
**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: 20 Hely Avenue, Turvey Park, Wagga Wagga, part Lot 2 DP 1183166 (Figure 1, next page).

APPLICANT: Croft Developments Pty Ltd

PROPOSAL: Community aged care and seniors housing development comprising:

- 144 beds – aged care facility (stage 1);
- high-care units;
- 20 assisted-living units;
- 150 self-care units (dwellings);
- a community clubhouse; and
- landscaped open space.

Part of Lot 2 DP 1183166 is occupied by Saint Mary Mackillop College (K-12) and is not part of the application for a site compatibility certificate. It is proposed to excise this section of the site by subdivision (1.995ha) and sell it to the college.

LGA: Wagga Wagga

PERMISSIBILITY STATEMENT

The land is zoned SP2 Infrastructure (Education Establishment) and adjoins land zoned R1 General Residential under the Wagga Wagga Local Environmental Plan 2010 (Figure 2, next page). Seniors housing is a prohibited use in the SP2 Infrastructure zone under the LEP.

The site is identified as a local heritage item (Item I245) on the heritage map (HER_004C) and in schedule 5 of the Wagga Wagga LEP 2010. The item is described as Charles Sturt University South Campus. The applicant has indicated that the heritage item relates to the history of the site and the Dame Gilmore gates in College Avenue.

Wagga Wagga City Council has indicated that the site is primarily listed for its social significance rather than for a building on the site, except for wrought iron gates located on the northern boundary that could be retained and incorporated as part of the development.

A small portion of the site is affected by the biodiversity layer on the Wagga Wagga LEP 2010 terrestrial biodiversity map and the provisions of clause 7.3 biodiversity. These provisions require that Council consider any potential impacts of a proposed development on biodiversity.

