

Our Reference: TRIM 8383-2

Ann-Maree Carruthers
Director Sydney Region West
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attn: Angela Hynes

18 May 2018

Dear Ms Carruthers,

APPLICATION FOR SITE COMPATIBILITY CERTIFICATE UNDER *STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004* – STRATFORD HOUSE, 20 ROCKFORD ROAD, TAHMOOR

Thank you for your request to Council to provide comments on an application for a site compatibility certificate for land in and around Stratford House, Tahmoor (letter dated 27 March 2018).

As you would be aware a site compatibility certificate has previously been issued for this land in November 2015.

At that time the applicant indicated that the intention was to erect a residential care facility with a capacity for 200 beds and 226 associated serviced self-care dwellings (duplex and apartment style). The applicant indicated the potential height may be three (3) storeys.

By comparison, the intention for the current application is to erect a residential care facility with a capacity for 200 beds and 210 associated self-care or serviced self-care dwellings. The self-care/serviced self-care units would be on independent lots rather than apartment or duplex style.

Our position has not changed since the previous application and we remain generally supportive of the principle of development of housing for seniors on this site.

Having said that, this letter should not be taken as indicating any particular decision/determination of a future Development Application by Council.

I have included a copy of Council's submission to the previous application at Attachment 1. For the most part, our previous comments are still relevant. This letter provides updated comments, where applicable.

Comments are provided against the minimum criteria that needs to be considered under section 25(5)(b) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

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

- In Council's submission to the previous application indicated that vegetation communities on the site had been identified as Upper Georges River Sandstone Woodland. It is not clear, from this current review of the site, how this identification was made.

Subsequently, a flora and fauna report would be required as part of any Development Application to ground truth areas containing native vegetation.

- The land is not subject to a bio-banking agreement.
- The previous description of land adjoining the site remains relevant.
- The Tahmoor Inn shares a common boundary with Lot 2, DP 236262. The need to consider operating hours and live music events associated with the Tahmoor Inn remains relevant.
- An acoustic report will be required as part of any development application to develop the land. In particular the acoustic assessment will need to consider noise from any surrounding land uses including, the turkey process plant (for example, from mechanical ventilation) and the Tahmoor Inn.
- An odour assessment will be required as part of any development application to develop the land. The odour assessment will need to consider any odour generating premises such as the nearby turkey processing plant both the plant itself and the pond treatment system.
- The Inghams Turkey Processing plant is located directly to the northeast of the site and is one of the largest employers in the Wollondilly Shire Council Area. The facility connected to Sydney Water's reticulated sewerage infrastructure in 2015. This connection greatly reduced the likelihood of odours beyond the boundary from the Inghams facility but did not remove the possibility of odours entirely.

Ingham's was required to build a waste water treatment system as part of their connection, however the new system still uses the pond treatment system on site. With this new system is it not expected to produce an odour beyond the boundary in normal day to day operation but this could occur if there was a major issue with the ponds.

- Council has recently received a draft planning proposal for land bound by York Street, George Street, Larkin Street and Thirlmere Way in Tahmoor which is located approximately 560m from the site.

The draft planning proposal seeks to enable residential development in the form of shop top housing on the site above an existing commercial development. It seeks to this by increasing the maximum building height from its current 11 meters under the LEP to 30 metres. The draft proposal suggests that this would enable a 6 storey apartment building providing approximately 432 units. Council has not made a decision on the draft planning proposal to date.

- A draft environmental planning instrument, known as the Cross Street Planning Proposal is located approximately 400m to the east of the site.

The Cross Street Planning Proposal is currently on exhibition and seeks to rezone rural land to enable development of the area for housing and the environmental conservation of land. If rezoned the proposal has the capacity to provide approximately 260 dwellings.

