



zone

Planning Group

Statement of Environmental Effects

DEVELOPMENT APPLICATION
Residential Care Facility

2-4 Tea Tree Road
& 217-219 The Lakes Way,
Forster

August 2024
N23250.1

Prepared for Palm Lake
Works Pty Ltd





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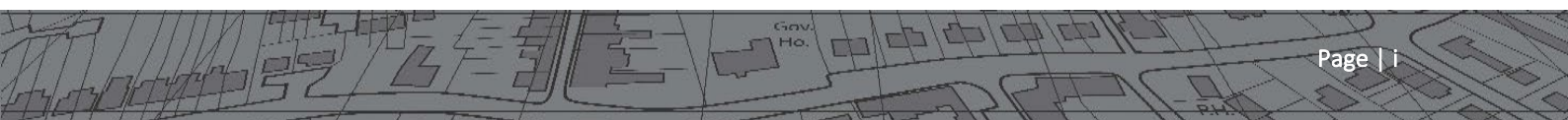
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Contents

Executive Summary.....	1
1.0 Introduction	3
1.1 Site & Application Details	3
1.2 Site Location & Characteristics	4
2.0 Background	7
2.1 Previous Approvals.....	7
2.2 Prelodgement Meeting.....	7
3.0 Proposed Development	8
3.1 Development Description	8
3.2 Tree Removal / Landscaping	10
3.3 Access & Parking	10
3.4 Setbacks	11
3.5 Visual Privacy	11
3.6 Flood Prone Land	12
3.7 Stormwater Drainage & Quality Management	12
3.8 Acid Sulfate Soil Mapping	13
4.0 Specialist Reports.....	14
5.0 Referrals & Applicable Development Controls.....	15
5.1 Concurrence	15
5.2 Integrated Development.....	15
5.3 State Environmental Planning Policies	17
5.4 Local Planning Instrument	17
5.5 Development Control Plan.....	18
6.0 Matters for Consideration	19
6.1 Environmental Planning Instrument(s)	20
6.2 Proposed Instruments.....	26
6.3 Development Control Plan.....	26
6.4 Planning Agreement(s).....	27
6.5 Environmental Planning & Assessment Regulation 2021.....	27
6.6 Likely Impacts.....	27
6.7 Suitability of the Site	28
6.8 Submissions	28
6.9 The Public Interest	28
7.0 Conclusion	29
ANNEXURES	



Figures

Figure 1: Location Plan (Source: NSW Planning Portal Spatial Viewer)	5
Figure 2: Detailed Site Location Plan (Source: NSW Planning Portal Spatial Viewer)	5
Figure 3: Aerial Site Plan.....	6
Figure 4: View of 2-4 Tea Tree Rd following Demolition of Dwellings looking North towards The Lakes Way	6
Figure 5: Site Plan of Proposed Development.....	9
Figure 6: Mapped Acid Sulfate Soil Locations across the Site	13
Figure 7: Area Mapped under the Coastal Environment Area Map under SEPP (Resilience & Hazards) 2021	23

Tables

Table 1: Site Details	3
Table 2: Development Application Summary.....	3
Table 3: Site Location & Characteristics	4
Table 4: General Development Summary	8
Table 5: Setback Summary	11
Table 6: Integrated Development	15
Table 7: State Environmental Planning Policies	17
Table 8: GLLEP 2014 Local Planning Instrument Provisions.....	17
Table 9: Great Lakes Development Control Plan Sections	18

Annexures

Annexure 1	Approved Plan of Subdivision DA2022/1273
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Executive Summary

Overview of Application

This Development Application is being made by Zone Planning NSW on behalf of Palm Lake Works Pty Ltd (the Owners) pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* to MidCoast Council and seeks Development Consent for a Residential Care Facility at 2-4 Tea Tree Road and 217-219 The Lakes Way, Forster and described as Lot 22 and parts of Lots 21, 23 and 24 DP838699.

The Development Application is lodged under the provisions of *Great Lakes Local Environmental Plan 2014* (GLLEP 2014) wherein the proposed development is permissible with Development Consent as a category of Seniors Housing. The development is not classified as State Significant or Designated Development and is not deemed Integrated Development.

In particular, the proposed development for the Residential Care Facility consists of a large quadrangle single storey building which includes:

- 90 resident rooms and one guest suite each containing ensuite bathroom facilities
- Reception and Foyer
- Dining areas and resident/visitor lounge areas
- Commercial kitchen
- Laundry facilities and linen storage
- Theatre, gym and activity rooms
- Hair salon
- Staff administration rooms, amenities, meeting rooms and facilities
- Café and café terrace
- External terrace areas
- Landscaped gardens and pathways

The overall development will be serviced by an at grade carpark accessed by a double width driveway from Tea Tree Road and consisting of a total of 54 carparking spaces comprising 30 spaces for staff and 24 spaces for visitors. There is also a loading dock and service accessed via the staff parking area.

The development is to be undertaken in a single stage.

The development meets applicable environmental planning instruments, including GLLEP 2014 and State Environmental Planning Policies which are applicable to the subject site and development. The development fully satisfies the Great Lakes Development Control Plan.

Importantly, the development has been designed specifically to comply with environmental considerations applicable to the site location. The location of the facility is not located on mapped bushfire risk land or mapped environmental land such as riparian land or coastal foreshore land. The design of the Residential Care Facility takes into consideration the potential flood risks although it is recognised that the site access is unimpeded by flood controls.

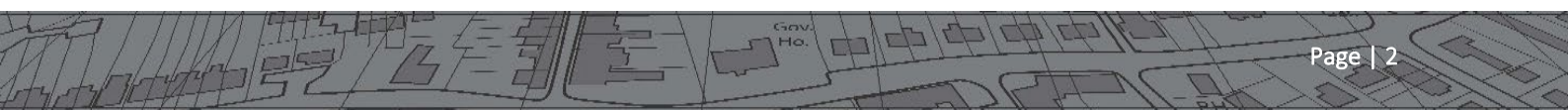
The proposed facility will occupy one allotment under an approved subdivision of the land from five lots into two lots (Development Consent DA2022/1273, approved 14 April 2023). The Plan of Subdivision is yet to be registered, however is expected to be in the coming months. The four Dwelling Houses which occupied the individual allotments were approved for demolition as part of the approved Subdivision Development Consent and have now been demolished.



The site comprises no significant remnant vegetation.