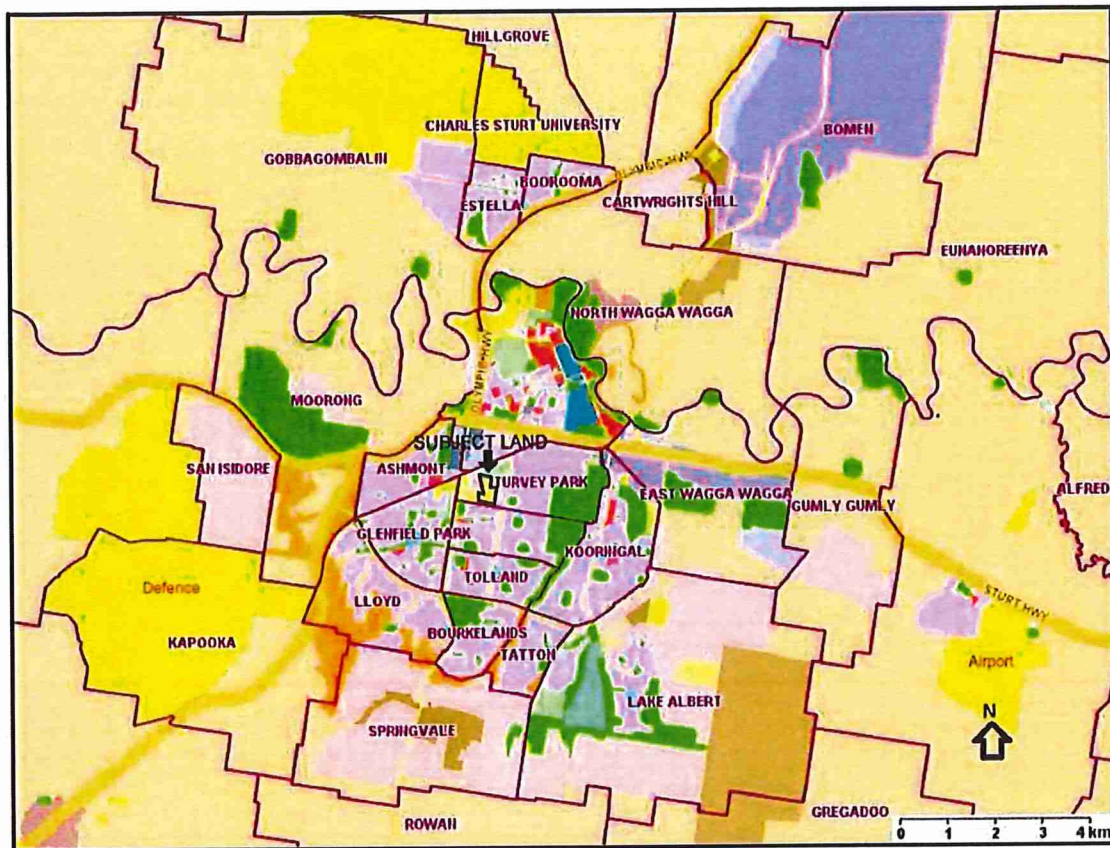


Figure 1: Site locality (source: Site compatibility statement, Wagga Wagga proposed seniors housing development, May 2018).

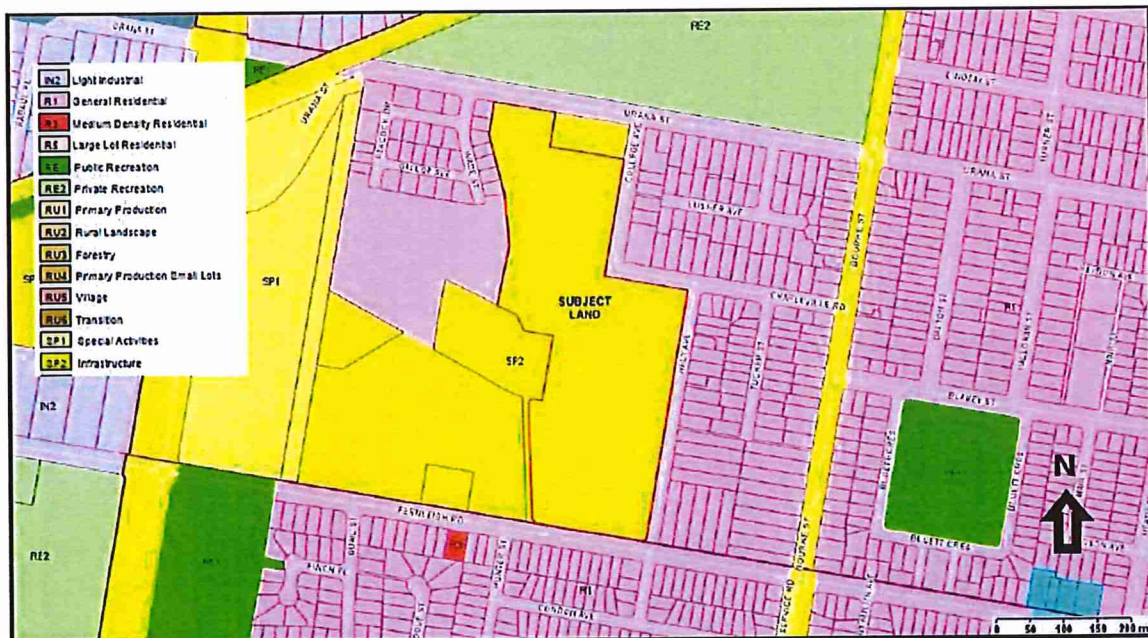


Figure 2: Extract from Wagga Wagga LEP 2010 – land zoning map.

The site, along with most of Wagga Wagga city, is affected by the groundwater layer on the Wagga Wagga LEP 2010 water resource map and the provisions of clause 7.6 groundwater vulnerability. These provisions require that Council consider any potential impacts of certain types of development on groundwater resources. Seniors housing is not listed as a type of development that requires consideration of potential impact on groundwater resources.

