENWRP as a future investigation area for residential development as the site is highly constrained by significant servicing and design issues.
- Sewer
 - Currently Council's Sewerage Strategy does not make allowance for the sewerage of this area.
 - The subject land cannot be serviced by the existing gravity reticulation system and would therefore require a sewerage pumping station to service future development. Additionally, investigations would also have to be undertaken to determine if the downstream mains have capacity for the additional flows
- Water
 - Council's current Water strategy does not make allowance for the servicing of this area by the Calala Pressure Booster system and hence investigations would be required to determine the current systems capacity for the additional loading.
- Stormwater
 - As the site does not adjoin a natural waterway or suitable stormwater infrastructure, the developer would need to secure easements over downstream properties to discharge minor and major stormwater overland flows. These agreements have not been reached and currently there is no legal point of discharge.
 - Future development of the subject site would require a detailed stormwater strategy.
- Traffic
 - Calala Lane currently experiences significant volumes of traffic during peak periods. A traffic impact assessment would be required to assess potential impacts on the surrounding road network and to identify if any intersection treatment/road upgrades would be required.
- Transmission Easements
 - The subject site is burdened with a transmission easement and therefore consultation with Transgrid and/or Essential Energy would be required if the proposal was to proceed to a development application.

Council's concerns relating to the ability to service the land are not absolute impediments to the development of the land, however until these issues are resolved it is considered the site is not suitable for more intensive development.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

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

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

The subject site is located in Calala, a residential suburb situated approximately 8.3km south-east of the Tamworth CBD and 10.5km from the Tamworth Rural Referral Hospital (Figure 4). Calala is an established residential community made up of a mix of low density and large lot residential development. The residential land use is centred around a neighbourhood centre which has a variety of facilities and services such as a supermarket, childcare centre, tavern, butcher, chemist and Doctors surgery (Figure 5), whilst the Tamworth CBD contains a full range of retail, commercial, recreational, health, welfare and educational services and facilities.

The site of the proposed development is approximately 9.5ha in area, located directly south of the established low density residential area. The land slopes to the south west away from Daryl Road and to a low lying rural area to the west. It is generally cleared, with isolated trees, and has a history of cattle grazing.

Despite the location of the subject site within an established residential area, development for more intensive purposes and the issuing of an SCC is not recommended as considerable concerns have been raised by Council regarding servicing of the site for sewer, stormwater and water. These issues pose considerable constraints on the practicality of the site for seniors housing.

