

Report to the Sydney Central City Planning Panel on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE: 263 Annangrove Road (Lot 2 DP259604), 12 Edwards Road (Lot 122 DP530049) and 14 Edwards Road (Lot 1 DP259604), Rouse Hill (Figure 1). The site has an area of 6.82 hectares. A site inspection of the land was undertaken on 12 July 2020.

APPLICANT: Barr Property and Planning on behalf of landowners Mr Daniel Mercia, Mr Raymond Williams and Ms Wendy Williams. The application form (**Attachment A1**) for a site compatibility certificate (SCC) was submitted to the Department of Planning, Industry and Environment (the Department) on 24 July 2018. Following discussions with the Department which reiterated concerns about the suitability of the site in principle, an amended SCC proposal was submitted in May 2020, which is the subject of this SCC Assessment Report.

PROPOSAL: The revised SCC report dated 21 May 2020 (**Attachment A2**) prepared by Barr Property and Planning, proposes a 120 bed residential care facility and 126 (serviced) self-contained dwellings with a height of approximately 2 storeys or 8 metres. The proposal also includes amenities such as a community centre, men's shed, tennis court, sports pavilion and bowling green (Figure 2).

LGA: The Hills Shire



Figure 1: 12-14 Edwards Road and 263 Annangrove Road, Rouse Hill



Figure 2: Concept Plan (updated)

The following additional supporting documentation was provided with the application:

- Site Compatibility Report (updated) **(Attachment A2)**
- Pre-Lodgement Minutes with Council **(Attachment A3)**
- Concept Architectural Plans (updated) **(Attachment A4)**
- Ecology Assessment (updated) **(Attachment A5)**
- Bushfire Assessment (updated) **(Attachment A6)**
- Landscape Plans (updated) **(Attachment A7)**
- Character Statement **(Attachment A8)**
- Dial Before You Dig Reports **(Attachment A9)**

PERMISSIBILITY STATEMENT

The site is zoned RU6 Transition under The Hills Local Environmental Plan 2019 (THLEP 2019) and 'seniors housing' is prohibited in the RU6 zone. A small portion of the site is zoned SP2 – Road Widening. This land is proposed to be excised as part of a future development application and does not form part of the proposal.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) applies to land zoned primarily for urban purposes, or, land adjoining land zoned for urban purposes.

The Seniors SEPP is applicable under clause 4(1) if dwelling houses are permissible with consent. In the RU6 Transition zone under THLEP 2019, dwelling houses are permitted with consent.

In accordance with clause 4(4), for the Seniors SEPP to apply to the site the land must meet the following criteria:

'land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land'.

The land to the south of the site is zoned R2 Low Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (LZN_008A).

The land to the east of the site is zoned B6 Enterprise Corridor under THLEP 2019 (LZN_006) (Figure 3).

The Seniors SEPP applies to the subject land as it directly adjoins land zoned primarily for urban purposes.



Figure 3: Land zone map (NSW Planning Portal).

The existing planning controls for the subject site and surrounding land under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) and THLEP 2019 are provided in Table 1.

Table 1: Site and surrounding LEP and SEPP controls.

	Land Zone	Maximum Height of Building	Floor space ratio	Minimum Lot size
The Site (LEP)	RU6	10m	N/A	2ha
Land to the South (SEPP)	R2	8.5m	N/A	700sqm
Land to the East (LEP)	B6	16m	1:1	2500sqm

In summary, Clause 4 of the Seniors SEPP provides the instrument applies as:

- the site adjoins land that adjoins land zoned primarily for urban purposes satisfying clause 4(1) & 4(4);
- development for the purpose of dwelling houses is permitted on the land, satisfying clause 4(1)(a); and
- the site is not land described in Schedule 1 (Environmentally sensitive land) of the Seniors SEPP under the provisions of clause 4(6).

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

A SCC has not been previously issued for the site to which this application applies.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

There are no issued SCCs or undetermined applications for an SCC within a one kilometre radius of the site.

CLAUSES 24(2) AND 25(5)

The Panel must not issue a certificate unless the Panel:

- 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;
- is of the opinion that:
 - the site of the proposed development is suitable for more intensive development; and
 - 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

The Department forwarded the amended application to Council and requested comments in accordance with the requirements of the Seniors SEPP.

