

DEPARTMENT OF PLANNING

Y09/3298

Major Projects Assessment

PROPOSED SENIORS HOUSING DEVELOPMENT – OUR LADY OF THE SACRED HEART, CENTENNIAL ROAD, BOWRAL- CLAUSE 6 OPINION (MP 09 0194)

PURPOSE

- To seek the Minister's opinion about the application of the *SEPP (Major Development) 2005* ('MD SEPP') to a proposal for a seniors housing development at, Centennial Road, Bowral (comprising Lots 1-2 DP 1101892 and Lots 4-11 DP 1109214) in the Wingecarribee local government area.

PROJECT DESCRIPTION

- The development is for a seniors housing development comprising: 140 independent living dwellings, 102 bed residential aged care facility, communal facilities, landscaped corridors and associated infrastructure including the provision of road and footpath works within and around the site.
- The proposal has a Capital Investment Value (CIV) of **\$112,300,000**.
- The 16.9 ha site is located on the corner of Kirkham, Centennial and Mount Roads in Bowral on the site of the former Our Lady of the Sacred Heart (OLSH) School. Refer to **Tag A** for zoning and locality map.

BACKGROUND

- On 23 January 2009, the proponent (Australand) wrote to the Department requesting confirmation that an application for a seniors housing development (for up to 160 independent living dwellings and 102 residential aged care beds) is a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* ('the Act') applies. It was requested that the Minister apply discretionary powers and determine the project to be one to which Part 3A of the Act applies, being a project having a CIV of more than \$50 million and being important in achieving State or regional planning objectives (Schedule 1, Group 5, Clause 13 of the SEPP (Major Projects) 2005 (in force at the time of the request)).
- On 11 June 2009, the Executive Director (Major Projects Assessment) advised the proponent that the Minister would not declare the development to be a Major Project and that Wingecarribee Shire Council ('Council') would be the appropriate consent authority. (**Tag B**)
- On 6 October 2009, the proponent wrote to the Department seeking confirmation that an amended proposal for a seniors housing development is project to which Part 3A of the Act applies through the use of non-discretionary criteria in the MD SEPP, being a residential development with a CIV of more than \$100 million.
- In April 2008, the proponent lodged a development application with Council for a seniors housing development (153 bed residential aged care facility and 300 independent living dwellings) on the subject site. The application was withdrawn on 8 July 2008.
- On 4 November 2009, the proposal was reviewed by the Major Project Panel. The Panel queried the CIV concerned it may be too high, as a result the proponent provided further justification to the Department on 4 December 2009, supporting their original CIV calculation. Their justification is considered acceptable. (**Tag C**)

MAJOR DEVELOPMENT SEPP CRITERIA

- The MD SEPP identifies development for the purpose of residential, commercial or retail projects with a capital investment of more than \$100 million as a project to which Part 3A applies (**Schedule 1, Group 5, Clause 13 (1)**). The proposal achieves the criteria as the CIV is \$112.3 million and the proposal is for residential development.

PERMISSIBILITY

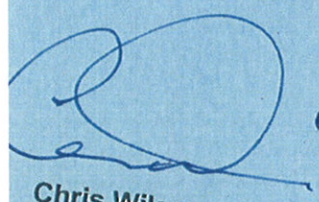
- The site is zoned part Residential 2(a1) and part 5(a) Special Uses (School) in accordance with the Wingecarribee LEP 1989 ('WLEP 1989'). Seniors housing is not permissible on the part of the land zoned 5(a).
- Legal advice, received on 20 October 2009, confirmed that the *SEPP (Housing for Seniors or People with a Disability) 2004* ('SEPP Seniors') applies to the site and that the development is considered permissible on the site under the provisions of SEPP Seniors. Furthermore, Site Compatibility Certificate pursuant to clause 25(4)(a) of the SEPP Seniors was granted by the Department on 17 December 2007 which supported the earlier development application lodged

with Council in April 2008. The Department formed the opinion that the site of the proposed development is suitable for more intensive development and that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment. It is noted that an SCC is not a required for projects assessed under Part 3A of the Act.

- The draft Wingecarribee LEP 2009 (dWLEP 2009) has been prepared and exhibited by Council. The dWLEP 2009 proposes to rezone the site to part R5 (Large Lot Residential) and RE1 (Open Space). Seniors housing would still be considered to be prohibited under the proposed zonings. However, development for the purposes of seniors housing on the subject site was to be listed in *Schedule 1 Additional Permissible Uses* thereby enabling it to be permissible with consent. Council resolved (at a Council meeting on 8 July 2009) to remove the site from *Schedule 1* of the dWLEP 2009, making the proposed development prohibited. The recommendations of this meeting have been put to the Department. Advice from the Department Regional Office (Wollongong) indicates that removal of this site and from *Schedule 1* of the dWLEP 2009 is unlikely to be supported, and is likely to be reinstated to *Schedule 1* upon gazettal of the dWLEP 2009.