The site does not meet the criteria of environmentally sensitive land under schedule 1 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) based on the information provided with the site compatibility certificate application and Council's comments provided to the Department of Planning and Environment on 6 June 2018.

The Seniors Housing SEPP applies to the site because it adjoins land zoned primarily for urban purposes and meets the following criteria under clause 4 (1) (a) (iv): "development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries."

An application can therefore be made for a site compatibility certificate for a seniors housing development on the subject site in accordance with clause 4 (1) and clauses 24 (1) and (1A) of the Seniors Housing SEPP.

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).

COUNCIL COMMENTS

Council's comments on the application were received by the Department on 6 and 7 June 2018. Council does not object to the Department issuing a site compatibility certificate for seniors housing on the site and has indicated that the proponent has adequately justified the use of the site for seniors housing with regard to state, regional and local strategies.

Council has indicated in separate advice to the Department that it supports seniors housing on the site because riverine flood issues make it difficult to attract or approve seniors housing closer to the Wagga Wagga CBD.

Council's support for a site compatibility certificate is based on the final development proposal being subject to further assessment by Council.

Issues recognised by the proponent that will require further consideration in the design of the proposal include:

- stormwater and sewer infrastructure provisions, including the on-site management of overland flow, the requirements for on-site detention and the maintenance of existing service easements;
- management of potential urban salinity impacts;
- minimisation of vegetation removal. Existing vegetation contributes significantly to the aesthetics of the area and streetscape, particularly along the perimeter of the site;
- retention of significant vegetation, taking into account the safety of residents, staff and visitors;
- managing the interface with adjoining land uses, particularly the school site; and
- the internal management of pedestrian and vehicular traffic.

Matters identified by Council that have not been covered in the proponent's site compatibility statement and will require further consideration in the design of the proposal include:

Potential land use conflict

The site compatibility statement does not mention potential conflicts between the proposed development and the adjacent/adjoining schools to the east and west.

The document does not mention the operation of the Wagga Wagga Showgrounds site to the north and the potential conflicting uses that occur on this site.

Contaminated land

The site contains building stock, which will be demolished to make way for the development. The existence of asbestos and other potentially contaminating materials is a noted risk with regard to this site.

Traffic impact assessment

The site compatibility certificate application does not provide information regarding the potential traffic impacts of the proposal. The development is potentially traffic-generating under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

Comment

Although Council does not support the conceptual layout and design of the seniors housing proposal until the applicant has provided more detailed information with a development application, it supports the issuing a site compatibility certificate to permit a seniors housing development on the site.

The site issues raised by the proponent and Council can be addressed as part of the preparation and assessment of a development application for the site. They do not preclude the issuing of a site compatibility certificate.

Recommendation

That the SCC be issued subject to a requirement that the final design of the development addresses;

- the management of stormwater, including the on-site management of overland flow, the requirements for on-site detention and the maintenance of existing service easements;

- the management of the potential impacts from urban salinity;
- minimising the removal vegetation, taking into account the safety of residents, buildings, staff and visitors;
- managing potential impacts between the interface of the proposed development and adjoining land uses;
- the internal management of pedestrian and vehicular traffic;
- the identification and management of potential traffic impacts on the external road system, and
- identification and management of any potential for land contamination.

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 site is occupied by CSU Regional Archives, the Riverina Conservatorium of Music and buildings formerly used for student accommodation by the university (Figure 3).



Figure 3: Site and surrounding area (source: Site compatibility statement, Wagga Wagga seniors housing development, May 2018).

The site comprises 11.3ha of cleared, gently sloping land centrally located within the Wagga Wagga urban area and close to the Wagga Wagga CBD (3km), Glenfield shopping centre (2km), Turvey Tops shops and convenience stores (1km) and Wagga Wagga Base Hospital (1km).

The site is bounded by several sealed public roads and has access to other public infrastructure and services such as water, sewer, electricity, gas, telecommunications, stormwater drainage, public transport (bus) and waste services.