Council provided its response to the Department on 10 July 2020 (**Attachment B**). Council has acknowledged that the amended SCC application reduces yield, density and scale and in doing so lessens the intensity of the proposed development compared to the previous version of the proposal.

Notwithstanding this, Council maintains its previous position and requests its previous submission dated 16 August 2018 should be considered in the assessment of the amended SCC application (as provided in the below table).

Further, Council has referred to the recent investigation by the Greater Sydney Commission (GSC) into the cumulative impacts of seniors housing in the rural areas of The Hills Shire and Hornsby Shire LGAs to support its objection to the SCC application (**Attachment B**).

Greater Sydney Commission Investigation findings

The GSC investigation report released in October 2019 was overseen by a Project Control Group that comprised representatives of the GSC, the Department, Hornsby Shire and The Hills Shire councils. The purpose of the investigation was to review the cumulative impact of the operation of the Seniors SEPP on the social, economic and environmental values of rural zoned land, and the Metropolitan Rural Area (MRA). The investigation resulted in the following 8 recommendations:

- *Recommendation 1: Provide a greater balance between incentives for seniors housing and rural values*
- *Recommendation 2: Adopt a place-based approach to planning in rural areas*
- *Recommendation 3: Strengthen alignment between the Seniors Housing SEPP, the Greater Sydney Region Plan, District Plans and Local Strategic Planning Statements*
- *Recommendation 4: Monitor and report on development outcomes to support assessment of cumulative impacts.*
- *Recommendation 5: Develop design and landscaping guidelines for seniors housing in a rural context,*
- *Recommendation 6: Strengthen consideration of environmental values on rural land*
- *Recommendation 7: Review the viability of planning incentives in the Seniors Housing SEPP and the effectiveness of the SEPP to deliver Seniors Housing*
- *Recommendation 8: Consider a pilot for a council-led place-based approach in The Hills and Hornsby LGAs*

These recommendations have relevance to the current SCC application on the subject site and would have the effect of restricting the development as proposed in this SCC application.

In response to the GSC's findings, the Seniors SEPP was amended on 29 July 2020 so that applications for SCCs for seniors housing can no longer be lodged for land within the metropolitan rural area, as identified in the Greater Sydney Region Plan. However, the amendment contains provisions stating a site compatibility certificate may be issued after the commencement of this clause if the application for that

certificate was lodged prior to the commencement of this clause. As this application was lodged before the amendment the savings provisions apply.

At the time of writing, the Department also exhibited a new Housing Diversity SEPP that would amend some planning provisions for seniors housing development in respect of environmentally sensitive land, location and access facilities provisions, the SEPP's relationship with an LEP, and provisions relating to the validity of an SCC. These draft provisions do not impact the assessment of this SCC.

16 August 2018 Submission

The table below summarises Council's submission to the original SCC application, and the Department's response to the matters raised when reviewing the amended SCC application.

Table 2: Council comments and Department Response

Issue	Council comments
1. Site Amalgamation	<p>Council states the amalgamation of the 3 lots has produced a site area of 5.8 hectares and proposes inappropriate built form outcomes and excessive site coverage that are not characteristic of the RU6 Transition zone. Council is also concerned that the development could extend along the length of the interface with urban land and would remain unchecked by any provisions of the SEPP.</p> <p><u>Department Response:</u></p> <p>The Seniors SEPP does not require consideration of site area and therefore the Department does not agree with Council's concerns about site amalgamation. However, the Department agrees that the density and intensity of the amended proposal (that includes a 120 bed residential care facility) represents density closer to that of low rise medium density residential development, which is not compatible with the surrounding area or MRA.</p> <p>The Department does not agree with Council's previous concern about seniors development remaining unchecked along the interface of urban land. Legislative changes in the Seniors SEPP in 2018 introducing a Cumulative Impact Study test in the assessment of SCCs where there is a current or a pending SCC application within a 1 kilometre radius of the site aims to minimise the incremental creep of seniors housing development along the interface with urban land.</p> <p>The Department supports Council's concerns about the built form of the proposal, and agrees it is incompatible with the surrounding area. The outcome presented is an isolated pocket of rural zoned land containing high-density residential development. The SCC is recommended not to proceed and is explained further in this report.</p>

