



SITE COMPATIBILITY CERTIFICATE

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

SERVICED SELF-CARE HOUSING (46 SINGLE STOREY DWELLINGS)

474 Phoenix Park Road, Largs, NSW, 2320 (LOT: 3, DP: 807949)

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EXECUTIVE SUMMARY

This report accompanies the Site Compatibility Certificate ('**SCC**') application for seniors housing accommodation located at 474 Phoenix Park Road, Largs, NSW, 2320 ('**the site**').

This SCC Application Report seeks the issue of a SCC for the following:

Development of 46 single storey serviced self-care housing, comprising a mix of two and three bedrooms, one bathroom, open plan kitchen, dining and living area, double lock up garage and patio. An ancillary community hall, BBQ and communal area, visitor car parking, stormwater drainage and civil works is also incorporated into the design.

The site is located within the Maitland Local Government Area ('**LGA**') and comprises of one lot, which is legally identified as Lot 3, DP 807949. The site is irregular in shape and comprises of 9.476ha. It has a 200m frontage to Phoenix Park Road, with direct vehicle access available from this road. Phoenix Park Road connects Largs to Maitland and Hinton with a speed limit of 50km/hr along the site frontage. It provides one lane of travel in each direction with kerb/gutter along the most western part of the site. No footpaths are currently provided.

The site is currently zoned RU1 – Primary Production under the Maitland Local Environmental Plan 2011 ('**the LEP**'). The southern boundary of the site directly adjoins land zoned and utilised for urban purposes. It is zoned R1 – General Residential and mostly contains dwellings. The eastern part of the site is identified as flood prone land which does not form part of the SCC. Further to this, a suitable area is to be retained above this flood prone land as a suitable refuge for farming equipment and livestock during a flood event.

The site is located within close proximity of the 'neighbourhood centre' of Largs, which lies on both sides of Mickmans Road. This centre is located 650m from the site and consists of a small number of speciality shops, which include:

- Newsagent/general store
- Bar and Brasserie; and
- Hairdressers.

Under Subclauses 4(1) and 4(4) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ('**SEPP Seniors**'), the site is identified as 'land adjoining land zoned primarily for urban purposes', as dwelling houses are permitted in the adjoining R1 Zone. SEPP Seniors Housing therefore allows a consent authority to consent to Seniors Housing development where an SCC has been issued. This report contains details of the proposal and information in accordance with the. The purpose of this report is to address the planning issues associated with the proposal and to provide a response to the SCC Assessment Criteria.

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ABBREVIATIONS

CSP	Community Strategic Plan
DA	Development Application
DCP	Maitland Development Control Plan
GNMP	Greater Newcastle Metropolitan Plan
HRP	Hunter Regional Plan
LEP	Maitland Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
MUSS	Maitland Urban Settlement Strategy
SCC	Site Compatibility Certificate
SEPP	State Environmental Planning Policy
SEPP Seniors	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
URA	Urban Release Area

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ATTACHMENTS

This SCC is supported by the following plans and documentation:

- **ATTACHMENT 1** – Proposed Architectural Plans (Toner Design)
- **ATTACHMENT 2** – Deposited Plan
- **ATTACHMENT 3** – AHIMs Search Results
- **ATTACHMENT 4** – Dial Before You Dig Search Results
- **ATTACHMENT 5** – Preliminary Traffic Assessment (Intersect Traffic)
- **ATTACHMENT 6** – Servicing Report (Wallace Infrastructure Design Pty Ltd)
- **ATTACHMENT 7** – Hunter Water Preliminary Servicing Advice
- **ATTACHMENT 8** – Ecology Letter (Anderson Environment and Planning)
- **ATTACHMENT 9** – Visual Impact Assessment (Perception Planning)
- **ATTACHMENT 10** – Survey Plan (Delfs Lascelles Consulting Surveyors)

1.0 SITE AND LOCALITY ANALYSIS

1.1 SITE DESCRIPTION

Property Address	474 Phoenix Park Road, Largs, 2320 (FIGURE 1)
Lot and DP	LOT: 3 DP: 807949
Current Use	Dwelling and ancillary structures
Zoning	RU1 – Primary Production
Site Constraints	Flood prone land; Acid Sulfate Soils – Class 3 and 5.
DP and 88B instrument	Nothing within the deposited plan or 88B instrument restricts the proposed development.