The site compatibility statement prepared on behalf of the proponent states that the site is not identified as bushfire-prone land, is not affected by riverine flooding and there are no records or land-use activities that would indicate the land is contaminated. The application further states that there are no records of threatened species or Aboriginal heritage within the site. Council has confirmed that this information is correct.

Overland stormwater flow

The site is affected by minor overland stormwater flows as indicated by overland stormwater modelling undertaken by Council. Figure 4 (next page) taken from the applicant's statement indicates that approximately 70 per cent of the northern section of the site is impacted by low levels of overland stormwater. The applicant has indicated that this matter can be addressed as part of a development application by requiring appropriate civil design to ensure stormwater flows are managed in a sustainable manner. Council has indicated that the on-site management of overland flow is a matter that can be managed and may potentially influence the final layout and design when it assesses the development application for seniors housing.

Overland stormwater flow should not prevent the issuing of a site compatibility certificate because Council has indicated that it supports the use of the site for seniors housing, and management of overland stormwater flow can be addressed as part of the design and assessment of the development.



Figure 4: Council overland stormwater modelling (source: Site compatibility statement, Wagga Wagga seniors housing development, May 2018).

Urban salinity

The site compatibility statement indicates that the site is historically identified as being susceptible to urban salinity and that urban salinity is recognised as one of Wagga Wagga's most significant land degradation concerns. Council has included the site in a city-wide program of groundwater monitoring for several years to assist in managing and reducing salinity in Wagga's urban areas. Council has indicated that the management of potential urban salinity impacts is a matter that will potentially influence the final layout and design when it assesses the development application for the seniors housing.

The potential for urban salinity occurring on the site should not prevent the issuing of a site compatibility certificate because Council has indicated that it supports the use of the site for seniors housing and management of urban salinity can be addressed as part of the design and assessment of the development.

Traffic

The SCC application does not provide information regarding the potential traffic impacts of the proposed senior housing development. Information on the should be provided with the development proposal to identify and manage potential traffic impacts on the surrounding road network and within the site, including management of pedestrian movement.

Land Use Conflict

The site compatibility statement does not mention potential conflicts between the proposed development and the adjacent/adjoining schools to the east and west.

Recommendation

That the SCC be issued subject to a requirement that the final design of the development addresses;

- the management of stormwater, including the on-site management of overland flow, the requirements for on-site detention and the maintenance of existing service easements;
- the management of the potential impacts from urban salinity;
- minimising the removal vegetation, taking into account the safety of residents, buildings, staff and visitors;
- managing potential impacts between the interface of the proposed development and adjoining land uses;
- the internal management of pedestrian and vehicular traffic; and
- the identification and management of potential traffic impacts on the external road system'

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))**

The surrounding development comprises single-storey urban housing, education facilities, a veterinary hospital, an ambulance station, a juvenile justice centre and Wagga Wagga Showgrounds.

There do not appear to be any known significant environmental values, resources or hazards near the proposed development based on the information provided by the applicant and Council.

The applicant and Council have acknowledged that urban salinity and overland stormwater flow are widespread management issues for many parts of the city, including parts of the site and surrounding areas. Council does not object to the issuing of a site compatibility certificate for seniors housing for the site based on the final details for the design and layout of a development proposal for seniors housing being subject to assessment by Council.

The issues raised by the applicant and Council should not prevent the issuing of a site compatibility certificate.

Recommendation

That the SCC be issued subject to a requirement that the final design of the development addresses;

- the management of stormwater, including the on-site management of overland flow, the requirements for on-site detention and the maintenance of existing service easements;
 - the management of the potential impacts from urban salinity;
- 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 site is occupied by the CSU Regional Archives, the Riverina Conservatorium of Music and buildings formerly used for student accommodation by Charles Sturt University.

