

Site Compatibility Statement

Proposed Seniors Living Development

**Stilton Lane (Remembrance Driveway),
Picton**

**Lots 1 & 2 DP 1180702 & Lots 60 and 61 DP
979250**

21.6ha

December 2018

Prepared by



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A: Architectural Concept Plans – Campbell Luscombe Architects.

1 Introduction

1.1 GENERAL

This report constitutes an application to the NSW Department of Planning and Environment (DPE) for a Site Compatibility Certificate (SCC) under clause 24 of *State Environmental Planning Policy (Housing For Seniors and People with a Disability) 2004* (the Seniors SEPP).

A SCC is required to be issued prior to the lodgement of a DA with a local Council for seniors housing as:

- The site “adjoins” land zoned primarily for “urban purposes”, being land zoned R2 Low Density Residential, because the Site would directly adjoin that R2 land but for the presence of a public road, being part of Remembrance Driveway and there is direct vehicular and pedestrian access from the R2 land to Remembrance Driveway. Wollondilly Shire Council have also advised in meetings that they are of the opinion that the adjoining land is land zoned primarily for urban purposes.
- The proposed seniors development is not permissible under the relevant environmental planning instrument (*Wollondilly Local Environmental Plan 2010*)

The report seeks to provide information to the Department of Planning and Environment which requires a Site Compatibility Certificate (SCC) to be issued by the Sydney District Planning Panel. This is change to the previous procedures and was introduced in September 2018 via Planning Circular PS 18-009 on 2nd October 2018. It also provides supplementary information to assist in evaluating the site’s suitability for the proposed development as a Seniors Living Development under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The SCC does not give development consent for the seniors living development, but rather provides a contextual assessment and certification that the future development of the site in the manner shown within this application is appropriate for the site and compatible with the surrounding context. Following the issue of the SCC, a DA will be lodged with Wollondilly Shire Council seeking consent for the construction of detailed building forms within the parameters assessed and approved by the SCC.

1.2 THE SITE

The subject site described as Lots 1 & 2 in DP 1180702 and Lots 60 & 61 in DP 979250 and is located at Stilton Lane (Remembrance Driveway), Picton. The subject land has an area of 21.6ha and is located between the township of Picton and Tahmoor.

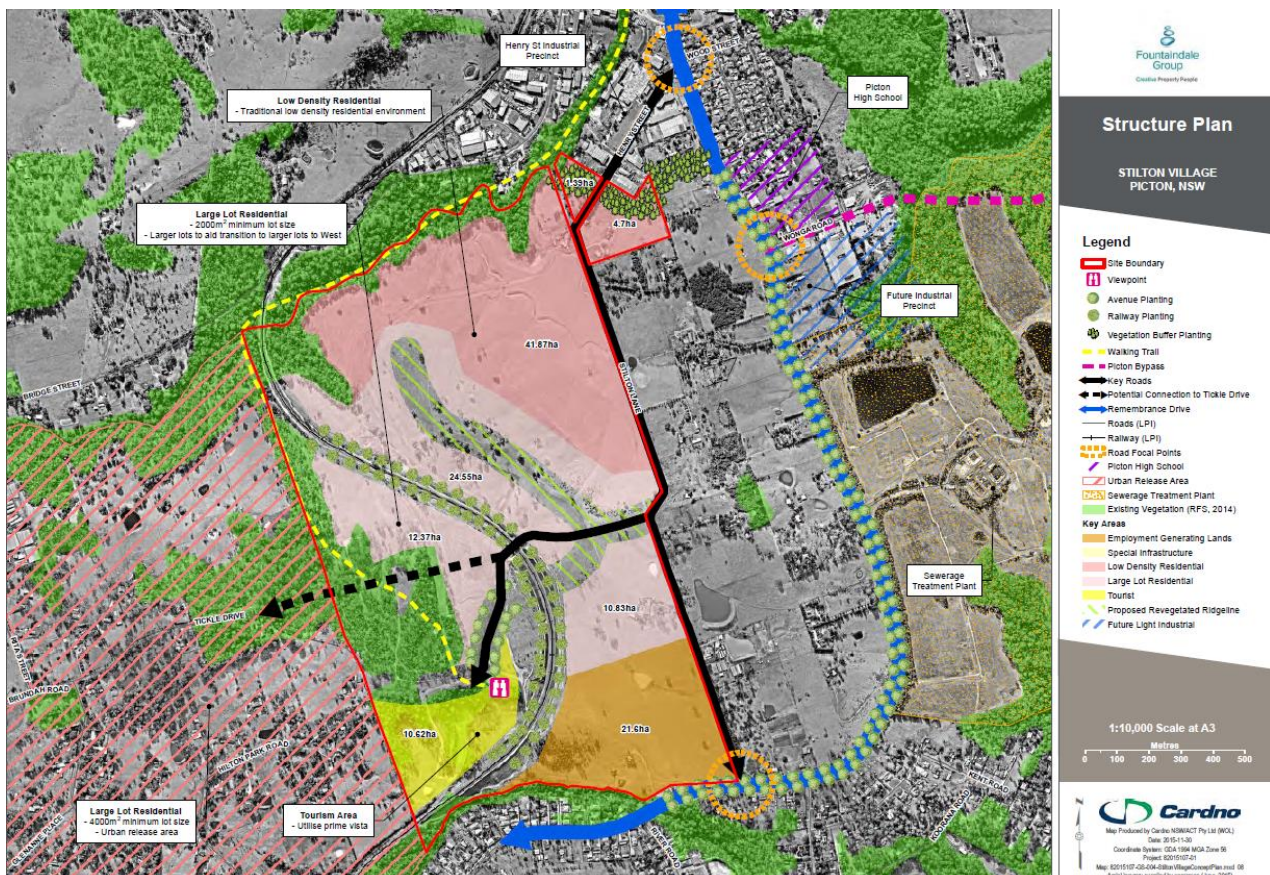
The part of the land proposed for the seniors living proposal is shown with an ‘arrow’ point to the site in **Figure 1** below. The remainder of the ‘land’ was proposed to be rezoned for urban purposes and a current Planning Proposal is under consideration by Wollondilly Shire Council, known as Stilton Lane.

