

# Request for Site Compatibility Certificate

Clause 25 – SEPP (Housing for Seniors or People with a Disability) 2004  
at 49 Elouera Terrace, Bray Park being Lot 18 on DP 627632 & Lot 22 on DP 1170438

Prepared for Marjan Management Pty Ltd  
By Planit Consulting Pty Ltd

**June 2019**



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## Document Control

Version	Date	Document Type	Prepared By	Reviewed By
<b>Draft</b>	15.04.19	Draft	DM	<b>LB</b>
<b>Final</b>	27.06.19	Final	DM	<b>LB</b>

## Project Details

<b>Project Name</b>	Elouera Terrace Seniors Housing SCC
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## Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>5</b>
<b>2</b>	<b>SITE &amp; SURROUNDS .....</b>	<b>6</b>
2.1	Site Location & Description .....	6
2.2	Site Context and Surrounding Environment .....	7
2.3	Existing Improvements .....	8
2.4	Topography .....	8
2.5	Vegetation .....	9
2.6	Mapped Planning Controls & Constraints .....	10
2.7	Site Opportunities/Areas .....	13
<b>3</b>	<b>PROPOSAL .....</b>	<b>14</b>
3.1	Proposal Details .....	14
3.2	Operation .....	15
3.3	Access, Parking & Manoeuvrability .....	16
3.4	Landscaping / Open Space Provision .....	16
<b>4</b>	<b>PERMISSIBILITY STATEMENT - SENIORS HOUSING SEPP .....</b>	<b>17</b>
4.1	Clause 4 – Land to which Policy applies .....	17
4.2	Clause 13 – Self Contained Dwellings .....	19
4.3	Clause 17 – Development on Land adjoining land zone primarily for urban purposes.....	19
<b>5</b>	<b>STATEMENT ADDRESSING SITE COMPATIBILITY CRITERIA - SENIORS HOUSING SEPP .....</b>	<b>20</b>
5.1	Clause 24 – Site compatibility certificates required for certain development applications ..	20
5.2	Clause 25 – Application for site compatibility certificate .....	21
<b>6</b>	<b>OTHER RELEVANT MATTERS - SENIORS HOUSING SEPP .....</b>	<b>33</b>
6.1	Clause 26 – Location and access to facilities .....	33
6.2	Clause 28 – Water and sewer .....	36
6.3	Clause 40 – Development Standards – Minimum Sizes and Building Height.....	36
6.4	Clause 42 - Serviced self-care housing .....	37
6.5	Clause 43 - Transport services to local centres.....	37
6.6	Clause 44 - Availability of facilities and services .....	38
<b>7</b>	<b>CONCLUSION .....</b>	<b>39</b>

**Appendix A – Plans**

**Appendix B – Survey**

**Appendix C – Agricultural Land Assessment**

**Appendix D – Contamination Assessment**

**Appendix E – Engineering Assessment**

**Appendix F – Bushfire Threat Assessment**

**Appendix G – Traffic Impact Statement**

**Appendix H – Bus route and timetable**

**Appendix I – Tweed Heads Demographic statistics**

**Appendix J – North Coast Regional Plan response**

## Table of Figures

Figure 1 – Subject Site (Source: SixMaps).....	6
Figure 2 – Lot 18 DP 627632 .....	6
Figure 3 – Lot 22 DP 1170438.....	6
Figure 4 – Site and Surrounding Environment .....	7
Figure 5 – Site and Surrounding Environment .....	7
Figure 6 – Aerial view of existing structures (Source: Nearmap).....	8
Figure 7 – View of the subject site from internal driveway facing South (Source: Author) .....	8
Figure 8 – Detailed Survey Excerpt (Source: Modified from Usher and Company) .....	9
Figure 9 – Vegetation and grazing areas (Source: Author) .....	9
Figure 10 – Tree clusters (Source: Author) .....	9
Figure 11 – Zoning Map.....	10
Figure 12 – Acid Sulfate Soils .....	10
Figure 13 – Flood contours and inundation areas .....	10
Figure 14 – High Flow, PMF & DFL Flood .....	11
Figure 15 – Building Height .....	11
Figure 16 – Bushfire Prone Land.....	11
Figure 17 – Drinking Water Catchment .....	12
Figure 18 – Regionally Significant Farmland .....	12
Figure 19 – Coastal Use Area .....	12
Figure 20 – Coastal Environment Area .....	13
Figure 21 – Site Opportunities and SCC Footprint .....	13
Figure 22 – Urban Areas and Logical Expansion .....	26
Figure 23 – Surrounding Services and Bus Route .....	29
Figure 24 – Coastal Environment Area .....	32
Figure 25 – Coastal Use Area .....	32
Figure 26 – Potential Pick up/Drop off points.....	34
Figure 27 – Adjoining bus services.....	35

## 1 INTRODUCTION

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Planit Consulting has been engaged by Marjan Management Pty Ltd (the Applicant) to prepare an application which seeks a Site Compatibility Certificate for land at 49 Elouera Terrace, Bray Park within the Tweed Shire. The Site Compatibility Certificate would relate to a proposed serviced self-contained seniors housing development on the subject land.

Statistics show that over 40% of Tweed Shire's population is aged 55 years or over. This is expected to grow significantly with current trends indicating strongest population growth in the 55 + age groups (**Appendix I**). These statistics indicate that demand for suitable housing opportunity for seniors will continue to rise in the Tweed Shire.

This growing demand for suitable seniors housing is currently falling short on provision, with suitable developable areas (residential land) typically earmarked for standard residential housing typologies. As such, we are seeing a shift to unlock areas of rural lands where these are logically suitable and generally unconstrained to value add, through complementary seniors housing development. The subject site presents this logical expansion to the existing developable area and proposes a development footprint for seniors housing within unconstrained and suitable land.

The following assessment has been carried out in accordance with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) and demonstrates the suitability of the site for seniors housing and its opportunity to contribute to the supply of appropriate housing for this growing demographic within the Tweed Shire.



## 2 SITE & SURROUNDS

### 2.1 Site Location & Description

The site is commonly referred to as 49 Elouera Terrace, Bray Park (**Figure 1**) and comprises two (2) lots being Lot 18 DP 627632 (**Figure 2**) and Lot 22 DP 1170438 (**Figure 3**). The total area of the site is 35.36 hectares.



**Figure 1** – Subject Site (Source: SixMaps)



**Figure 2** – Lot 18 DP 627632

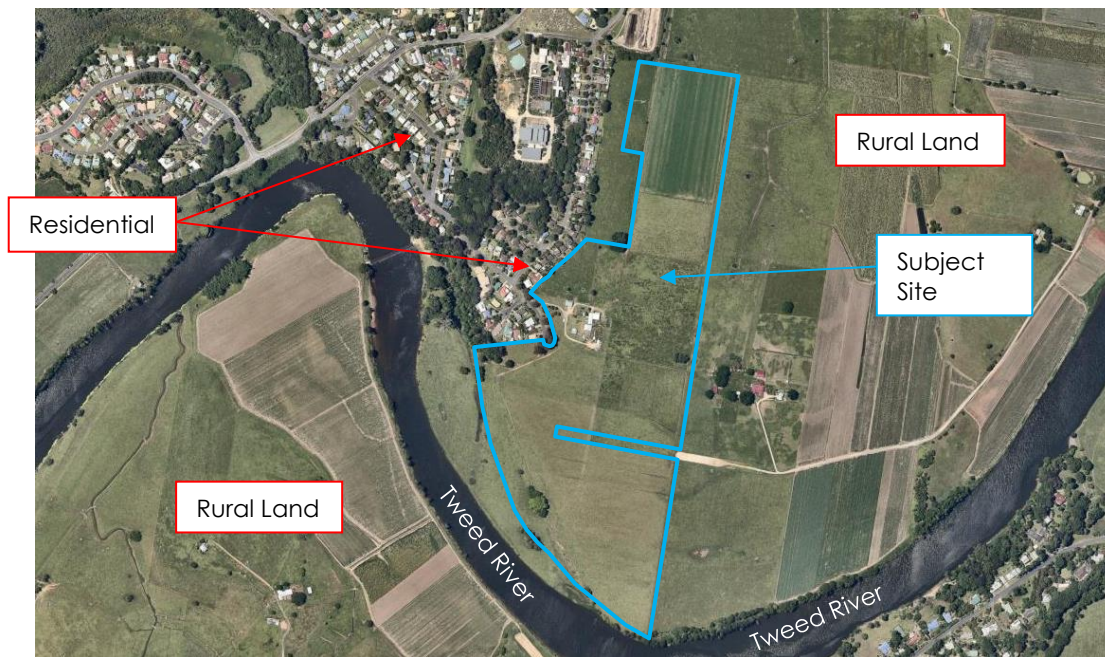


**Figure 3** – Lot 22 DP 1170438



## 2.2 Site Context and Surrounding Environment

The subject site is bordered to the northwest by established residential development comprising predominantly of dwelling houses. The sites to the east and north are existing rural farmland and production including agriculture, crop, livestock and general farming operations. The Tweed River tributary sweeps around the southern boundary of the site, with land located opposite this waterway generally rural and large lot residential in nature (**Figure 4**).



**Figure 4 – Site and Surrounding Environment**

The site is located approximately 800m south of the minor commercial services of Bray Park and 3.7km south-west of the Murwillumbah commercial centre (**Figure 5**). The immediate commercial services of Bray Park are limited to a butcher, service station (with general store), café and bottleshop. Murwillumbah's town centre comprises a range of major health and social services, community facilities, shops and public transport facilities. A detailed review of the services available to the site is provided in Section 5.2.5 this report.



