

**JOINT REGIONAL PLANNING PANEL
HUNTER AND CENTRAL COAST**

JRPP No	2018HCC037
DA Number	16-2018-625-1
Local Government Area	Port Stephens
Proposed Development	Seniors Housing Development (Staged) – 110 self-contained dwellings and associated facilities / works (including road works, landscaping, community building, bowling green, pool / gym, mens shed, signage and other associated works)
Street Address	115 Boundary Road MEDOWIE (Being Land Known as Proposed Lot 601 of the Bower Estate)
Applicant/Owner	Applicant – McCloy Development Management Pty Ltd Owners - McCloy Medowie Pty Ltd
Number of Public Submissions	Nil
Regional Development Criteria	The development is declared as regionally significant development in accordance with schedule 7 clause 2 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> ('SEPP State and Regional Development'), being general development having a Capital Investment Value (CIV) over \$30 million. The development has a CIV of \$37,945,362.
List of All Relevant s4.15(1)(a) Matters	Environmental planning instruments: s4.15(1)(a)(i) • State Environmental Planning Policy No.55 - Remediation of Land) • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Port Stephens Local Environmental Plan 2013 (LEP2013) Development Control Plan: s4.15(1)(a)(iii) • Port Stephens Development Control Plan 2014 (DCP2014)
List all documents submitted with this report for the panel's consideration	DA documentation and Plans See Attachment 6 – Schedule of Appendices External agency advice Rural Fire Service (RFS) Hunter Water Corporation (HWC)
Recommendation	Approval subject to the conditions contained within Attachment 5
Report by	Samuel Harvey - Senior Development Planner
Report date	6 March 2019

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Development consent is sought for a staged seniors housing development comprising 110 self-contained dwellings and associated community facilities including; a community building, bowling green, pool / gym, open space areas, and men's shed. Site and infrastructure works are also proposed such as, road works, signage and landscaping. The Applicant proposes to undertake the development in 7 stages. The proposed community facility building and bowling green are proposed to be undertaken in stages two and five respectively. To ensure that the residents of stages 1 have access to community facilities in the interim the Applicant proposes a temporary community building.

The subject site is positioned within the 'Bower Estate', which is located on the periphery of the Medowie residential area, positioned in the North Medowie urban release area (URA). The lot has not been registered, however is known as proposed Lot 601 at the Bower Estate. The site is accessed via the Boundary Road turnoff from Medowie Road. Subdivision works have commenced in the area, with lots in stages 1, 2, 3a, 4a and 5 registered. The Bower Estate was approved under DA 16-2015-336-1 and originally comprised 345 lots to be released over 11 stages, however, there have been a number of subsequent modifications to the approval, most recently Modification Application No. 16-2015-336-6 recently approved a lot yield of 466 standard residential lots within the estate.

The subject site is zoned R2 'Low Density Residential' under *Port Stephens Local Environmental Plan 2013* ('LEP2013'). Seniors Housing is permitted with consent within the R2 Low Density Residential Zone. The proposal is considered to be in keeping with the zone objectives. In addition, the proposed development is consistent with the aims of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* by providing seniors housing which is in close proximity to existing and proposed infrastructure and services aimed at senior residents.

The subject development is located within approved stage 6a and 6b of the Bower Estate. To facilitate the subject development, the Applicant has submitted a Modification Application (No.16-2015-336-7) which proposes the consolidation of the residential lots located in stages 6a and 6b in order to create a super lot (Known as proposed Lot 601). This results in a decreased lot yield of 61 lots with the resulting development comprising 405 residential lots and the subject super lot. The subject super lot has development area measuring 5.4ha with access gained from the western perimeter road of the Bower Estate. The Modification Application No.16-2015-336-7) is currently being assessed = and should the subject development be Approved, Council will be in a position to issue the modified consent.

The application was notified in accordance with PSDCP2014, ending 18 October 2018. During this time no submissions were received.

The application was referred to the Rural Fire Service (RFS) in accordance to the provisions of s4.46 of *Environmental Planning and Assessment Act 1979* ('EP&A Act'). The RFS provided a bushfire safety authority dated 29 November 2018, which included general terms of approval (GTAs) relating to asset protection zones, evacuation and emergency management and design and construction. The RFS GTAs have been incorporated in the recommended conditions of consent. The application was also referred to Hunter Water Corporation under Section 51 of the *Hunter Water Act 1991*.

The proposal is referred to the Hunter and Central Coast Joint Regional Planning Panel for determination pursuant to schedule 7 clause 2 of *State Environmental Planning Policy (State and Regional Development) 2011* ('SEPP State and Regional Development') as the proposal is general development with a capital investment value (CIV) over \$30 million.

The development has been assessed under Section 4.15 of the *EP&A Act 1979* and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to the recommended conditions of consent contained in Attachment 5.

1. RECOMMENDATION

THAT DA 16-2018-625-1 for Seniors Housing Development (staged) – 110 self-contained dwellings and associated facilities / works (including road works, landscaping, community building, bowling green, pool / gym, men's shed, signage and other associated works) at 115 Boundary Road, Medowie (Lot 400 DP1242890) be approved subject to the recommended conditions contained in Attachment 5.

2. INTRODUCTION

This report provides a detailed overview of the proposed Seniors Housing Development (staged) – 110 self-contained dwellings and associated facilities / works (including road works, landscaping, community building, bowling green, pool / gym, mens shed, signage and other associated works at 115 Boundary Road, Medowie (Lot 400 DP1242890). The DA is reported to the Hunter and Central Coast Joint Regional Planning Panel in accordance with Part 4 'Regional Development' of SEPP State and Regional Development and Schedule 4A *EP&A Act 1979* as the capital investment value (CIV) of the project exceeds the \$30 million threshold for general developments. The proposed development has a CIV of \$37,945,362

3. BACKGROUND

The application was lodged with Council on 19 September 2018. A 14 day public exhibition period commenced, ending 18 October 2018, during which no submissions were received. During the assessment of the application additional information was requested relating to stormwater, landscaping and the provision of interim community facility and services.

4. SITE DESCRIPTION

The subject is located on the periphery of the Medowie residential area and is accessed via the Boundary Road turnoff from Medowie Road. The site is roughly positioned within the centre of the Port Stephens Local Government Area (LGA) and is approximately 10kms south of the Newcastle Airport, 15km east of Raymond Terrace and 30km north of Newcastle Central Business District (CBD). The proposal is positioned within the R2 Low Density Residential zone land, in which seniors housing is permitted with consent.