Issue	Council comments
<p>2. Continued expansion into rural land</p>	<p>Council is concerned about the continued expansion of seniors housing on rural land, particularly on the Metropolitan Rural Area (MRA).</p> <p><u>Department Response:</u> The SEPP does not require the consideration of the District Plans specifically. However, the Central City District Plan provides an overarching set of principles to be considered when assessing the compatibility of land for increased density, particularly land identified to be in the MRA, and its future character. As explained throughout this report, the proposal is considered incompatible with the rural zoning.</p> <p>As of 29 July 2020, the SEPP was amended so applications for SCCs for seniors housing can no longer be lodged for land within the metropolitan rural area, as identified in the Greater Sydney Region Plan. However, these provisions don't apply if a site compatibility certificate application was lodged prior to the commencement of this clause.</p>
<p>3. Suitability of built form and density</p>	<p>Council states the proposal details an approximate dwelling density of 33 dwellings per hectare, effectively producing a medium density outcome, and not appropriate for an RU6 zone. Further Council states the height of buildings (2-4 storeys) is not compatible with site and surrounding zones, and the density has not been anticipated under any local planning framework.</p> <p>It is noted that the amended proposal results in a reduction in dwelling density from 33 dwellings per hectare to 18 dwellings per hectare, and proposes a consistent 2 storey or 8 metre building height across the site.</p> <p><u>Department Response:</u> The Department considers the proposed density incompatible with the surrounding uses and desired future character, as discussed further in this report. It is noted the minimum residential density of adjoining urban land under the Growth Centres SEPP provisions is 7 dwellings per hectare.</p>
<p>4. Ability to provide a full range of services to residents</p>	<p>Council states the site is over 3km to Rouse Hill Village and Rouse Hill Town Centre, and is not considered close to services. Further, Council states the Seniors SEPP and THLEP 2012 provide ample opportunities for seniors housing within an urban footprint, that is also well serviced by infrastructure and facilities.</p>

Issue	Council comments
	<p><u>Department Response:</u> As outlined later in this report, nearby bus stops which connect the site to Rouse Hill Village and Rouse Hill Town Centre are available. It is noted that the path of travel to the bus stops relies on grassed road verges and there is no indication on how future residents would safely cross Annangrove Road or Edwards Road to access or return from bus stops.</p> <p>However, this detail can be provided at a potential future development application stage. The proposal can satisfy the access to services provisions of Clause 26 of the Seniors SEPP.</p>
<p>5. Inconsistency with strategic planning framework</p>	<p>Council states extending the urban footprint and locating seniors housing further away from centres is not an appropriate outcome and is contrary to objectives and planning priorities of the Central City District Plan, specifically land identified as part of the Metropolitan Rural Area.</p> <p><u>Department Response:</u> As stated above, on 29 July 2020 the Seniors SEPP was amended that an SCC could not be lodged on land identified within the MRA. The Central City District Plan places an emphasis on protecting the amenity and values of the MRA.</p> <p>The proposal presents building heights incompatible with the adjoining land and is explained further in the suitability section of this report.</p>
<p>6. On site vegetation and bushfire hazard</p>	<p>Council states the impact of clearing is not currently known, and the Biodiversity Offset Scheme may be triggered. Further, Council raises bushfire concerns relating to seniors housing on rural land as significant and relying on removal of significant vegetation as part of an APZ is viewed as a loss of vegetation.</p> <p><u>Department Response:</u> The issuing of a certificate does not preclude the further assessment of an appropriate response to the bushfire and ecological concerns as part of the development assessment process. As discussed later in this report, the site has potentially significant development constraints from bushfire hazard and the presence of Shale Sandstone Transition Forest that both require detailed assessment of the design response as part of a future development application for the site.</p> <p>While the details of an appropriate design response may be fully understood as part of a future development</p>