**Figure 5 – Site and Surrounding Environment**



## 2.3 Existing Improvements

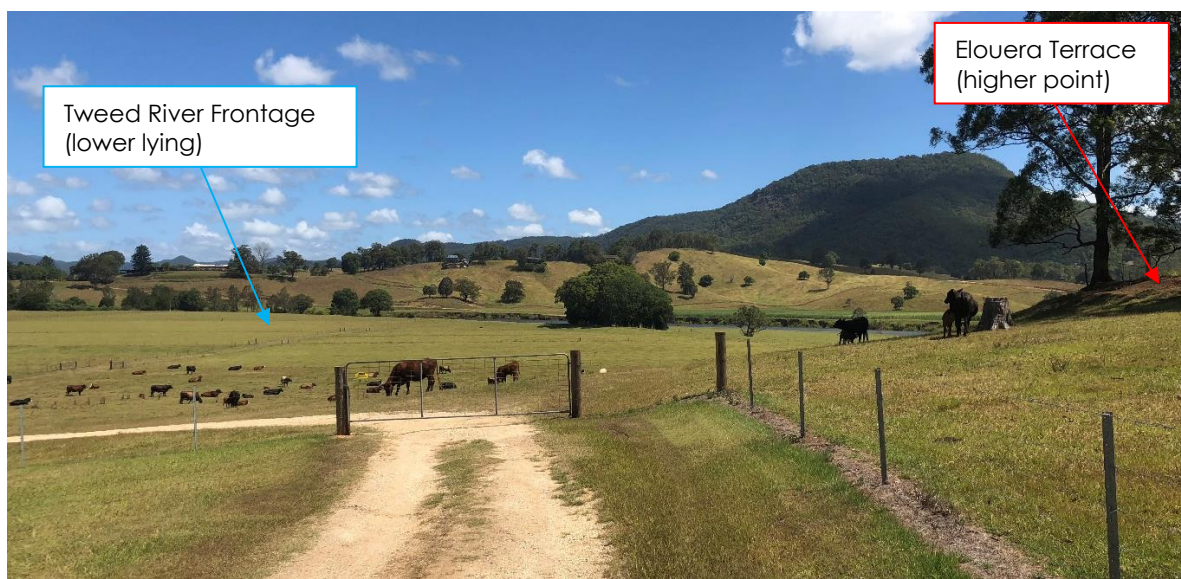
The subject site is currently improved by a dwelling house, rural workers dwelling and associated rural structures including sheds, cattle loading gates, tanks, etc (**Figure 6**). Compacted gravel driveways and rural access tracks provide access to and around structures and between paddocks/grazing areas through a number of paddock fences and gates.



**Figure 6** – Aerial view of existing structures (Source: Nearmap)

## 2.4 Topography

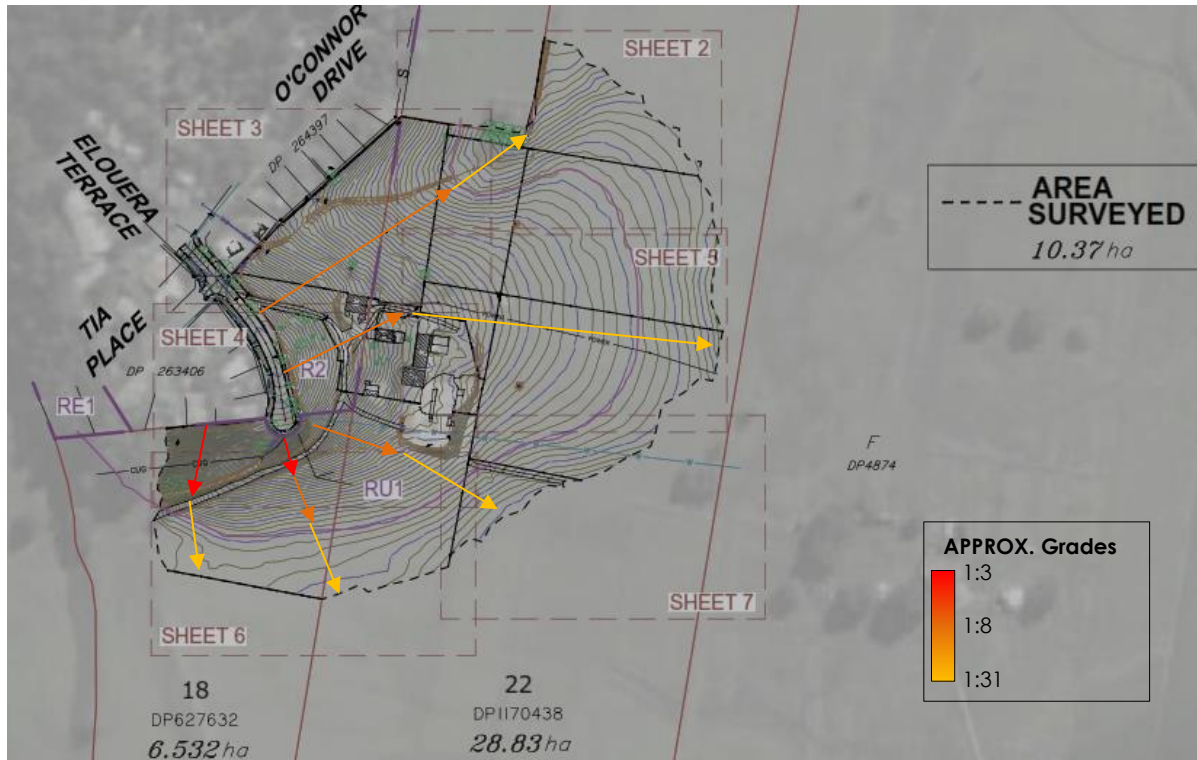
The topography of the land is varied with higher sloped areas (Max. 1:3 and 1:8 gradient) generally fronting the Elouera Terrace cul-de-sac. The topography then transitions with the slope gradually lessening to the south and east (**Figure 7** and survey excerpt in **Figure 8**). Lower lying and generally level areas of the site are located along the Tweed River frontage and adjoining the properties due east and north-east.



**Figure 7** – View of the subject site from internal driveway facing South (Source: Author)



A detailed survey of the site (focussing on the proposed residential zoned land and seniors housing portion) is provided in **Appendix B** with an excerpt in **Figure 8**.



**Figure 8** – Detailed Survey Excerpt (Source: Modified from Usher and Company)

## 2.5 Vegetation

Vegetation is generally limited to grazing areas, individual trees and clusters of trees dispersed over the site; illustrated in **Figures 9** and **10** below.



**Figure 9** – Vegetation and grazing areas (Source: Author)



**Figure 10** – Tree clusters (Source: Author)

## 2.6 Mapped Planning Controls & Constraints

The following mapped planning controls and constraints are applicable to the site.

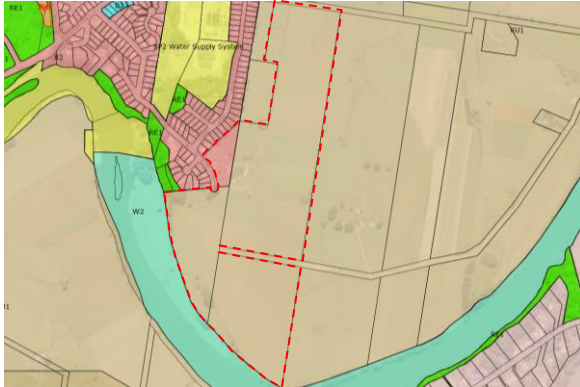


Figure 11 – Zoning Map

### Zoning

The subject site is mapped as being within the R2 – Low Density Residential Zone, RU1 – Primary Production; and W2 – Recreational Waterway of the Tweed LEP (**Figure 11**).

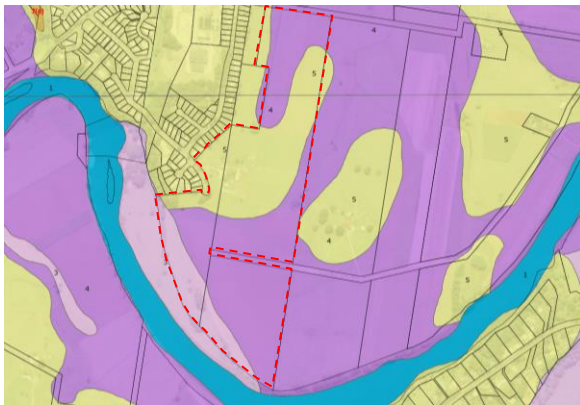


Figure 12 – Acid Sulfate Soils

### Acid Sulfate Soils

The subject site is mapped as potentially affected by Class 3 (light purple), Class 4 (dark purple) and Class 5 (yellow) Acid Sulfate Soils (**Figure 12**).

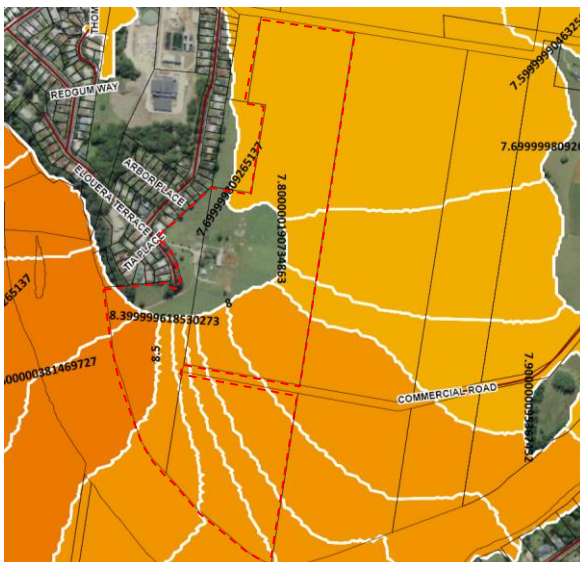


Figure 13 – Flood contours and inundation areas

### Flood Prone Land

A significant amount of the site is mapped as flood prone (orange in **Figure 13**), and high flow flood prone (grey in **Figure 14**). The site compatibility certificate is sought over land outside the flood prone mapped area. As such, flood is not deemed a major constraint for the intended seniors housing land use. This is discussed further in Section 5.2.