The site particulars are summarised in the table above, with site constraints obtained from the NSW Planning Portal. The site is irregular in shape and measures 9.476ha in size. Access to the site is direct from Phoenix Park Road, with a frontage of approximately 200m.

A dwelling house and ancillary structures (metal sheds) currently reside on the site. The site is relatively flat within the area proposed for development, with a gradual fall to the rear, affected by flooding. A site survey is provided at **(ATTACHMENT 10)** which identifies the features of the site, including the existing buildings and topography. The site has historic rural use for cattle grazing, within the land not affected by flooding. The site is generally clear of vegetation with approximately ten mature trees and sparse shrubs, due to its cattle grazing and flood affected nature. A Coastal Environment Area under the SEPP (Coastal Management) 2018 adjoins the site to the east, which captures the area within and adjoining the Paterson River.

Largs is a developing township adjacent to Bolwarra Heights, approximately 8km north of the Maitland Central Business District. Immediately surrounding the site includes rural properties of similar size and scale to the north, west and east. Adjoining the site to the south contains land zoned R1 – General Residential and is used for urban purposes including dwelling houses. The local character of Largs consists of density clustered around the centre, consisting of single storey dwellings of contemporary nature. Largs Public School is located directly to the south-west of the site.

Under the Maitland Local Environmental Plan (LEP) 2011, the site is not subject to a maximum height of building or floor space ratio limitation.

Photos of the site are provided in **(IMAGE 1 – 4)** below.

Figure 1 - Site analysis (Source: NearMaps)





Image 1 - Photo of southern fence line looking north from Phoenix Park Road



Image 2 - Photo of southern fence line looking east from Phoenix Park Road



Image 3 - Photo of Hunter Street and Largs Public School from Phoenix Park Road



Image 4 - Photo of southern fence line looking west from Phoenix Park Road

1.2 LAND CONSTRAINTS AND ATTRIBUTES

Flood prone land

With regards to Environmentally Sensitive land, the following is noted:

- Clause 4(6)(a) of SEPP Seniors specifies that SEPP Seniors cannot apply to land classified as Environmentally Sensitive (Schedule 1 of SEPP Seniors);
- Environmentally Sensitive land includes “land which is identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions” (as relevant to the current site):
 - Floodway;
 - High flooding hazard; and
 - Natural hazard.

The site is identified as flood prone, with the limiting portions located within the south-east portion of the site. It is however noted that the Maitland LEP 2011 does not define the terms ‘floodway’ or ‘high flooding hazard’, meaning that the site cannot be considered, under the terms of the Maitland LEP 2011, to be subject to such flooding impacts. To this extent, the definition of *environmentally sensitive land* contained in Schedule 1 of SEPP Seniors is not satisfied, and as such, does not exclude the operation of the Seniors Housing SEPP for the site. Despite this, the proposed development is sited fronting Phoenix Park Road, above the flood planning level (FPL) and outside of the flood prone areas of the land.

Ecological constraints and natural environment

Vegetation mapping for NSW (Keith and Christopher, 2004) does not identify any significant vegetation located on the site or in the surrounding locality of Largs (**FIGURE 2**). This is the result of the locality being cleared for housing or agricultural pursuits.

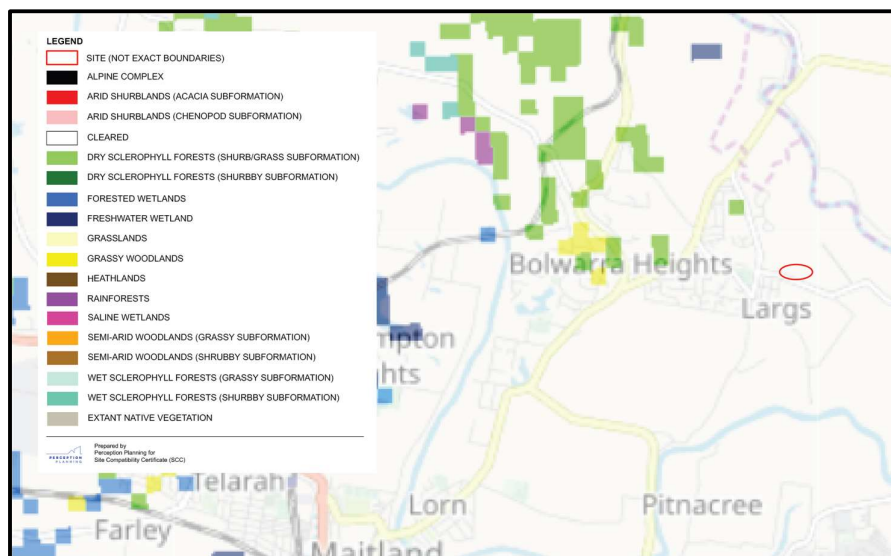


Figure 2 - NSW Vegetation mapping (Source: NSW Office of Environment & Heritage, 2019)