Issue	Council comments
	application for the site, the SCC is recommended not to proceed.
7. Cumulative impact on RU6 and infrastructure	<p>Council states because the land is adjoining land zoned for urban purposes, the RU6 zone is exposed to the incremental creep of the urban footprint. Generally, SCC's remain unchecked with regards to infrastructure provisions in locations already strained by a lack of infrastructure.</p> <p><u>Department Response:</u></p> <p>As noted above, amendments to the Seniors SEPP in 2018 sufficiently aims to minimise the incremental creep of seniors housing development along the interface with urban land.</p> <p>Further, sites adjoining to the east and south are currently undergoing urban transformation, with active development applications for a variety of more intense uses. While the upgrading of roads and other required infrastructure may be further established as part of a future development application for the site, the proposal is incompatible with surrounding land.</p>

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel 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 site is north of the Box Hill Industrial Area which is within the North West Growth Area. The total site area is approximately 6.82ha and consolidates 3 adjoining allotments (Figure 4).



Figure 4: Site aerial (Nearmap).

The land is currently used as large lot semi-rural allotments, with vegetation at the north-west and north-east of the site (Figures 5 and 6).

Land to the north is a continuation of the RU6 zone and contains predominantly large rural-residential lots. To the north of the site is an established family medical practice; Baulkham Hills Landscape supplies with a café; three automotive mechanics and a swimming centre.

Land to the east is used as large lot rural residential, zoned B6 Enterprise Corridor with a maximum height of 16m and contains a local heritage item (Item I181) described as a farm cottage of the mid-Victorian period and is of local significance under THLEP2019.

The area around Annangrove Road (an arterial road) had a desired future character of employment uses (business premises, office premises, light industrial and to a lesser extent, retail).

Development consent was granted by The Hills Shire Council on 12 March 2020 for development on the eastern adjoining property at 288 Annangrove Road, Rouse Hill (DA 1558/2018/HA). The approved development was for a staged development of warehouse and industrial units, occupation of stage 1 building for warehousing of outdoor furniture and goods, and retention of the existing heritage item on the site.

The land to the immediate south, 265 Annangrove Road (also known as 17 Edwards Road), is currently used as large lot rural-residential, and is zoned R2 Low Density Residential under the Growth Centre SEPP. The site has consent for a 28 lot residential subdivision including roads (DA 182/2018/ZB), and is currently under

construction. The dwelling density of this development is approximately 10 dwellings per hectare.



Figure 5: Photograph of Edwards Road and site looking towards Annangrove Road (the Department)



Figure 6: Photograph of site from Edwards Road looking north west (the Department)

Increased Density

The proposed SCC represents a significantly greater density (84% greater) when compared to the closest adjacent residential development (located to the south). At approximately 10 dwellings per hectare, the approved DA to the south, located on urban zoned land has a significantly lower density than the SCC proposed 126 self-

contained dwelling (18.4 dwellings per hectare). This also does not consider the proposed 120 bed residential care facility that will further increase the intensity of the proposed development.

Other current uses surrounding the site are predominantly open grazing areas and large private lots with open space, indicative of rural residential living. The commercial activities in vicinity of the site present as rural residential lots from the street are in keeping with the established rural character and density.

Metropolitan Rural Area

The site is identified as being within the Metropolitan Rural Area (MRA) under the Central City District Plan. Consideration of the wider strategic framework and desired future character will generally inform a more compatible development outcome.

Objective 29 of the Central City District Plan identifies that *‘Environmental, social and economic values in rural areas are protected and enhanced’*.

The District Plan is clear in its assertion that urban development is not consistent with the values of the MRA, and Sydney’s future housing needs should be considered within the current boundary of the Urban Area (Action 74 of the Central City District Plan). As the site is identified as being within the MRA, protection should be given priority over urban development of the density proposed.

The site has been predominantly used as rural-residential and not agricultural production. However, the site contributes to the character of the MRA being a rural asset and is rural in character.

Further, given the proposed development occupies a large majority of the site and would be similar to low scale urban residential environment, the SCC application is considered to have an adverse impact on the likely future uses of the land which is rural-residential and/or potentially productive rural purposes.

Bushfire Risk

The site is bushfire prone and predominantly classified as vegetation category 3, with the north-east classified as vegetation category 1 (Figure 7).