**Figure 14** – High Flow, PMF & DFL Flood



**Figure 15** – Building Height

### Building Height

The subject site is mapped within the building height layer of 9m (J - green) and 10m (K - yellow) shown in **Figure 15**. The proposal will achieve a maximum building height of 8m in accordance with the requirements of the SEPP.



**Figure 16** – Bushfire Prone Land

### Bushfire Prone Land

The subject site is mapped as being within the vegetation Category 1 (orange), 2 (yellow) and vegetation buffer (red) associated with bushfire prone land (**Figure 16**).





Figure 17 – Drinking Water Catchment

#### Drinking Water Catchment

Part of the subject site is mapped as being within the Drinking Water Catchment (**Figure 17**). The SCC does not relate to any land within this catchment area.



Figure 18 – Regionally Significant Farmland

#### Regionally Significant Farmland

Part of the site is mapped as being important farmland identified previously as 'regionally significant farmland' (**Figure 18**). The site was not identified as State significant farmland. Part of the proposed seniors housing land is located within a small portion of this farmland mapped area.

Further detail is provided throughout this proposal and attachments which confirm that the site is suitable for redevelopment, despite this farmland classification.

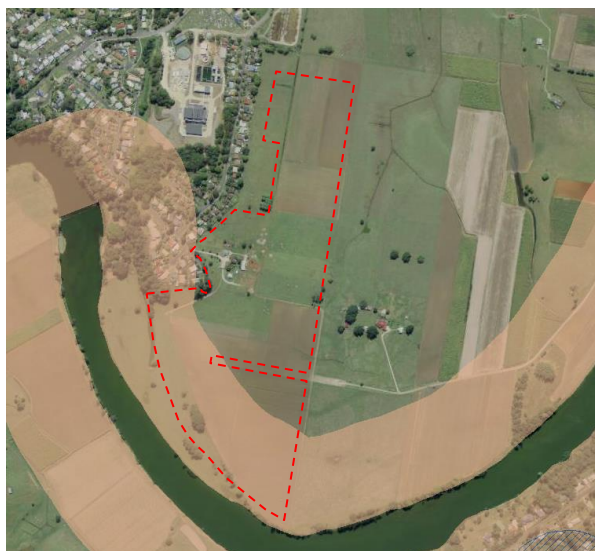


Figure 19 – Coastal Use Area

#### Coastal Management Mapping

The site is located within the Coastal Use Area (pink in **Figure 19**) and Coastal Environment Area (blue in **Figure 20**) of the *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP). Response to the Coastal Management SEPP criteria is discussed in Section 5.2.



Figure 20 – Coastal Environment Area

The proposal has also considered other relevant mapping, including but not limited to:

- Biodiversity values map; and
- Aboriginal Cultural Heritage Management.

## 2.7 Site Opportunities/Areas

Considering the above, no major constraints have been identified which would preclude development of the site for future residential and seniors housing intent. The mapped constraints and site investigations have formed the SCC development footprint and defined the built form extent of the seniors housing within this logical expansion to the Bray Park developable area. This has delineated the following areas (**Figure 21**):

- **Residential zoned land** – approx. 1.7ha as zoned (and not forming part of the SCC consent process)
- **SCC footprint** – approx. 6.5ha includes areas for servicing, buffering, stormwater treatment, etc associated with the future development of the site.
- **Seniors housing extent** – approx. 4.5ha within the SCC footprint, this defines the proposed dwelling and design extent.

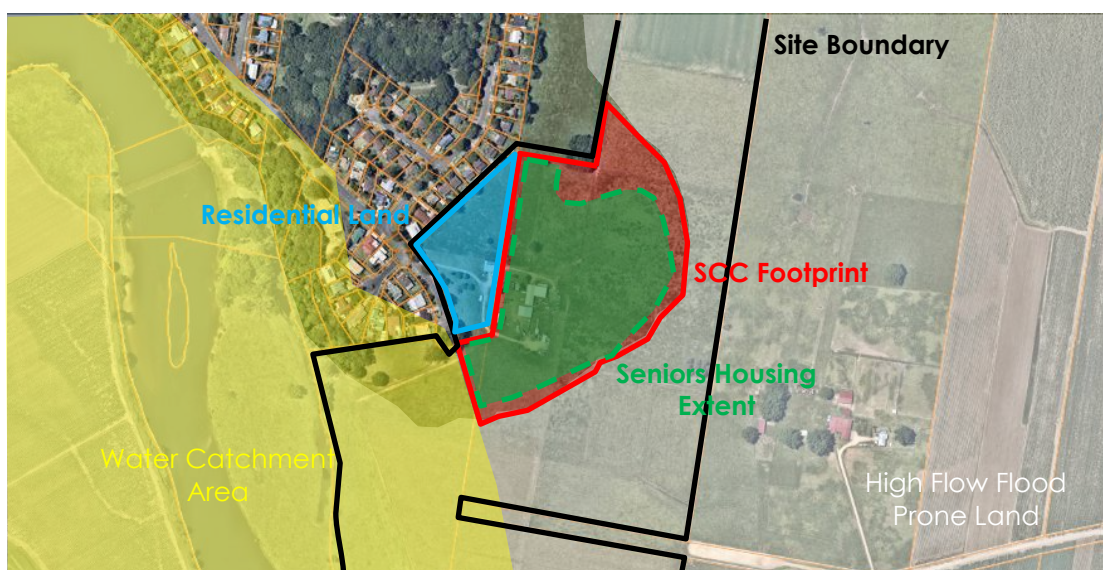


Figure 21 – Site Opportunities and SCC Footprint

## 3 PROPOSAL

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### 3.1 Proposal Details

This request seeks to permit use of the site for seniors housing within the defined SCC footprint.

Marjan Management Pty Ltd has been liaising with several seniors housing estate providers. These providers (including Oak Tree) have expressed interest in the site potential for seniors housing estates that allow residents to buy and own their home in a peaceful and private community environment. The site presents the opportunity to provide luxurious, yet affordable living opportunity within land lease communities.

The proposed seniors housing development at Elouera Terrace, Bray Park would comprise a range of self-contained dwelling sites and associated health, social and recreational services and facilities. The site may be operated by up to two (2) retirement village entities to provide a range in levels of care and housing options.

A concept plan has been prepared for yield analysis and for the purposes of this request. This plan demonstrates up to 139 serviced self-contained dwellings being accommodated onsite (**Appendix A**). This would significantly contribute to the provision of suitable housing opportunity for Tweed's increasing over 55 + age population.

Ancillary facilities will also be provided onsite to increase liveability, including:

- Multipurpose function / recreational hall including an eating and dining space
- Recreational spaces including a swimming pool, bowling green and tennis court
- Garden areas with BBQ and seating facilities
- Visitor car parking, and
- Village bus services

The concept layout for the seniors housing estate has been designed considering the site attributes and constraints to determine the SCC footprint. Individual allotments range from 150m<sup>2</sup> for higher care services to 250m<sup>2</sup> as per the standard Oak Tree care model. Oak Tree provide lifestyle retirement villages throughout Australia and are included in the design, construction, establishment and ongoing operational phases, to ensure the residential product achieves their exceptional standard of product and amenity. The layout and design provide adequate dwelling and open spaces for future residents.

The preliminary layout has considered the public and internal road network and indicatively provides a functional network in terms of width, gradients, manoeuvrability, access and egress. Significant buffer areas have been provided to adjoining land uses to minimise land use conflict and protect areas of agricultural significance. These areas are within the SCC footprint and provide suitable location for services (such as stormwater treatment), landscaping and open space as an interactive and functional development buffer.

The final dwelling yield and development layout would be determined as part of any development application assessment, subsequent to receiving a Site Compatibility Certificate.



## 3.2 Operation

In accordance with the definition for self-care seniors housing, there is a requirement to provide on-site support services, including:

- Meals provided on a communal basis or to a resident's dwelling,
- Personal care,
- Home nursing visits, and
- Assistance with housework.

These services will be made available in the form of:

- a) Home Delivered Meals: Whilst having a self-care atmosphere and life-style, an alternative source of meals will be made available onsite to all residents. Meals will be provided by private catering organisations within the Tweed Shire that offer good quality affordable meals on a delivered basis. Arrangement for the purchase and provision of these meals will be co-ordinated by the onsite management team.
- b) Residents in the development will have a wide range of choice. They can cater for their own needs, use the meal service arranged by management, use the onsite eating and dining facilities or they can source the meals themselves through other local providers.
- c) Personal Care and Home Nursing: Arrangements will be made by management to provide personal care and nursing services to residents. An onsite care manager will arrange and coordinate the provision of these services. These services will be provided to residents within their own homes on an as needs basis.
- d) Residents of the proposed development will also have access to other medical services in the nearby commercial centres or at the Murwillumbah District Hospital, Tweed Hospital (and future Kingscliff Hospital) if required.
- e) Home Help and Assistance with Housework: Arrangements will be made by the management team to provide home help services to residents, including cleaning, building and site maintenance and landscaping. Home help services will be provided on a fee for service basis.
- f) Security: The concept layout has been designed to minimise potential security risks onsite, including perimeter roads and lots fronting open space areas to maximise passive surveillance and minimise concealment opportunity. Indicative roads and pathway widths have been designed to promote ease of movement throughout the site, especially for those who may be mobility impaired. The management team would ensure appropriate emergency equipment, procedures, communication systems and personnel are provided and available onsite for the use of all residents.
- g) Private Transport: The proposed development will provide a shuttle bus service that will transport residents to and from the site to the Murwillumbah commercial centre at least twice daily. This shuttle bus will have a minimum carrying capacity of 10 passengers and will pick up / drop off residents from designated zones within the site. A pick up / drop off zone has been indicated on the Concept Plan adjacent to the proposed community facilities centres. There is opportunity for additional pick up / drop off zones to be provided throughout the site to minimise travel / walking distances.

### Services / Disclosure Statement:

All Seniors Housing developments in New South Wales come under the control of the Retirement Villages Act and Regulations. The Act provides for each operator of such a development to adhere to strict guidelines in the disclosure material given to persons making enquiries regarding any such development.