The Planning Proposal has changed several times; however, the concept for the subject land remains substantially unchanged (refer to **Figure 2** below).

FIGURE 1 – AERIAL PHOTOGRAPH OF SUBJECT SITE CONTEXT



FIGURE 2 – STRUCTURE PLAN



1.3 LOCATION/SETTING

The Statement describes the nature of the site and its immediate context. The subject land is situated in the suburb of Picton, which is a suburb of the Wollondilly Shire Council and located juxtaposed between Picton and Tahmoor.

The subject property is privately owned and currently vacant; however, negotiations have been ongoing with a development group (Fountaindale Group) to obtain the relevant rezoning of the land to facilitate urban development.

There are a three schools (primary & secondary) and St Anthony's Catholic Parish Primary School, open space area (local and regional), shopping complexes (local and district level – the latter comprising Macarthur Square at Campbelltown & Narellan Town Centre), community clubs, leisure centre and swimming complex, Queen Victoria Memorial Hospital & medical centres, Anthill Park Country Gold Club, churches (various denominations), Picton Showground, Picton Botanical Gardens and other services and facilities – all located within a short distance from the subject property.

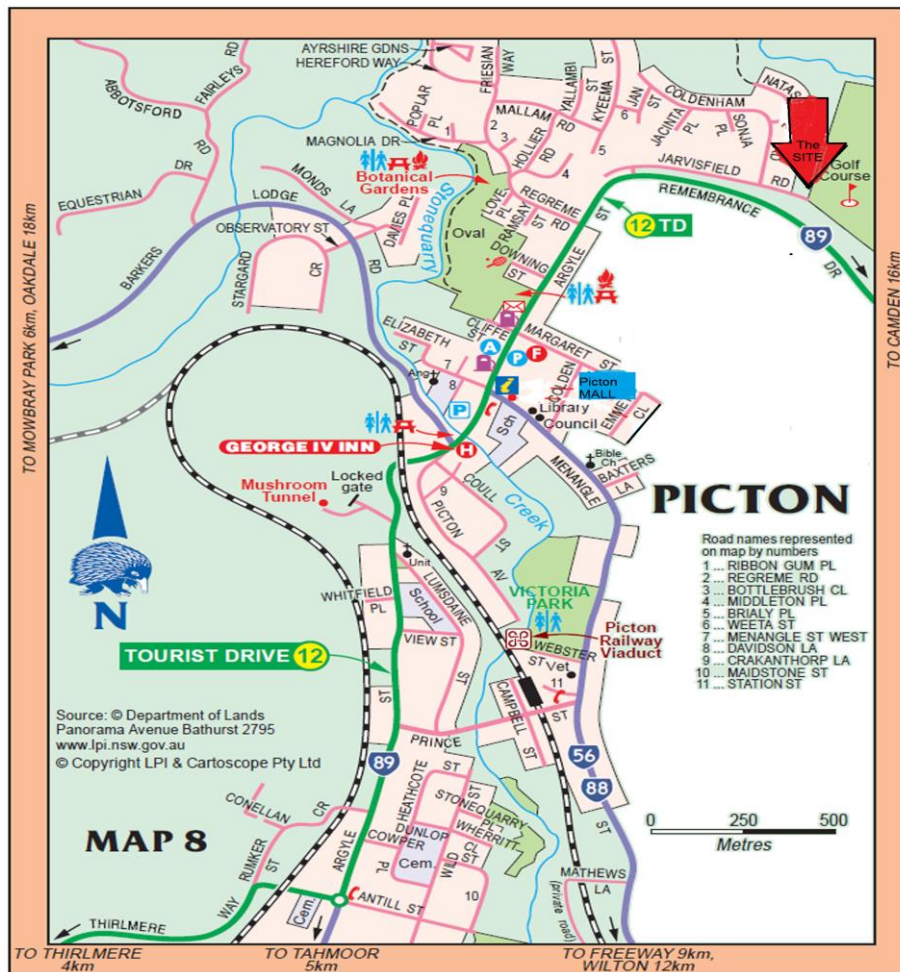
Picton Mall Shopping centre is located on the corner of Margaret and Colden Streets, Picton; whilst Tahmoor Shopping Centre is located to the west on Remembrance Driveway. Argyle Street, Picton and Remembrance Driveway, Tahmoor are lined with a variety of speciality shops, cafes, arts and craft shops. Macarthur Square Shopping Centre, Campbelltown and Narellan Town Centre Shopping Centres are both a 25-minute drive from Picton. These centres offer a full range of shopping facilities and services and are briefly detailed below.