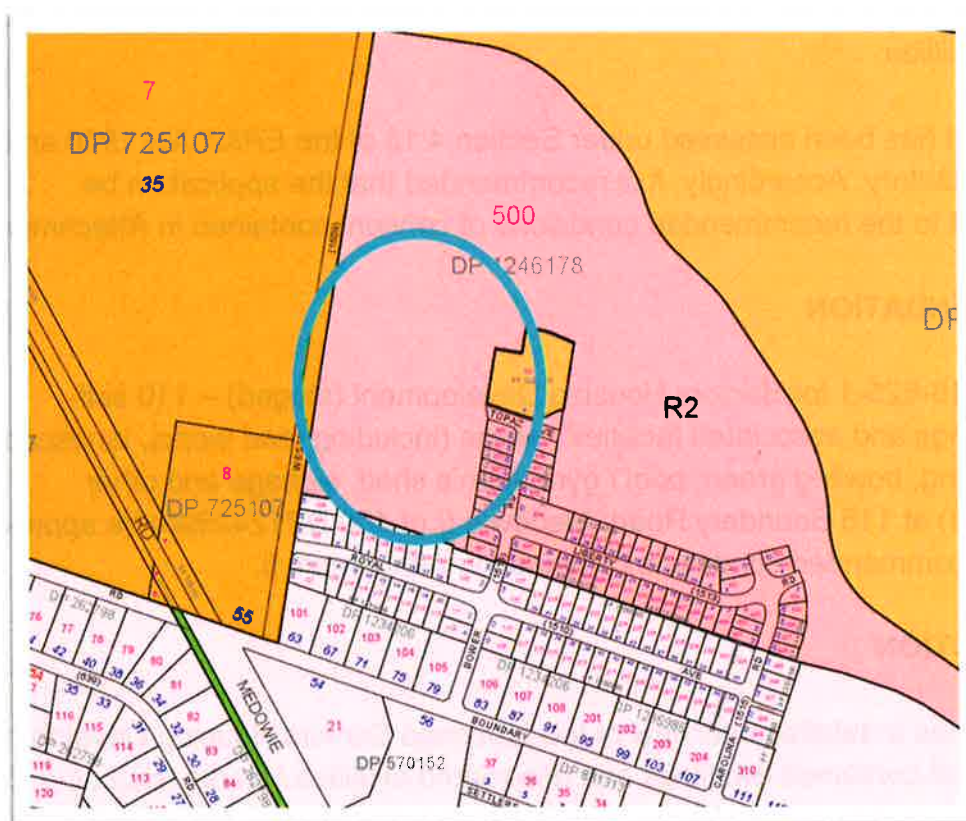


Figure 1: LEP Zoning Extract – Subject site R2 Low Density Residential

The subject site is located in the North Medowie URA within an area identified as 'the Bower Estate'. The Bower Estate was created under Development Application No.16-2015-336-1 which granted development consent to a four into 349 Lot Torrens Title Subdivision (including three stormwater basin lots and a residue lot) on 29 June 2016. Six subsequent modification applications have since been determined. Modification Application No. 16-2015-336-6 approved a lot yield to 466 and was approved on 21 September 2018 (Figure 1). To facilitate the subject development, Modification Application No.16-2015-336-7 to decrease the lot yield to 405 lot by consolidating Stages 6a and 6b (the subject development area) has been lodged by the applicant and is currently under assessment by Council Staff. The modification application and subject

development application will be determined concurrently. The subject development area is illustrated below (Figure 2).

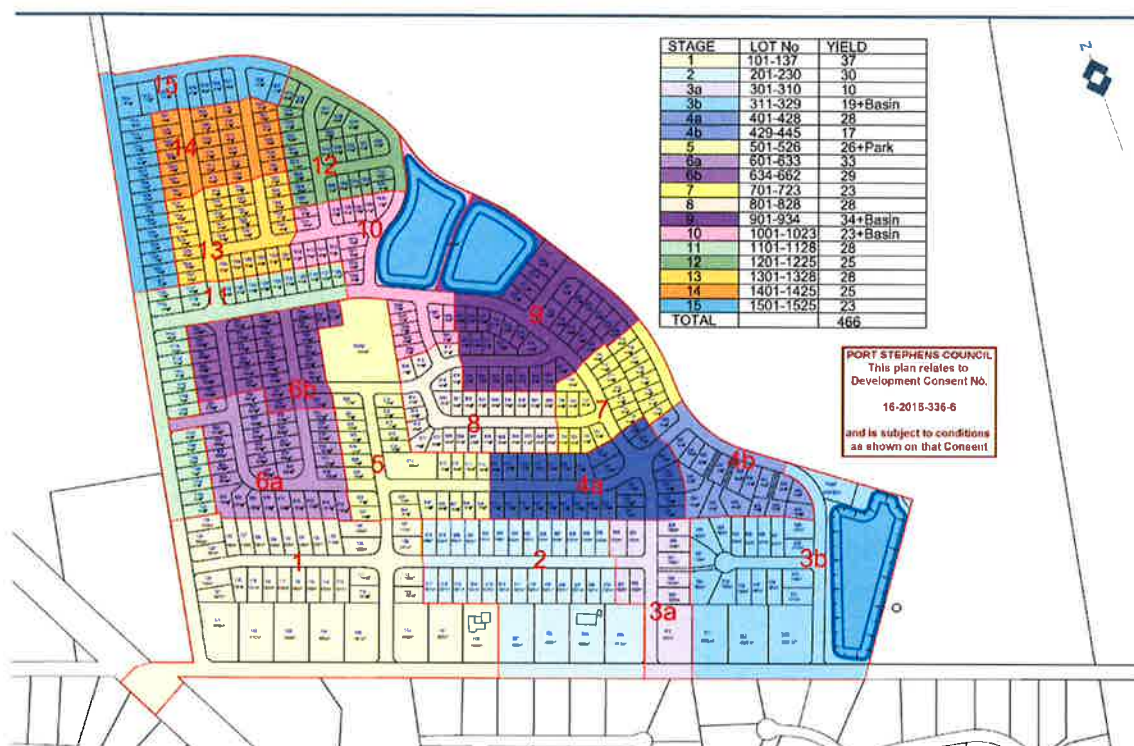


Figure 2: Development approved under Modification Application No.16-2015-336-6.