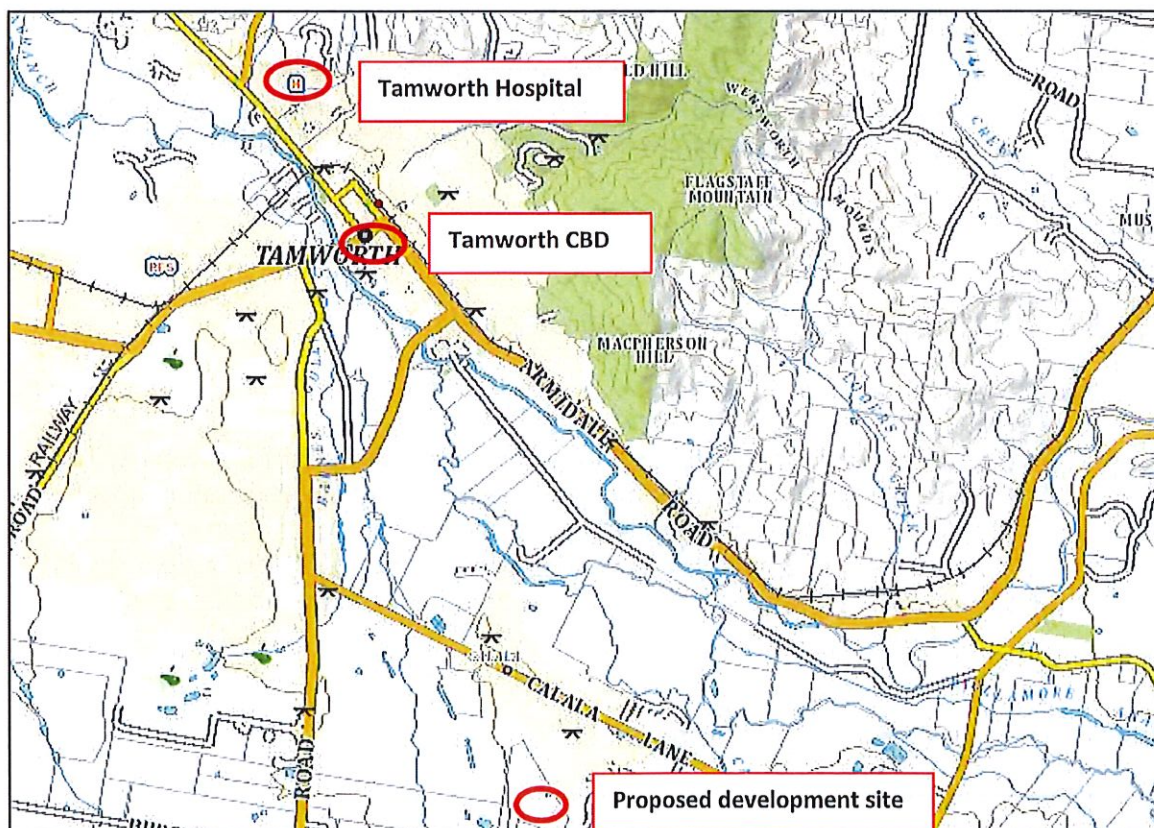


Figure 4 - Distance to Tamworth CBD and Hospital

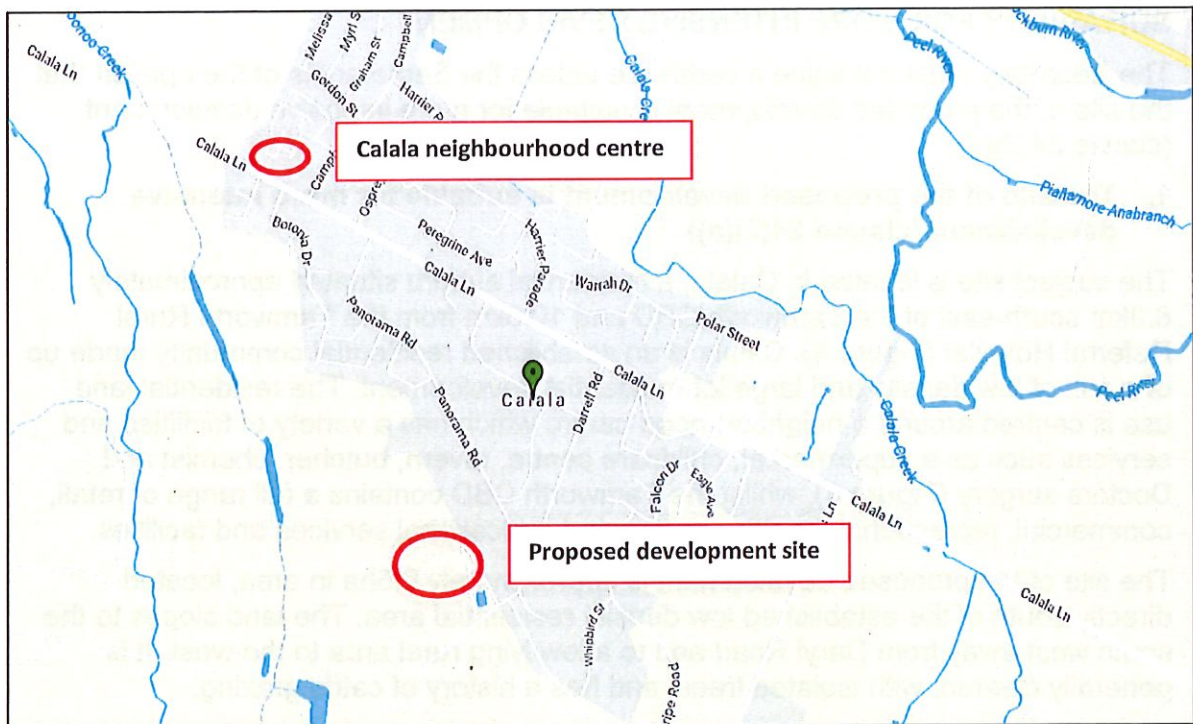


Figure 5 - Calala neighbourhood centre

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

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

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

Site Constraints

- Bushfire

The site is not mapped as containing bushfire prone land.

- Flora and Fauna

The SCC application does not contain a Flora and Fauna Assessment Report. The site has been used as grazing land for many years and has little vegetation apart from some isolated trees. Whilst it is unlikely that the site would contain any threatened flora species or Endangered Ecological Communities, this matter could be adequately considered and addressed at the development application stage.

- Flooding

The site is not mapped as flood prone land.

- Contamination

The proponents state that whilst no known contaminants exist on the site, a more detailed investigation would be required at the Development Application stage. Considering the past agricultural use of the land, further investigations would be considered necessary should this application proceed to a development application.