These centres are located on main local collector roads and are accessible by public transport being located predominately on bus routes servicing the Wollondilly area and beyond (Camden, Narellan & Campbelltown).

Centre	Facilities
Picton Shopping Mall Corner Margaret & Golden Streets, Picton	30 stores including Coles, Liquorland, Target, IGA, Hairdresser, medical centre, Australia Post and other specialty shops
Macarthur Square Shopping Centre 200 Gilchrist Dr, Campbelltown	Over 300 Stores Including David Jones, Woolworths, Coles, Target, Big W, Rebel Sport, JB Hi Fi, Event Cinemas and other specialty shops
Narellan Town Centre Shopping Centre 326 Camden Valley Way, Narellan	Big W, Coles, Kmart, Woolworths, Target, United Cinemas and over 230 specialty retailers.
Tahmoor Shopping Centre, Remembrance Driveway, Tahmoor	Woolworths, Aldi and Coles supermarkets and a number of specialty shops.

Picton Shopping Mall is shown on **Figure 3** below.

FIGURE 3 – LOCATION AND DISTRIBUTION OF FACILITIES

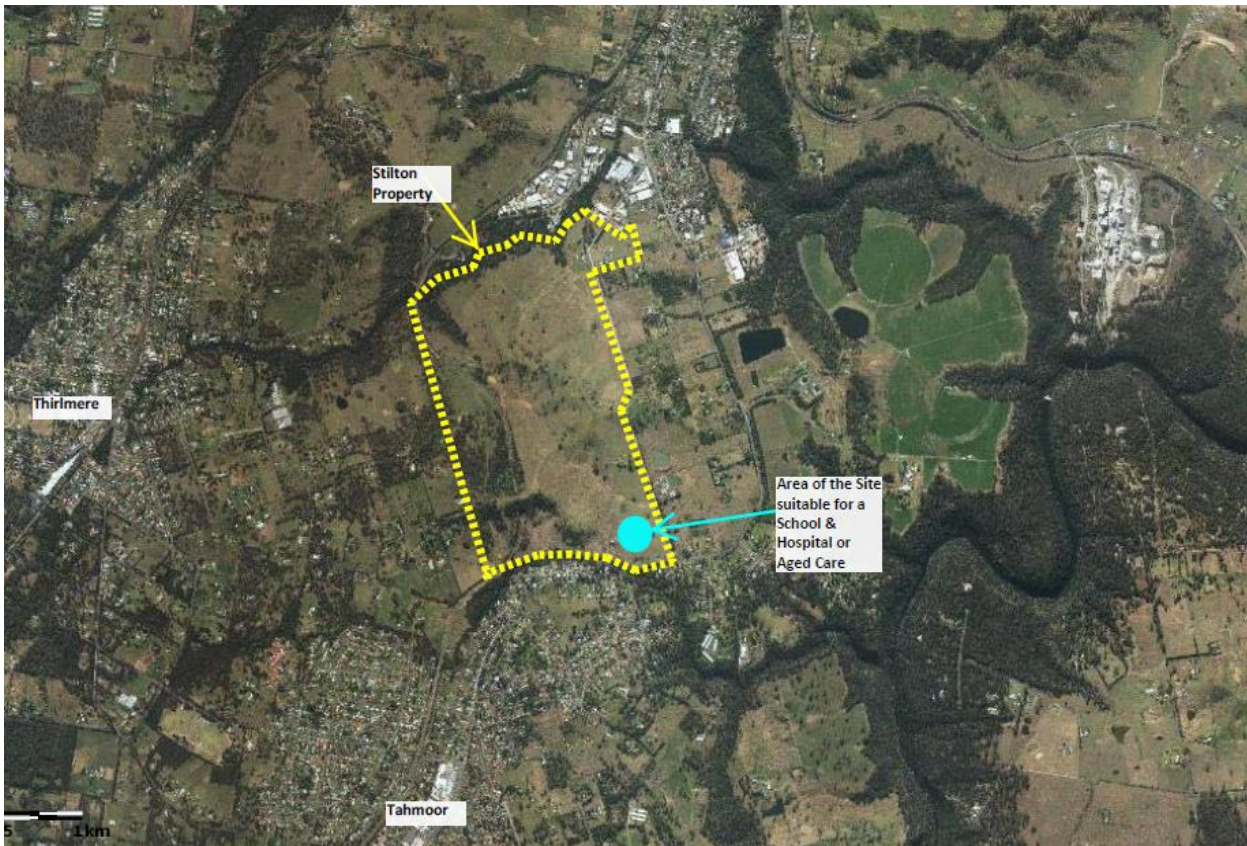


2 Planning Proposal

As stated above, the Fountindale Group lodged a Planning Proposal with Wollondilly Shire Council in April 2016 for the land to be rezoned for urban purposes. The proposal was to rezone land from rural to low density residential, large lot residential and tourism. A parcel of land on the corner of Stilton Lane and Remembrance Driveway is proposed to remain RU2 Rural Landscape and this is the land that has been the subject of the site inspection and meetings with Council (refer to **Annexure B**). The parcel is approximately 21.6ha in area and gently undulating. The broader location of the site is shown on **Figure 4** below in the context of the Stilton Lane lands.