With reference to Section 4.15 Matters for Consideration of the *Environmental Planning and Assessment Act 1979*, the proposal is generally consistent with the relevant controls and permissible with consent, is suitable for the site and unlikely to result in significant impact or be detrimental to the public interest.

It is therefore requested that the application be approved subject to reasonable and relevant conditions.





1.0 Introduction

1.1 Site & Application Details

Table 1: Site Details

Address	2-4 Tea Tree Road & 217-219 The Lakes Way, Forster NSW 2428
Real Property Description	Lots 21 - 24 DP838699
Site Area	15,766.6m ²
Land Owner	Palm Lakes Resort Pty Ltd
Existing Use	Vacant land
Local Government Area	MidCoast Council
Local Planning Instrument	Great Lakes Local Environmental Plan 2014
Zone	R2 Low Density Residential
Maximum Building Height	8.5m
Floor Space Ratio	0.5:1
NSW Coastal Zone	YES

Table 2: Development Application Summary

Proposed Land Use	Residential Care Facility
Capital Investment Value	\$19,968,760 (excl GST)
Development Type	Local Development
Consent Authority	MidCoast Council
Designated Development	No
Integrated Development	No
Concurrence	No
SEPP Transport & Infrastructure Referral	No
Applicant	Palm Lakes Works Pty Ltd
Applicant Contact Details	C/- Zone Planning NSW - Mark Pepping 0428 475 866 mpepping@zoneplanning.com.au



1.2 Site Location & Characteristics

The following information is provided in response to desktop and onsite investigations.

Table 3: Site Location & Characteristics

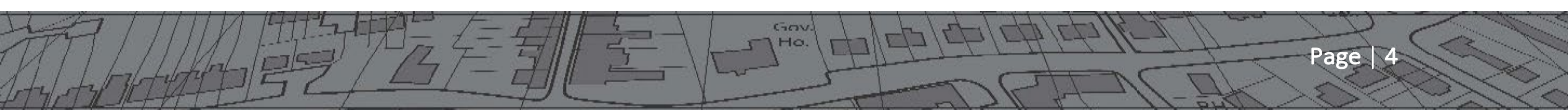
Topography	The subject site is relatively flat and sits at approximately 4m Australian Height Datum (AHD) and gently grades away from Tea Tree Road, towards Dunns Creek to the east of the site.
Vegetation & Waterways	The subject site is cleared of vegetation. The site is unoccupied by any identified mapped watercourses.
Availability of Services	The site is currently connected to all urban services. In order to accommodate the development.
Allotment Dimensions	The allotment is irregular in shape and provides for a frontage of approx. 186m to The Lakes Way and 100m to Tea Tree Road. The site provides for a total area of 15,766.6m ² .
Current Use & Improvements	The former Dwelling Houses having been approved to be demolished as part of an approved subdivision of consolidation of five lots into two lots (DA2022/1273) have now been demolished. As such the land is now vacant and has no improvements located on it.
Easements	There are no known easements applying to the current allotments or the future allotment as approved under DA2022/1273. The approved Subdivision Plan for DA2022/1273 is provided in Annexure 1 .
Constraint Mapping	The subject site is identified as subject to the following mapped constraint: <ul style="list-style-type: none">• Class 3 & 5 Acid Sulfate Soils• Part flood affected land

The subject site is located on the southern edge of the Forster Township and north-east of Wallis Lake. The site is part of a larger site which is being redeveloped for a mix of permanent retirement residential housing half of which has been constructed and occupied, and tourist and visitor accommodation by the developer (Palm Lakes Resort Pty Ltd). The aerial view of the site and development taken place to date can be seen in **Figure 3** below. The wider site is being developed in multiple stages.

The development to the east and south of the site was approved as a Caravan Park under Development Consent DA-279/2016 as modified which is being developed in stages.

Areas west of Tea Tree Road and north of The Lakes Way consist largely of low density residential subdivisions.

The site is identified in the **Figures 1, 2 and 3** below:



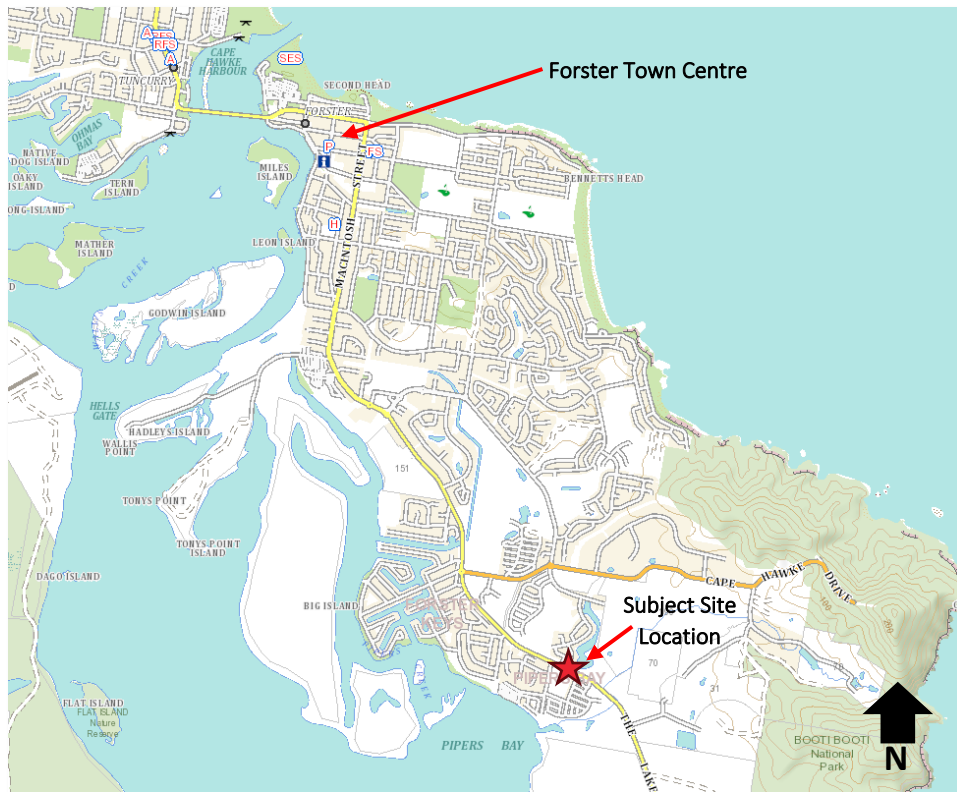


Figure 1: Location Plan (Source: NSW Planning Portal Spatial Viewer)