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

- The placement of the development shown on the plans, including a 200 bed residential care facility and 210 associated self-care or serviced self-care dwellings are not considered likely to impact future rural residential land uses in this area.
- The site includes a heritage item of local significance known as "Stratford House". The previous comments requiring consideration of heritage impacts with any future development remain relevant.
- The previous comments related to the Wollondilly Growth Management Strategy 2011 (GMS) remain relevant. The site is located within an area identified as a "potential residential growth area" on the Structure Plan for Tahmoor and Thirlmere in the GMS.

However, since the GMS was adopted Wilton has been designated as a growth centre under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the *Greater Sydney Region Plan* and the *Western City District Plan* have been released.

In this regard, the site is located within the Metropolitan Rural Area (MRA).

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

- Connection to the sewer and provision of potable water supply are required for this proposal. Although the applicant has indicated that the site will be serviced by Sydney Water in terms of sewerage and water connections, Council's recent experience with planning proposals to rezone land in the area is that there is limited wastewater capacity.

We understand that Sydney Water are currently planning the development and implementation of a long-term effluent management strategy for Picton (which services Tahmoor) and is likely to be operational in the next three to five years. Given there is a supply of recently rezoned land in the area, this may further constraint capacity in the short term.

- There is a shortage of open space provision in Tahmoor both in terms of quantity, quality and distance from the site. The nearest open space area is located near Tahmoor Rail Station some 750m from the site and has limited attractors in terms of older persons.

There is a need for high quality open space within the site.

- (iv) *in the case of applications in relation to land that is zoned open space or special uses – the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,*

Not relevant to this site.

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

- The proposed development includes a mix of dwellings and built form across the subject site;
- Residential Care Facility (200 beds),
- Clubhouse & Associated Buildings,
- 210 dwellings (self-care or serviced self-care),

It is noted that the figures provided separately by the applicant (prepared by McCabe Architects and dated 19 April 2018) do not match the concept proposed in the application. For example, the floor area for the residential aged care facility is based on 100 beds when the application indicates double this figure.

It is therefore not clear whether the FSR of 0.182:1 is accurate or not and an assessment of bulk and scale is difficult.

In any case, the current proposal will be no higher than 9m, and in terms of height, the development is more likely to be sympathetic with the existing character of Tahmoor.

- (vi) *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.*

- The site contains areas of native vegetation which Council's mapping indicates is Cumberland Plain Woodland. Cumberland Plain Woodland is a listed "critically endangered ecological community" under the *Biodiversity Conservation Act 2016* and "critically endangered" under the federal *Environment Protection and Biodiversity Conservation act 1999*.
- A flora and fauna report would be required as part of any Development Application to ground truth areas containing native vegetation.

Please contact Carolyn Whitten from Council's Strategic Planning team on 4677 9551 or carolyn.whitten@wollondilly.nsw.gov.au for any further information.

Yours faithfully



Chris Stewart
Director Planning



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RURAL LIVING

Our Reference: 8383 DS

Regional Director
 NSW Department of Planning and Environment
 PO Box 404
 PARRAMATTA NSW 2124

ATTENTION: Tessa Parmenter / Mato Prskalo

16 April, 2015

Dear Sir/Madam,

COMMENTS ON APPLICATION FOR A SITE COMPATIBILITY CERTIFICATE FOR CNR ROCKFORD AND REMEMBRANCE DRIVEWAY, TAHMOOR

Reference is made to your letter dated 15 December 2014 asking for comments on the application for a site compatibility certificate over several lots at Tahmoor. Thank you for granting an extension of time in which to comment on the proposal, it is much appreciated. Council is generally supportive of this application for a Site Compatibility Certificate, noting that a detailed merit assessment would occur at the Development Application stage. This letter should not be taken as indicating any particular decision/determination of a future Development Application by Council.