Acid sulfate soils

The site is identified as containing Class 3 and 5 Acid Sulfate Soils, with development proposed within the Class 5 area however is within 500m of adjacent Class 3 soils.

The objective of Clause 7.1 of the Maitland LEP is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The area proposed for the development construction is generally flat, however will incorporate earthworks to establish a level building platform through the use of balanced cut and fill. Any cut associated with the development will be limited and shall not exceed 5 metres below the natural ground surface and will not result in the water table being lowered more than 1 metre below the natural ground surface. To this extent, an ASS Management Plan is not required to be prepared for the proposed development.

1.3 LOCAL CONTEXT

Built form and character

Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels and differentiates an area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere and their emotional response to that place (NSW Gov, 2019). Desired future character refers to an agreed vision of how an area will change over time, including an identification of characteristics to be retained or enhanced. Visual character is formed by patterns created by the relationship of all elements within an area, including both the public and private domain.

Largs is a rural – residential suburb that is situated within the eastern portion of the Maitland Local Government Area, that experiences steady residential growth, reflective of the ageing population of the area and its proximity to Maitland and Raymond Terrace Town Centres. As detailed within the Maitland Urban Settlement Strategy, the Central Sector comprises urban settlements north and south of Central Maitland, with the district including the villages of Gillieston Heights, Lorn, Bolwarra and Largs. These areas, with specific mention to Largs in this instance, are referred to 'Neighbourhood Centres', comprising a low density development pattern with Lot sizes measuring a minimum lot size (MLS) of 450sqm.

It is noted that Clause 4.1A of the Maitland LEP 2011 provides exceptions to minimum lot sizes in the R1 Zone, with the objective of this clause aiming to encourage housing diversity without adversely impacting on residential amenity. Clause 4.1A provides that development consent may be provided if a DA proposes the subdivision of land into 2 or more lots equal to or greater than 300 square metres and the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision. From this, it is clear that the Council encourages dense urban development within the R1 Zone of Largs. Transition Lots incorporating large-lot residential development are not reflected in the Largs Neighbourhood Centre, with Lots incorporating a MLS of 5000sqm to 40ha immediately adjoining the R1 Zone.

The subject site is adjacent to the dense urban development area within Largs. The location of the site is not isolated, in comparison to the rural properties located further away from the

Largs neighbourhood centre. The design and character of the centre is reflective of the greater environment consisting of generally flat or low-lying topography of the land. The style of buildings is contemporary in nature, varying between weatherboard and brick veneer. The informality of the street layout is emphasized by the lack of footpaths and front fences and the existence of grassy verges. The Maitland Local Strategic Planning Statement 2040 (LSPS) provides that the view corridors (outlined in the associated Structure Plan) form a part of the LGA's extensive floodplain which provides a natural boundary for urban growth and unique character to the city. The preservation of the identified view corridors within the city and rural landscape has become increasingly important, as the Maitland City grows. It is noted that a Structure Plan has not been prepared for the Largs Neighbourhood Centre and therefore view corridors are not known.

1.4 ACCESS TO SERVICES AND FACILITIES

Public transport and accessible pedestrian routes

The existing public transport (bus) services provided by Hunter Valley Buses is partially able to service the site. The closest bus stop is located on Dunmore Road, which is a short walk (230m) from the site along level topography. No footpath is currently provided; however, this part of the road is formalised with kerb and gutter. 'Transport Buses' run five daily bus trips from this bus stop, being the '185 Route' from Gresford, via Dunmore Road to Maitland Train Station. From the Train Station, connecting services are available to Stockland Greenhills, Newcastle or Sydney.

Furthermore, a private bus service is proposed to be provided within the seniors housing development, transporting residents to and from their accommodation to the Largs centre and other relevant places, with daily shuttles. To this extent, there is no nexus to request additional public transport services and infrastructure as part of the proposed development.