Figure 2: Detailed Site Location Plan (Source: NSW Planning Portal Spatial Viewer)



Figure 3: Aerial Site Plan



Figure 4: View of 2-4 Tea Tree Rd following Demolition of Dwellings 2/9/2024



2.0 Background

2.1 Previous Approvals

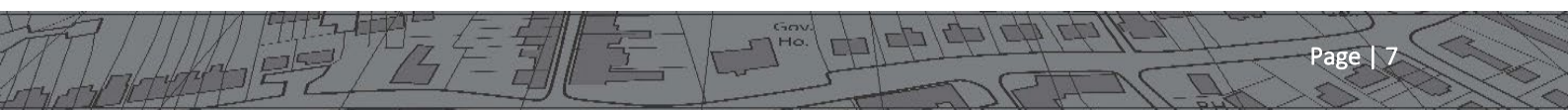
There are a number of previous approvals which have been granted over the wider development site. However, the one previous approval relevant to the application is the Subdivision Application which created the allotment on which the Residential Care Facility is proposed. The Development Consent details are as follows:

- DA2022/1273 – Subdivision (5 lots into 2 lots) – 217-219, 223 The Lakes Way and 2-4 Tea Tree Road, Forster.

The adjoining property at 6-8 Tea Tree Road, with development approval (DA155/2020) for a 120-bed aged care facility, will now form part of the caravan park extension, as the subject site was not in possession at the time of the original consent. After acquiring the subject site properties, it was decided that a better outcome would be to develop 6-8 Tea Tree Road as an extension to the caravan park and relocate the aged care facility to the corner allotments. This is why the original consent has never been acted upon.

2.2 Prelodgement Meeting

No Prelodgement Meeting was held with MidCoast Council in relation to this proposal.





3.0 Proposed Development

3.1 Development Description

This application seeks Development Consent for a 90-room Residential Care Facility on land which is vacant land having recently been cleared of the former residential dwellings in accordance with DA2022/1273. The development is proposed to be undertaken in a single stage.

In particular, the proposed Residential Care Facility development consists of a large quadrangle single storey building which includes:

- › 90 resident rooms and one guest suite each containing ensuite bathroom facilities
- › Reception and Foyer
- › Dining areas and resident/visitor lounge areas
- › Commercial kitchen
- › Laundry facilities and linen storage
- › Theatre, gym and activity rooms
- › Hair salon
- › Staff administration rooms, amenities, meeting rooms and facilities
- › Café and café terrace
- › External terrace areas
- › Landscaped gardens and pathways

The overall development will be serviced by an at grade carpark accessed by a double width driveway from Tea Tree Road and consisting of a total of 54 carparking spaces comprising 30 spaces for staff and 24 spaces for visitors. There is also a loading dock and service bay accessed via the staff parking area.

The proposed Residential Care Facility is consistent with the developing nature of the surrounding site being a larger residential estate for Seniors Housing. The proposed Residential Care Facility will allow for ageing in place for the existing and future residents of the wider development.

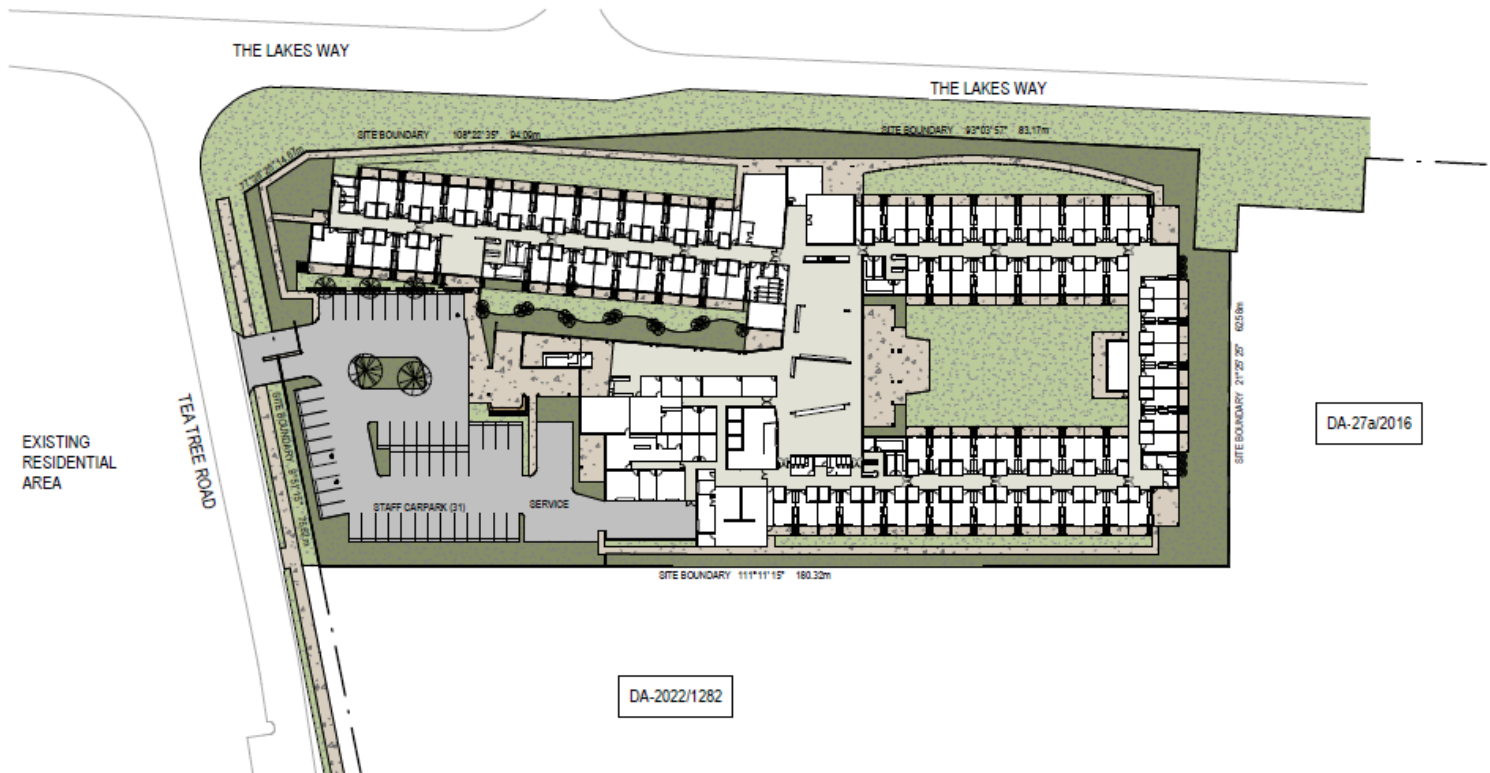
The scale of the development being single storey with pitched gable roofs is characteristic of traditional residential accommodation within the surrounding area. The development will include a mix of building materials including featured stone, horizontal and vertical panelling, glazing and metal roofing.