The NSW Minister for Education approved the disposal of land and facilities at Lot 2 DP 1183166, Turvey Park, Wagga Wagga in September 2016 following a recommendation from the Charles Sturt University Council that such land and facilities were surplus to the requirements of the university.

The archives and conservatorium will be relocated to the university's main campus in Boorooma within five years. The buildings previously used for student accommodation are not being used.

Part of Lot 2 is in the process of being excised from the seniors housing site to enable this section of land to be purchased by Saint Mary Mackillop College (K-12).

The seniors housing development will therefore have no impact on the likely future use of the site as an education establishment.

- 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 site has access to several sealed roads with footpaths and other public infrastructure and services such as water, sewer, electricity, gas,

telecommunications, stormwater drainage, public transport (Busabout Wagga Wagga) and waste services.

An ambulance station and a medical centre are located within 400m of the site. The Wagga Wagga Base Hospital and medical precinct and the Turvey Tops shops and convenience stores are also within 1km of the site. The Rules Club Wagga Wagga is located within 1km of the site and provides recreation, social and dining facilities. Wagga Wagga CBD is within 3km of the site and can be accessed by public bus.

Busabout operates buses for public transport within Wagga Wagga and includes Turvey Park on its daily run throughout the city.

Council has indicated that it is preferable for these types of developments to be closer to the CBD. However, the impacts of riverine flooding associated with the Murrumbidgee River near the CBD make it difficult to attract or approve seniors housing in close proximity to the CBD.

A site compatibility certificate can therefore be issued for the site because public and private services and infrastructure are available to meet the demand of the seniors housing proposal.

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 land is zoned SP2 Infrastructure (Educational Establishment) under the Wagga Wagga LEP 2010 and adjoins land primarily used for urban purposes.

In 2015, Charles Sturt University advised of its plans to dispose of most of the southern campus site because it had become surplus to its needs. The announcement coincided with the completion of 150 new residential beds at the university's Boorooma campus to replace the ageing units at the southern campus.

A site compatibility certificate can be issued for the site because there will be no impact on the provision of land for education establishments near the development

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 comprises single-storey urban housing, education facilities, a veterinary hospital, an ambulance station, a juvenile justice centre and Wagga Wagga Showgrounds.

The juvenile justice centre, Shepherds Park School and the ambulance station are separated from the proposed development by the playing fields associated with Saint Mary Mackillop College. The Wagga Wagga Showgrounds, Henschke Primary School and most of the surrounding residential development are separated from the site by public roads. A new urban subdivision to the north-west adjoins the site.

The application for a site compatibility certificate states that most of the buildings for the seniors housing development will be single storey, consistent with existing residential buildings in the locality. The proposed clubhouse/community building may incorporate two-storey sections, but it is intended that these buildings will be centrally located on the site and will have a negligible impact on surrounding areas.

It is likely that the main issues with the development will be the proposal's interface with adjoining land uses, stormwater management and traffic impacts generated by the increased density of the development. Council has indicated in its comments that the existence of asbestos and other potentially contaminating materials is a noted risk with regard to this site. Although Council supports the issuing of a site compatibility certificate for the site, it recognises that these matters will need to be considered in the final design and during its assessment of a development application.

The likely impacts from the bulk, scale, built form and character of the proposed development appear to be manageable as part of the preparation and assessment of a development application for the site and do not prevent the issuing of a site compatibility certificate.

Recommendation

That the SCC be issued subject to a requirement that the final design of the development addresses;

- the management of stormwater, including the on-site management of overland flow, the requirements for on-site detention and the maintenance of existing service easements;
- the management of the potential impacts from urban salinity;
- minimising the removal vegetation, taking into account the safety of residents, buildings, staff and visitors;
- managing potential impacts between the interface of the proposed development and adjoining land uses;
- the identification and management of potential traffic impacts on the external road system.
- identification and management of any potential for land contamination.