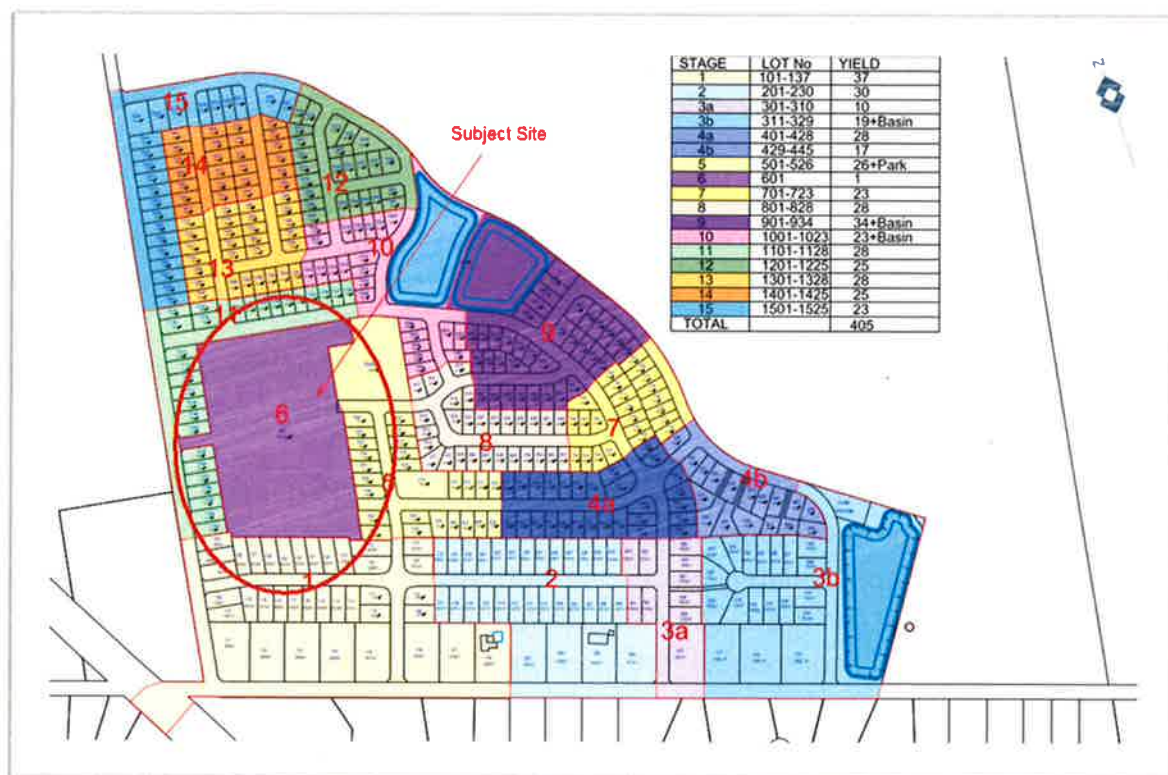


Figure 3: Proposed development lodged under Modification Application No.16-2015-336-7

The development area of the subject super lot measures 5.4ha with access gained from the western perimeter road of the Bower Estate. The site is subject to a number of environmental constraints (as mapped on Councils' GIS system) including:

- Bushfire (category 1)
- Acid sulphate soils (class 5);
- Koala habitat (marginal, preferred, preferred habitat buffer over marginal habitat, preferred habitat buffer over cleared land);
- Port Stephens LEP identified wetlands;
- Endangered Ecological Communities (Swamp Sclerophyll Forest);
- Height Trigger Map – RAAF Base Williamstown and Salt Ash Weapons Range
- Bird Strike Group A;
- Corridor Mapping – Core Mapping, Landscape Habitat Link, Landscape Link, Local Link.

The applicable development constraints have been considered and addressed in Section 6 'Planning Assessment' of this report.

5. PROPOSAL

The application proposes a staged seniors housing development. The proposal comprises 110 self-contained dwellings and associated community facilities including; a community building, bowling green, pool / gym, open space areas, and men's shed. Site and infrastructure works are also proposed such as, road works, signage, landscaping and other associated works. The Applicant proposes to undertake the development in seven stages. A temporary sales office will be provided in one of the proposed dwellings located in stage one. Key aspects of the development include:

- Construction of 110 self-contained seniors housing dwellings incorporating a range of detached and attached single storey dwelling designs. Eight dwelling designs are proposed and provide six alternate two bedroom designs and two alternate three bedroom dwelling designs. The range of dwelling designs allow for housing diversity and choice within the development.

The proposed dwellings will be constructed with a range of materials and textures. The proposed dwellings are considered to be of a high quality design, well sited and appropriately positioned with respect to the topography of the land and character of the area. The combination of a range of high quality dwelling designs positively contributes to the overall design of the proposed development.

- Provision of community facilities and services including:
 - Temporary community building and communal open space to cater for stage 1 development),

- Community building including consulting rooms, library and indoor and outdoor passive and active open space,
- Bowling green,
- Pool and gym facility
- Men's shed ,
- Wash bay
- Caravan / boat storage; and
- Bulk waste

It is noted that a temporary community facility will be constructed as part of stage one to provide required services to occupants of stage one as the permanent community building shall not be constructed until stage two. In addition, temporary passive and active open space will be provided proportionality until the construction of the pool and gym facility, which are to be completed as part of Stage 5 works. The Applicant has provided plans (Plan Ref: 217-019 and dated 30/01/2018) which details the provision of the interim community facilities and open space areas.

The permanent community facility and associated services are positioned in the centre of the development site, providing pedestrian access to future occupants of the development. A floor plan of the community facilities and associated services are illustrated below.