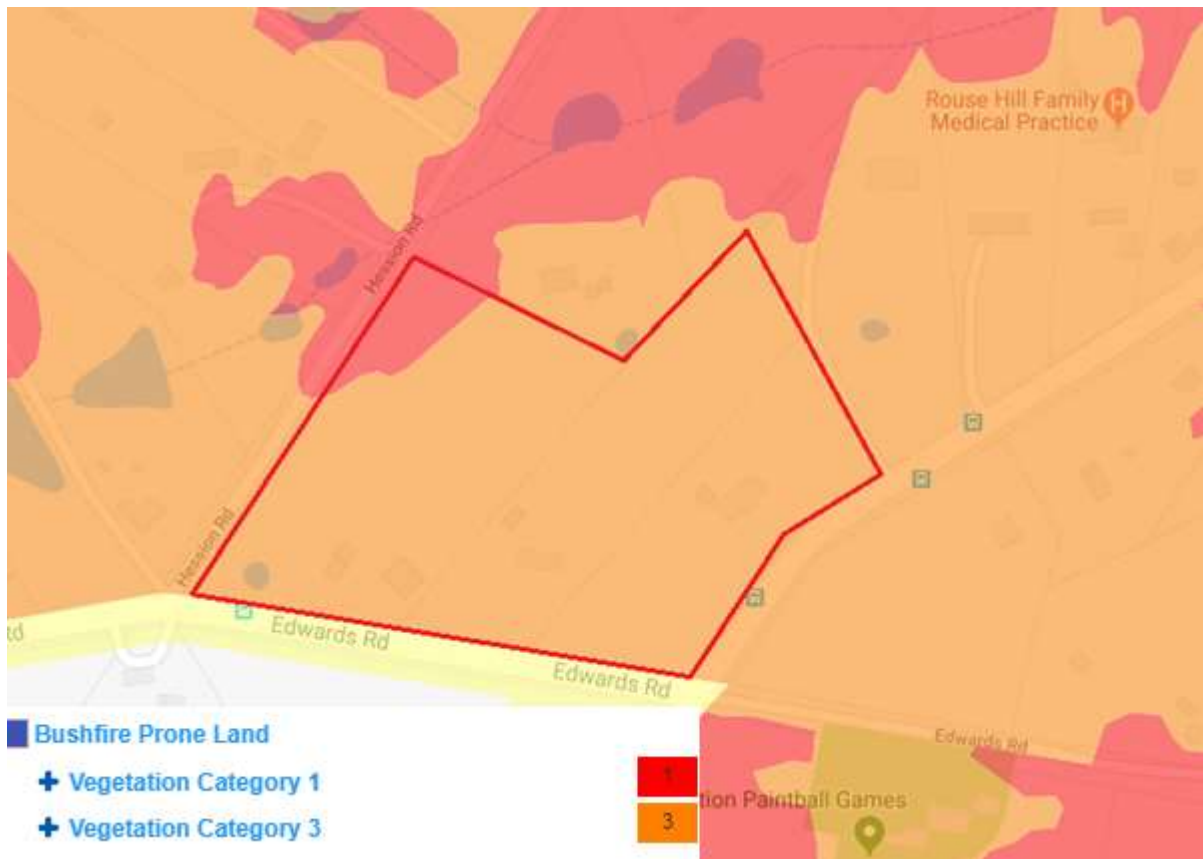


Figure 7: Current bush fire prone land mapping July 2020 (NSW Planning Portal).

Clause 27 of the Seniors SEPP requires a consent authority to be satisfied that the development application complies with the provisions set out in *Planning for Bush Fire Protection 2019*.

In principle, seniors housing may be possible in the context of the bushfire risk. In this respect the applicant has provided a Bushfire Protection Assessment report by Travers Bushfire & Ecology dated April 2020 (**Attachment A6**) provides 6 recommendations to ensure the development is in accordance with *Planning for Bush Fire Protection 2019*. Detailed assessment by Council and the NSW Rural Fire Service is required to ascertain whether these recommendations are appropriate and would ensure the proposed development is consistent with *Planning for Bush Fire Protection 2019*. This assessment would take place during the assessment of a development application following issue of a SCC.

