

# SITE COMPATIBILITY CERTIFICATE APPLICATION

## Submission to Director-General NSW Department of Planning & Environment

To undertake alterations and additions to an existing aged care facility pursuant to  
SEPP (Housing for Seniors or People with a Disability) 2004



Lot 72 DP 1228271  
North Street, Grafton

for:  
Southern Cross Care  
(NSW & Act) Ltd)

August 2019



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## 1. Introduction

### 1.1 Background

Ardill Payne and Partners (APP) has been commissioned by Southern Cross Care (NSW & Act) Ltd and the Trustees of the Roman Catholic Church for the Diocese of Grafton] to provide town planning services in the preparation and lodgement of a site compatibility certificate application with the Director-General of the NSW Department of Planning & Environment as required by Part 1A – Site Compatibility Certificates of Chapter 3 Development for Seniors Housing of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

### 1.2 Structure and Scope of Report

<b>Section 2</b>	Describes the subject land and its local and regional environmental context.
<b>Section 3</b>	Describes the development proposal.
<b>Section 4</b>	Reviews the proposal's consistency with the SEPP.
<b>Section 5</b>	Assesses the proposal against the SEPP site compatibility criteria.
<b>Section 6</b>	Reviews the proposal's consistency with local and regional strategies.
<b>Section 7</b>	Provides a summary and conclusions.

A number of attachments form part of this report being:

<b>Attachment 1</b>	Aerial photograph of subject and adjoining land
<b>Attachment 2</b>	Copy of deposited plan and detail survey
<b>Attachment 3</b>	Conceptual site and floor plans of development



### 1.3 Overview of Statutory Framework

Clarence Valley Council will be the consent authority for the development application as defined in Clause 4(1) and pursuant to Section 80 of the *EP & A Act 1979*.

The development may comprise integrated development for the purposes of Section 91 of the *EP & A Act 1979* if there are works proposed within 40m of Alamy Creek.

If this is the case, a Controlled Activity Approval from the Office of Water under the Water Management Act 2000 may be required. The requirement for such would be confirmed during the DA process.

### 1.4 Council Communications

APP's Dwayne Roberts' discussed the subject land and proposed development (particularly with respect a site compatibility certificate) with Council's Cheryl Sisson during May 2017.

### 1.5 Landowner, Project Proponent and Applicant Details

The land that is subject of this application is owned by Southern Cross Care (NSW & Act) Ltd and the Trustees of the Roman Catholic Church for the Diocese of Lismore.

The applicant is Ardill Payne & Partners, PO Box 20, Ballina.

## 2. The Site and Its Context

### 2.1 Location and Property Description

The land that is subject of this application is described in real property terms as Lot 72 DP 1228271, LGA: Clarence Valley, Locality: Grafton. The land is situated on the northern side of North Street, Grafton.

The land was previously described Lot 1 DP 1018427, Lot 2 DP 1098482 and Lot 66 DP 1213643. These lots were recently consolidated, resulting in DP 1228271 being registered on the 6<sup>th</sup> March 2017.

The adjoining and adjacent land uses are evident on the aerial photograph provided at **Attachment 1**. A copy of the deposited plan is provided at **Attachment 2**.

### 2.2 Site Analysis

As shown on the DP at **Attachment 2**, the subject land is irregular in shape with a frontage of 82.49m to North Street, 13.73m to O'Malley Close and 119.04m to Alummy Creek. The land has an area of 1.901ha.

Existing on the land is the St Catherine's residential aged care facility that contains 63 beds, as well as car parking areas, landscaping and mown grass.

#### 2.2.1 Flooding

The subject land is mapped on the CV LEP 2011 Flood Planning Map – Sheet CLI\_007H as being within a flood planning area.

#### 2.2.2 Acid Sulfate Soils

The subject land is mapped on the CV LEP 2011 Acid Sulfate Soils Map – Sheet ASS\_007 as being part Class 3 and part Class 4 land. The Class 3 land is the higher level and consent is required in Class 3 land for:

- works below beyond 1m below the natural ground surface or
- works by which the watertable is likely to be lowered beyond 1m below the natural ground surface

The future development of the land would likely have to be subject of an acid sulfate soils management plan should such soils be disturbed.