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 replaced with the *Local Land Services Amendment Act 2016* as part of the introduction of biodiversity conservation reforms by the NSW Government. The repeal of the Act came into effect on 25 August 2017. The government replaced the Act with a suite of reforms that includes the *Biodiversity Conservation Act 2016*, the *Local Lands Services Amendment Act 2016* and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The assessment for the clearing of vegetation of the site (non-rural area) will be dealt with as part of Council's assessment of the proposed development application for the seniors housing development once a site compatibility certificate is issued by the Secretary's delegate.

The applicant's site compatibility statement states that the site includes a considerable number of non-endemic tree plantings and that all the existing trees have been introduced in conjunction with various land-use activities.

The statement includes a tree assessment report (tree identification and condition) for stage one of the project, i.e. a 144-bed aged care facility located on the northern section of the site with access from College Avenue. Stage one will affect approximately 25 per cent of the site. The report identifies the removal of native species (e.g. *Eucalyptus*, *Corymbia* and *Melaleuca* trees) and exotic species (e.g. Oleander, Chinese Pistachio) to accommodate stage one.

Background information provided by Council on the heritage values of the site under the Wagga Wagga Urban Heritage Study 2000 indicates that existing vegetation on the site does not form part of the reasons for its local heritage listing.

Council has indicated in its response to the Department that one of the matters that will influence its assessment of the design and layout of the proposed seniors housing proposal will be minimising vegetation removal. This is because Council recognises the importance of existing vegetation in the aesthetics of the area, the streetscape and for managing urban salinity.

The likely impacts from the removal of native vegetation as part of the proposed development can be managed as part of the preparation and assessment of a development application for the site, and do not prevent the issuing of a site compatibility certificate.

Recommendation

That the SCC be issued subject to a requirement that the final design of the development addresses;

- minimising the removal vegetation, taking into account the safety of residents, buildings, staff and visitors; and
- managing potential impacts between the interface of the proposed development and adjoining land uses.

CONCLUSION

A site compatibility certificate can be issued for the site because:

- it is no longer required for use as an education establishment and is suitable for more intensive development;
- there are no known significant environmental values, resources or hazards on or near the site that would prevent the use of the site for a seniors housing development;
- the use of the site for seniors housing will not have any significant impact on the future uses of the land as an education establishment;
- there are services and infrastructure that are or will be available to meet the demands arising from the proposed development; and
- the impacts from the bulk, scale, built form and character of the proposed seniors housing development, including the impacts from the removal of vegetation, traffic generation, urban salinity, overland stormwater flow, potential land contamination and potential land use conflict can be managed as part of the preparation and assessment of a development application for the site.

RECOMMENDATION

It is recommended that the Executive Director, Regions, as delegate of the Secretary:

- **note** this report;

- **consider** Council's written comments of 6 and 7 June 2018 (**Attachment B**);
- **form the opinion** that the site of the proposed development is suitable for more intensive development;
- **form the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b);
- **determine** the application for a site compatibility certificate by issuing a certificate (**Attachment C**) for 20 Hely Avenue (Part Lot 2 DP 1183166), Turvey Park, Wagga Wagga subject to a requirement that the final design of the development addresses;
 - a. the management of stormwater, including the on-site management of overland flow, the requirements for on-site detention and the maintenance of existing service easements;
 - b. the management of the potential impacts from urban salinity;
 - c. minimising the removal vegetation, taking into account the safety of residents, buildings, staff and visitors;
 - d. managing potential impacts between the interface of the proposed development and adjoining land uses;
 - e. the internal management of pedestrian and vehicular traffic;
 - f. the identification and management of potential traffic impacts on the external road system, and
 - g. identification and management of any potential for land contamination.
- **sign** the letters to the applicant and Council advising of this determination (**Attachments D and E**).



20 June 2018

Sarah Lees
Director Regions, Southern



25 July 2018
Stephen Murray
Executive Director, Regions
Planning Services

Approved / Not Approved / Noted