The Council is aware of the concept plan showing a school site, medical/hospital and aged care facilities. The proposal was reported to the November 2017 Council meeting, and the application was deferred pending further information. It would appear that one of the issues, and this is Council's stance with rezoning lands, is the provision of employment.

FIGURE 4 – BROADER LOCATION



3 Built Form – Local Context

There is no dominant built form style in the immediate ‘neighbourhood’, in part reflecting the incremental development of such area over time. The dominant feature of the built form is clearly rural land used for grazing, market gardening and related agricultural pursuits. As can be seen from the aerial photographs, the land is largely cleared, except along watercourses.

4 Site Analysis

4.1 NATURAL ENVIRONMENT

The site is a rural landholding approximately 21.6ha in size. It is located at the geographical centre of the three townships of Picton, Thirlmere and Tahmoor, with the northern boundary of the site adjacent to the southern edge of Picton (refer to **Figure 1**). The site is located in an area defined by its existing rural character between the established townships of Picton, Tahmoor and Thirlmere. Landholdings in this area are generally fragmented and used for residential purposes rather than agricultural purposes. The subject site is the only site in this area that operates a small beef cattle operation due to its size, with the majority of intensive and extensive agricultural operations located outside of the Picton, Tahmoor and Thirlmere settlements.

The visual landscape is defined by stands of native vegetation on the western boundary, riparian vegetation associated with watercourses and scattered trees along the central ridgeline.

The topography of the surrounding area is defined by the high point on the west of the site, with a number of key ridgelines running east-west and north-south both through the site and to the east of the site.

The rural character of this area will undergo change over the next 5 to 10 years, with a recent rezoning for residential purposes for a number of landholdings to the west of the site. This development will effectively result in Thirlmere and Tahmoor having a contiguous urban footprint, foreshadowing the future growth of these three towns.

Future population predictions for Picton, Thirlmere and Tahmoor by the NSW Bureau of Transport Statistics (2015) reveal that the current population epicentre of these three towns will continue to move to the southwest over the next 25 years, placing the subject site as the geographical and population epicentre.

4.1.1 TRAFFIC, TRANSPORT AND ACCESSIBILITY

4.1.1.1 ROAD NETWORK

The site is serviced by Stilton Lane off Remembrance Drive to the north and to the south. **Remembrance Drive** is a rural road that links Camden and Aylmerton. Remembrance Drive is from Camden, Camden South through the Razorback Range, passing through the towns of Picton, Tahmoor, Bargo and Yanderra and onwards to Aylmerton.

Picton Road is a New South Wales highway linking Picton and Wollongong. It provides a link between the Hume and Princes Motorways. From Picton, the highway runs in the south eastern direction, crosses the Hume Highway and continues over east of Wilton until it meets Mount Ousley Road (Princes Motorway) which leads to Wollongong or Helensburgh.

4.1.2 OPEN SPACE AND COMMUNITY FACILITIES

A range of open space elements and community facilities are located within a short distance from the site, as shown on **Figure 4** above. The open space facilities range from local open space (parks – passive) to sporting fields (active), with the Botanical Gardens (regional) located to the north a short distance from the subject site. The Botanical Gardens have walking tracks and cycling trails.

The Park provides push button barbecues, wet weather/shade shelters for up to 50 people, clean bathrooms with disabled access and playground equipment. Access to this regional open space is located off Regreme Rd, Picton.

4.1.3 AVAILABILITY OF UTILITY SERVICES

The site comprises vacant land within a largely rural area. Urban utility services are available for electricity (power lines traverse the site) and town water. An onsite wastewater treatment system would need to be installed. All services are capable of any required augmentation and/or reticulation. The following is provided from initial investigations of the site.

- Natural Gas – Jemena have indicated that there is natural gas in the vicinity of the site and that the supply could be extended to service this proposed development. This will require augmentation of the existing gas mains along Remembrance Drive.
- Telecommunications – NBN Co. will provide communication services to the proposed development, with the development able to connect into existing infrastructure along Remembrance Drive to the south.

- Electricity – Endeavour Energy currently have available capacity to supply the development through the 11kV feeders which are part of the overhead network. This infrastructure is located within and around the site. It is noted that a number of planned developments will occur within the vicinity of the site which may tap into this capacity. Endeavour Energy recommends that a formal supply application be submitted following the site's rezoning during the preparation of DA documentation to set aside this capacity.
- Water – A feasibility letter from Sydney Water was received. This confirmed that there is sufficient capacity to service the proposed development. A water main extension will be required, which included an extension to the 150mm main along Henry Street for the low density residential component. The large lot residential and tourism area will be serviced by an extension to the 200mm water main at the Stilton Lane/Remembrance Drive intersection to the south of the site.
- Sewer – A feasibility letter from Sydney Water was received. This confirmed that currently there is no capacity within the existing Picton Treatment Plant. However, once current upgrade works are complete by mid-2017, Sydney Water indicated that the subject site can be serviced to the Treatment Plant, requiring a waste water main extension to be constructed to the treatment plant.