### 2.2.3 Other matters

Planning investigations into the subject land have confirmed that it is **not**:

- mapped as being subject to coastal hazards or processes (other than flooding)
- mapped as being bushfire prone
- identified as being or containing an item of environmental heritage under the CV LEP 2011 – General Item 1972 is adjacent to the subject land to the west
- identified as including or comprising critical habitat as prescribed in the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*
- identified as being affected by the operation of Sections 38 or 39 of the *Coastal Protection Act 1979*
- affected by any road widening or realignment proposal under either Division 2 of Part 3 of the *Roads Act 1993*, any environmental planning instrument or any resolution of Council
- identified as being subject to acquisition by a public authority under the provisions of any environmental planning instrument, deemed or draft environmental planning instrument
- likely to be contaminated as a consequence of the prior and current use as a residential aged care facility

## 2.3 Zoning

As shown below and outlined in red, the subject land is zoned part R1 – General Residential and part RU2 – Rural Landscape under the provisions of the Clarence Valley LEP 2011.



Extract: NSW Planning Portal



Below are the zoning tables for both R1 and RU2 zones:

## Clarence Valley Local Environmental Plan 2011

Current version for 10 February 2017 to date (accessed 24 March 2017 at 16:01)  
 Land Use Table > Zone R1

### Zone R1 General Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### 2 Permitted without consent

Home-based child care; Home occupations; Home occupations (sex services)

#### 3 Permitted with consent

Attached dwellings; Boarding houses; Caravan parks; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Food and drink premises; Group homes; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tourist and visitor accommodation

#### 4 Prohibited

Rural workers' dwellings; Any other development not specified in item 2 or 3

## Clarence Valley Local Environmental Plan 2011

Current version for 10 February 2017 to date (accessed 24 March 2017 at 16:00)  
 Land Use Table > Zone RU2

### Zone RU2 Rural Landscape

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide land for less intensive agricultural production.
- To prevent dispersed rural settlement.
- To minimise conflict between land uses within the zone and with adjoining zones.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To ensure development is not adversely impacted by environmental hazards.

#### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Horticulture; Viticulture

#### 3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Child care centres; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Helipads; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Neighbourhood shops; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Veterinary hospitals; Water recreation structures

#### 4 Prohibited

Any development not specified in item 2 or 3

As noted above, "Seniors housing" is an expressly permitted use with consent within the R1 zone but is a prohibited use in the RU2 zone.



## 2.4 Access to Services and Facilities

The subject land contains an existing RACF and is approximately:

- 800m from the Grafton Base Hospital
- 2.5km from the center of the Grafton CBD

The Grafton CBD contains a broad and diverse range of community, commercial, retail, educational, health and medical and other ancillary services and facilities.

Grafton Busways provides bus services to the local area. Bus Route 377 services Grafton – Junction Hill (via the hospital) and passes along North Street in front of the subject land.

The site already contains an operational RACF and is thus well situated in respect of proximity and access to the full range of retail, financial, health, commercial, recreational and community services.

## 2.5 Infrastructure Provision

The subject land and general locality is connected to and serviced by reticulated water, sewerage, electricity, stormwater and telecommunications systems.

### 3. Description of Proposal

The proposed current development concept involves the redevelopment/expansion of the existing Residential Aged Care Facility (RACF). The majority of the works are permissible with consent as they are either located in the R1 zone or have existing use rights.

The portion of the concept that is currently prohibited and requires a Site Compatibility Certificate to enable Council to favourably assess and determine a development application, will contain 42 beds and is located in the north-western portion of the newly registered Lot.

A conceptual site plan of the proposed development is provided at **Attachment 3**. It should be noted that the footprint and density is conceptual at this stage as detailed site investigations and planning is continuing and may result in a number of changes to such.

#### 4. Proposals consistency with the SEPP

The proposed development relates to an existing lot that contains an RACF, with part of the land upon which future expansion of the existing operation is to be extended being zoned RU2 – Rural Landscape.

The proposal involves alterations and additions to the existing RACF so as to increase the number of beds from 63 to approx. 87 beds.

A site compatibility certificate is required due to the fact that the development is to be carried out on land that adjoins land that is zoned primarily for urban purposes (Clause 24(1)(a)(i)).

The proposal is consistent with the objectives of the SEPP in that the development will:

- (a) increase the supply and diversity of residences within Grafton to meet the needs of seniors
- (b) make efficient use of existing infrastructure and services and in particular of those of the existing adjoining nursing home
- (c) be of good design



## 5. Statement on the Proposal SEPP Site Compatibility Criteria

### 5.1 Criteria 1

**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.**

Details of the natural and man-made environment are provided in **Section 2** of this report. The land is situated within a built urban environment, being characterised by a mix of residential and commercial type uses.