Existing and approved uses in the vicinity

The subject site is located adjoining the existing residential suburb of Calala which contains a mix of low density and large lot residential development. No potential impacts on existing and approved uses in the area that could not be adequately considered and addressed at the development application stage have been identified.

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

The subject site is zoned RU4 Primary Production Small Lots under Tamworth Regional LEP 2010. It is noted that a range of uses are permitted in this zone including Agricultural produce industries; Cellar door premises; Dual occupancies (attached); Dwelling houses; Farm buildings; Intensive plant agriculture; Kiosks; Landscaping material supplies; Light industries; Markets; Plant nurseries; Roadside stalls and Rural workers' dwellings.

The current local growth management strategy for Tamworth is the Tamworth Regional Development Strategy 2008 which was approved by the Director General of the Department in 2008. This strategy identifies this land as an investigation area for future residential development. Many of the identified investigation areas have been developed since the strategy was approved (Figure 6). As Seniors Housing is a form of residential living, the proposal is considered to be consistent with the existing and likely future residential nature of the area. Despite this however, residential development of the site has not progressed due to servicing and infrastructure limitations relating to sewer, water and stormwater.

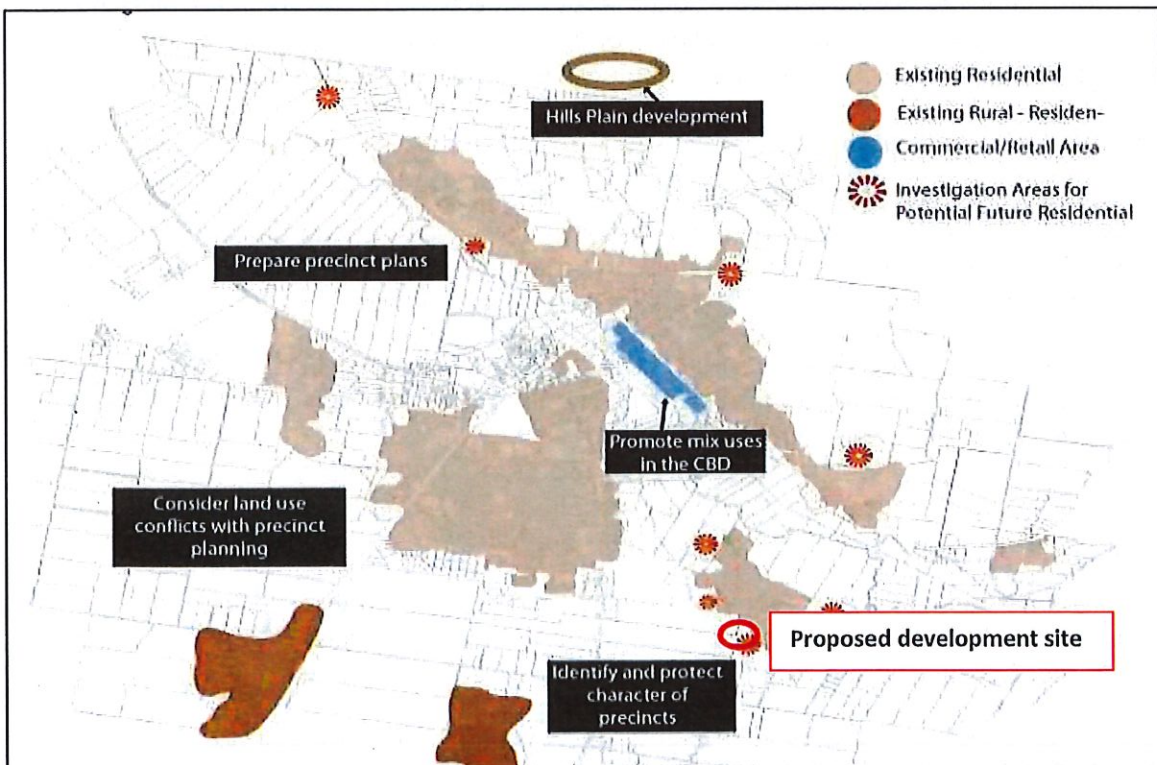


Figure 6 - Tamworth Regional Development Strategy 2008

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

Retail, Community and Medical Services

The SCC application confirms that the proposed development is for serviced self-care housing. By definition, serviced self-care housing is 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. The proposed development will contain a café, community centre, pool, tennis court and mixed-use premises for a neighbourhood shop and General Practitioner premises.

In close proximity to the subject site, is the Calala neighbourhood centre which contains a range of services and facilities (detailed earlier).