Table 4 below provides a broad summary of the development.

Table 4: General Development Summary

Future Site Area	15,766.6m ²
Proposed Site Coverage of buildings	8,059.6m ² (51%)
Proposed GFA	6,690.5m ²
Floor Space Ratio	0.42:1
Landscape Area	4,867.9m ² (31%)
Carparking	54

Refer Plans set included with the application. The site plan of the development is provided in **Figure 5** below.



1 SITE PLAN
1 : 1000

Figure 5: Site Plan of Proposed Development



The proposed aged care facility is intended to become the eighth aged care facility in the Palm Lake Care portfolio, and the first in new South Wales. It will be known as Palm Lake Care Forster.

Palm Lake Care forms part of the Palm Lake Group which also own and operate over 50 lifestyle communities, such as Forster Lakes located over the adjoining properties.

Palm Lake Care has been a provider of quality aged care since 2013, with the first facility opening in Deception Bay, Queensland. Palm Lake Care has grown quickly to deliver a further six facilities, providing aged care beds for Australia's ageing population.

With all of Palm Lake Care aged care facilities collocated with a Palm Lake Resort, Palm Lake Group are providing quality accommodation options and diversity for the ageing population, offering peace of mind for ageing in place in a convenient, safe and nurturing manner for all of its residents.

3.2 Tree Removal / Landscaping

As the site is a vacant cleared site, no tree removal forms part of the application.

A Statement of Landscape Intent prepared by Boyds Bay Group Planning has been lodged with the set of plans for the Development Application.

Proposed landscaping is consistent with that featured in the adjoining Palm Lake Resort, provides for substantial areas for residents to enjoy the outdoors and also provides for increased amenity along The Lakes Way façade.

3.3 Access & Parking

A detailed Traffic Assessment Report has been prepared by Burchills Engineering Solutions. To create a robust traffic assessment, the adjacent developments have been considered in an ultimate scenario (fully built and occupied) and the traffic volumes of those developments were incorporated into the background traffic volumes for Tea Tree Road. The performance of the intersections was analysed using SIDRA Intersection 9 software, an industry-recognised analysis tool that estimates the capacity and performance of intersections based on input parameters, including geometry and traffic volumes, and provides estimates of an intersection's Degree of Saturation (DOS), queues and delays.

The proposed Residential Care Facility is expected to generate 18 vph in both AM and PM peaks with a total of 185 vph in both peaks considering the completion of the adjacent approved developments and will gain vehicular access via a 6m wide dual driveway intersecting with Tea Tree Road which forms the western boundary of the site which accords with the width requirement outlined in AS2890.1 for Category 2 access facility (25-100 spaces with User Class 3 parking). The layout has been designed to allow a typical MidCoast Council (MCC) refuse vehicle to service the site. Swept path assessment has demonstrated that refuse vehicles are able to enter/exit the site in a forward gear.

Based on the size of the Residential Care Facility, a total of 51 car parking spaces are required. The development provides a total of 54 parking spaces made up of 30 staff parking spaces and 24 spaces to be



used by visitors to the premises in line with Council's car parking requirements. In addition, the facility is provided with an ambulance parking space described as a service bay.

An assessment of the traffic capacity of The Lakes Way turning left and right into Tea Tree Road has been assessed. The Turn Warrant Assessment for the development traffic indicates that the intersection of The Lakes Way and Tea Tree Road will require the provision of a Basic Left Turn (BAL) and a Channelised Right Turn short CHR(s) treatment. The Channelised Right Turn short CHR(s) being the recommended treatment for the intersection mitigation works proposed and line marking being retrofitted to the existing passing lane. Based on the Intersection analysis, it has been determined that The Lakes Way and Tea Tree Road intersection is anticipated to operate satisfactorily following the opening of the Facility. Likewise, the accessway of the facility with Tea Tree Road intersection is anticipated to operate satisfactorily following the opening of the facility.

In summary, the development satisfies the traffic and parking requirements as generated.

3.4 Setbacks

Being a large development located on an irregular shaped parcel of land, the setbacks of the development from the intended future property boundaries are variable across the site. The following table provides the setback range from each boundary. For detailed setbacks, please refer to the Architectural Plans Sheet SD101 5.

Table 5: Setback Summary

BOUNDARY	BUILT STRUCTURE
North (The Lakes Way)	3.6m to 11.01m
East (side)	3.14m to 8.17m
South (rear)	3.9m to 10.0m
West (Tea Tree Road)	10.0m to 75.0m

Given the location of the proposed development and having two road frontages, the proposed development setbacks are considered to be appropriate for the development, the site and the location. The setback areas will be suitably landscaped to provide visual interest from the public road and also provide privacy for the occupants and adjoining existing neighbours to the west and future neighbours to the south.

3.5 Visual Privacy

The proposed development site adjoins development on two of its perimeter boundaries, to the west, existing, and south, future. The development is a single storey development and therefore has no elevated habitable spaces overlooking onto the adjoining developments. The units within the development have been designed to not look into each other and allow the occupants to have privacy.

Overall, the development has been designed and positioned on the site to minimise any potentially detrimental visual privacy outcomes from the development.



3.6 Flood Prone Land

The subject site is not affected by regional flooding from the Wallis Lake system as described in the 223 The Lakes Way and 6 -16 Tea Tree Road, Forster, Flood Study Report prepared by Burchills Engineering Solutions (Burchills, 2019).

3.7 Stormwater Drainage & Quality Management

A detailed Water Sensitive Urban Design Strategy has been prepared by Burchills Engineering Solutions to address the requirements of the Great Lakes Development Control Plan (DCP) and the Great Lakes Local Environmental Plan (LEP). With reference to these documents, a WSDS is required for large scale and high density developments that are considered to have a significant impact on waterway health. The WSDS objectives for the proposed development are based on the stormwater quality targets in Section 11 of Great Lakes DCP, aimed at incorporating Water Sensitive Urban Design (WSUD) into proposed developments. The development site has an area greater than 2,500 m² and is considered 'Other Development' for the purposes of applying Section 11.4.4 of the DCP.