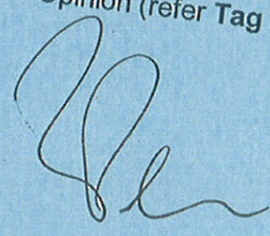
RECOMMENDATION

- That the Deputy Director-General, as delegate for the Minister for Planning:
 - forms the opinion** that the development is a Major Project in accordance with *Schedule 1*, Clause 13 of the MD SEPP;
 - signs the Record of the Minister's Opinion** (refer Tag D);



17/12/09

Chris Wilson
Executive Director
Major Projects Assessment



15/12/09

Richard Pearson
Deputy Director-General,
Development Assessment & Systems Performance.

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Telephone: (02) 9228 6461
Project No: 09_0194

THIS TIME JUSTIFICATION FOR
CIV SEEMS REASONABLE I
RECOMMEND THE TIME PROPOSAL
AS A QP REPORT WITH REA
IN COMMUNITY INTEREST IN
PROJECT.



17.12.09

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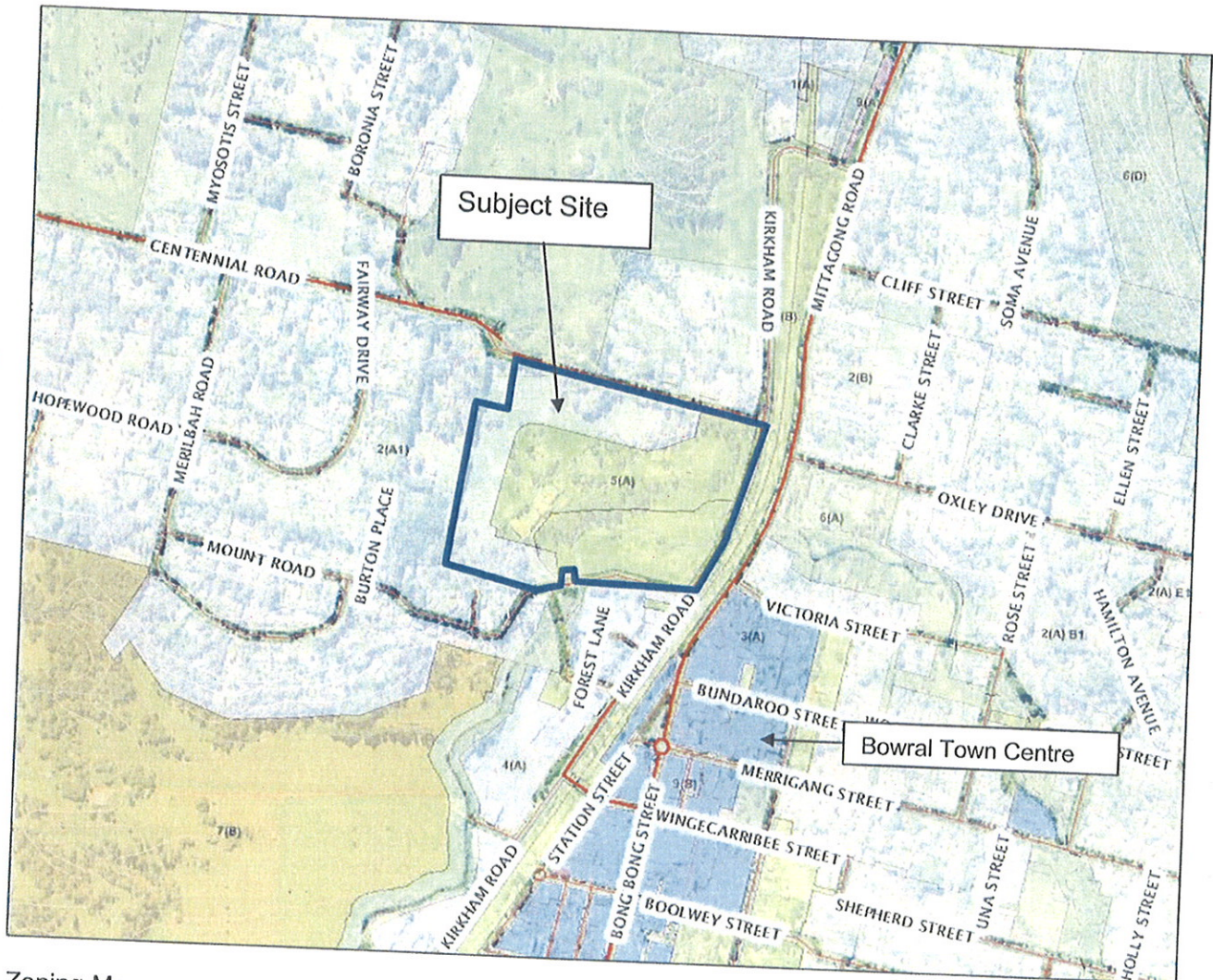
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Tag A