Section 25(5) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP (Seniors Housing)) sets circumstances in which the Director General must not issue a Site Compatibility Certificate. Part (b) of that section provides that for the Certificate to be issued the development must be compatible with the surrounding land uses having regard to 6 particular criteria. Comments in regard to each of these criteria are below:

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

The site gently slopes towards existing dams on the property and to Remembrance Driveway to the north. The land is lightly vegetated, with significant vegetation being concentrated on Lot 2, DP 236262 where the vegetation communities have been identified as Upper Georges River Sandstone Woodland. The description of other pockets of vegetation across the site has not been determined. The land is not subject to a bio-banking agreement.

There are two constructed earth dams on the site. There are no identified watercourses.

Land adjoining the site consists of a mixture of residential land uses and rural residential development. Other development in the vicinity of the site includes the future South Tahmoor Business Development lands and an electricity substation on the western side of

Remembrance Driveway, Tahmoor, the Tahmoor Catholic Church on the southern side of Stratford Road, the Tahmoor Inn (includes accommodation) and Inghams Poultry Processing Plant.

The Inghams Plant is located 500m to the northeast of the site. Development Consent has been granted for the connection of Inghams Plant to Sydney Water's reticulated sewerage infrastructure (Development Consent No. 010.2013.00000323.001).

The Tahmoor Inn shares a common boundary with Lot 2, DP 236262. Due to the approved operating hours of the Tahmoor Inn and the use of the venue for live music on Friday nights and Sunday afternoons there is a risk of noise disturbance to future residents of the proposed development. A number of noise complaints have been received in relation to the Tahmoor Inn. As part of any future development application it will be necessary to demonstrate that the proposal can be designed to prevent unreasonable noise impacts to new residents and to reduce the risk of noise complaints resulting in restrictions to the operation of Tahmoor Inn.

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

The site is located at the southern fringe of Tahmoor. The aerial image of the subject site in the local context (refer to **Figure 1**) identifies the existing use of the surrounding land.

The surrounding area to the south and east is mainly used for rural residential purposes (with some low intensity agriculture). The placement of the development shown on the plans including a 200 bed residential care facility and 226 associated serviced self-care dwellings are not likely to impact future rural residential land uses in this area.



Figure 1 – Subject site in the local context (North is at the top of the figure)

Stratford House is within the subject site (Lot 2, DP 236262; Lot 6, DP 12096). Stratford House is identified as Heritage Item 1235 under Schedule 5 of the *Wollondilly Local Environmental Plan 2011*. The proposed development will result in significant modification to the existing driveway off Rockford Road and Remembrance Driveway. The location of proposed Residential Care Facility duplex villas will have a potential detrimental impact on the site lines to and from the heritage item as viewed from the public domain. It would need to be demonstrated as part of any future development application for the proposed use that the heritage value of Stratford House is protected. Any application submitted will need to include a detailed heritage report identifying the potential impacts and how the heritage value will be protected from those impacts in the long term.

The current Wollondilly growth management strategy (GMS) (adopted by Council in 2011, but not by the Department) has identified future growth areas for Tahmoor. The subject site has been identified as potentially suitable for future residential land uses as part of the Structure Plan for Tahmoor and Thirlmere in the GMS. The 2011 population for Tahmoor is 4,589, with a population density of 2.70 persons per hectare. The population and density of Tahmoor is expected to continue to grow with residential rezoning completed at west, south and east Tahmoor and planning proposals for further residential rezoning at South and East Tahmoor in process. A review of the current GMS is partially complete.

Land on the western side of Remembrance Driveway has recently been rezoned from RU2 Rural Landscape zone to B5 Business Development. It is expected that the B5 zoned land will be used for a mix of business and warehouse uses including bulky goods premises. The proposed seniors living development is unlikely to have a negative impact on the future use of the B5 zoned land and potentially may add to its viability. Consideration must be given to the cumulative impact of the proposed development on the local road network and key intersections in the vicinity of the proposed development (particularly the intersection of Rockford Road and Remembrance Driveway). This is a matter that must be addressed at the Development Application stage.