Retail, community, medical and recreational facilities

The site is within walking distance of the town centre of Largs, which contains a neighbourhood shop for everyday essentials, such as milk, bread and the newspaper.

Stockland Greenhills contains higher order commercial and retail goods for the wider Hunter Region, such as a Coles, Woolworths, David Jones and several other smaller specialty shops. In March 2018, a \$414 million renovation of Stockland Greenhills finished and is now considered to be a premier shopping, dining, leisure and entertainment destination on par with any leading metro-city shopping centre in the country. Stockland Greenhills is located 8km or a 11-minute drive to the south of the site (**FIGURE 3**).

Construction work has begun on the new Maitland Regional Hospital, which is a \$470 million, state-of-the-art facility to meet the growing needs for the surrounding communities of the Hunter Valley now and into the future. The new hospital will offer a wide range of services with significantly more beds and treatment spaces. The new hospital will provide the following services directly relating to seniors; emergency care, chemotherapy chairs, surgical services, critical care, cardiac catheterization, inpatient beds, mental health, rehabilitation services, palliative care and outpatient clinics. Onsite works commenced in

early 2019 and is on track to open in early 2022. This Hospital is 10km or a 10-minute drive to the south of the site.

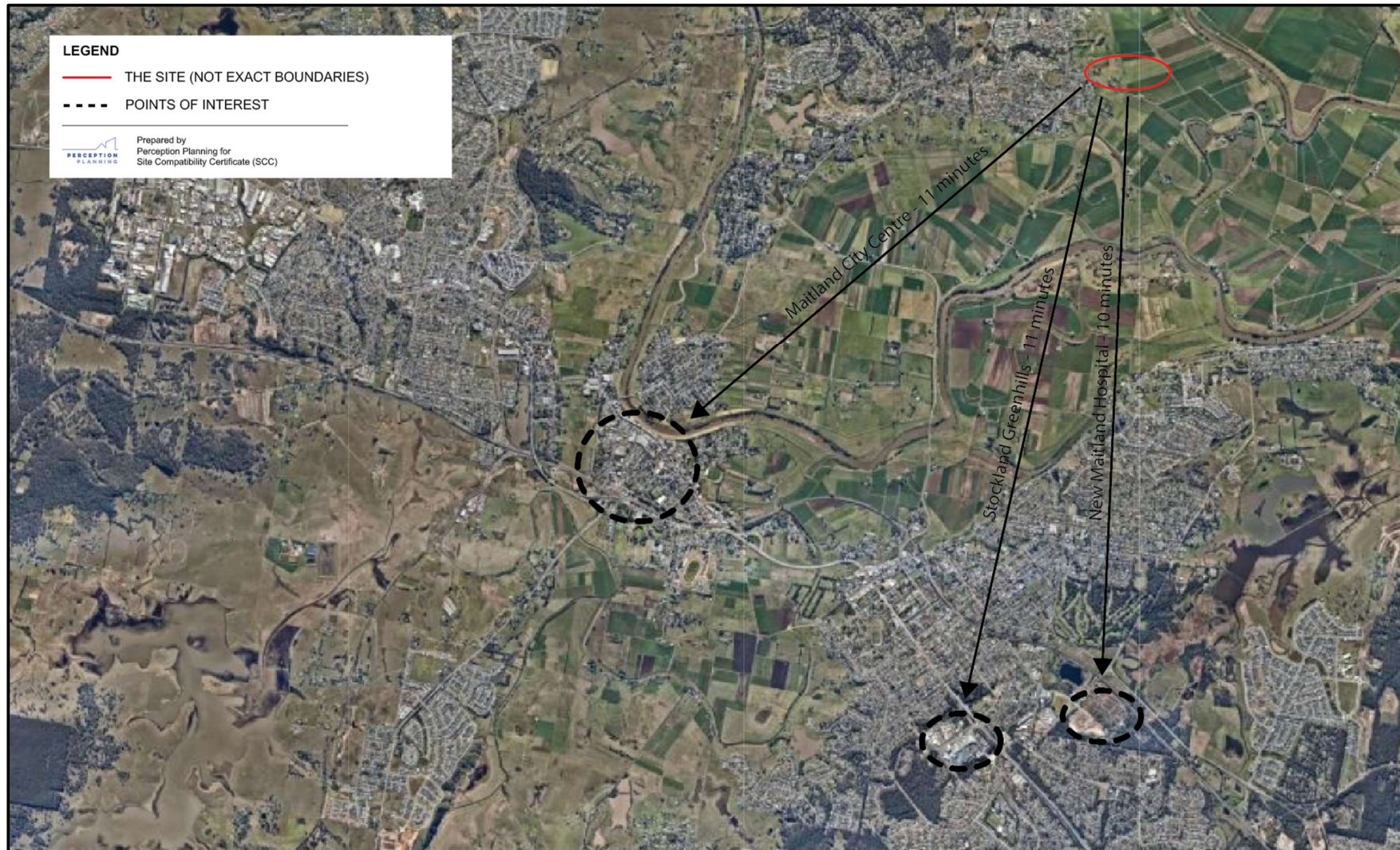
The Maitland Town Centre is located approximately 8km or an 11 minute drive from the subject site, which incorporates supermarkets, banks, post office, Maitland City Council, the Library and Regional Museum.