This matter remains outstanding and is not required to be resolved unless a SCC is issued and a subsequent development application is lodged.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Panel must not issue a certificate unless the Panel 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))

Ecology

The Ecological Assessment (**Attachment A5**) prepared by Cumberland Ecology identifies the presence of Shale Sandstone Transition forest (SSTF) to the north-west of the site, which is listed under the *Biodiversity Conservation Act 2016* as being critically endangered. The assessment explains that the SSTF is present in a highly modified form, as the understorey shrubs have been removed and the ground layer is dominated by exotic species.

The application report (**Attachment A2**) outlines that any development on the site will have regard for the ecological values that the site possesses and proposes to retain a majority of the existing Shale Sandstone Transition Forest.

As part of the development application process, further explanation of how this area is to be treated and maintained is required. While the proposal intends to retain this vegetation, further assessment of the vegetation community is required to be undertaken and may require amendments to the concept plan should a SCC be issued. Removal of any critically endangered community is not supported.

Bushfire

The Bushfire Assessment prepared by Travers Bushfire and Ecology (**Attachment A6**) seeks to address bushfire prone land identified on the site. Advice has also been given in relation to building construction, access, water supply and emergency management in compliance with the NSW Rural Fire Service land development policy document *Planning for Bush Fire Protection 2019*.

Access to the site can be provided from the existing roads surrounding the perimeter of the development in the east, south or west. The existing road network provides a number of potential evacuation routes. A perimeter road (8m carriageway width) is recommended to be provided adjacent to the woodland area in the north-western corner of the site. Further assessment of the bushfire constraints, and development response, is required if an SCC is issued. Clearing of any vegetation that is listed under the *Biodiversity Conservation Act 2016* to facilitate the proposed development is not supported.

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

Permissible and future land uses

The subject land is zoned RU6 Transition. One of the key objectives of the zone is to maintain land that provides a transition between rural and other land uses. It is noted that the site is currently used as large lot residential and is not currently used for agricultural production purposes.

The Seniors SEPP does not reference the local, district or regional strategic plans for consideration. However, consideration of the following strategic plans will provide a well-informed framework for the intended future land uses in the MRA.

Greater Sydney Region Plan:

- Objective 28 identifies the potential the MRA has in providing biodiversity offsets, as well as providing opportunities for traditional forms of agriculture; and
- Objective 29 places an emphasis on protecting and enhancing the distinctive character of rural areas.

Central City District Plan:

- Planning Priority C17 identifies the need to protect and enhance scenic and cultural landscapes. It also identifies that the MRA has the potential to complement the protection of biodiversity and habitat; and
- Planning Priority C18 places an emphasis on better managing rural areas, and the contribution these areas have in supporting productive agriculture.

The strategic framework places a high priority on protection of the MRA from urban development, and identifies the rural areas as being an asset to the Greater Sydney region. The proposal will have a considerable impact on the future uses of the land, and the potential of the site to deliver the above objectives and priorities. This is relevant given the proposed development occupies a significant majority of the site which will transform the 6.82 hectare site into a low scale residential urban environment.

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))

The subject land is not located near retail/commercial outlets or services other than the medical facility north of the site. However, the site contains multiple bus stops along the perimeter of the site, well within the 400m as required under the SEPP, which provide regular services to locations with retail/facilities (shown in Table 3).

Bus Stop Frequency

Table 3: Bus services.

Bus	Route	Frequency (per day)	Relevant Stops
641 (Annangrove Road)	Round Corner Shops (Dural) to Rouse Hill Town Centre	More than 1 in the morning and more than 1 in the afternoon.	Rouse Hill Town Centre
746 (Edwards Road)	Riverstone to Box Hill	More than 1 in the morning and more than 1 in the afternoon.	Rouse Hill Village Centre

It is noted that the path of travel to the bus stops relies on grassed road verges and there is no indication on how future residents would safely cross Annangrove Road or Edwards Road to access or return from bus stops. The site also has a gradual slope from east to west but the gradient of the pathway is unknown (clause 26(2)).