4.2 ACCESS TO SERVICES

4.2.1 GENERAL

The site is located between the well-established towns of Picton, Tahmoor and Thirlmere on the outskirts within 3.5 kilometre of these centres. The centres provide an ample supply of shops, cafes, restaurants clubs, hotels, playing fields, recreational areas, medical centres, doctors, dentists and consultants

4.2.2 ACCESSIBILITY

The local bus service within the Wollondilly Shire Council is provided by Picton Buslines. Picton Buslines operates a fleet of 26 buses providing school and commuter services to the district's main towns of Picton, Thirlmere, Tahmoor and Buxton. It also provides bus link services to Camden and Narellan through to Macarthur Square, Campbelltown in the north and Bargo and Yanderra in the south. Picton Buslines also takes bookings for charter operations.

Picton Railway Station is located in Station Street Picton. Lines serviced: Southern Highlands Line through Campbelltown to Goulburn. Picton Railway station has car parking and wheelchair access.

4.2.3 SHOPS, FINANCIAL SERVICES, RETAIL AND COMMERCIAL SERVICES GENERALLY

The Picton and Tahmoor Town Centres provide a diverse range of goods and services. Picton also provides a range of local community facilities and services, such as a library and community facilities. Further, Picton provides a series of higher order goods, services and facilities of a sub-regional/regional nature including specialist services and in particular medical services.

4.2.4 WOLLONDILLY COMMUNITY SERVICES

A comprehensive range of community facilities and services are available in the Wollondilly Area and within the immediate area, including the suburbs of Campbelltown, Camden, Wollongong and Mittagong. These range from support facilities to cultural and recreational facilities. Given the ethnicity of the LGA, there are a multiplicity of community clubs, religious groups and support services. A comprehensive list is available on Council's web site.

Aged and Disability Service

Wollondilly Support and Community Care Inc. (WSACCI)

WSACCI is a small not for profit community organisation located in the heart of Wollondilly. They support frail older people (aged 65 years and over and 50 and over for Aboriginal and Torres Strait Islander people) and who require assistance with daily living to remain living independently at home and in the community.

Programmes include Meals on Wheels, Group Support – Senior Friendship Group, Individual Support – Neighbour Aid and Special Interest Groups.

Programmes are supported with Government funding or can be purchased through individual packages.

Further information can be obtained from:

<https://www.agedcareguide.com.au/wollondilly-support-community-care>

4.2.5 HEALTH CARE

The model for delivering Healthcare has changed in recent times. This involves a devolution of many aspects of health from hospitals into Community Care Centres, Clinics and General Practices.

A Primary Care Clinic based on land at the subject site could consolidate a range of specialist services into a single location which is accessible to residents of all three towns. This would enable provision of a greater variety of specialists and services.

As Wilton Junction Develops, there will be a need to construct a facility to deliver an RIPCC level facility within the LGA. Stilton Village has sufficient land to provide a Regional Integrated Primary Care Centre (RIPCC) level facility in a location which balances accessibility to Wilton Junction with accessibility to the existing towns and centres of the LGA. Locating an RIPCC at the subject site would help maintain the role of Picton, Tahmoor and Thirlmere as the highest order centres of the LGA, as Wilton Junction develops (refer to table below).

Table 3-3 Healthcare Infrastructure Provision

Town/Catchment	Population (2011 Census or estimate)	Highest Level of Facility Currently Provided	Highest Level of Facility Required According to the IPC Model
Picton	4,595	Medical Centre (Some elements of PCC)	Team General Practice
Tahmoor	4,505	Medical Centre (Some elements of PCC)	Team General Practice
Thirlmere	3,530	Pharmacy	Team General Practice
Picton, Tahmoor and Thirlmere	12,603	Medical Centre (Some elements of PCC)	Primary Care Clinic (with population growth)
Picton, Tahmoor and Thirlmere (Current) + Wilton Junction (Future)	60,000+	Medical Centre (Some elements of PCC)	Regional Integrated Primary Care Centre (with population growth)
Wollondilly LGA (Current) + Wilton Junction (Future)	90,000+	Medical Centre (Some elements of PCC)	Regional Integrated Primary Care Centre

4.2.6 AGED CARE

Although there are existing aged care facilities in the area, the Stilton site offers the potential to integrate aged care with medical, education or community facilities. Given the ageing population, there is likely to be increased demand for aged care places in Wollondilly if supply constraints develop within greater Sydney.

Given the growth of the older demographics, it seems likely that the 70+ population is now above 4,000 people. This would translate to at least 160 Nursing Home beds and approximately 200 Hostel Places required across the LGA. Some of this capacity is likely already occupied by the smaller aged care facilities which operate in the LGA at present. The total market for aged care places is likely to be less than this total (refer to tables below).

Development of Wilton Junction is not expected to proportionally contribute to the population in the 70+ age group given:

- Any new residents already in that age group are likely to choose accommodation suitable for ageing in place, such as adaptable housing or aged care facilities constructed within Wilton Junction.
- Wilton Junction is expected to attract younger demographics such as those in the child-rearing phase of life. There will be a significant delay before large numbers of these younger residents begin to require aged care.