The provisions are both stringent and demanding and dictate that such material must be presented in a standard format, set out as per the regulations. Non-compliance carries heavy penalties.

A detailed Support Services Plan will be required to be prepared, which details in full the services provided onsite. This Support Services Plan would form part of the development application and occupation certificate requirements.

### 3.3 Access, Parking & Manoeuvrability

The site will be accessed via Elouera Terrace via a new roadway proposed as part of a residential subdivision of the zoned residential land in the central western portion of the site. Multiple access points may be accommodated onsite as demonstrated with the concept layout. The internal roadway network will comprise major (8.5m wide road reserve) and minor (6m wide road reserve) access roads to promote ease of movement throughout the site whilst maintaining a slow / safe traffic environment. All dwelling sites will have direct access to this roadway network.

An onsite parking space will be provided for each individual dwelling. Additional visitor car parking will also be provided and has been indicatively allocated adjacent to the community facilities centres and throughout the site. Parking for emergency vehicles and a private bus is provided.

Pedestrian pathways will be provided throughout the site, promoting physical activity and pedestrian connectivity with the surrounding recreational areas and commercial centres.

### 3.4 Landscaping / Open Space Provision

The proposal attempts to maximise landscaping opportunities within the site and integrate with the surrounding urban streetscape, agricultural land and natural landscapes. Appropriate and complementary plant species will be used throughout the development including native plants and groundcovers to create an attractive living environment.

It is envisioned through further Land Use Conflict Resolution Assessment (LUCRA) investigations at the DA stage, that detailed recommendations on the transitional area between the seniors housing and rural lands will be developed. Preliminary discussions and site investigations with Tim Fitzroy (Environmental Health consultant) are beginning to guide some considerations on potential recreational interface and buffer, allowing open space to connect with the rural lands and natural open space outlooks of the site.

## 4 PERMISSIBILITY STATEMENT - SENIORS HOUSING SEPP

The following comments are provided to demonstrate the permissibility of seniors housing on the site under the Seniors Housing SEPP.

### 4.1 Clause 4 – Land to which Policy applies

#### (1) General

*This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

*(a) Development for the purpose of any of the following is permitted on the land:*

- (i) Dwelling-houses,*
- (ii) Residential flat buildings,*
- (iii) Hospitals,*
- (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, or*

*(b) The land is being used for the purposes of an existing registered club.*

The site contains 'land that is zoned primarily for urban purposes' and 'land that adjoins land zoned primarily for urban purposes'. The SCC footprint is zoned RU1 Primary Production under the Tweed LEP 2014 and adjoins R2 land. Dwelling houses are a permitted land use within the RU1.

The provisions of this SEPP therefore apply.

#### (2) Land that is not zoned primarily for urban purposes

*For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument:*

- (a) a zone that is identified as principally for rural uses,*
- (b) a zone that is identified as principally for urban investigation,*
- (c) a zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).*

The RU1 zone is principally for rural uses. The SCC footprint relates to this part of the site and is thereby 'not zoned primarily for urban purposes'. The provisions of Clause 4(1) remain applicable.

*(2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.*

N/A

*(3) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.*

N/A



*(4) Land that adjoins land zoned primarily for urban purposes*

*For the purposes of this Policy, 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 site directly adjoins land zoned R2 Low Density Residential. Thereby the provisions of this SEPP remain applicable.

*(5) Application of Policy to land zoned for special uses and existing registered clubs*

*For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:*

- (a) land on which development for the purposes of special uses is permitted, or*
- (b) land that is being used for the purposes of an existing registered club, as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.*

N/A – The site is not land zoned for a special use or existing registered club.

*(6) Land to which Policy does not apply*

*This Policy does not apply to:*

- (a) land described in Schedule 1 (Environmentally sensitive land), or*
- (b) land (other than land to which Warringah Local Environmental Plan 2000 applies) that is zoned for industrial purposes, or*
- (c) (Repealed)*
- (d) the land to which Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) applies, or*
- (e) the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies.*

N/A – The SCC proposed land is not identified as land to which the policy does not apply.

Although mapped over the site, the SCC footprint does not contain mapped high flood hazard areas and land within a water catchment consistent with the description listed under Schedule 1. The SCC footprint is thereby not 'land to which the Policy does not apply' and the Policy remains applicable. Specifically, the SCC footprint excludes 'environmentally sensitive land' areas and does not propose development within this land.

*(7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because:*

- (a) the land is identified under State Environmental Planning Policy No 71—Coastal Protection, or*
- (b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as:*
  - (i) private open space, or*
  - (ii) open space where dwellings or dwelling-houses are permitted.*

The site is located within the NSW coastal zone, however the provisions of SEPP 71 – Coastal Protection have been repealed. Rather, the proposal addresses the considerations of the Coastal Management SEPP 2018 and is deemed suitable development within this area.

## 4.2 Clause 13 – Self Contained Dwellings

The proposed seniors housing is consistent with the definition of 'serviced self-care housing' as defined:

### **Serviced self-care housing**

*In this Policy, serviced self-care housing is seniors housing that consist of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

The proposal seeks to establish up to 139 self-contained dwellings on site. Services consistent with the requirement of serviced self-care housing will be provided onsite as detailed within Section 3 of this request.

## 4.3 Clause 17 – Development on Land adjoining land zone primarily for urban purposes

*(1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:*

- (a) a hostel,*
- (b) a residential care facility,*
- (c) serviced self-care housing.*

The proposal is for serviced self-care housing as discussed above.

*(2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:*

- (a) for people with a disability, or*
- (b) in combination with a residential care facility, or*
- (c) as a retirement village (within the meaning of the Retirement Villages Act 1999).*

The proposal will be operated as a retirement village. Operational details of the seniors housing will be required at development application stage and would demonstrate compliance with the Retirement Villages Act 1999.

## 5 STATEMENT ADDRESSING SITE COMPATIBILITY CRITERIA - SENIORS HOUSING SEPP

### 5.1 Clause 24 – Site compatibility certificates required for certain development applications

- (2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion:
- (a) the site of the proposed development is suitable for more intensive development, and
  - (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).

This request seeks a Site Compatibility Certificate from the Northern Regional Planning Panel.

The 35.36 hectare site contains (and adjoins) existing residential land and is located approximately 3km southwest of the Murwillumbah commercial centre. The site sits at the extremity of unconstrained, developable land of Bray Park, with land to the south, east and north otherwise heavily constrained (primarily flood constrained).

The SCC footprint provides the opportunity to affect a transition between residential land to the west and rural lands to the south and east. The proposal will be low rise in design with a landscaped buffer and interface with the rural area, and outlooks to the Tweed River and scenic landscape. The land is relatively level and comprises a large, vacant, cleared, developable area, while retaining ample area to continue farming and agricultural uses over the balance of the site. The site is serviced by all essential utility infrastructure as detailed within the engineering servicing assessment prepared by Planit Consulting in **Appendix E**.

The site is zoned for residential and rural purposes with part of rural land proposed herein as suitable for more intensive development. This area earmarked for the SCC footprint clearly defines the developable boundary of Bray Park, based on the constraints and opportunities of the land. While allowing for ample land to be retained and enhanced for rural operations. There are no environmental constraints on the land that would preclude development on the proposed part of the site for seniors housing. The site is mapped as important farmland and previously identified as regionally significant farmland under the *Northern Rivers Farmland Protection Project - Final Recommendations 2005*. It is acknowledged that this restricts rezoning of the site, while consideration of and SCC proposal remains a suitable approval pathway. Assessment against the important farmland interim variation criteria is provided within the Agricultural Land Assessment prepared by Maleleuca Group in **Appendix C**.

The site is considered to be suitable for more intensive development. It has been identified that services are (or will be) provided to meet the seniors housing needs. This is proven by the Oak Tree development model and success. The Applicant has had consultation and interest in the unique seniors housing opportunity of Elouera Terrace, Bray Park, sparked by the rural/residential setting, natural landscape outlooks and interface exclusive to the site. The site provides opportunity to meet the Tweed's ageing population demand, which is not being specifically catered for elsewhere. The proposal increases population within a small portion of the wider Murwillumbah area and is expected to stimulate the economy of the area and complement the surrounding residential nature, while providing housing diversity.



A detailed review of the heads of consideration under Clause 25(5)(b) is provided below, expanding on the comments made above and demonstrating the suitability of the site for more intensive development and its compatibility with the surrounding environment.

## 5.2 Clause 25 – Application for site compatibility certificate

- (5) The relevant panel must not issue a site compatibility certificate unless the relevant panel:*
- (a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and*

Noted.

- (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
- (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,*

The mapped site attributes and constraints have been discussed under Section 2 of this request. These matters are listed below and discussed in the context of a proposed seniors housing development on the land.

### 5.2.1 The Natural Environment

- a. Flooding:** The site is mapped within Council's Flood Planning Area Map. The SCC footprint sits above Council's flood planning level and remains outside mapped high flow flood areas. The proposal will sit partially within PMF mapped land. The Tweed DCP requires high level road evacuation route(s) to land above PMF (being Elouera Terrace and central western portion of the site) for 'sensitive development' (such as seniors housing). Elouera Terrace and the external road network sits above the flood planning level. The entire internal and connecting road network to Elouera Terrace will likewise be above the Design Flood Level (DFL) thereby achieving this requirement.
- b. Acid Sulfate Soils:** The site is mapped as potentially containing Class 3, 4 & 5 Acid Sulfate Soils. An assessment for acid sulfate soils may be required at development application stage and would identify if further management of potentially contaminated soils is required. The proposed development would focus work primarily within the Class 5 areas. Suitable attenuation (such as soil sampling, imported fill, removal of effected soils from the site, avoiding deep surface disturbance, etc) will be addressed and provided as required through subsequent DA and construction stages.
- c. Agricultural Land:** The 35.36 hectare site generally adjoins the Tweed River and agricultural land to the south-west, south and east. The site also adjoins urban land to the north-west. The proposal relates to a small developable area (4.5ha) directly adjoining the urban land due north east. The proposed development area has low agricultural value, with the area currently abutting existing and future urban land with no effective buffering or attenuation to agricultural lands. The intended development of this portion of the site can utilise unconstrained land while providing an effective buffer and transition to the agricultural land. The proposal retains a significant area (approx. 30ha) which will continue to operate for agricultural activity, this is the land identified as highest quality agricultural land and otherwise constrained of development potential (primarily flood related). The retained agricultural land adjoins the Tweed River and agricultural land due southwest, south, east and north-east.