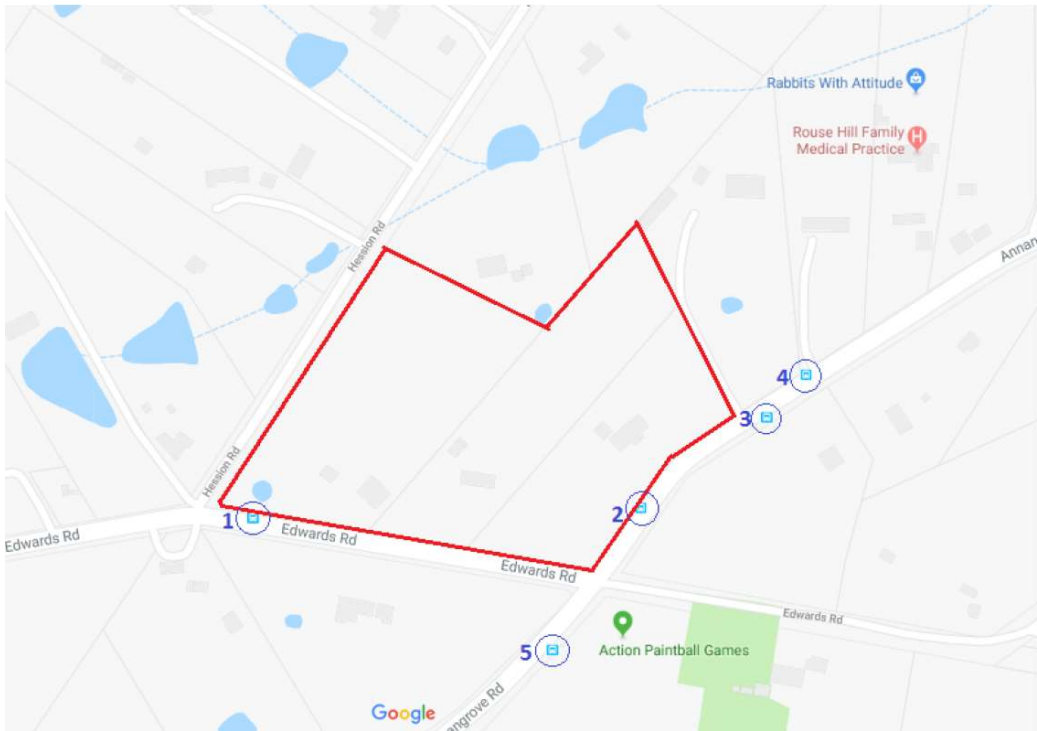


Figure 4: Bus stop location map

The proposed development would increase traffic to the local and regional road network and would increase patronage to local bus and train services, shopping centres and other community infrastructure. The locality adjoins land that is zoned for residential and industrial development, and it is expected that the proposal would not significantly adversely impact on the existing (and proposed) road networks and upgrades, subject to appropriate traffic modelling and investigations.

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))

A portion of land on the eastern boundary is zoned SP2 Infrastructure, and forms part of the road widening taking place along Annangrove Road. It is intended that the small portions of SP2 zoned land will be excised as part of a future development application and are not included in the proposal.

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 concept architectural plans (**Attachment A4**) show buildings that are 2 storey / 8 metres in height. The height of the proposed buildings is compatible with the surrounding area, however, the proposed density of the proposal at 18.4 dwellings per hectare plus a 120 bed residential care facility that would occupy a significant majority of 6.84 hectare site would create a dense urban residential environment that is out of character with surrounding existing, approved and future land uses.

As discussed previously, the Central City District Plan is clear in its assertion that urban development is not consistent with the values of the MRA, and Sydney's future

housing needs should be considered within the current boundary of the Urban Area. Given the site is within the MRA, protection should be given priority over urban development of the density and intensity proposed.