Existing on the subject and adjoining land is an operational RACF, with the proposal involving alterations and additions and expansion onto undeveloped parts of the site.

The subject land identified as being impacted by a number of constraints (flooding and acid sulfate soils) however from the investigations that have been undertaken to date, the constraints are not such that would preclude or substantially constrain the development and are such that can be readily and practically managed and/or ameliorated.

The proposed development is considered appropriate having regard to the local context, existing, adjoining and adjacent land uses and to the opportunities and constraints of the site.

### 5.2 Criteria 2

**The impact that the proposed development is likely to have on the uses that are likely to be the future uses of the land in the vicinity of the development.**

The use of the land for a seniors living development is considered to be the most appropriate short term and long term use for the site having regard to the following:

- the site contains an existing RACF
- the proximity and accessibility of the site to full range of retail, commercial, recreational, health, welfare and educational services and facilities
- a high demand exists for such residential accommodation within the local area and region

### 5.3 Criteria 3

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

Details on the location and access to facilities are provided in **Section 2.4** of this report.

Details on infrastructure (water and sewer) to service the proposed development are provided in **Section 6.3** of this report.

### 5.4 Criteria 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 or special uses in the vicinity of the development.**

The subject land is not zoned open space or special uses and therefore this matter is not applicable.

### 5.5 Criteria 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.**

The development has been expressly designed such that its bulk and scale is compatible with and sympathetic to the bulk and scale of the existing development and adjacent residential areas.

### 5.6 Criteria 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 (NB: This criteria does not apply to land in urban local government areas or urban zones listed under Schedule 1 of the *Native Vegetation Act 2003*).**

There is no native vegetation that is subject to the provisions of Section 12 of the Native Vegetation Act 2003 required to be removed.

## 6. Consistency with Local and Regional Strategies

### 6.1 CV LEP 2011

Part of the subject land is zoned R1 – General Residential and contains an existing RACF. The proposal to extend the existing RACF on the same block of land and onto that part of the lot that is zoned RU2 – Rural Landscape is considered to be appropriate.

There is scope under Clause 5.3 of the CV LEP 2011 for up to 20m of the RU2 zoned land to be used/developed as if it were zoned R1, however, the proposed development extends further than 20m and thus a site compatibility certificate is required.

### 6.2 Mid North Coast Regional Strategy 2006-31

The subject land is mapped as “Existing Urban Footprint” on the Growth Areas Map 2 – Clarence South.

The Strategy reports that:

- over the next 25 years, median age is expected to increase from 44 years in 2006 to 55 years in 2031, and the population aged 65 years and over will more than double and at the same time the proportion of children under 15 years will decline from 19 per cent to 14 per cent of the regional population – there will thus be a consequential increase in demand for seniors living housing
- there will be a greater demand for diversity in housing form to match the requirements of changing household structures, particularly an increase in 1 and 2 person households

The proposal consistent with the objects and principles of the Strategy.

### 6.3 Adequacy of Infrastructure

The local reticulated sewerage system has sufficient spare capacity to service the loads that would be imparted by the proposed development.



## 7. Conclusion

Existing on the land is an RACF containing 63 beds that is situated on land zoned R1 – General Residential. It is proposed to undertake alterations and additions (including expansion of footprint) of the facility onto part of the site that is zoned RU2 – Rural Landscape.

The proposal development is generally consistent with the CV LEP 2011 and the Mid North Coast Regional Strategy. The proposal is considered to be an appropriate use of the land having regard to the existing RACF and to the adjoining and adjacent land uses and the proximity and accessibility of the site to a broad range of retail, commercial, health, medical and recreational services and facilities.

In conclusion and having regard to the particular circumstances of this case, it is respectfully requested that the Director-General issue a Site Compatibility Certificate for the subject land to enable a development application to be prepared and lodged with Clarence Valley Council.

## 8. Scope of Engagement

This report has been prepared by Ardill Payne & Partners (APP) at the request of Southern Cross Care (NSW & ACT) Ltd and the Trustees of the Roman Catholic Church for the Diocese of Grafton] for the purpose of the lodgment of a Site Compatibility Certificate Application with the Director-General of the NSW Department of Planning & Environment and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

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APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

## 9. Attachments

Attachment 1	Aerial photograph of subject and adjoining land
Attachment 2	Copy of deposited plan and detail survey
Attachment 3	Conceptual site and floor plans of development