Transport Services

The proposed development site is not located on an existing bus route. The closest bus stop is approximately 240m via a roadway that has a gradient in excess of that suitable in accordance with the clause 26(2)(a) of the SEPP.

The SCC application has confirmed that the proponents have entered into discussions with the operators of Tamworth Buslines to secure a bus stop at the bottom of Darrell Road, outside the main entrance to the proposed development. The location of a bus stop at this site would require a significant road upgrade, an issue that the SCC application has not addressed. In the absence of agreement from Tamworth Buslines to provide an additional bus stop at the bottom of Darrell Rd, the applicant has committed to the provision of a private courtesy bus service for the residents to enable access services and facilities outside the development.

Infrastructure Provisions

The concept plan for the proposed development indicates that vehicular access will be obtained from Darrell Rd which is a collector road within the suburb of Calala. Calala Rd, the main arterial road connecting the suburb with the New England Highway, is located approximately 900m from the subject site.

It is anticipated that the development will generate an increase in daily traffic movements. The SCC application does not contain any investigation of the impact of these additional traffic movements on the road network in the vicinity of the development. Council has raised concerns regarding the capacity of the existing road network to cope with an increase in localised traffic movements and suggest further investigations in this regard should the application for a SCC be approved.

The proponents state that the site can easily be adapted to meet drainage and filling requirements however do not provide detail as to how the proposed development is able to meet infrastructure requirements for sewer, stormwater and water.

Council have stated that they do not support development of the site for seniors housing for the following reasons:

- Sewer – The existing gravity reticulation system is unable to service the site therefore necessitating a new sewerage pumping station. Further investigations are also required to determine if the downstream gravity mains have the capacity for the additional flows.

- Water – Council's current water strategy does not make allowance for the servicing of this area by the Calala Pressure Booster system. Capacity for the system to take additional load is also uncertain.
- Stormwater – Development of the subject site is likely to be constrained both practically and financially due to the complexity of servicing the site for stormwater needs. A major limiting factor will be the need for the developers to secure easements over downstream properties to discharge both minor and major stormwater overland flows. Council has confirmed that the site is highly constrained in regard to stormwater as it does not adjoin a natural waterway or suitable stormwater infrastructure. Easements over downstream properties would therefore need to be secured to discharge both minor and major stormwater overland flows. The proponent would be required to detail how the proposed development can be serviced in regard to stormwater and in particular, the management of stormwater from upslope, through the proposed development and downslope to an approved point of discharge.

The site is considered as unsuitable for more intensive development in accordance with clause 25(5)(b) of the SEPP due to the infrastructure and servicing constraints discussed above.

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

The subject land is not zoned for open space or special uses.

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

The surrounding development predominantly consists of low density residential dwellings set on large lots ranging from 1000m² to in excess of 1ha. The SCC application concept drawing (Figure 3) shows a range of one, two and three bedroom living units located across the focus area. A transmission line runs through the centre of the site and no dwellings are proposed within 20m either side of this. Twenty, one-bedroom adjoining living units are to be located on the northern side of the site near the entrance along with six of the proposed 30, two-bedroom units. These will be terraced into the natural slope of the site. As these units are located along the boundary with the adjoining R2 zoned land, a vegetated buffer is proposed to address privacy issues with the nearby residences. A vegetated buffer is also proposed around the perimeter of the focus area. The centre and south of the site will contain the remaining 24, two-bedroom and 19, three-bedroom units.

Council have raised an issue with the transmission easement that dissects the site from east to west. Consultation with Transgrid and/or Essential Energy would be required if a development was lodged for the site.

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

The site is generally cleared of native vegetation with only some isolated mature trees remaining. It is not anticipated that the proposed development will result in any significant detrimental impact on existing native vegetation. It is considered that if the

proposal was to proceed to the development application stage, the DA could appropriately consider and manage any concerns regarding native vegetation, the appropriate level of clearing and any required offsets that may be required in accordance with the requirements of the *Biodiversity Conservation Act 2016*.

CONCLUSION

The site is considered unsuitable for more intensive development for the purposes of seniors housing as the site is not adequately serviced by reticulated water, stormwater, and sewer services.

RECOMMENDATION

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

- **note** the report (**Attachment A**);
- **consider** the written comments from Tamworth Regional Council (**Attachment B**);
- **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 environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b)(iii);
- **determine** the application for a site compatibility certificate by not issuing a certificate for land at 47 Darrell Road, Calala and
- **sign** the letters to the applicant and Council advising of this determination (**Attachments C and D**).



24-8-2018

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