- d. **Bushfire Prone Land:** The Special Fire Protection Purpose controls under Planning for Bushfire Protection 2006 are technically applicable given that the proposal seeks to establish seniors housing on a site with land mapped as bushfire prone. The portion of land to be developed however, is completely free of any mapped bushfire prone land or vegetation. This land is generally unconstrained and suitable for more intensive development. A preliminary bushfire hazard assessment has been undertaken and is provided in **Appendix F**. Specific design requirements such as hydrant locations, building design and service provision can be addressed at DA stage.
- e. **Contamination:** Site investigations and sampling have been undertaken by ENV Solutions detailing contamination considerations over the site. The investigations did not identify significant constraint over the site. Minor contaminants (such as spilled diesel fuels, oil stains and previous lead based paints consistent with the age of the dwellings and rural operations) are noted, and will be appropriately dealt with at detailed development application stages, through relevant recommendations and controls outlined within the contamination assessment. Please refer to the contamination assessment in **Appendix D**
- f. **Vegetation and Ecology:** The site is not identified as containing native or ecologically significant vegetation and value within the SCC footprint. The proposal will incorporate streetscape landscaping and vegetated buffering as suitable as an extension to the surrounding environment.

### 5.2.2 Existing and Approved Adjoining Uses

The site has a total area of 35.36ha and is largely unimproved with the exception of a residential dwelling and rural sheds in the site's north-west including a worker dwelling. Fencing is provided around the site boundaries, paddocks and existing dwelling.

The site has frontage to, and is accessed from, Elouera Terrace. Elouera Terrace functions as a local collector road providing low volume public and private transport connectivity to Kyogle Road via Bellevue Avenue. Kyogle Road provides direct linkage to Uki and Kyogle (south-west) and Murwillumbah through to the Tweed Heads and the M1 Motorway (north-east).

Urban land surrounding the site is currently characterised by single to two storey dwellings on standard residential blocks, dual occupancies, a church, local shops and water treatment facility. The water treatment facility is located approximately 200m from the SCC footprint and suitably buffered by existing residential development, roadway, vegetation and topography. There are no acoustic, odour or visual amenity impacts on the SCC footprint as a result of the water treatment facility.

Use of the site for seniors housing would be compatible with the surrounding land uses, benefitting from the existing and future services in the area and contributing to housing diversity and lifestyle choice. No site constraints exist which would preclude development for seniors housing.

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

Council's local environmental plan and urban growth strategy are the local planning instruments guiding the existing and future use of the site. In addition, the North Coast Regional Plan provides focus goals in relation to important farmland, with interim variation criteria which has addressed in detail in **Appendix J**. A review of these planning documents is provided below.

### 5.2.3 North Coast Regional Plan 2036

The focus goals under the Regional Plan which are directly applicable to this planning proposal request are:

- Goal 1: The most stunning environment in NSW;
- Goal 2: A thriving, interconnected economy;
- Goal 3: Vibrant and engaged communities; and
- Goal 4: Great housing choice and lifestyle options.

#### Goal 1. The most stunning environment in NSW

The Regional Plan lists important planning principles to ensure the protection and improvement of the Region's highly valued environment. It recognises that most urban settlements on the North Coast are separated by 'green breaks', giving the Region a distinctive character.

*Principle 1: Direct Growth to Identified Urban Growth Areas* seeks to protect these 'green breaks' and enable efficient infrastructure and service delivery and use by directing growth to mapped growth areas.

The Regional Plan does provide some flexibility, to allow variations to these mapped growth boundaries where they meet strict *Urban Growth Area Variation Principles* and considered through a rezoning process. While the SCC process does not require rezoning, it is important for the proposal to consider the logical expansion of development and impact on existing and future use of the land.

This land contains residential zoned land within the growth area as well as the SCC footprint seeking to extend outside this. It is acknowledged that the growth area aligns with the existing zoned land for Bray Park. Our submission demonstrates however that the use of the site as seniors housing:

- would not impact on workable important agricultural land
- would not significantly reduce the inter-urban / green break and character of Bray Park
- can be suitably serviced without burdening existing infrastructure and would be responding to a housing and demographic need for the area.

The proposal is consistent with the Urban Growth Area Variation Principles as outlined under **Appendix J** of this report and achieves the intent of Goal 1 under the Regional Plan.



## **Goal 2. A thriving, interconnected economy**

The site contains 1.5ha of urban zoned land which follows the linear lines from existing residential zoned land due north and west. The .5ha SCC footprint proposal results in the logical rounding off of urban use based on the site constraints and opportunities. This includes opportunity for an effective buffer between urban and rural lands. While the site sits at the perimeter of developable land, the services provided on site and connectivity maintained with services in the area will support the thriving economy of Murwillumbah and the Tweed. The rural lands will be retained and buffered, defining a clear boundary and interface between developable land and continued farmland. The land owner is a 3<sup>rd</sup> generation farmer of the site and supports the proposal, acknowledging the improved buffer and outcome as conducive to the low intensity grazing purposes.

The site is mapped as Regionally Significant Farmland and Goal 2 under the Regional Plan seeks to ensure important mapped farmland is protected for long-term agricultural production. The proposal logically rounds off the developable area of Bray Park, while protecting the agricultural operation of the remaining site area.

The Regional Plan does note that some mapped farmland may not be suitable for agricultural production and therefore includes interim variation criteria to allow an alternative land use to be considered, prior to a more detailed review of the Northern Rivers Farmland Protection Project (2005) being undertaken. The proposal meets the requirements of the variation criteria, confirming that an alternative use on the land will not have a detrimental impact on the area's farmland resources (refer to **Appendix J**).

Seniors housing is an important residential accommodation option particularly in an ageing demographic such as Tweed Heads, providing an alternative and affordable living arrangement. Such a use on the unconstrained and logical developable area of this agricultural site can therefore create new housing opportunity while not impacting on wider agricultural practices.

The proposal is consistent with Goal 2.

## **Goal 3: Vibrant and engaged communities**

Goal 3 acknowledges the Region's identity as being shaped by its culture, environment and communities and seeks to ensure growth in the Region respects and builds upon and around this legacy.

Actions under Direction 18 indicate that Aboriginal cultural heritage assessments are to be undertaken to ensure impacts to Aboriginal cultural heritage are minimised and appropriate heritage management mechanisms are identified.

The land has historically been cleared and used for low scale grazing and is surrounded by urban infrastructure. The likelihood of the site containing significant aboriginal items is low. Measures to protect cultural significance can be determined under any future DA that seeks to undertake works onsite. Alternatively, further detailed investigation could be undertaken as part of this planning proposal process to determine the significance of the land and if further site-specific provisions or development controls are required to manage it.

Direction 21 seeks to ensure the cost-effective and efficient use of infrastructure by directing development towards existing infrastructure. The site is located on the periphery of the Bray Park residential area. Power, water, sewer and telecommunication services are currently available to the property.

Preliminary engineering assessments have been undertaken to confirm that the land can be serviced by all necessary utility infrastructure and roadways, at no additional cost to Council or the State government.

The proposal is consistent with Goal 3.

#### **Goal 4: Great Housing Choice and Lifestyle Options**

Goal 4 recognises that household sizes and make up is changing and that different approaches to housing delivery is required on the North Coast.

Seniors housing providers such as Oak Tree offer tried and proven housing models for retirement villages. The Oak Tree model allows independence and housing diversity while engaging the community interests and providing lifestyle opportunities, facilities and activities.

While not within an existing settlement area or urban growth area, this SCC seeks to demonstrate that the site is suitable for seniors housing and its development would be contiguous to the existing growth area of Bray Park.

The site's development as seniors housing would create new housing diversity and affordability opportunity, meeting the needs of the community and consistency with the directions and actions under Goal 4.

The proposal is consistent with the Regional Plan. There are no directions or actions under this Plan which preclude the land being considered for more intensive land uses