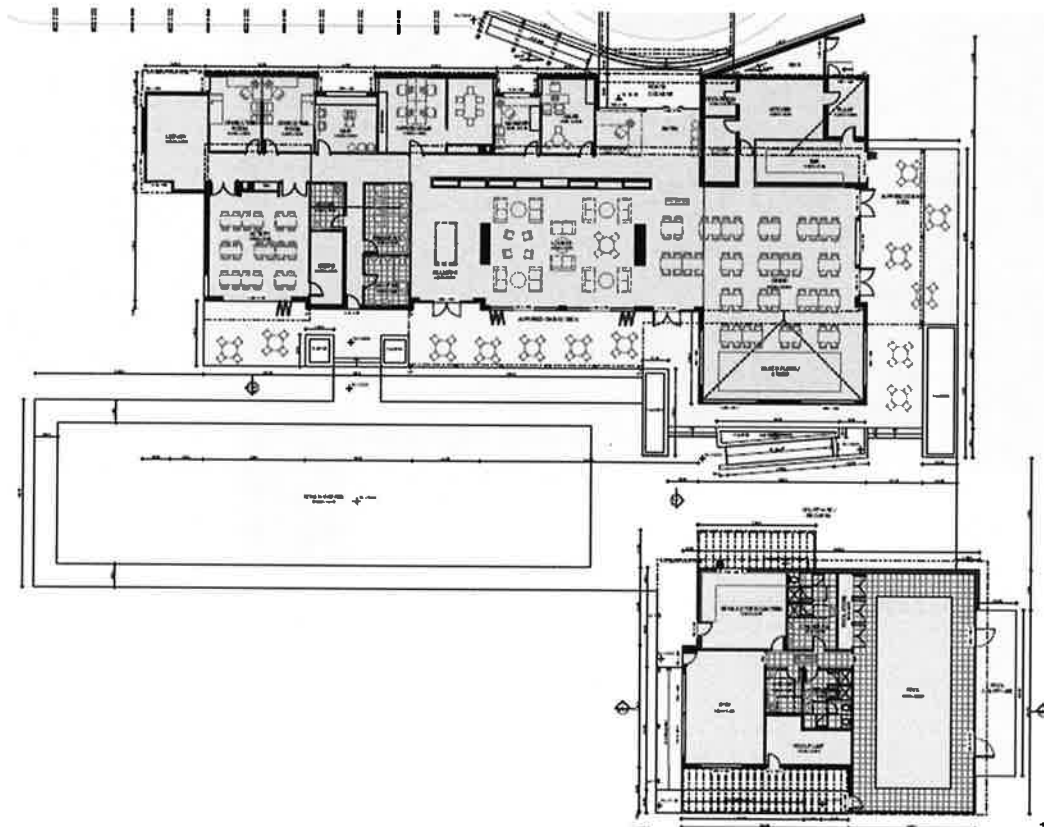


Figure 1: Floor plan of the community facility and associated services (stage 2)

The development is proposed to be carried out in seven stages, as follows:

- Stage 1 – 20 dwellings, temporary community building and temporary communal open space. A temporary sales will be provided in one of the proposed dwellings and shall be reverted to a dwelling five years from the commencement of use.
- Stage 2 – 18 dwellings, construction of the community facility, converting temporary community building to a dwelling and additional temporary communal open space,
- Stage 3 – 13 dwellings and additional temporary communal open space,
- Stage 4 - 18 dwellings and additional temporary communal open space,
- Stage 5 – 13 dwellings, bowling green, men's shed, pool/gym, garden shed, wash bay and bulk waste storage
- Stage 6 – 12 dwellings, and
- Stage 7 – 16 dwellings.



Figure 5: Illustrating the proposed development

6. PLANNING ASSESSMENT

6.2 *Environmental Planning and Assessment Act 1979 (EP&A Act)*

6.2.1 Section 2.15 – Joint Regional Planning Panels

Section 2.15 and Schedule 2 of the *EP&A Act* provides that the Joint Regional Planning Panel (JRPP) is the determining authority for regionally significant development. The JRPP is the determining authority for the subject Application as the proposal is regionally significant development as identified under schedule 7 clause 2 of *State Environmental Planning Policy (State and Regional Development) 2011* ('SEPP State and Regional Development'), being general development having a Capital Investment Value (CIV) over \$30 million. The development has a CIV of \$37,945,362.

6.2.3 Section 4.46 – Integrated development

The proposal is integrated development pursuant to Section 4.46 of the *EP&A Act* as approval is required from the Rural Fire Service (RFS) under section 100B of the *Rural Fires Act 1997*. Section 100B(1) of the *Rural Fires Act 1997* requires a bushfire safety authority for the development of bushfire prone land for a special fire protection purpose, which includes educational establishments.

The RFS issued a bushfire fire safety authority on 29 November 2018, referenced D18/7633 (**Attachment 2**) subject to a number conditions including management of asset protection zones, water and utilities, arrangements for emergency evacuation and compliance with relevant Australian Standards and Planning for Bushfire Protection 2006.

5.2.4 Section 4.15 Evaluation

The proposal has been assessed under the relevant matters for consideration detailed in s.4.15 (1) *EP&A Act* as follows:

5.2.4.1 Section 4.15(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011, identifies the types of development that are; State significant development, State significant infrastructure and critical State significant infrastructure, and regionally significant development. Schedule 7 of the SEPP defines development that is regionally significant, and includes Applications for general development with a CIV over \$30

million. As the proposed development has a CIV exceeding \$30 million the Hunter and Central Coast Joint Regional Planning Panel is the determining authority.

State Environmental Planning Policy No.55 (Remediation of Land) (SEPP No.55)

Clause 7(1) (b) and (c) of SEPP No.55 requires that where land is contaminated, Council must be 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.

The development site forms part of a 466 lot Torrens title residential subdivision known as the 'Bower Estate'. No contamination has been identified on the site and the proposed development is a similar use to existing approved development and will require a similar amount of earthworks. Therefore it is considered that the development is suitable for the proposed land use. On this basis, the provisions of SEPP 55 have been satisfied.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been submitted for the proposed development which demonstrates that the proposal can achieve required water and energy saving targets compared to the standard model house. A condition of consent has been included in the notice of determination requiring the development to be carried out in accordance with the BASIX Certificate.

State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 aims to encourage the provision of housing that will:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design.*

The aims of the policy (as detailed above) will be achieved by:

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*

(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.

The proposed development is considered to be consistent with the aims of the SEPP as it provides seniors housing which is in close proximity to existing infrastructure and services. It is noted that the community facility and services (including temporary arrangements) will contain a number of facilities and services catering for future residents.

The overall aesthetics of the development are considered to be of high quality with the inclusion of a practical dwelling layout and dwellings designs incorporating a range of materials, textures and colours. It is considered that the design achieves a built form that has acceptable proportions and a balanced composition of building elements. The visual appearance of the development responds and diversifies the existing local context, while providing a benchmark in regards to design for future development in the locality and incorporating a range of housing options within the 'Bower Estate'.

The proposed development has been lodged under Council's LEP as Seniors Housing Development which is permissible in the R2 Low Density Residential Zone, however an assessment against the design requirements of SEPP (Seniors) is undertaken below:

Chapter 3 – Development for Seniors Housing

The objective of Chapter 3 is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

Site Related Requirements

The subject area is positioned in Medowie. Medowie is positioned in the centre of the Local Government Area and is sited approximately 10kms south of the Newcastle Airport, 15km east of Raymond Terrace and 30km north of Newcastle Central Business District (CBD). Medowie has a local centre with a shopping centre, health service facilities, neighbourhood shops and associated banking services, community centre and golf course. It is further noted that the proposal includes the following facilities and services within the subject site:

- A community building
- Bowling green
- Pool / gym Facility
- Men's med
- Garden shed
- Caravan wash/ loading area
- Located in close proximity to the Bower Estate public park

The intent of Chapter 3 of the SEPP is to allow seniors housing development to take place in locations where another environmental planning instrument (e.g. a local environmental plan) may not permit it. In this instance, site related requirements will be used as a guide, and strict compliance is not considered to be a requirement, subject to the zone objectives of the R2 Low Density zone being satisfied as the development is permissible in the R2 Low Density zone with development consent.