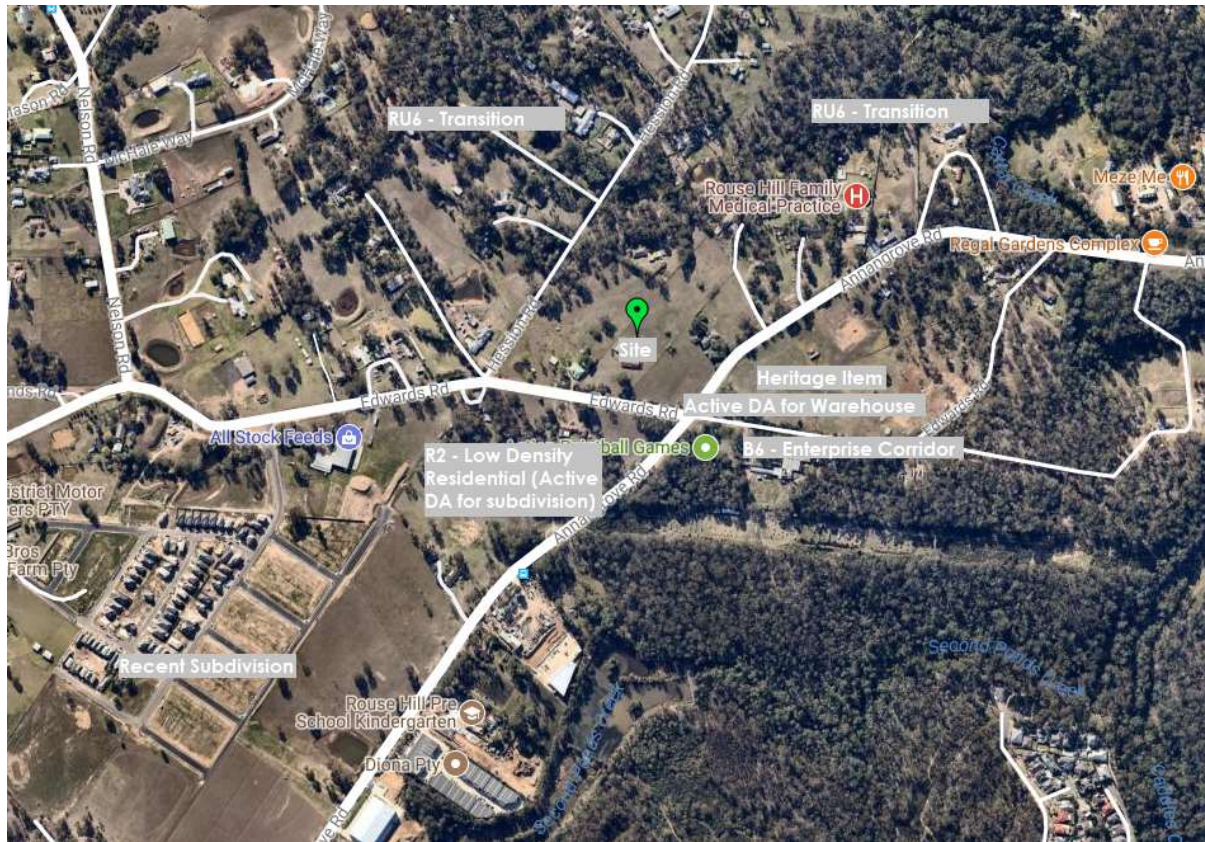


Figure 5: Current uses and zoning.

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

The *Native Vegetation Act 2003* was repealed on 24 August 2017. Native vegetation clearing is addressed in section 1 above.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

As there are no issued SCCs or undetermined applications for an SCC within a kilometre radius of the site, a cumulative impact study is not required to address the impacts of multiple SCC's within the vicinity.

CONCLUSION

The Department supports Council's opposition to the SCC application as it is inconsistent with the existing, proposed and future rural character and uses as well as inconsistencies with the strategic planning framework, particularly as the site is within the Metropolitan Rural Area.

The SCC is inconsistent with clause 25 of the Seniors SEPP and the development of seniors housing on the site as proposed is incompatible with the surrounding land uses as:

- future use of the land is to retain and protect rural attributes, values and character of the site;
- the proposed density is incompatible with the existing, approved and intended uses of the land and land in the vicinity of the development;
- the proposed urbanised form and density of development across the site will transform the character of the site to an urbanised character that will detract from the site's current contribution to the character of the Metropolitan Rural Area; and
- the site is not considered suitable for more intensive development.

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