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

The subject site is located 100m from the southern end of the existing commercial area of Tahmoor, 8km from the commercial centres of Picton and Thirlmere, 30km from the commercial centre of Camden, 35 km from the commercial centre of Narellan and 40 km from the commercial centre of Campbelltown/Macarthur.

The Tahmoor commercial area includes:

- Tahmoor Town Centre located approximately 500m from the corner of Stratford Road and Remembrance Driveway. The Tahmoor Town Centre development includes a Woolworths Supermarket, pharmacy, BWS, House Warehouse discount variety store, KFC, Woolworths Petrol and 12 specialty shops.
- The Tahmoor shopping village is located approximately 150m from the subject site and includes a medical centre, radiologist, pharmacy, St George Bank, Foodworks Supermarket and specialty stores
- Aldi Supermarket – 330m;
- Anglican Church – 490m
- Baptist Church – 800m
- Barber – 210m
- Catholic Church (Stratford Road) – 100m
- Community Centre – 120m
- Credit Union – 540m
- Dentist – 190m

- National Australia Bank – 520m
- Newsagent – 520m
- Optometrist – 615m
- Post Office – 610m
- Solicitor – 490m

There are also a number of specialist stores and professional services located within the Tahmoor commercial area which could service the needs of the residents of the proposal.

The gradients to and through the Tahmoor commercial area are likely to comply with the standards set in Clause 26 of the SEPP (seniors housing).

Development Consent (No. 010.00000765.001) has been granted for "demolition of existing structures, tree removal and extension to existing commercial centre to create a General Store". The consent effectively approves an additional 6,285 square metres of commercial/retail floor space (anticipated to be Big W), 1,000 square metre extension to the existing Woolworths supermarket and 5,380 square metre open mall and amenities.

Connection to the sewer and provision of potable water supply are required for this proposal. It is noted that the applicant has now provided confirmation from Sydney Water regarding requirements for the provision of reticulated sewer and potable water.

The Tahmoor Train Station is located 750m from the subject site. A regular service to Campbelltown/Macarthur, Central Station and to the Southern highlands is available. Tahmoor Train Station is wheelchair accessible. The site has good access to existing bus services along Remembrance Driveway, with a pedestrian crossing located approximately 60m from the subject site on Remembrance Driveway and a bus shelter located on the north western side of Remembrance Driveway, within 80m of the site. The bus shelter located on Remembrance Driveway is serviced by a regular service provided by Picton Buslines (most services are by a fully wheelchair accessible bus). The Site Compatibility Certificate Application provides sufficient evidence that additional demand on transport services will be met.

The senior's living proposal is likely to generate the need for additional traffic and drainage infrastructure. Additional cycling and pedestrian connections will be required to connect the development to the existing pathway network. It is requested that if the Site Compatibility Certificate is issued that this be a condition of that certificate.

In accordance with the SEPP (Seniors Housing) Clause 38 (accessibility) and Clause 26 (location and access to facilities), the proposed site must provide access to local facilities and services not more than 400 metres from the site. Sufficient local facilities services are provided within 400m of the subject site.

There is acceptable access to grocery shops. The existing supermarkets, bakeries, butchers and fresh produces stores with Tahmoor are considered sufficient to meet the demands of the proposed seniors living development.

Residents are able to access health, medical, retail or commercial services within the Tahmoor commercial centre.

In relation to access to community services, there are a number of medical, health and social services based in Tahmoor and Picton. The location of these services relative to the location of the subject site and access to public transport are considered to be highly accessible.

Another piece of infrastructure critical to a development of this nature is fire fighting services. It is noted that the site is not bush fire prone land. However the fact that the site is not bush fire

prone does not mean that there will not be fires from time to time. Tahmoor is serviced by the Rural Fire Service and Picton Fire and Rescue.

