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Contact: Patrick Warren on 9725 0215

27 September 2019

Elanor Robertson  
Acting Director, Western District  
Greater Sydney, Place and Infrastructure  
GPO Box 39 Sydney 2001

Attention: Amar Sinai

Dear Mr Sinai

**SITE COMPATABILITY CERTIFICATE UNDER STATE ENVIRONMENTAL  
PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY)  
2004 - 121 - 133 PRAIRIE VALE ROAD, BOSSLEY PARK (98 DWELLINGS)**

**Background**

On 16 January 2018 the Department of Planning Industry and Environment (DPIE) requested comment on a site compatibility certificate (SCC) for seniors' independent living units at club Marconi. Council's previous responses provided on 19 February 2018 and 10 April 2018 respectively raised concerns in relation to:

- Inadequate consideration of cumulative impacts;
- Impact on adjacent vegetation;
- Traffic generation levels;
- Suitability of evacuation for seniors living;
- Proximity of development to Club Marconi;
- Provision of wayfinding measures;
- Potential contamination;
- Waste services, and;
- Excessive bulk and scale.

DPIE reported to the Sydney Western City Planning Panel (the panel) on the 25 January 2019 recommending Council's concerns be addressed by conditioning the SCC including;

- An urban design review addressing bulk, scale and height of the proposal in relation to the existing urban areas, and;
- A concept master plan be undertaken addressing the outcomes of the urban design review.

The panel refused the SCC application as it had not demonstrated the proposed development was compatible with the surrounding environment and land uses having regard to the criteria in clause 25 (5)(b) of SEPP (Housing for Seniors or People with a Disability) 2004. The panels reasons for refusal were as follows;

1. *The Panel is not satisfied that the development is compatible with the surrounding land uses having regard to the proposed building height, bulk and scale.*
2. *Due to the excessive scale of the built form the proposed development will be out of character within the context of existing uses, approved uses and future uses of land within the vicinity of the development.*

In the interim, the applicant approached council officers with a draft revised Club Marconi master plan seeking to address the panel's reasons for refusal. In Council's advice to the applicant dated 29 April 2019 it was requested that the following issues be addressed prior to the submission of a revised SCC to DPIE.

- Permissibility issues - council's legal advice indicates that the development is proposed on land that is not zoned primarily for urban purposes, therefore the proposal for independent living units on the site is inconsistent with the provisions the SEPP (Housing for Seniors Housing or People with a Disability);
- Preparation of an amended master plan with a reduced bulk and scale;
- Submission of an urban design study to undertake appropriate testing of controls to inform on a site specific development control plan (SSDCP), and;
- Address concerns related to land contamination, traffic, natural resources and amenity impact to surrounding residences.

On the 30 August 2019 Council received the current request from DPIE to comment on the revised and newly submitted club Marconi SCC.

The following comments relate to the reports (including the urban design report) prepared by Urbis in support of the SCC. These comments do not constitute an assessment or endorsement of any future development application for the proposal.

### **1. Development Assessment Comments**

The documentation that has been submitted with the SCC application is essentially what was presented to Council officers in April of this year, with a letter forwarded to the applicant identifying a number of issues that needed to be addressed.

A key issue with the proposal is the type of seniors living that can be provided on site. The applicant has submitted legal advice to support their view that the site is categorised as 'land zoned primarily for urban purposes' and therefore there would be no restriction on the type of seniors housing that can be built on the site.

Council has been unequivocal in its view based on legal advice obtained on this issue that the site is identified under the provisions of the SEPP as 'land that adjoins land zoned primarily for urban purposes' and therefore limits the type of seniors housing that can be provided as set out in Clause 17 of the SEPP.

The applicant has been advised on many occasions that any future consideration of a seniors living development could not include 'Independent living units' as this would not satisfy the SEPP provisions.

This is a significant and critical issue with the SCC application and cannot be left to be dealt with at the DA stage. The proposed concept plan is very conceptual in nature and does not provide any details about overall height or building setbacks which is fundamental in determining the expected and resultant bulk and scale of the development. This must be identified and shown on a plan as part of the current consideration of the SCC application.