Table 3-4 Older Residents of the Wollondilly LGA (ABS, 2016)

Wollondilly LGA Age Group	2009	2010	2011	2012	2013
70-74 years	1030	1109	1155	1201	1304
75-79 years	721	741	817	882	920
80-84 years	527	537	542	577	616
85 and over	413	438	458	528	574
Total 70+	2691	2825	2972	3188	3414

Table 3-5 Calculated Aged Care Service Provision

Aged Care Service	Rate of Provision	Elderly Population of the Wollondilly LGA (2015 estimate)	Service Provision
Aged Care Housing Projects	1 (project) per 10,000 people (aged 70+)	4,000	<1 Facility
High Care (Nursing Home) Places	40 beds per 1,000 people (aged 70+)	4,000	160 Nursing Home Beds
Low Care (Hostel) places	48 places per 1,000 people (aged 70+)	4,000	192 Hostel Places

Consequently, a smaller sized, general purpose facility is likely more appropriate for development at Stilton which would serve the existing residents and potentially provide a rural option for elderly people in Greater Sydney. A facility would also have economic benefits of co-location with other complementary facilities. This facility could be adapted as the needs of the region become clear, moving to a medium density or high care service if required.

5 The Proposed Development

5.1.1 DESCRIPTION OF DEVELOPMENT

The proposed development is detailed in the accompanying plans (reproduced at **Annexure A**) and generally includes single and two storey dwellings, comprising the following:

- 200 apartments;
- 34 villas;
- A recreational club and bowling green (lawn bowls);
- A child care centre;
- Community health centre;
- A residential aged care facility for 120 beds;
- Village green and walking trails.

The proposal is shown on the “Concept Plan”, which has been developed to assist in understanding the possible development of the site and its functionality and its relationship to adjoining development on and off site.

The concept plans are in the early development process and will be further refined once determination of the Site Compatibility Certificate has been received.

This will include engagement of supporting technical studies to address issues such as site drainage, Water Sensitive Urban Design (WSUD), augmentation of services, landscaping, traffic and access and any other study deemed required to be lodged with the development application. All access to the development will be from Stilton Lane, which will need to be upgraded to Council's road standards.

6 Assessment of Relevant Controls and Policies

6.1 APPLICABLE PLANNING INSTRUMENTS, CONTROLS AND POLICIES

The following documents are relevant to the proposed development:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- State Environmental Planning Policy (Infrastructure);
- State Environmental Planning Policy 55 – Remediation of Land;
- Wollondilly Local Environmental Plan 2010; and
- Wollondilly Development Control Plan, 2016 (CDCP).

6.2 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2010

6.2.1 GENERAL

The subject property will retain the RU2 Rural Landscape zone under the above Planning Proposal (refer to **Figure 5** below). However, the land does not need to be rezoned to permit the proposed uses, as discussed below.

6.2.2 ZONAL PROVISIONS

In the zone, development is permissible, by default, if it is not listed as prohibited. In other words, that which is not prohibited is permissible. The subject zoning permits the following uses:

*Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; **Educational establishments**; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); **Hospitals**; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems*

Seniors housing is defined and therefore prohibited, but educational and hospitals are permissible.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these, and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

FIGURE 5 – LAND ZONE



The Planning Proposal in respect of this issue states:

“Aged Care is typically located within or adjacent to existing communities. The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 contains provisions which allow land adjacent to existing urban areas to be used for seniors housing, so long as hospitals or other related uses are permissible on the site. In this case, the existing RU2 zoning should be sufficient to permit seniors housing on sites adjacent to existing urban areas, via the Site Compatibility Certificate Process.

Development standards such as building height limits are not set for the subject site at present. If any height limits were imposed on the subject site, this would require consideration during the Site Compatibility Certificate Process”.

As such, an application for a Site Compatibility Certificate would need to be lodged with the Department of Planning and Environment (DoPE).

The application would be referred to Council for any comments. There are no guarantees that the Council or DoPE would issue a Certificate. Typically, we would need to work closely with Council to ensure that there are no issues with the site being developed for such a purpose. Ideally it would be useful if the land was rezoned to permit the use, so that the Site Compatibility Certificate pathway would be avoided, but this may increase the price of the land.

6.3 WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016

The subject Development Control Plan provides a compendium of development controls for the Wollondilly Local Government Area. Some controls are land use based and generic, whilst others are detailed and sometimes site specific. There are no requirements in the DCP that relate to this form of development, other than that specified for medium density developments.

6.4 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policies (SEPP's) which apply to the site include:

6.4.1 STATE ENVIRONMENTAL PLANNING POLICY – SENIORS LIVING

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which repealed SEPP 5. Clause 5(3) of the SEPP states that the new SEPP prevails over any other planning instrument.

6.4.2 LAND TO WHICH POLICY APPLIES

Section 4 of the SEPP states that this policy applies to land within New South Wales:

- (a) That is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, and
- (b) on which development for the purpose of any of the following is permitted:
 - (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.

In our opinion because the subject site is:

- Not zoned for rural purposes;
- Not in an urban investigation area; and
- Not within a large lot residential area.

It is considered to be land zoned 'primarily for urban purposes'. The permissible landuse column is one that lists landuses that are permissible, with every other landuse prohibited. The site is not environmentally sensitive land and therefore SEPP (Seniors Housing) applies to the subject site.

Having regard to the above and importantly the prevailing landuse table, it is our opinion that the zoning of the land permits a range of developments of an urban nature including, educational establishments, hospitals and as such the land is zoned primarily for urban purposes.