The development will provide a diverse range of housing options for members of the community over the ages of 55 and for people with a disability. The proposed development will complement and co-exist with residential developments in the locality. The integration of facilities and services for senior community members ensures that the day to day needs for senior residents are satisfied. It is noted that General Terms of Approval of RFS have been obtained (Attachment 2) and incorporated into the recommended conditions of consent (Attachment 5). Reticulated water and sewer is available to the subject site.

The location of the proposed development is considered satisfactory.

Part 3 - Design Requirements

General

A site analysis plan was submitted with the application. The site analysis plan illustrated surrounding viewpoints, green corridors, surrounding development, topography and facilities and services located in close proximity to the proposed development. The site analysis submitted with the application is in line with requirements set out in Part 3, Division 1 of the SEPP.

Clause 31: Design of In-fill Self-care Housing

In accordance with clause 31: the provision of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources are to be considered. The proposed development is considered to be generally consistent with design criteria contained in the document. The proposed development is considered to be appropriately located and designed.

Clause 32 – Design of Residential Development

Clause 32 provides that the design of residential development is to consider that adequate regard has been given to the design principles outline in the SEPP. An assessment against the design requirements outlined in clause 33 to 39 has been undertaken as outlined below.

Clause 33 - Neighbourhood Amenity and Streetscape

The proposed development will integrate into the 'Bower Estate'. The proposed senior's housing development will positively contribute to the character of the Bower Estate through a range of high quality, suitably sized dwellings. The application will contribute to the quality and identity of the surrounding area by diversifying housing stock. It is noted that the subject site is not located in proximity to any heritage conservation areas.

All dwellings are single storey and in conjunction with fencing and landscaping ensure no adverse privacy concerns and overshadowing impacts will arise. The single storey heights of the proposed dwellings are compatible in scale with adjacent development. The proposed development has setbacks consistent with PSDCP2014 and positively contributes to the character of the locality.

The proposed landscaping is consistent with the landscaping approved for the Bower Estate. The landscaping plan incorporates a diverse range of trees, including street trees, palms and shrubs. Landscaping will further reduce the height, bulk and scale of the development. No major existing trees are proposed to be removed and the development is not located within close proximity to a riparian corridor.

It is noted that tree removal was assessed and considered to be conditionally acceptable under DA No.16.-2015-336-7 for the Bower Estate. No additional tree removal is proposed under this application.

Clause 34: Visual and acoustic privacy

In considering the potential visual and acoustic privacy impacts from the proposal, a number of design elements were incorporated, including:

- Sufficient green space around the community facilities and associated facilities and services;
- Single storey dwelling designs;
- Sufficient front setback of dwellings;
- Appropriate space between pedestrian pathways and property boundaries;
- Building siting and layout ensuring appropriate distance between dwellings; and
- Landscaping improving visual privacy.

The proposal will maintain acceptable noise levels with bedrooms appropriately separate from driveways, parking area and paths.

Clause 35: Solar access and design for climate

Each residential unit will be single storey and as such will not have adverse overshadowing impacts to adjoining dwellings. Shadow diagrams submitted with the application indicate ample natural sunlight can penetrate into the residential units, including private open space. Windows of dining areas/ living rooms of each unit have been designed to ensure natural light and ventilation into the units. In addition, the

community building has been designed to ensure adequate natural sunlight can be achieved throughout the day.

Clause 36: Stormwater

Stormwater has been designed to drain into surface inlet pits and the implementation of On-Site Detention (OSD) proposed satisfies PSDCP2014 requirements. The use of an overland flow zone at the northern part of the site has also been implemented for stormwater management.

Clause 37: Crime Prevention

Crime prevention through environmental design (CPTED) has been considered in the assessment of the application. The proposed dwellings have been designed to provide a clear line of sight from the dining room / living room and kitchen to pathways and community footpaths. Suitable passive surveillance opportunities have been provided. Fences have been provided around the perimeter of the development to discourage pedestrian thoroughfare. The development is considered to satisfy crime prevention design criteria.

Clause 38: Accessibility

The proposed development provides a hardstand pathway throughout the proposed development, providing easy and clear access to the community facility. All accessibility requirements outlined in schedule 3 of the SEPP (Housing for Seniors or People with a Disability) 2004 will be condition to be complied with.

Each proposed dwellings has the capacity to cater for parking in accordance with SEPP(Housing for Seniors or People with a Disability) 2004. In addition, visitor off-street stacked parking can be accommodated in each driveway. The proposed development will provide thirteen (13) visitor parking spots (including 2 disabled parking spots).

Clause 39: Waste Management

The proposed development is provided with waste facilities that maximise recycling. A private contractor will provide waste management services.

Part 4: Development Standards to be complied with

The proposed development complies with requirements in part 4 Development Standards to be complied with:

- *The size of the site exceeds 1000m² having an area of 54000m²*
- *The site frontage exceeds the required 20m being 261m,*
- *All proposed dwellings are single storey and below 8m in height*

Schedule 3 Standards concerning accessibility and usability for hostels and self-containing dwellings

Recommended conditions of consent will require all criteria outlined in schedule 3 of the SEPP to be satisfied as part of the detailed construction certificate documentation prior to the relevant stage. Certification that all required accessibility and useability standards have been implemented is required prior to the issue of an occupation certificate.

Local Environmental Plans

Port Stephens Local Environmental Plan 2013

Clause 1.3 – Land to which Plan applies

Port Stephens *Local Environmental Plan 2013* (LEP2013) applies to land identified upon the 'Land Application Map'. The subject development occurs within this area.

Land Use Table - Zoning

The subject site is zoned R2 Low Density Residential. The proposed development is defined as 'Seniors Housing' under LEP2013 and is permissible with consent in the R2 Low Density Residential zone. The development will provide a diverse range of housing options for members of the community over the ages of 55 and for people with a disability. The proposed development will complement and co-exist with the surrounding residential developments in the locality. The integration of facilities and services for senior community members ensures that the day to day needs for senior residents are satisfied. As such, the proposed development is considered to satisfy the objectives of the zone.