## **2. Strategic Land Use Planning**

- a. Strategic Justification – Section 4.2 of the SCC makes reference to the following strategic plans and environmental planning instruments (EPI's) as being relevant to consideration of the proposal:

- Greater Sydney Region Plan,
- Western City District Plan
- Fairfield City Plan 2016;
- Fairfield strategy on the ageing 2013-2017;
- Fairfield Open Space Strategy, and;
- Marconi Park Plan of Management
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Recommendation – The SCC report states that the proposal complies with the above mentioned strategies/EPI.

No assessment or justification has been provided against the relevant objectives, criteria and actions in these documents. A more detailed assessment that demonstrates compliance with relevant criteria in these plans should be provided.

The report should also provide justification on compliance with criteria in the Seniors SEPP including Clause 25 (5) (b), Clause 24 (2) (b) and Clause 24 (2) (a).

- b. Bulk and Scale - It is acknowledged that the bulk and scale of the proposal has been generally reduced.

Recommendation – In the event a DA is submitted for the proposal a peer review of the Urbis UDS will need to be undertaken to assess whether the built form and massing is appropriate for the site. In addition, a SSDCP will need to be submitted setting out detailed controls for future development of the site. The applicant should lodge a SSDCP concurrently with the development application.

These comments do not form a position as to the compliance of the proposal with the provisions of the relevant SEPP and compatibility of the built form bulk and scale with surrounding land uses. This assessment will be undertaken as part of a peer review of the submitted urban design study at the development assessment stage.

- c. Access to Public Transport – Council officers previously raised concerns regarding access to public transport specifically from the Independent Living Units to bus

stops located south of the Club Marconi site on Prairieville Road. The Urbis Urban Design Study dated June 2019 addresses this issue as follows:

*The main building is a sprawling complex which has been altered and added to incrementally over time. This is evident in its external interfaces and as well as resulting internal configuration, inefficient internal movement experience and a disorientating lack of intrinsic way – finding.*

Section 2.9 of the UDS shows proposed new pedestrian connections from the Independent Living Units to the bus stop on Prairieville Road by providing through site linkages. These will need to be clearly demarcated and be covered pedestrian linkages to the club from Restwell road through to Prairieville Road.

Any future DA must implement the recommendations of Section 2.9 Key Principles.

### **3. Environmental Management**

A Detailed Site Investigation will need to be undertaken that addresses the contamination matters raised by Council officers at the pre-lodgement meeting held in April of 2019.

### **4. Traffic**

The proposed car parking provision complies with the SEPP Seniors Housing car parking requirements. The traffic impact associated with the development is expected to be minimal and should not have any significant impact on the adjoining road network.

### **5. Waste Services**

The proposal will result in a significant increase in the traffic for waste collection (including garbage and recycling) including weekly waste and recycling. A waste management plan must be developed at DA stage that demonstrates compliant site servicing during operation.

### **6. Natural Resources**

A generous area of buffer planting is proposed to be installed along the eastern edge of the development, adjacent to an existing E2 conservation zone. The landscape approach towards this buffer planting will be heavily influenced by the native endemic species already present within Marconi Park and others that are native to the area. The entire planting palette for the proposed development will be focused around this principle, ensuring the site responds to the surrounding environmental character.

The species recommended for planting along the eastern interface to the E2 zone includes *Corymbia Maculate*, *Acacia Implexa*, *Hardenbergia Violacea*, *Eucalyptus teretecornis*, *Busaria Spinose* and *Indigophora*.

## Conclusion

Council has received legal advice that the site is identified under the provisions of the SEPP as 'land that adjoins land zoned primarily for urban purposes' and therefore limits the type of seniors housing that can be provided as set out in Clause 17 of the SEPP.

It is recommended that the Urbis Urban Design Study submitted with the SCC application be lodged with a future development application and be peer reviewed at that stage by an urban design consultant, with cost to be borne by the applicant. Notwithstanding, a detailed site plan should be provided to DPIE assessment officers and Council officers prior to determination of the SCC.

The findings of the independent urban design peer review including its recommendations will justify inclusion of built form controls into an SSDCP for the site. This correspondence does not form an agreement or make comment on the adequacy of the built form controls. The suitability of built form controls will be determined at the peer review stage.

Please contact the undersigned on 9725 0215 if you have any further enquiries regarding the above.



Patrick Warren  
**SENIOR STRATEGIC LAND USE PLANNER**