The subject site having a highly sensitive receiving environment in Pipers Bay and the greater Wallis Lake system presents as a constraint to the development. As such the development has been designed to ensure the construction and operation of the development result in the long-term improvement and protection of the ecology of this important system for the benefit of the community and environment. The proposed development layout was established through an iterative process to ensure the stormwater drainage (piped and overland flow) and bioretention treatment systems are incorporated seamlessly into the built form. The proposed stormwater management infrastructure requires minimal maintenance and the prominence of the bioretention system at the entrance to the site incentivises the operators to maintain the function and aesthetics of the system.

It is proposed to regrade the subject site towards the existing stormwater infrastructure in Tea Tree Road. It is understood that existing infrastructure has been designed for the urbanised development of the site. As such, no stormwater detention is proposed for the site and in any case would not provide any benefit for the following reasons:

- There is no downstream infrastructure that will be compromised as a result of increased peak flows (Tea Tree Road minor and major drainage system has adequate capacity); and
- Surface water systems downstream of the site are tidally influenced and the effects of changed hydrological conditions at the site will not alter water surface level or inundation frequency.

A bioretention system is proposed to treat stormwater runoff from the developed site in order to achieve the prescribed water quality targets by removal of pollutants through water retention and evapotranspiration, physical filtration, nutrient absorption and adsorption by plants and microorganisms, and through the natural denitrification process. Treated water will be collected through the underdrainage system and discharged into the receiving waterway.

Based on the stormwater management strategy outlined in the Water Sensitive Urban Design Report being fully implemented, the proposed development shall not cause any adverse impacts on the downstream environment.



3.8 Acid Sulfate Soil Mapping

The site is mapped as containing Class 3 and 5 Acid Sulfate Soils as shown in **Figure 6** below. As such the development will require an Acid Sulfate Management Plan prior to any construction works commencing on site.

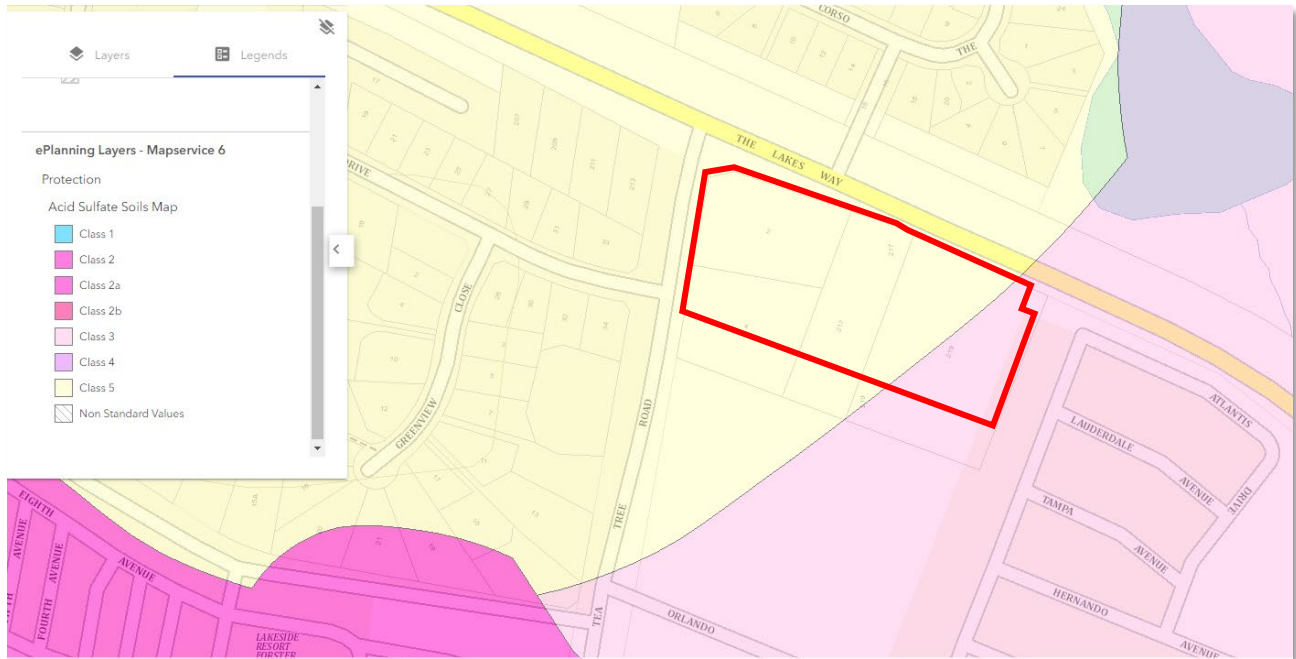


Figure 6: Mapped Acid Sulfate Soil Locations across the Site



4.0 Specialist Reports

The following specialist reports have been provided in support of this application:

SPECIALIST DOCUMENTATION	PREPARED BY
ARCHITECTURAL PLANS	Parups Waring Architecture
TRAFFIC IMPACT ASSESSMENT	Burchills Engineering Solutions
WATER SENSITIVE DESIGN STRATEGY	Burchills Engineering Solutions
LANDSCAPE PLAN & STRATEGY	Boyds Bay Group
COST ESTIMATE REPORT	Soben
STATEMENT OF ENVIRONMENTAL EFFECTS	Zone Planning NSW



5.0 Referrals & Applicable Development Controls

The following section establishes referral requirements and the Environmental Planning Instruments and Development Control Plan(s) that apply to the proposal.

5.1 Concurrence

The proposal does not trigger any of the Concurrence requirements listed in the Great Lakes Local Environmental Plan 2014 or other Environmental Planning Instruments.

5.2 Integrated Development

The proposal is not integrated development for the purposes of Council's assessment. A table has been prepared below detailing each act that may require integrated referral.

Table 6: Integrated Development

ACT	PROVISION	APPROVAL	COMMENT
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	N/A – The site is not in a Mine Subsidence District.
<i>Fisheries Management Act 1994</i>	s 144	aquaculture permit	N/A – The proposal does not seek consent for Aquaculture.
	s 201	permit to carry out dredging or reclamation work	N/A – The proposal does not include dredging or reclamation work.
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	N/A – The proposal does not seek to remove, damage or destroy marine vegetation.
	s 219	permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	N/A – The proposal does not include any form of obstruction across or within a bay, inlet, river or creek, or across a flat.
<i>Heritage Act 1977</i>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	N/A – The site does not contain an item listed on the State Heritage Register.
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease	N/A – The proposal does not seek mining lease.
<i>National Parks & Wildlife Act 1974</i>	s 90	grant of Aboriginal heritage impact permit	N/A – AHIMS search has not revealed any known Aboriginal Heritage items onsite.