Clause 4.3 Height of Buildings

The site has a 9m height limit as prescribed under the LEP2013 mapping. The development has a maximum height limit of 5.4m (community building). The heights of the proposed dwellings are single storey and are considered to be appropriate within the context of the area and therefore the proposal satisfies the aims of the clause.

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing Class 5 Acid Sulphate Soils (ASS). Accordingly, any works beyond 2m below the natural ground surface require consideration under clause 7.1 of the LEP2013. Conditions of consent have been recommended which require the preparation and implementation of an Acid Sulphate Soils Management Plan if ASS is encountered during works. The development is considered to be satisfactory in regard to the management of ASS subject to the recommended conditions of consent.

Clause 7.2 Earthworks

A detailed drainage study and geotechnical report was submitted with the application and ancillary earthworks associated with the development are not considered likely to result in adverse impacts to adjoining properties. Subject to the recommended conditions of consent the earthworks proposed are considered appropriate.

Clause 7.6 Essential services

Clause 7.6 requires that the consent authority ensure that essential services are available, or that adequate arrangements can be made, for such services. Essential services are available to the site including water, electricity, sewage, drainage and vehicular access.

Clause 7.9 Wetlands

The subject site is mapped as 'wetlands' in accordance with LEP2013. The assessment of DA No.16-2015-336-1 for the Bower Estate confirmed that the wetlands mapping used not consistent with an active wetland and rather has been deduced through topographical mapping. The conditions imposed under the consent for habitat retention and replacement as well as water quality requirements are considered suitable.

Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

There are no exhibited draft environmental planning instruments relevant to the application.

Section 4.15(1)(a)(ii) any development control plan (and section 7.11 plan)

Port Stephens Development Control Plan 2014

The following sections of the Port Stephens Development Control Plan 2014 (DCP2014) are relevant to the proposal:

Section A – Part A.12 Development notification

The proposal was advertised and notified for a period of 14 days from 4 October to 18 October 2018 in accordance with the *EP&A Act*, *EP&A Regs* and Section A of the DCP. Council received no submissions during that time.

Section B – General Controls

Part B2 – Natural Resources

The site has been lawfully cleared for the establishment of inner protection areas under the development application for 'the Bower Estate' (DA No.16-2015-336-6).

Development conditions relevant to the subject site will be included in the recommended conditions of consent contained in Attachment 4. Recommended conditions of consent relate to:

- The preparation of a Construction Environmental Management Plan (CEMP).
- Pre-clearance survey including requirements for replacement hollows and management of threatened fauna that may be identified in footprint.
- Replacement numbers for any koala feed trees or hollow bearing trees to be removed.

No change or additional environmental impact to the E2 Environmental Conservation portion of land located east of the development site will occur as part of the proposal.

Part B3 – Environmental Management

The proposed development satisfies the requirements of Part B3, the key issues relating to environmental management issues have been addressed as follows:

- The RFS have provided General Terms of Approval for the development dated 29 November 2018, which relates to the bushfire constraints on the site;
- A sediment and erosion plan has been submitted to minimise any impacts associated with earthworks on the site;

Subject to the recommended conditions of consent the proposed development adequately addressed Part B3 – Environmental Management.

Part B4 – Drainage and water quality

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls which satisfy the requirements of Part B4. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a recommended condition of consent has been included in the consent requiring the provision of detailed engineering plans, prior to the issue of a construction certificate. Hunter Water noted under Section 51 of the Hunter Water Act 1991, Hunter Water had no concerns or comments on the proposed development.

Part B6 – Essential services

The site has existing connections to essential services including, water, sewer, electricity and vehicular access. In addition, Hunter Water has reviewed the application and has raised no objections to the development.

Part B7 – Williamstown RAAF Base – Aircraft Noise and Safety

The subject site is located in the 'Birdstrike Group A' and extraneous group. In accordance with this chapter the application was referred to the Department of Defence. In response conditions and advices were suggested with respect to the management of waste and light reflectivity of building material (Attachment 4). A condition has been incorporated into the recommended Notice of Determination regarding light reflectivity from building materials and an advice in relation to covering organic waste to prevent bird strike.

Part B9 – Road network and parking

Part B8 species that car parking is to be calculated as per SEPP (Housing for seniors or People with a Disability) 2004, which requires that parking be provided at a rate of 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider.

The car parking proposed for each dwelling type has been outlined in the below table:

Dwelling type	Bedrooms	Car parking spaces provided	Car parking spaces required (rounded to the nearest whole number)
A	2	1	1
B	2	1	1
C	2	1	1
D	3	2	2
E	3	2	2
F	2	1	1
G	2	1	1
H	2	1	1

The proposed development application is made by a person other than a social housing provider so a rate of 0.5 car spaces per bedroom applies. All proposed units comply with onsite parking requirements as prescribed under SEPP (Housing for senior's or people with a disability) 2004. It is noted that the length of the driveways will allow for additional stacked parking if required.

In addition to the car parking requirements of Part B9, Chapter C5 DCP2014 provides additional car parking rates applicable to community facilities associated with Seniors

Housing development. In this regard, Chapter C5 specifies that a minimum of three on-site car parking spaces or spaces provided at a rate of one space per twenty dwellings (whichever is the greater) must be provided. This equates to a requirement of an additional 6 spaces, calculated on the higher rate of one space per twenty dwellings. The proposed development will provide 13 visitor car parking spaces (including two accessible spaces), which satisfies this requirement.

In addition, the proposal caters for two caravan/ boat storage spaces and one wash bay. The internal road design and turning paths are considered satisfactory.

Section C – Development Types

Chapter C5 - Multi Dwelling Housing or Seniors Housing

The proposed development has been assessed against the relevant controls in Chapter C5 as follows:

Landscaping		
Control	Requirement	Comment
C5.1 and C5.3	Landscaping Coverage and Qualities 20% of the site area consisting of deep soil planting where the lot is greater than 250m² and zoned R2 – Low Density Residential. 50% of the landscaped area must be located behind the building line to the primary road. - Landscape works incorporate adequate screening from the street and adjacent neighbors. - Front boundary structures (e.g. fencing and retaining walls) provide visual relief with the use of landscape planting. - Structural soil and/or structural cells should be used to reduce competition between specimen trees and infrastructure.	A landscape plan was provided with the application and assessed by Council's Vegetation Officer. It was confirmed that the requirements of C5.1 have been satisfied, subject to the inclusion of recommended conditions. It is noted that the recommended conditions specify: <i>Agathis robusta</i> to be planted in road verge <i>Elaeocarpus reticulatus</i> in the central median <i>Euky Dwarf</i> to be replaced by <i>Backhousia citriodora</i> Subject to conditions the objectives of this clause are satisfied.
Height		
Control	Requirement	Comment
C5.4	Building Height Maximum height limit of 8m or a merit-based approach is taken where no height limit is specified under PSLEP 2013 clause 4.3.	The proposed development incorporates building heights up to a maximum height of 5.4m, which is below the maximum permissible building height of 9m.