#### **5.2.4 Tweed LEP 2014**

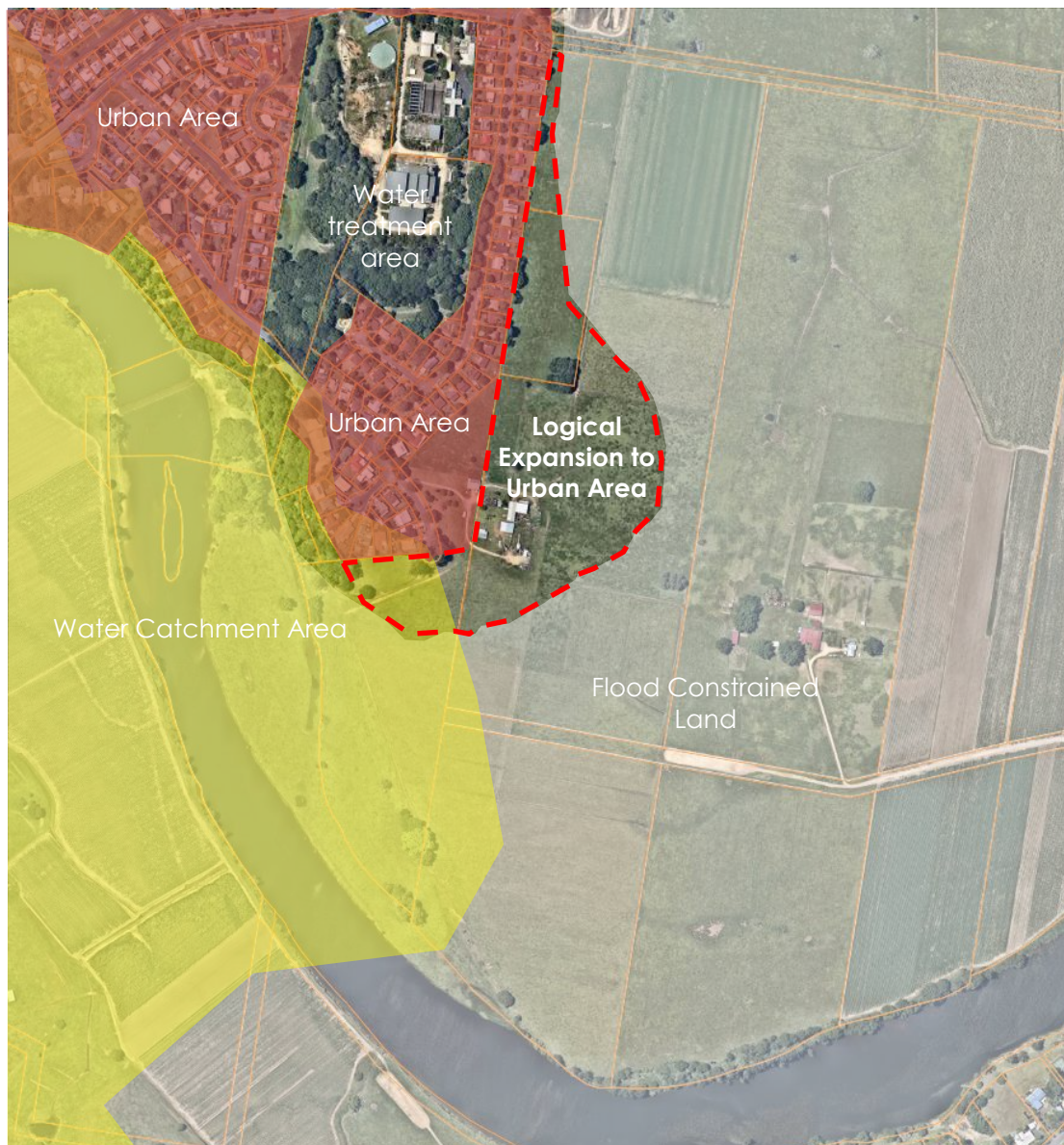
As discussed above the portion of the site to which this application relates is zoned RU1 Primary Production under the Tweed LEP 2014. Seniors housing is prohibited development within the RU1.

The objectives of the RU1 are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect prime agricultural land from the economic pressure of competing land uses*

The combined 35.36ha sites are bound to the north-east by urban development and zoned residential land. This limits agricultural opportunity on the portion of land proposed for seniors housing, due to potential land use conflict (chemical spraying, odour, dust, etc.). Primarily the portion of land in question has been developed and used for residential and storage purposes. This portion of the site in this regard has low agricultural production value.

The lower lying areas to the south and east of the SCC site provide a natural topographical slope away from the urban land due west. The development of the site will include appropriate landscaped and open space interface buffer between the seniors housing and agricultural lands. Development of the site for seniors housing utilises the last unconstrained land opportunity abutting the urban area, and would be a logical rounding off to the existing urban boundary. This is illustrated in **Figure 22**.



**Figure 22 – Urban Areas and Logical Expansion**

The proposed seniors housing development will protect natural resources onsite, utilise existing public infrastructure and provides services and facilities on-site as available, and will be compatible with the bulk, scale and character of the area.

Although the RU1 zone does not permit seniors housing, the use of this site for this purpose would not be inconsistent with the zone objectives. The proposal clearly delineates the developable opportunity of the site. The proposal is positioned outside constrained land, consolidating this constrained land as a single agricultural area for continued farming use. The proposal will contribute to the future protection and preservation of agricultural operations on suitable land.

#### **5.2.5 Tweed Urban and Employment Lands Release Strategy 2009**

The intent of the Tweed Urban and Employment Lands Release Strategy 2009 (the Strategy) is to guide the location and type of future urban and employment development within the Shire up to 2031. The Strategy sets out local growth management arrangements for key localities throughout the Shire,



considering the key issues for these areas to accommodate additional growth and their desired future character.

The Strategy indicates designated areas for residential release identified to provide dwelling opportunity over the regions projected demand. The key urban 'release areas' within proximity of the site are primarily Areas 1, 2 and 3, being East Kielvale (1) and West Murwillumbah (2 & 3). The Strategy recognises however that this over supply does not reflect the availability of 'appropriate housing' when considering the projected household types and ageing demographics. Specifically, the Strategy acknowledges the current and projected age distribution with accentuation on the high proportion of over 55 aged persons. Therefore, it is understood that a greater supply of seniors housing will be required to accommodate this growing population group, with no guarantee this will be accurately reflected within release area developments. Further, the cost and time of delivery of seniors housing (which is typically less profitable in comparison to standard residential typology) does not guarantee provision will meet current or projected demand.

The Strategy notes that a broader mix of dwelling types can be provided by enabling such development through the planning system. These would require investigations to identify suitable locations, design and development requirements and potential constraints. Under the methodology for plotting mapped constraints to determine site suitability, it is noted the portion of the site proposed for SCC remains generally unconstrained. Further, the intention of the Seniors Housing SEPP is to identify suitable land for seniors housing opportunities, allowing permissibility to be investigated over the subject site.

This site sits within the Bray Park (West Murwillumbah) locality which has been identified under the Strategy as a key urban locality and growth area within Tweed Shire, however it is noted that the site and SCC footprint are not identified 'release areas'. The key development issue identified for the West Murwillumbah area is 'traffic capacity as vehicles funnel back into town and across the Murwillumbah Bridge'. In response, the proposal comprises serviced self-contained seniors housing and will offer facilities such as a bus service to Murwillumbah shopping district and onsite services (as appropriate) such as a club house, recreational areas, food service, medical service etc. This will reduce standard vehicle trips and demand for the proposal below those typically expected of residential development and unlikely to require network upgrades. A detailed assessment of traffic impact has been undertaken to confirm the suitability of the proposal and is provided in **Appendix G**.

Other noted considerations include water and sewerage services available to the locality and likely augmentation works. The proposal would propose a pump out system to the existing Murwillumbah STP which it is understood is currently being investigated for capacity and upgrade. The Applicant has undertaken preliminary consultation with Tweed Council along suitable augmentation options and will continue to consult with Tweed as they investigate their network. The development of the site would be reasonably subject to developer contributions and works at the developers cost. Capacity and augmentation will continue to be investigated and addressed as part of subsequent development application stages.

The key issues identified for the West Murwillumbah area under the Strategy can be appropriately managed through detailed design and operational specifics. Despite not being identified as a specific 'release area', use of the site for seniors housing would be consistent with the objectives of the Strategy in providing affordable and diverse housing options. Given that the current zoning for the site generally restricts use on the land to agricultural purposes, the future use of the land is likely to remain predominantly vacant if seniors housing is not permitted. Therefore, the site will remain underutilised.

*(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 site is located close to a number of existing and future commercial centres and recreational areas that are able to meet the demands arising from the proposed development. This is discussed in more detail below.

- Retail and Community Services

Murwillumbah is an established and growing major regional centre for the Far North Coast Region and its commercial centre is located approximately 3.6km north-east of the site. The city centre has a broad range of retail, commercial and community services including supermarkets, post office, banking, welfare and educational facilities, post offices, food and drink premises and clothing outlets as well as social and recreation facilities such as sporting clubs, golf club, hotels and cultural and community centres.

South Tweed Heads provides a major commercial centre located approximately 30km from the site to the north-east and also encompasses the full range of retail and community services. Uki provides a unique commercial centre located 11km due southwest. Additional commercial centres in the area include Kingscliff, Casuarina and Cabarita Beach via Tweed Valley Way and the Gold Coast via the M1 Motorway and all within 35km.

Onsite services including home delivered meals, communal eating and dining facilities, personal care and home help assistance (ie. cleaning, general maintenance, etc.) will contribute to seniors liveability on the land. These services are discussed within Section 3 of this report.

- Medical Services

The Murwillumbah District Hospital is located approximately 4.7km north-east of the site (9 minutes drive). A number of medical services are located in the commercial centres of Murwillumbah including general practices, dentists and specialist health facilities. A management / care team operating within the proposed seniors housing development will also be available to provide medical and health support when required.

- Recreational Facilities

Recreational facilities onsite will include recreational halls, swimming pools, bowling greens, BBQ and communal areas, etc. The Oaktree model provides communal facilities, social activities and organised outings that allow residents to participate and remain as active as they choose. The management team provides a comprehensive schedule including fitness classes, sports facilities and links these with local community events such as Makers and Finders Markets and Cooly Rocks.

Wider recreational facilities located close to the site include the Tweed coastline and beaches, Tweed River adjoining the site, jockey club, bowling greens and clubs, Murwillumbah Golf Course and club, tennis courts and club, the Murwillumbah Services Club and a range of public open space reserves and playing fields.

- Public Transport Services

There are public bus stops located along Kyogle Road at both Thomas and O'Connor Streets approximately 850m from the site. However, it is noted that the local bus route travels along O'Connor Drive within 50m of the site with a hail and ride service for pick up and drop off. The bus service drops off and picks up along O'Connor Drive six (6) times Monday to Friday and two (2) times on Saturdays.

This loop service travels between the Sunnyside Shopping Centre and Murwillumbah Golf Course. This bus service also provides public transport access to the wider regional centres of Tweed Heads, Byron and the Gold Coast. A copy of this bus service timetable and map is attached (**Appendix H**).