ACT	PROVISION	APPROVAL	COMMENT
<i>Petroleum (Onshore) Act 1991</i>	s 16	grant of production lease	N/A – The proposal does not seek a petroleum production lease.
<i>Protection of the Environment Operations Act 1997</i>	ss 43 (a), 47 & 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	N/A – The proposal does not trigger the requirement for an Environmental Protection Licence.
	ss 43 (b), 48 & 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	N/A – The proposal does not trigger the requirement for an Environmental Protection Licence.
	ss 43 (d), 55 & 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	N/A – The proposal does not trigger the requirement for an Environmental Protection Licence.
<i>Roads Act 1993</i>	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	N/A – MidCoast Council is the Road’s authority. Integrated Roads Act approval is not required. It is further noted that no vehicular access from The Lakes Way is proposed as part of this development.
<i>Rural Fires Act 1997</i>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A – The subject site is not mapped as being bushfire prone land.
<i>Water Management Act 2000</i>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A – The subject site is not waterfront land.



5.3 State Environmental Planning Policies

The following State Environmental Planning Policies are applicable to the proposed development.

Table 7: State Environmental Planning Policies

STATE ENVIRONMENTAL PLANNING POLICY	APPLICATION
SEPP (Biodiversity & Conservation) 2021	Applicable
SEPP (Housing) 2021	Applicable
SEPP (Resilience & Hazards) 2021	Applicable
SEPP (Sustainable Buildings) 2022	Applicable

The provisions of the above State Environmental Planning Policies are addressed in Section 6.0 of this Statement of Environmental Effects.

5.4 Local Planning Instrument

The provisions of the Great Lakes Local Environmental Plan (GLLEP) 2014 apply to the site. The following table identifies the clauses applicable to the proposal.

Table 8: GLLEP 2014 Local Planning Instrument Provisions

CLAUSE	APPLICATION
Part 1 Preliminary	
1.2 Aims of Plan	Applicable
1.4 Definitions	Applicable
Part 2 Permitted or Prohibited Development	
2.3 Core Objectives & Land Use Table	Applicable
Part 4 Principal development standards	
4.3 Height of Buildings	Applicable
4.4 Floor Space Ratio	Applicable
Part 5 Miscellaneous Provisions	
5.21 Flood Planning	Applicable
Part 7 Additional Local Provisions	
7.1 Acid Sulfate Soils	Applicable
7.2 Earthworks	Applicable
7.4 Coastal Risk Planning	Applicable

The provisions within the clauses listed in the above local planning instrument are addressed in Section 6.0 of this Statement of Environmental Effects.



5.5 Development Control Plan

The provisions of the Great Lakes Development Control Plan apply to the site. The following table identifies the sections applicable to the proposal.

Table 9: Great Lakes Development Control Plan Sections

Section	Application
4 Environmental Considerations	Applicable
11 Water Sensitive Design	Applicable

The above development control plan provisions are addressed in Section 6.0 of this Statement of Environmental Effects.



6.0 Matters for Consideration

The proposed development is being assessed under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed development has been prepared and will be determined under Part 4 of the EP&A Act with MidCoast Council being the consent authority.

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation (BC) Act 2016*. Part 7 of the BC Act 2016 relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. For the purposes of the BC Act 2016, development or an activity is likely to significantly affect threatened species if:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

The proposal involves no clearing of vegetation relevant to BC Act 2016 and therefore further consideration of the Act is not required.

Section 4.15 of the EP&A Act outlines the matters for consideration for development applications prepared under Part 4. These are identified as follows:

Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The following assessment is provided against these matters.



6.1 Environmental Planning Instrument(s)

6.1.1 State Environmental Planning Policy (Biodiversity & Conservation) 2021

SEPP (Biodiversity and Conservation) 2021 covers a number of matters to be considered as part of development application. Of relevance to this development application and location are:

- *Chapter 2 Vegetation in non-rural areas*

6.1.1.1 - Chapter 2 Vegetation in Non-Rural Areas

The aims of Chapter 2 are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The Policy applies to non-rural areas of the State including the R2 Low Density Residential Zone in which the site is located. As the proposal does not include the removal of vegetation no further consideration of the SEPP is required and, Council can favourably consider this application.

6.1.2 State Environmental Planning Policy (Housing) 2021

SEPP (Housing) 2021 covers a number of matters to be considered as part of Development Application. Of relevance to this Development Application is Chapter 3 Diverse Housing, Part 5 Housing for Seniors and people with a disability.

6.1.2.1 - Chapter 3 - Part 5 Housing for Seniors & People with a Disability

The following section lists the relevant SEPP Sections as applicable to the proposed development.

Section 84 - Development Standards - General - Applicable

Development Consent must not be granted for development to which this section applies unless:

REQUIREMENT	COMPLIANCE
• <i>the site area of the development is at least 1,000m²</i>	Yes
• <i>the frontage of the site area of the development is at least 20m measured at the building line</i>	Yes
• <i>for development on land in a residential zone where residential flat buildings are not permitted the development will not result in a building with a height of more than 9.5m</i>	Yes (The height is below 9.5m)

Section 85 Development standards for hostels and independent living units – **Not Applicable**

Section 86 Development standards for seniors housing—Zones RE2, SP1, SP2 and RU5 – **Not Applicable**

Section 87 Additional floor space ratios – **Not Applicable**

Section 88 Restrictions on occupation of seniors housing – **Not Applicable**

Section 89 Use of ground floor of seniors housing in business zones – **Not Applicable**

Section 90 Subdivision – **Not Applicable**

Section 91 Fire sprinkler systems in residential care facilities - Applicable



A consent authority must not grant consent for development for the purposes of a Residential Care Facility unless the facility will include a fire sprinkler system.

Comment

The proposed Residential Care Facility will include a sprinkler system. Details of the system can be conditioned to be provided prior to issuing a Construction Certificate.

Section 92 Development on land used for the purposes of an existing registered club – **Not Applicable**

Section 93 Location and access to facilities and services—-independent living units – **Not Applicable**

Section 94 Location and access to facilities and services—residential care facilities - Applicable

Development consent must not be granted for development for the purposes of a Residential Care Facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—

- (a) on-site, or
- (b) by a transport service other than a passenger service.