C5.5	Floor to Ceiling Height Minimum floor to ceiling heights of 2.4m	The proposed dwellings include floor to ceiling heights of 2.7m and therefore comply with this clause.
Setbacks		
Control	Requirement	Comment
C5.6	Front Setback Minimum 4.5m front setback from the front property line or the existing average building line for 75% of the building façade.	The front setbacks generally comply with the 4.5m front setback requirement. It is noted that there are minor non compliances with the 4.5m front setback (up to 0.40m).
C5.11	Side Setbacks Minimum 0.9m side boundary setback	All dwellings with the minor non-compliance with the front setback control have the same front setback, creating a consistent building line.
C5.12	Rear Setbacks For the ground level (finished), rear setback must not exceed whichever of the following is greater: Minimum 3m from the rear boundary, or	All dwelling satisfy the 900m side setback requirements
C5.14	25% of the average of the length of the side boundaries.	Due to the variety of dwelling designs a portion of dwellings exceed the 3m rear setback requirement. However it is noted that private open space requirements are still satisfied. Due to the single story dwelling designs no adverse privacy, overshadowing or solar access implications will arise from the minor exceedance. Due to the characteristics of the site, the proposal will have negligible impacts on the public domain. No impacts in regards to privacy, solar access, acoustic control and natural ventilation have been identified. The development is considered to be consistent with the objectives for setbacks prescribed in PSDCP2014.
Natural ventilation		
Control	Requirement	Comment

5.19 – C5.21	Natural Ventilation - The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms. - Depths of habitable rooms support natural ventilation. Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: - Adjustable windows with large effective openable areas; - A variety of window types that provide safety and flexibility such as awnings and louvres; and - Windows which the occupants can reconfigure to funnel breezes into the dwelling such as vertical louvres, casement windows and externally opening doors.	Each dwelling within the proposed development is orientated to capture the use of prevailing breezes for natural ventilation, and include doors / windows of alternative sizes and types to maximize natural ventilation. The proposed development is compliant with this clause.
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Streetscape and privacy

Control	Requirement	Comment
C5.22	Access Dwellings that have street frontage provide direct and legible pedestrian access from the street to the front entry.	Safe and clear access from the street to each dwelling has been provided in accordance with this clause. Legible footpaths are available around the development site.
C5.23 – C5.25	Openings - The front door entrance of each dwelling must be sheltered and be located forward of the designated car parking space - Windows and walls are located to avoid noise sources from adjacent lots and streets - Windows on the second floor considers impacts on the privacy or amenity of neighbouring buildings	Openings within each dwelling are logical and well thought out, responding to the context of each site. Each dwelling complies with the requirements of this clause.
C5.27	Colour Schemes Building colours should	Each dwelling type has adopted a colour scheme reflective of the environmental

	adopt a colour scheme to express building massing, articulation and detailed façade elements.	context and therefore complies with this clause.
C5.29 – C5.31	Façade The façade of each dwelling within a building should be identifiable as such to indicate that the building consists of separate dwellings. Subtle changes provide individuality between the proposed dwellings while seeking to maintain pattern continuity of the overall building.	The proposed development has been designed in accordance with this clause, incorporating changes between the dwellings so as to ensure each dwelling is unique in character and style.
Noise		
Control	Requirement	Comment
	- To minimise noise transfer through the siting of buildings and building layout - To ensure noise impacts are mitigated within units through layout and acoustic treatments	The proposed dwellings are sufficiently setback from the community facilities and services, eliminating the noise transfer. Furthermore, opening hours of the men shed have been conditioned to minimize acoustic concerns. Dwellings are generally consistent with the setback requirements, with windows and doors located away from noise sources. The proposed development satisfies the requirements of this clause.
Car parking and garages		
Control	Requirement	Comment
C5.37 – C5.41	Driveway Width and Access - Where a common driveway is to be provided it is to have a minimum width of 3.6m - Visual impact of long driveways should be minimised through changing alignments and screen planting	The proposed driveways satisfy the requirements of this clause.
Private open space		
Control	Requirement	Comment

C5.43	Private Open Space Dimensions Minimum area of 25m² of ground floor private open space for each dwelling containing three or more bedrooms that: • has minimum dimensions of 4m x 4m; • has direct access from internal living areas; • is not located within a front setback; and • has a northerly aspect.	Each dwelling provides sufficient private open space, satisfying the requirements of this clause.
C5.46 – C5.47	Solar Access • Minimum of two hours sunlight to the private open space area between the hours of 9am-3pm midwinter • Minimum of 50% of private open space of adjoining dwellings is not affected by any shadow for a minimum of three hours between 9am-3pm mid-winter	The dwellings proposed will have minimal adverse shading effects to POS areas due to the single storey dwelling designs. The development will not hinder sunlight to the neighbouring properties and sufficient sunlight to the POS is available in accordance with this clause.
Site facilities and services		
Control	Requirement	Comment
C5.49	Waste Adequately screened waste storage and recycling area are to be provided behind the building line or setback of a dwelling	Adequate screened waste storage areas have been provided for each dwelling. A private bulkwaste service is proposed to be provided as part of Stage 5 works, providing additional services to appropriately manage waste.
C5.50	Mail boxes Mail boxes are adjacent to the major entrance	Mail boxes have been provided and are required to be installed prior to the issue of an Occupation Certificate.
C5.52	Clothes Drying A suitable open-air area for clothes drying is to be provided for each dwelling behind the building line or setback with a northerly aspect	A suitable open-air area for clothes drying has been provided for each dwelling behind the building line or setback with a northerly aspect, in accordance with this clause.
C5.54	Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: • 6m³ for one bedroom units • 8m³ for two bedroom units • 10m³ for three or more bedroom units	Sufficient storage has been provided for each dwelling in accordance with this clause.