As part of any future development application the applicant will need to demonstrate that the NSW Rural Fire Service Southern Highlands Team would be able to provide an appropriate response and that they would have the resources, equipment and manpower base to fight a fire and/or arrange an evacuation of a development of this scale. Additionally it needs to be demonstrated that sufficient hydrants will be in place.

v. without limiting any other criteria, the impact that the bulk scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development

The proposed development includes a mix of dwellings and built form across the subject site. The proposal includes:

- Residential Care Facility (10,000m²) - two storeys;
- Community Centre (1,000m²) - two storeys;
- 96 Residential apartments (11,400m²) - three storeys; and
- 130 Duplex Villas (18,538m²) - single storey

A total of 226 units are proposed with a floor area of 29,938m². The Floor Space Ratio of the proposed development is 0.31:1.

The residential zoned lots which form part of the subject site are identified in the Wollondilly Local Environmental Plan 2011 Height of Building Map as having a maximum building height of 9m. Any future development on these lots would be limited to 9m in height.

The subject site is within the Bargo Mine Subsidence District. The concurrence of the Mine Subsidence Board (MSB) is required prior to lodging any future development application. In most cases the MSB has limited the height of development in the proclaimed mine subsidence district to two (2) storeys. The application includes three (3) storey buildings. It is recommended that the proponent seek advice (or if possible approval) of the MSB prior to submission of the application.

Not limiting the above information the bulk, scale and character of the proposed development is inconsistent with the existing built form of the locality. The existing development is characterised by rural residential and residential development of predominately single storey dwelling house, garages, out buildings and their associated uses. Dwelling densities in the locality are low and reflect the objectives of the RU4 Primary Production Small Lots zone. Despite the incongruous nature of the proposed development in relation to the RU4 zone, the proposed development is in an area where intensified development is proposed in Council's adopted GMS. Further there are existing non residential land uses in Tahmoor Inn, Tahmoor Public School, Inghams Processing Plant and further proposed on the land recently rezoned to the B4 Business Development Zone on the opposite side of Remembrance Driveway. The proposal is consistent in scale with the desired future character of the area.

The proposed seniors care facility is generally compliant with the built form controls of SEPP (Seniors Housing). It is noted that the proposal may be considered non-compliant with cl 40(4)(c). Clause 40(4)(c) states as follows:

"(4) Height in zones where residential flat buildings are not permitted
If the development is proposed in a residential zone where residential flat buildings are not permitted:

...

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height."

The proposal includes three storey residential apartments. The site has 4 road frontages (Remembrance Driveway, Rockford Road, Hawkins Road and Stratford Road). On this site it is difficult to determine the "rear 25%". Further only part of the site is located within a residential zone and it is not clear whether this control only applies to that part of the site in the residential zone or to the whole of the proposal. Given that the main access is from Rockford Road it could be argued that the part of the site closest to Stratford Road is "the rear" of the site and therefore 3 storey buildings in this location would be non-compliant, despite this part of the site not being in the residential zone. If the Department decide to issue the Site Compatibility Certificate, it is requested that the Department provide advice on what would be considered "the rear" of the site and whether or not this control applies to that part of the site in the RU4 zone. Alternatively it is requested that this issue be highlighted in any correspondence to the proponent, and if appropriate this could be a condition of any Site Compatibility Certificate issued.

Further, any 3 storey building should be located in locations that do not result in overlooking of any existing adjoining residential development. One way this could be achieved would be by having a 1 or 2 storey building between any 3 storey building and the site boundaries.

(vi) 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.

The proposed senior's living development will require the removal of limited vegetation. The vegetation has been identified Upper Georges River Sandstone Woodland. Other pockets of vegetation across the subject site are not determined. The impact of the proposal on native vegetation will need to be assessed through the Development Application process should a site compatibility certificate be issued.

Other Comments:

It is considered that higher levels of care should be available to residents of the village as early as possible in the development, to prevent them from having to relocate. If a Site Compatibility Certificate is issued it is respectfully requested that the certificate be condition on these higher levels of care being provided as early as practical within the proposed development.

Yours faithfully,



David Smith
Manager Planning