Comment

Residents within the Facility will have access to transport services offered by the Residential Care Facility. It is further acknowledged that medical services will be offered in-house to residents unable to travel.

Section 95 Water and sewer - Applicable

A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—

- (a) be connected to a reticulated water system, and
- (b) have adequate facilities for the removal or disposal of sewage.

Comment

The Residential Care Facility will be connected to reticulated water and reticulated sewerage services provided by Council.

Section 96 Bush fire prone land – **Not Applicable**

Section 97 Design of seniors housing - Applicable

In determining a development application for development for the purposes of Seniors Housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.

Development consent must not be granted to development for the purposes of Seniors Housing unless the consent authority is satisfied the design of the Seniors Housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.

Comment

The proposed development has been designed having regard to Part 3 Section 12 of the Seniors Housing Design Guide as it relates to Residential Care Facilities.

Sections 98-105 Repealed

Section 106 Application of design principles for seniors housing – **Not Applicable**



Section 107 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15 – Applicable

The object of this section is to identify development standards for particular matters relating to development for the purposes of Hostels and Residential Care Facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

Comment

All requirements for the Residential Care Facility meet the SEPP as outlined below

REQUIREMENT	COMPLIANCE
<ul style="list-style-type: none">no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building	Yes Max height 7.34m
<ul style="list-style-type: none">the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	Yes FSR = 0.42:1
<ul style="list-style-type: none">internal and external communal open spaces with a total area of at least 10m² for every bed	Yes Each room has a verandah leading onto open space and pathways
<ul style="list-style-type: none">at least 15m² of landscaped area for every bed	Yes Required = 1,365m ² Provided = 6,234m ²
<ul style="list-style-type: none">a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site	Yes
<ul style="list-style-type: none">for a residential care facility—at least 1 parking space for every 15 beds in the facility,	Yes Required = 6 Provided = 24
<ul style="list-style-type: none">at least 1 parking space for every 2 employees who are on duty at the same time	Yes Provided = 30 (equivalent to 60 staff)
<ul style="list-style-type: none">at least 1 parking space for the purpose of ambulance parking	Yes (Service Bay)

Section 108 Non-discretionary development standards for independent living units—the Act, s 4.15 – Not Applicable

In summary, the proposed development is compliant with all the requirements which apply to a Residential Care Facility as stipulated under the SEPP.

6.1.3 State Environmental Planning Policy (Resilience & Hazards) 2021

SEPP (Resilience and Hazards) 2021 covers a number of matters to be considered as part of a development application. Of relevance to this development application and location are:

- Chapter 2 Coastal Management
- Chapter 4 Remediation of Land

6.1.3.1 - Chapter 2 – Coastal Management

The aim of Chapter 2 is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—



- (a) managing development in the coastal zone and protecting the environmental assets of the coast; and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone.

In particular the site is within the mapped area of Coastal Environment Area as illustrated in **Figure 7** below.



Figure 7: Area Mapped under the Coastal Environment Area Map under SEPP (Resilience & Hazards) 2021

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.

Comment

The Development will have minimal impact on the ecological environment within the Coastal Zone. The development is part of a much larger redevelopment of the area as a lifestyle resort for senior residents.

The site is located approx. 2.9 kms west of the Pacific Ocean coastline and 460m from Wallis Lake foreshore with significant development in construction between the Lake and the development site.



The development through on-site water sensitive urban design will not contribute to degradation of coastal marine environments and coastal water quality. The site will be connected to reticulated sewerage infrastructure.

The proposed development has no impact on public open space and access to foreshore areas or impact the surf zone.

The site has no registered Aboriginal Heritage Significance and the development will not interfere with Aboriginal Cultural practices.

In summary the development as proposed has no anticipated negative impacts to land mapped within the Coastal Environment Area and therefore the development meets the eligibility criteria for being granted development consent.

6.1.3.2 - Chapter 4 – Remediation of Land

The object of Chapter 4 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. Section 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a development application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.

Research of the subject property has determined that it has not been used for any potentially contaminating activities listed under Table 1 of the NSW Contaminated Lands Planning Guidelines or as set out in ANZECC/NHMRC *“Guidelines for the Assessment and Management of Contaminated Sites”*.

The proposed development of the site will not raise any issues about contamination. Further assessment in accordance with SEPP (Resilience and Hazards) 2021 is not required.

The proposed development meets *SEPP (Biodiversity and Conservation) 2021*.

6.1.4 State Environmental Planning Policy (Sustainable Buildings) 2022

As the development proposes a Residential Care Facility, the application of the SEPP (Sustainable Buildings) 2022 are excluded by virtue of Section 3.1(2)(c).

As such the application of SEPP (Sustainable Buildings) 2022 is not applicable to the subject development.

6.1.5 Great Lakes Local Environmental Plan 2014

The Great Lakes Local Environmental Plan 2014 applies the site. Following is assessment against the relevant clauses:

Clause 1.2 – Aims of the Plan

The aims of the plan set out under Clause 1.2 are as follows:



- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to facilitate the orderly and sustainable economic development of land,
- (b) to promote the health and well being of the population,
- (c) to protect and enhance environmental, scenic and landscape assets,
- (d) to facilitate cultural activities that will benefit the community,
- (e) to promote the equitable provision of services and facilities for the community,
- (f) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities or services,
- (g) to promote public transport patronage and encourage walking and cycling,
- (h) to ensure that development has regard to the capability of the land so that the risk of degradation is minimised,
- (i) to minimise land use conflict,
- (j) to ensure that development meets any local water quality objectives adopted by Council in relation to groundwater, rivers, estuaries, wetlands and other waterbodies,
- (k) to protect, enhance and provide for the long-term management of native biodiversity, including habitat linkages, threatened species populations and endangered ecological communities, and to identify and protect biodiversity links or corridors throughout the landscape.

The proposal relates to residential accommodation development within the R2 Low Density Residential Zone and the Seniors Housing – Residential Care Facility generally complies with the aims of the plan having regard to its nature and permissibility in the subject zone.

Clause 1.4 Definitions

The proposed development involves the erection of a Residential Care Facility on the vacant site. The development as proposed constitutes a category of Seniors Housing. The Definition of Seniors Housing and Residential Care Facility are defined as follows:

seniors housing means a building or place that is—

- (a) a residential care facility, or
 - (b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or
 - (c) a group of independent living units, or
 - (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
- 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 building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

residential care facility means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
 - (b) personal care or nursing care, or both, and
 - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,
- but does not include a dwelling, hostel, hospital or psychiatric facility.