Notwithstanding for the purposes of a SEPP (Seniors Housing) development a Site Compatibility Certificate is required.

In respect of the issue of ‘adjoins’ land zoned primarily for urban purposes, the following is provided:

- The NSW Land and Environment Court and the NSW Court of Appeal have both “*adopted a loose sense of the word [adjoins] rather than its exact meaning*”, emphasising that its meaning depends upon its context. “Adjoins” means “*near to*”, “*in the neighbourhood of*” or “*in sufficient proximity to*” land zoned primarily for urban purposes. The Site does not need to be “*conterminous with (that is, having a common boundary with) or be immediately adjoining ... Residential land*.”
- Where, as is the case here, there is a public road which separates the Site from adjoining land zoned for urban purposes, clause 4(4) of the SEPP provides that the subject land adjoins land zoned primarily for urban purposes **if** the subject land 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”.
- Having regard to the Court’s interpretation of the word “adjoins” and clause 4(4) of the SEPP, and the factual matters set out above, the Site would directly adjoin land zoned primarily for urban purposes being the R2 Low Density Residential land *but for* the presence of a public road, being part of Remembrance Driveway.

Clause 17 of the Seniors SEPP allows serviced self-care housing to be carried out with consent on land that adjoins land zoned primarily for urban purposes. The serviced self-care housing must also 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 application seeks consent for 234 *serviced self-care housing* as seniors housing that consists of self-contained dwellings but also where meals, cleaning services, personal care and nursing care are available on site, including a 120 bed residential aged care facility. Serviced self-care housing is defined under the Seniors SEPP as:

“serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care”.

The seniors housing will operate as a retirement village (within the meaning of the *Retirement Villages Act 1999*).

Clause 24 requires that a site compatibility certificate (SCC) be obtained from the DoPE for seniors housing on land that where the proposed development is not permissible under the relevant environmental planning instrument. As such, a SCC is required for the proposed development.

Clause 25(5)(b) lists criteria be addressed in an application for a SCC. These criteria are addressed, in respect to the proposed development, in **Section 4.2** of this report.

The contextual assessment and satisfaction of the various criteria under Clauses 24 and 25 of the Seniors SEPP within this SCC application provides the basis for a positive assessment of the proposed development that will be articulated in further detail in the relevant DA documentation required to be submitted to Wollondilly Shire Council following SCC approval.

There are other clauses that have the effect of permitting the proposed development.

6.4.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE)

SEPP (Infrastructure) 2007 rationalises consultation required in relation to traffic generating developments. The proposal is not one that requires referral to the RMS for consideration, but will require consideration by the Local Development Committee, as the proposed development site is more than 90m from a classified road and there is no proposed vehicle access from Remembrance Driveway. Therefore referral to the RMS is not triggered under clause 104(3)(b). Clauses 104 and 119 of the SEPP are however, applicable to the proposal.

6.4.4 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

The provisions of SEPP 55 – Remediation of Land apply to the development of lands generally. Specifically the Policy provides under Clause 7(1) that development consent must not be granted by Council unless:

- (a) It has considered whether the land is contaminated, and
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) If the land requires remediation to be suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

This part of the land has remained vacant for a number of years and it is unlikely that the land would be deemed to be contaminated under this Policy, as there has been no market gardening on the land.

Notwithstanding, a Phase 1 assessment may be required to be undertaken as part of the development application and this would form a component of the proposal. It considered that any contamination issues that arise from this assessment can be managed by the development.

6.5 HERITAGE PROVISIONS

There are no heritage provisions applying to the land.

6.6 SITE RELATED ISSUES

The site was described in Section 1.2. The critical features relevant to an assessment of the proposal include:

Geotechnical

A geotechnical investigation will be furnished, if required, in support of the relevant development application attesting to the adequacy of the site in respect of stability and contamination.

Bushfire

The prevailing Bushfire Hazard Maps show that part of the subject land as being subject to bushfire risk near Myrtle Creek, but the proposal is for buildings to be setback the required distance for an APZ. This will be addressed at the DA stage.

Water Quality

Construction in accordance with Council's standard requirements will ensure appropriate sedimentation and erosion control measures; whilst the application of water sensitive urban design principles will further reinforce the retention of appropriate water quality standards and sustainable water management outcomes generally.

Flooding

The site is not subject to major inundation and we are not aware of the land being affected by the Probable Maximum Flood (PMF). Notwithstanding, there is a likelihood that the property is affected by minor localised flooding events.

The proposed development would include stormwater runoff retention or detention measures to allow existing runoff regimes to be mimicked as closely as possible in the post development conditions. This could be achieved by using a combination of infiltration trenches and extended detention in swales or as required by Council Policy. It is envisaged that during small storm events surface runoff from each would be captured in the proposed infiltration trenches and infiltrate into perforated drainage pipes. Flow would then be directed to the street drainage system.

Runoff from driveways would drain to swales which would also incorporate temporary ponding or detention storage, depending on Council requirements. The combination of these measures would promote infiltration thereby assisting to mimic the existing runoff frequency.

The pipe and overland flow path components of the stormwater drainage system would be designed to provide safe access by pedestrians and vehicles during a severe storm (up to 100 yr ARI).