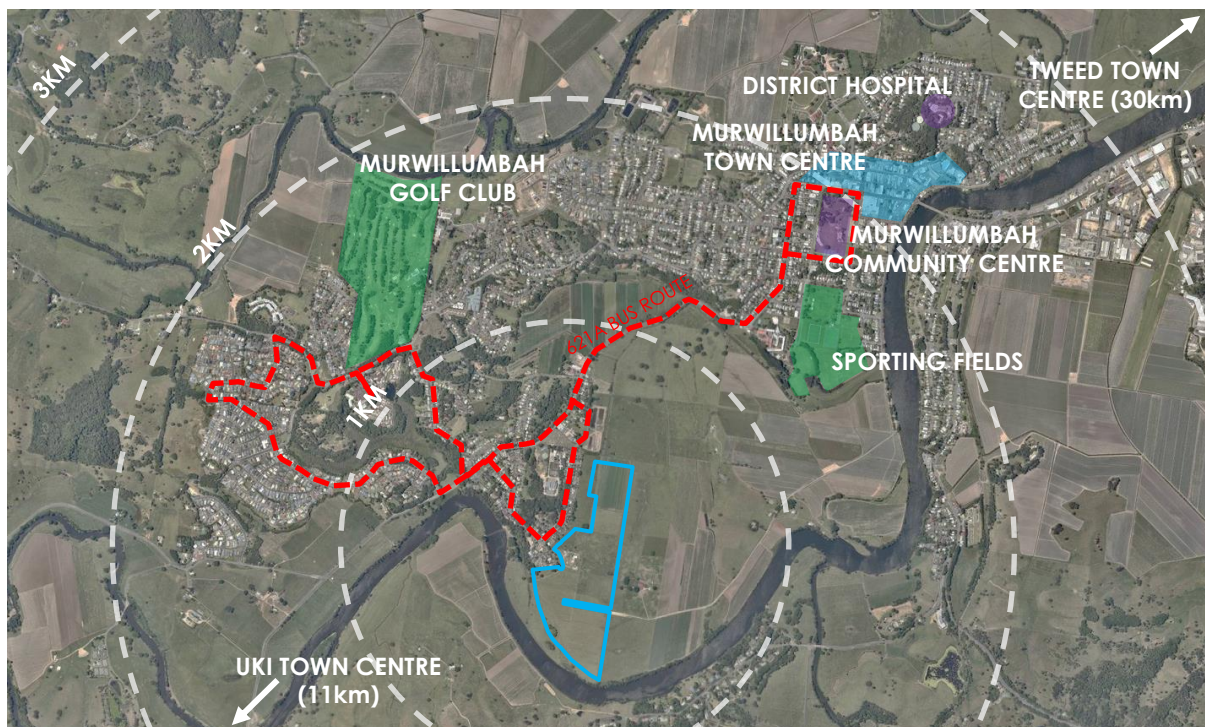
A private bus service will also be operated from the site to promote access and mobility. This bus service would transfer residents to and from the Murwillumbah commercial centre twice daily. A bus with a minimum 10 passenger capacity would be utilised.

The Coolangatta airport is located approximately 35km (30 minutes) of the site.

- Infrastructure Provision

A preliminary capacity review of the existing infrastructure services in the area has been undertaken by Planit Consulting as part of this request (**Appendix E**). This review has determined that the site can be appropriately serviced by all essential infrastructure, likely via an extension to existing services and augmentation works (including pump out sewer system at cost to the developer). It is considered that further detail regarding provision of services can be investigated at detailed design/DA stage.

**Figure 23** below identifies the site and its proximity to the various surrounding commercial centre and services which have been mentioned above.



**Figure 23 – Surrounding Services and Bus Route**

Additional facilities will be provided on site and will include all manner of supporting, recreational and community services envisioned for the ongoing operation and demand of the community. The Oak Tree model provides for social events and organisations, retail, recreational and community facilities and has proven to meet the demand of their communities through established operations. The site sits to the extremity of the developable area of Bray Park which is encompassed by the wider Murwillumbah catchment area. This ensures the site does not result in isolation for the residents with on-site and off-site services readily available.



*(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,*

N/A – The site is not zoned open space or special uses.

*(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,*

A concept design for the proposed seniors housing estate has been prepared to indicate the intended development yield, bulk and scale for the site (**Appendix A**). The proposal will potentially allow an increase in population of 230-280 persons which represents a 30%-35% increase to the localised area of Bray Park and 2.9%-3.4% to the wider Murwillumbah area. This increase has considered additional impacts such as traffic, infrastructure and amenity and is deemed unlikely to have a negative effect. The nature of the proposal and ability to provide facilities on site will not add additional stress to localised (Bray Park) infrastructure in the area. Rather the proposed increased population is expected to help drive the economic development of the wider Murwillumbah area.

The proposal will contribute to the existing and future built form and dwelling mix in the area, which comprises low density dwellings and dual occupancies. Standard residential setbacks are expected to be provided to adjoining residential lots due north and a public road separating the seniors housing and standard residential lots envisioned (within suitably zoned land and subject to relevant approval processes). The proposal provides ample opportunity for landscaping and separation/buffering from adjoining land uses.

Dwellings onsite will be limited to 2 storeys in height (less than 8m) and will be designed consistent to the coastal climate and character including orientation and layout which has considered solar access and outlooks. The proposal will not result in any detrimental overshadowing, loss of privacy or land use conflict with adjoining land uses and is consistent with the character of the area.

The Concept Layout confirms that seniors housing on the site can maintain consistency with the siting and design principles of the Seniors Housing SEPP and is compatible with the surrounding environment. Further detail will be required to be provided at development application stage to demonstrate consistency with the SEPP as well as Council's local planning provisions and development controls.

The preliminary design has considered the traffic capacity of Elouera Terrace and onto Kyogle Road including location of a public road which will form subsequent DA proposal for residential subdivision. The site includes detail on provision of stormwater services and will assist in defining the developable layout and yield for the site. The future uses in vicinity of the land are likely to continue as residential dwellings and rural farming with dwelling stock well established and the majority of rural land heavily flood constrained. The proposal will remain consistent in terms of built form with the residential development of the area and considers an appropriate buffer and interface with the rural lands ensuring protection of these uses into the future.

*(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 subject site is not identified under any ecological mapping and vegetation over the site is limited to dispersed shade trees within cleared grazing areas which will remain unchanged. The proposal will not involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003. It should be noted that the concept layout is preliminary and would be

subject to further site testing and design review at development application stage. Any removal of native vegetation onsite would be subject to development approval and can consider relevant impacts.

*(6) Without limiting subclause (4) (a), the relevant panel may refuse to issue a certificate if the relevant panel considers that the development is likely to have an adverse effect on the environment.*

As discussed throughout this report and detailed within the supporting site investigation studies, the site is suitable for seniors housing and will not result in any detrimental environmental impact.

*(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.*

Noted.

*(8) (Repealed)*

Noted.

*(9) A certificate remains current for a period of 24 months after the date on which it is issued by the relevant panel.*

Noted.

*(10) To avoid doubt, a site compatibility certificate:*  
*(a) cannot be varied during its currency to cover additional land, and*  
*(b) does not affect the zoning of the land to which it relates under another environmental planning instrument.*

Noted.

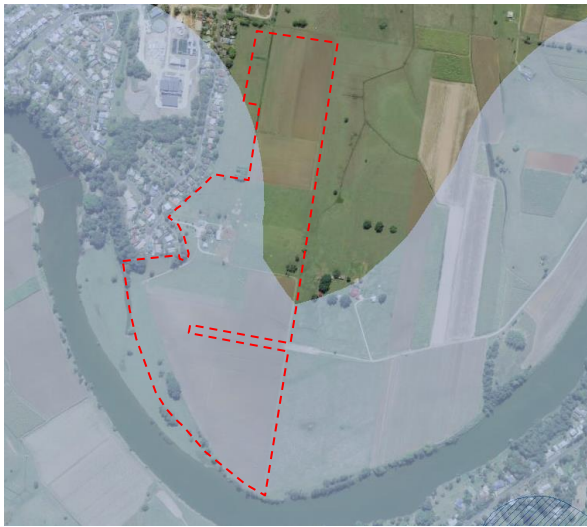
### 5.2.6 Coastal Management SEPP

The site contains coastal environment and coastal use mapped areas (**Figures 24 and 25** respectively). The SCC footprint includes land mapped as coastal environment only (**Figure 24**). In accordance with the State Environmental Planning Policy (Coastal Management) 2018 this SCC request considers the following:

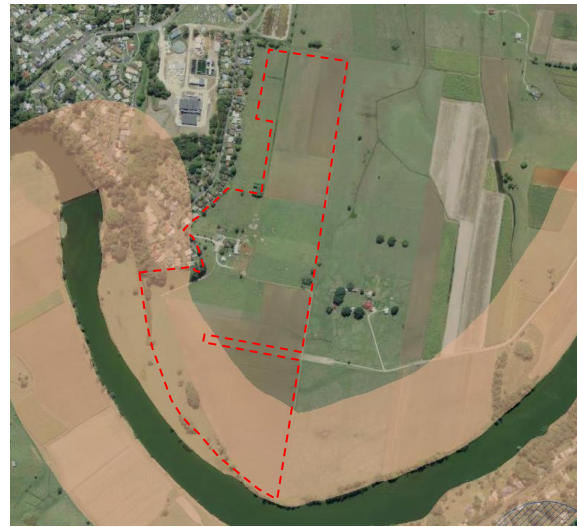
*(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*  
*(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*  
*(b) coastal environmental values and natural coastal processes,*  
*(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*  
*(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*  
*(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*  
*(f) Aboriginal cultural heritage, practices and places,*

(g) the use of the surf zone.

In response, the site is cleared grazing lands located along the Tweed River. This interface with the 'coastal environment area' remains unchanged and does not cause adverse impact on the matters identified above. There is minimal vegetation located within the SCC footprint limited to dispersed shade trees, the site is not public open space or identified as containing aboriginal cultural heritage practices and places, nor is the site identified as within a 'surf zone'. The proposal will not result in impact on the biophysical, hydrological or ecological environment of the area and includes detail on the retention and detention of stormwater providing suitable treatment. Overall, the SCC footprint considers this coastal area and does not result in any adverse impacts. These considerations will continue to be addressed through subsequent DA stages.