Additional requirements for Seniors Housing		
Control	Requirement	Comment
C5.55	Communal Open Space Development for seniors housing must provide communal open space that: • has a minimum area equal to 25% of the site or a merit-based approach; • is clearly identifiable and easily accessible to all residents; • is overlooked by windows of habitable rooms; • incorporates a landscaped area between 10% and 25% of the total communal open space area. Landscaped areas should be vegetated with native species; provides seating areas connected to dwellings by a continuous sealed pathway according with AS 1428.1 – Design for access and mobility; • contains ornamental features such as sculptures, ponds, water features, art work and the like; and • provides a barbeque area for development of 20 or more dwellings.	On completion of the development the following open space will be provided: 12% (0.63 / 5.4ha) of area has been provided for communal space. The provision of POS to each dwelling and the community facilities will provide a suitable meeting places for residents. It is also noted that the 25% requirement caters for developments providing limited POS such as vertical seniors living. It is noted that the community building will be provided in stage 2 and the bowling green, pool/gym and men shed in stage 5. As an interim measure a temporary community building will be provided on site. The interim community building is sized appropriately to cater for Stage 1 residents. Interim measures will be provided for communal space prior to the completion of Stage 5 works. The proportion of communal space will remain consistent throughout the staged implementation of the development (refer to Temporary Community Building and Services Plan, Plan Ref No.217-019 and dated 30/01/2019) The community building and open space is provided in the center of the development with accessible pathways from all directions. The proposed landscaping around the community building, facilities and open space exceeds 10% and is considered to be high quality, positively contributing to the streetscape. The proposal contains a pond feature and BBQ area, enhancing the amenity and meeting points for future residents.
C5.56-5.58	Community facilities such as common rooms, libraries, gyms and the like are to facilitate use by on-site residents and should comply with the following:	The development incorporates adequate community facilities in order to cater for future residents. The proposed permanent community facilities and services include: • Community building,

	• A minimum floor to ceiling height of 3m; • Be accessible from common areas; • Be serviced by a minimum of three on-site car parking spaces or spaces provided at a rate of one space per twenty dwellings, whichever is the greater; and Meet enhanced access and mobility requirements of AS 1428.2 – Design for access and mobility. Outdoor community or common facilities/spaces are to meet the requirements of AS1428.1 and are to include accessible access options such as ramps or lifts into swimming pools Where dwellings are serviced by contractors such as cleaners, rubbish collectors or the like, storage and support structures may be centralised.	• Bowling green, • Pool / gym Facility, and • Men's shed. The floor to ceiling height exceeds 3m and is accessible from common areas. Conditions will specify compliance with AS 1428.2 – Design for access and mobility. A minimum of three on-site car parking spaces or spaces provided at a rate of one space per twenty dwellings (whichever is the greater) must be provided. This equates to a requirement of an additional 6 spaces, calculated on the higher rate of one space per twenty dwellings. The proposed development will provide 13 visitor car parking spaces (including two accessible spaces), which satisfies this requirement. In addition, the proposal caters for two caravan/ boat storage spaces and one wash bay. The internal road design and turning paths are considered satisfactory. Recommended conditions specify that that common facilities/ spaces including the proposed swimming pool must satisfy AS 1428.1. Individual waste collection will be per dwelling with bulk waste collection points centralised throughout the development site.
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Chapter D9 – North Medowie – Medowie

Chapter D9 provides site specific requirements for land positioned within the North Medowie URA. The proposal is in accordance with Figure DP and provides a legible, efficient and permeable road structure that facilitates efficient connectivity for both pedestrians and vehicles. No additional vegetation removal or modification is required from the Bower Estate development approval (DA No.16-2015-336-6). The stormwater management plan and documentation is consistent with PSDCP2014 requirements and does not require additional detention basins.

Port Stephens Development Contribution Plan

The application attracts Section 7.11 Contributions pursuant to section 4.17(1) of the *EP&A Act* and the Port Stephens Development Contributions Plan. Contributions are payable prior to each stage in accordance with clause 25(j) of the *EP&A Regs*. A recommended condition has been included in the consent for the purpose of levying section 7.11 contributions.

5.2.4.2 Section 4.15(1)(a)(iia) Planning agreements

No planning agreements are relevant to the proposal.

5.2.4.3 Section 4.15(1)(a)(iv) the regulations (and other plans and policies)

Lower Hunter Regional Strategy

The primary purpose of the Lower Hunter Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years. The proposal is generally consistent with the outcomes and actions of the strategy.

5.2.4.4 Section 4.15(1)(a)(v) Coastal management plan

No Coastal Management Plan applies to the site or the proposed development.

5.2.4.5 Section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development is likely to contribute positively to the local economy through the creation of employment opportunities throughout the construction and operation phase. Future residents will also have a positive impact upon local retail in the area by increasing and diversifying the local population available to utilise local goods and services.

The development will provide additional and diverse housing options in the Medowie area. The development will be located within close proximity to existing residential developments and public transport options, ensuring social benefits are maximised.

The proposed development is considered to be of a high quality design, well sited and appropriately positioned with respect to the topography of the land and character of the site, providing a positive impact on the built environment.

The proposed development will have minimal impacts on the natural environment. The application will increase the amount of landscaping within the development site, improving the environmental value of the site.

5.2.4.6 Section 4.15(1)(c) the suitability of the site for the development

The proposed site is considered suitable for the development. Seniors Housing is a permitted use under SEPP (housing for seniors and people with a disability) 2004 and under PSLEP2013 in the R2 Low Density Residential zone. The proposal will assist in providing housing for seniors within a site considered suitable for residential development. The site is suitably positioned within close proximity to a local centre. Furthermore, there are a number of residential developments in close proximity to the development site.

5.2.4.7 Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

The proposal was advertised and notified for a period of 14 days from 4 October to 18 October 2018 in accordance with the *EP&A Act*, *EP&A Regs* and Section A of the DCP. Council received no submissions during that time.

5.2.4.8 Section 4.15 (1)(e) the public interest

Matters pertaining to the public interest have been discussed within this report. The approval of the application is considered to be in the public interest. The development does not have any significant adverse impacts on the built or natural environment, and has positive social and economic impacts.

6. CONCLUSION

It is recommended that the Hunter and Central Coast JRPP, as the consent authority, approve development consent to 16-2018-625-1 (2018HCC037) for Seniors Housing Development – 110 self-contained dwellings and associated facilities / works (including road works, landscaping, community building, bowling green, pool / gym, mens shed, signage and other associated works) Lot 400 DP1242890, 115 Boundary Road, Medowie, pursuant to Section 4.16 of the EP&A Act subject to the conditions in Attachment 4.

Signed (Assessing Officer)



Samuel Harvey
Senior Development Planner

Date: 20-02-2019

Reviewed (Supervising Officer)



Cindy Littlewood
Planning and Developer Relations Coordinator

Date: 20/2/19

Authorised for submission to JRPP



Kate Drinan
Manager Development Assessment & Compliance

Date: 20/2/19