Clause 2.3 – Zone Objectives & Land Use Table

The subject site is zoned R2 Low Density Residential under the Great Lakes Local Environmental Plan 2014. The objectives of the R2 Low Density Residential Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Seniors Housing is permissible development with consent within the R2 Low Density Residential Zone. The Residential Care Facility will provide critical residential care for an increasing aging population.

Clause 4.3 – Height of Buildings

The site is mapped with a maximum building height of 8.5m above ground level. The proposal provides for a maximum building height of 7.340m above natural ground level and is under the threshold. The development is compliant with this control.

Clause 4.4 – Floor Space Ratio

The mapped maximum floor space ratio for the site is 0.5:1. The site provides for a total area of 15,766m² and the floor space of the dwelling is 6,786m². The resultant floor space ratio of 0.42:1 and under the threshold. The proposed development is compliant with this clause.

Clause 7.1 – Acid Sulfate Soils

The site is mapped as containing Class 3 and Class 5 potential acid sulfate soils. The development will include works below the natural ground greater than 1m.

6.2 Proposed Instruments

At the time of preparing this report the Draft MidCoast Local Environmental Plan was on public display.

Under the Draft MidCoast LEP, the site is proposed to be zoned R1 General Residential. Seniors Housing is permissible development with consent under the site's proposed R1 General Residential Zone. As such the proposed development is not inconsistent with the permissibility under the Draft LEP.

Likewise, the height limit under Draft LEP for the site remains the same as the current Great Lakes LEP height limit of 8.5m. As the proposed designed development sits below the current 8.5m the development would remain compliant under the draft LEP.

Under the Draft MidCoast LEP, the site is no longer proposed to be covered by a Floor Space Ratio Control.

6.3 Development Control Plan

6.3.1 Great Lakes Development Control Plan

Great Lakes Development Control Plan applies to the subject site. The DCP has no specific development controls relating to Residential Care Facilities. As such the only identified sections of the Great Lakes DCP that would be applicable to the proposed development are Sections 4 Environmental Considerations and Section 11 Water Sensitive Urban Design.



This Statement of Environmental Effects via the assessment against the relevant Environmental Planning Instruments applying to the site have addressed the Environmental Considerations.

In regard to the Water Sensitive Urban Design, the Water Sensitive Design Strategy prepared by Burchills dated August 2024 has addressed the design consideration for the redevelopment of the site to ensure the development will meet best practice and incorporate Water Sensitive Urban Design principles.

Given the above and the assessment of the development against the provisions of SEPP(Housing) 2021, the need for further assessment against the DCP is not considered necessary as the development meets the development controls of the SEPP.

6.4 Planning Agreement(s)

There are no voluntary planning agreements applying to the site.

6.5 Environmental Planning & Assessment Regulation 2021

The following additional matters are prescribed for consideration under Section 4.15(a)(iv) of the *EP&A Act 1979*.

Clause 61(1) Applications for Demolition

No demolition is included as part of this application. The former Dwelling Houses were approved for demolition under Development Consent 2022/1273 and have already been demolished.

Clause 62 Consideration of Fire Safety

The development does not propose a change of use to a building.

Clause 63 Considerations for Erection of Temporary Structures

The development does not involve the erection of a temporary structure.

Clause 64 Consent Authority may require Upgrades of Buildings

The proposed development does not propose the rebuilding, alternations or additional, enlargement or extensions of an existing building.

6.6 Likely Impacts

The proposal is consistent with all relevant Council controls and provisions as outlined within this Statement, and as such, adverse impact is unlikely to result as part of the proposal. Relevant conditions of consent will ensure impacts of the development on adjoining developments will be minimised. Having had regard to all possible environmental impacts the development warrants consent.



6.7 Suitability of the Site

Subject & Adjoining Sites

The proposed Residential Care Facility has been designed to reflect the character of the locality by keeping the building to a single storey development. The site is also part of a location which has been approved and is undergoing development offering accommodation as a retirement village. The location of the Residential Care Facility provides a quality facility for nearby residents to be able to be taken care of at a time when nearing end of life.

The proposal's design has been prepared with careful consideration of the subject and adjoining sites and ensures:

- * Consistency with the surrounding development pattern through comparable building height, form, scale and building design.
- * Ensuring generous landscaped areas acting as privacy screening for the residents to the adjoining road network and also for personal and communal open space.
- * Using a mix of building materials that are consistent with the local coastal area and comparable to the development on the adjoining site.
- * The views of the adjoining properties will not be adversely affected.

The development is consistent with the environmental planning instruments applicable for the site ensuring suitability for the proposed development.

6.8 Submissions

Council will need to consider any submission received during assessment of the application consistent with MidCoast Council's Community Engagement Policy requirements.

6.9 The Public Interest

With reference to Section 4.15 Matters for Consideration of *the Environmental Planning and Assessment Act 1979*, the proposal is consistent with the relevant controls and permissible with consent; is suitable for the site and unlikely to result in significant impact or be detrimental to the public interest. It is therefore requested that the application be approved subject to reasonable and relevant conditions.



7.0 Conclusion

This Statement of Environmental Effects has provided an assessment of the proposed Residential Care Facility development against the relevant elements of the planning legislative framework, particularly the SEPPs, the prevailing LEP and DCP for MidCoast Council

The proposed Residential Care Facility provides a 90 bed facility incorporating a suite facilities and services for the residents to enjoy and receive primary care. The facility provides generous amounts of landscaping surrounding and within the development proper. Parking and access to the site meet all requirements for number of parking spaces, manoeuvrability and accessibility.

The development is consistent with the applicable sections of the Great Lakes Development Control Plan (DCP) being the applicable DCP at the time of lodgement of the Development Application.

Importantly, the development is not impacted by environmental constraints overlaying the site which have the ability to impact the development.

With reference to Section 4.15 Matters for Consideration of the *Environmental Planning and Assessment Act 1979*, the proposal is generally consistent with the relevant controls and permissible with consent, is suitable for the site and unlikely to result in significant impact or be detrimental to the public interest.

Given the information provided in this report, the proposed development is considered worthy of approval subject to reasonable and relevant conditions.



ANNEXURE 1

Approved Plan of Subdivision DA2022/1273