**Figure 24** – Coastal Environment Area



**Figure 25** – Coastal Use Area

It is noted that the site contains 'coastal use area' mapped land (**Figure 25**). However, the SCC footprint is positioned entirely outside this mapped area. No additional considerations are therefore required.

## 6 OTHER RELEVANT MATTERS - SENIORS HOUSING SEPP

The following comments are provided considering the other relevant provisions of the Seniors Housing SEPP to further demonstrate the permissibility of the proposal and its suitability.

Further detail will be required to be prepared following the issuing of a Site Compatibility Certificate to demonstrate compliance with the relevant provisions. This additional detail will be submitted at development application stage.

### 6.1 Clause 26 – Location and access to facilities

*(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with sub clause (2) to:*

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) community services and recreation facilities, and*
- (c) the practice of a general medical practitioner.*

A review of the existing and future services surrounding the site has been undertaken above. This review has confirmed that all necessary services listed under Clause 26(1) are located within the Murwillumbah commercial centre.

*(2) Access complies with this clause if:*

*(a) the facilities and services referred to in sub clause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
  - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
  - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time,*
- or*

N/A – The site is located greater than 400m from the required services.

*(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:*

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in sub clause (1), and*
- (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or*

N/A – The site is not in the Sydney Statistical District.



(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
- (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

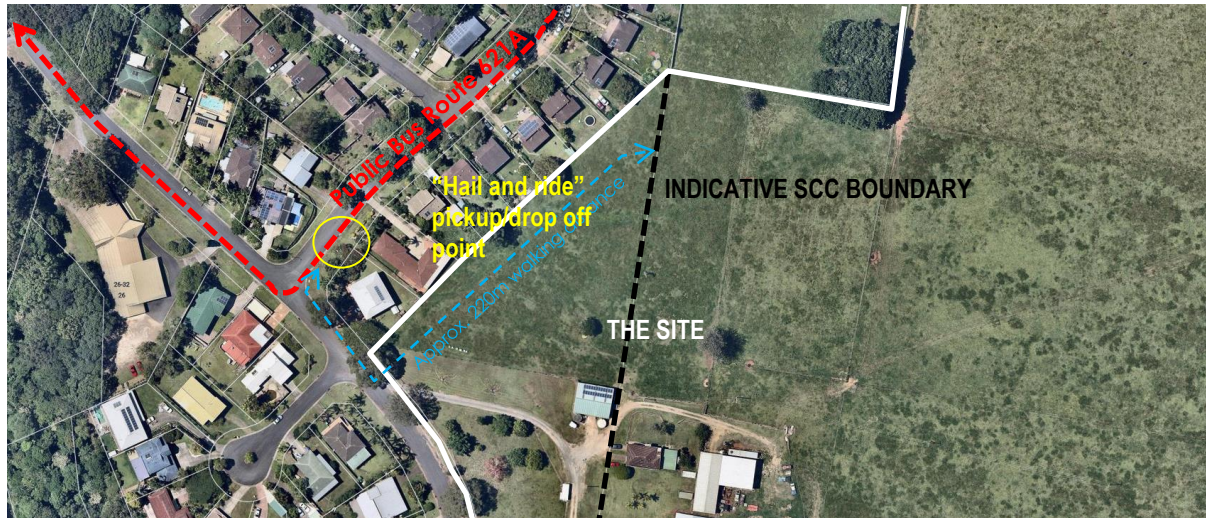
A private bus service will operate from the proposed seniors housing village, providing residents with a convenient mode of transport to and from the Murwillumbah commercial centre (indicative pick up locations in **Figure 26** below). It is proposed this service can operate in accordance with the general requirements of Clause 43, being:

- Bus capacity of minimum 10 passengers;
- Drop off and pick up passengers at a local centre (within 400m of Sunnyside Mall (Murwillumbah) which provides:
- Shops, bank, retail and commercial;
- Community services and recreational facilities; and
- General medical practitioner.
- Service available both to and from the proposed development to the local centre between 8am and 12pm and once between 12pm and 6pm per day Monday to Friday (opportunity for more frequent service to be determined);



**Figure 26** – Potential Pick up/Drop off points

It is also noted that a local public bus route travels within 50m of the site and 220m walking distance from the SCC boundary. Although the topography of the residential subdivision area may slightly exceed the gradients as detailed in Subclause 3, this additional bus service runs 6 times per day Monday to Friday and twice on Saturday. This service offers a 'hail and ride' to allow pick up and drop off along the route (**Figure 27**). This provides an alternative transport option over and above the requirements of Clause 26.



**Figure 27 – Adjoining bus services**

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

The private bus service will be provided onsite and pedestrian pathways and access provided in accordance with Clause 43. Indicative pickup and drop off points have been indicated on the concept development plan adjoining the proposed onsite community facility centres. There is opportunity for additional pick up and drop off areas to be provided throughout the site to minimise walking distances and grades (as required).

The average gradients between the collection points and dwellings are generally less than 1:20 (being less than the prescribed 1:14). Internal roadways and pedestrian pathways generally cut across the site slope to facilitate pedestrian movement throughout the site. The final layout and design (at DA stage) are expected to confirm compliance with the requirements of Subclause 3.

(4) For the purposes of subclause (2):

- (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
- (b) Distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

All internal pathways will comply with this clause.

*(5) In this clause:*

*bank service provider means any bank, credit union or building society or any post office that provides banking services.*

A branch of all major banks is located within proximity of the Murwillumbah commercial centre including a St George Branch within the Sunnyside Shopping Centre itself. The private bus services provided onsite will increase accessibility to these banking facilities from the site.

## 6.2 Clause 28 – Water and sewer

*(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*

*(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.*

A review of existing infrastructure and services has been undertaken which confirms that the site has access to reticulated water and sewer services. The Applicant and Council are continuing to consult on capacity options. An engineering review has been prepared in consultation with Council's engineering services team. Augmentation works may be required to the existing sewer network to cater for increased sewer flow, as is the existing requirement for development of the zoned residential area. Augmentation works will be confirmed and investigated at detailed DA stage at the developers cost. Refer to the Engineering Assessment in **Appendix E** for further information.

## 6.3 Clause 40 – Development Standards – Minimum Sizes and Building Height

*General*

*A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*

The proposal complies with the standards specified under this clause.

*Site size*

*The size of the site must be at least 1,000 square metres.*

The site is greater than 1,000m<sup>2</sup> in area.

*Site frontage*

*The site frontage must be at least 20 metres wide measured at the building line.*

The site currently has a frontage of approximately 150m when measured along Elouera Terrace. Continuation of Council's transport network with a public road over the site will result in approximately 300m of available frontage for the site.



*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:*

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*
- (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*
- (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.*

N/A – The site is not located within a ‘residential zone’. Dwellings onsite will not exceed 2 storeys (8m or less)

*Development applications to which clause does not apply*

*Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:*

- (a) the Department of Housing,*
- (b) any other social housing provider.*

N/A – The proposal is not made by the Department of Housing or a social housing provider.

## **6.4 Clause 42 - Serviced self-care housing**

Clause 42 is applicable to the proposal, the following comments are provided:

*A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to:*

- (a) home delivered meals, and*
- (b) personal care and home nursing, and*
- (c) assistance with housework.*

The proposed development will incorporate onsite facilities to meet the requirements of this provision. As detailed under Section 3 of this request, the provision and availability of the required services will be detailed at development application stage. All required services can be provided onsite.

*For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).*

The onsite services will be provided by the operator of the seniors housing facility. These will not be funded government community based care programs.

## **6.5 Clause 43 - Transport services to local centres**

*A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a*



*bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development:*

*(a) that will drop off and pick up passengers at a local centre that provides residents with access to the following:*

*(i) shops, bank service providers and other retail and commercial services that residents may reasonably require,*

*(ii) community services and recreation facilities,*

*(iii) the practice of a general medical practitioner, and*

*(b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.*

*Subclause (1) does not apply to a development application to carry out development for the purposes of the accommodation of people with dementia.*

*In this clause, bank service provider has the same meaning as in clause 26.*

An onsite bus service will be provided for transporting occupants to and from the Murwillumbah commercial centre. A private bus with a minimum capacity of 10 passengers will service the site at least once daily in the AM and once daily in the PM. Two (2) pickup and drop off points have been indicated on the Concept Plan (**Appendix A**). Additional pick up and drop off zones can be accommodated onsite to minimise travel / walking distances.

## **6.6 Clause 44 - Availability of facilities and services**

*A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.*

The facilities referred to above will be made proportionately available at the time that the proposal is complete. Staging is not yet known, however should staging be proposed, all required services will be available at Stage 1.

## 7 CONCLUSION

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This request demonstrates that the site meets the requirement to be considered 'land that adjoins land zoned primarily for urban purposes' and that seniors housing on the site can be developed with no significant environmental impact.

The locality and specifically the subject site are ideally suited as an extension to the development footprint of Bray Park to accommodate seniors housing. The development is located within generally unconstrained land, presenting a clear delineation and buffer between suitable development land and rural lands to remain undeveloped.

The subject site has significant opportunity to help meet the existing and future seniors housing demand by providing a facility that has a high degree of amenity, which can often be lacking in traditional 'seniors living' developments and more 'urbanised' environments. The site outlooks over the natural landscape and flowing Tweed River with a unique setting for seniors housing. The site will transition and connect to the adjoining rural lands, while value adding to this transition through buffer landscaping and an active interface.

We trust the above provides the Department with sufficient detail to determine this Site Compatibility Certificate request in accordance with the provisions of Clause 24 and 25 of the SEPP.

Should the Department require any additional information, or wish to clarify any matter raised by this proposal or submission made to same, please consult with **Planit Consulting**.