7 Strategic Justification

7.1 CONSISTENCY WITH REGIONAL AND LOCAL STRATEGIES

The main policy document that applies to the subject development is Wollondilly Growth Management Strategy (GMS). This Policy document has at its major focus housing demand for the LGA. The Policy addresses matters such as:

- Supply of housing and affordability;
- The need for housing mix;
- Demographics; and
- Employment opportunities.

There are a number of other issues that have been addressed by this Statement.

7.2 PUBLIC INTEREST BENEFITS

The Wollondilly LGA is a focus for diverse housing products given the natural and cultural attributes of the area in a locality proximate to other major centres. This is reinforced with the above GMS, which looks at the provision of a diverse range of housing products and choice.

The natural growth in local retirees and attraction of the locality for others seeking to remain close to a diverse cultural background and lifestyle in the Wollondilly area has lead to an exponential demand for aged seniors housing. The opportunity for seniors to live in a quality seniors living environment, which is both proximate to Town Centres within the area and major centres beyond and all the facilities and services they offer, together with immediate access to a range of off site cultural/recreational facilities is likely to be highly sought after. Potential impacts associated with the development are capable of being managed in an environmentally responsive and sensitive manner. The development will employ a significant number of persons across a broad spectrum.

7.3 ADEQUACY OF SERVICES AND INFRASTRUCTURE TO MEET DEMAND

Access to goods, services and facilities has been comprehensively addressed above. It is clear that the immediate area and beyond provide an abundance of opportunities to fulfil normal expectations. Further, the increase in population numbers associated with the proposed development is unlikely to impact adversely upon relevant levels of service provision.

Local engineering infrastructure is capable of servicing the subject development, subject to fully funded relevant connections and amplifications.

7.4 ASSESSMENT AGAINST SEPP SITE COMPATIBILITY CRITERIA

7.4.1 CRITERIA 1 – THE NATURAL ENVIRONMENT AND EXISTING AND APPROVED NEARBY LANDUSES

The natural environment and the implications for future development have been extensively detailed. It is clear that there is no evidence of prevailing environmental constraints which would preclude the development as proposed. This will be further attested to by additional investigations, in previously cited areas, at the development application stage.

There are no surrounding landuses which are incompatible with the proposed development, nor are there any known approvals for incompatible uses or knowledge of uses inconsistent with the prevailing zoning of the land.

The land is zoned RU2 (Rural Landscape) under the *Wollondilly Shire Local Environmental Plan (WLEP) 2010*. Seniors housing is prohibited within the Shire's rural zones under the *WLEP*. Development involving the construction of an aged care facility and self-care housing units would be not inconsistent with the RU2 zone, as educational establishments and hospitals are permitted uses and are considered to be urban uses and the Council has been considering a Planning Proposal since 2016 to rezone the land to permit forms of urban development.

7.4.2 CRITERIA 2 – IMPACTS OF PROPOSED DEVELOPMENT ON FUTURE USES OF LAND

The proposed development can essentially be described as an 'infill' development of the site, as the land has the potential to provide a seniors housing development located opposite and near land zone R2 Low Density Residential (refer to **Figure 5**).

The development of this part of the site for a seniors living would provide quality living for members of the general public. The land is contiguous with land zoned R2 on the opposite side of Remembrance Driveway and adjoin the remainder of the Stilton Lane Planning Proposal.

7.4.3 CRITERIA 3 – SERVICES AND INFRASTRUCTURE AVAILABILITY AND INFRASTRUCTURE AGREEMENTS

The retail, community and medical demands arising from the proposal are capable of being met by existing facilities provided within the immediate area as described above. This area has a wealth of facilities within the immediate area and more importantly accessible by public transport. Bus services operate in Remembrance Driveway and a bus stop could be located immediately in front of the property upon discussions with the bus company. Buses, as shown on the plan, operate on a regular basis along such road and transports patrons to nearby and wider facilities and services.

7.4.4 CRITERIA 4 – IMPACTS ASSOCIATED WITH LAND ZONED OPEN SPACE AND SPECIAL USES

As stated above, the land is zoned for rural purposes and we are of the opinion that the land adjoins land zoned R2 Low Density Residential and that the zone permits educational establishments and hospitals, which are urban in purpose.

7.4.5 CRITERIA 5 – BUILT FORM/CHARACTER IMPACTS ON EXISTING USES, APPROVED USES AND FUTURE USES IN THE IMMEDIATE LOCALITY

The current land is devoid of any vegetation cover. The proposal seeks to provide a landscape context to reduce any visual impact on the immediate neighbourhood. This is to be further reinforced by the employment of recessive materials/colours of construction and utilisation of the fall of the land in dwelling design.

We are of the opinion that the design will provide for a well-designed and contemporary development that is not inconsistent with the form of development that has occurred in the immediate locality.

In terms of impact on existing development, the proposal will be designed to minimise any potential impact on future development of adjoining lands and future residents of the development in terms of visual and acoustic privacy, traffic impacts and other matters for consideration under the EP&A Act.

7.4.6 CRITERIA 6 – IF THE DEVELOPMENT INVOLVES THE CLEARING OF NATIVE VEGETATION

The criteria is not applicable to the proposal.

SINCERELY YOURS,



M J BROWN
DIRECTOR, MICHAEL BROWN PLANNING STRATEGIES PTY LTD

Annexure “A”
Concept Architectural Plans