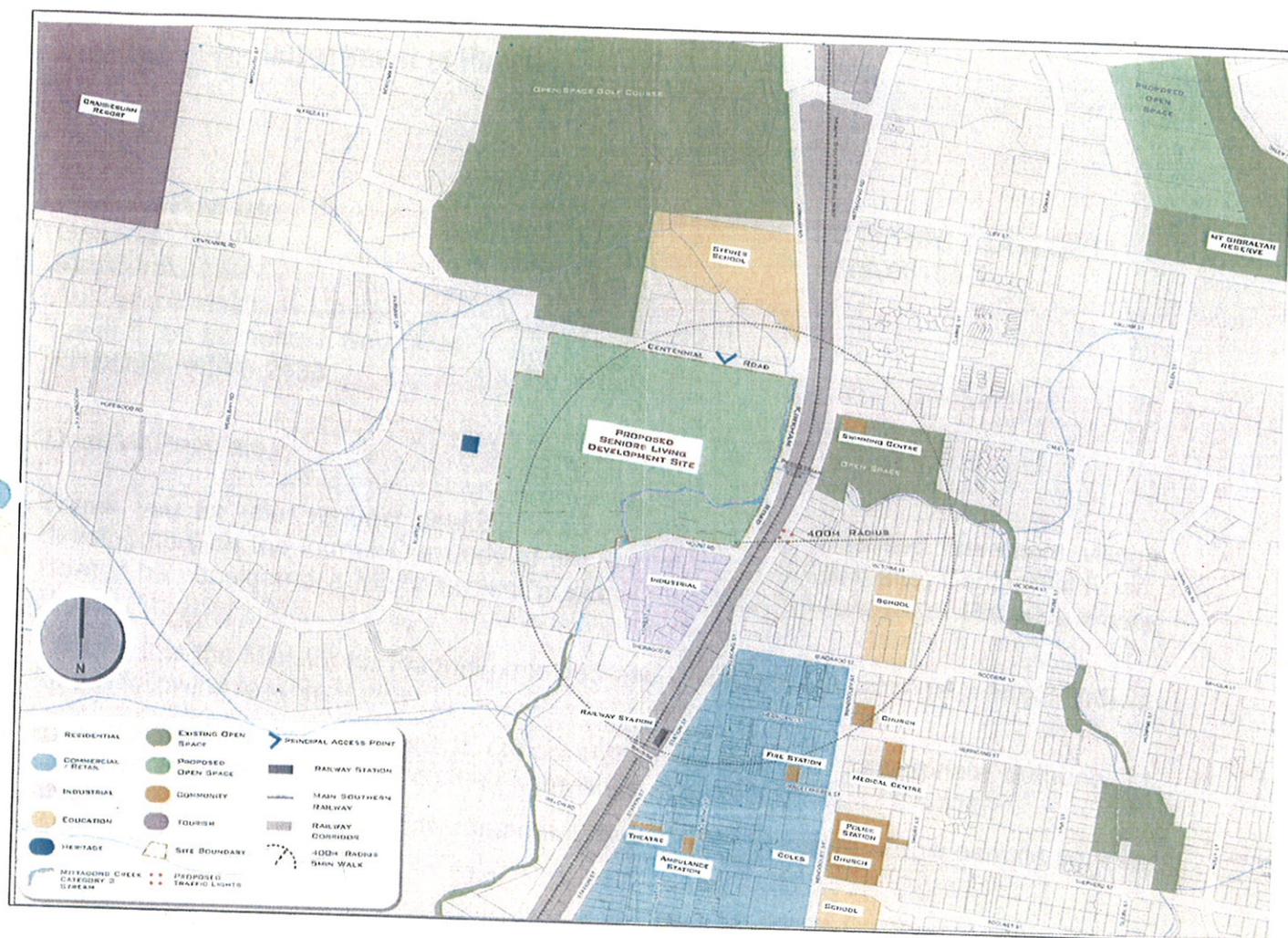
Site Description

- The site is located on the corners of Kirkham, Centennial and Mount Roads, in Bowral
- The site has an approximate area of 16.9 hectares, containing the former Our Lady of the Sacred Heart (OLSH) School.



Zoning Map

Tag A continued...



Locality Map

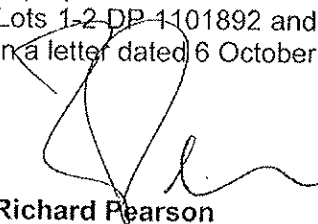
**Record of Opinion for the purposes of Clause 6(1) of the State Environmental Planning Policy
(Major Development) 2005**

I, the Deputy Director-General, as delegate of the Minister for Planning under delegation executed on 4 March 2009 have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 1 of the *State Environmental Planning Policy (Major Development) 2005* – namely Group 5, Clause 13 – Residential, commercial or retail projects, and is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies for the purpose of section 75B of that Act.

Schedule

Seniors housing development at Lots 1-2 DP 1101892 and Lots 4-11 DP 1109214, Centennial Road, Bowral

A proposal for a seniors housing development including independent living, and aged care units, at Lots 1-2 DP 1101892 and Lots 4-11 DP 1109214, Centennial Road, Bowral, generally as described in a letter dated 6 October 2009 from Mr Tony Pizzolato, Australand.



Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Date:

15/12/09