Utility services

The Dial Before You Dig search results are provided at **(ATTACHMENT 4)**, which demonstrates that water and sewer assets are located within Phoenix Park Road. Further discussion of this is provided within Section 2.0 of this report.

Electricity is currently connected to the site which will be extended to service the development. No gas infrastructure is located within proximity to the site.

Figure 3 - Proximity to services (Source: NearMaps)



2.0 CONSULTATION WITH RELEVANT AUTHORITIES

Consultation has been carried out with Maitland City Council (18 September 2018), Hunter Water Corporation and the Department of Planning, Infrastructure and Environment during the SCC preparation process. A summary of the discussions held are provided below:

Maitland City Council

- To ensure that the proposal allows enough space for an on-site cattle refuge and machinery storage during flooding; and
- To think about how land-use conflict between agricultural activities and seniors living could be minimised.

In response to these comments:

- The Architectural Plans identify an appropriate on-site refuge above the land that has been identified as Flood Prone Land; and
- The existing and future agricultural activities are low impact (i.e. grazing). The existing dwelling, which will continue to be associated with this agricultural land will have a separate access to the seniors living development. Appropriate landscaping between the agricultural lands and the seniors living could provide a visual buffer.

Hunter Water Corporation (HWC)

On 18 June 2020, HWC provided preliminary servicing advice for the provision of water and sewerage facilities to the site, including:

- To provide the necessary water capacity, a new 100mm watermain along Church St between High St and Hunter St is required to be constructed.
- To provide the necessary wastewater capacity, an upgrade of the pumps to deliver a pump duty of at least 35 L/s is required.

To provide further detail on the above matters, particularly relating to costings, a servicing report has been prepared and is provided at **(ATTACHMENT 6)**.

Department of Planning, Infrastructure and Environment

An SCC was considered in relation to the site, with a date of decision issued on 16 April 2020. With regard to this particular SCC, the panel resolved to refuse to issue the SCC because the application:

- Did not demonstrate that the site is suitable for more intensive development
- Did not demonstrate that the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP Seniors.

The reasons for refusal included:

1. The scale of the proposal is not consistent with the local character of the area and the likely future rural uses of the surrounding land.
2. The proposal is not consistent with local and state strategies to direct future urban growth towards a more compact and sustainable development outcome.
3. The site does not have access to an appropriate level of services and public transport commensurate with the sale of the proposed seniors living development and fails to satisfy SEPP Seniors.
4. The proposal has not demonstrated the capacity of water and sewer infrastructure to service the site.

In response to the above matters, this SCC application has been prepared, supported by the following to demonstrate compatibility with SEPP Seniors and suitability of the land:

1. Visual impact assessment (**ATTACHMENT 9**) detailing the existing character of the locality inclusive of prominent viewpoints / vistas towards the proposed development.
2. Further detailed assessment against recently endorsed local and state strategies within this report.
3. Preliminary traffic assessment (**ATTACHMENT 5**) detailing the existing infrastructure available within proximity to the site.
4. Servicing report (**ATTACHMENT 6**) detailing the capacity of existing water and sewer infrastructure within the area and associated upgrade requirements to service the proposed development.

In consideration of the above matters, the site and proposed Seniors Housing development is compatible with the surrounding environment, having regard to the existing streetscape, surrounding land uses and proposed future built-form development. The proposed development is consistent with the requirements of Sepp Seniors and accordingly it is considered that an SCC may be issued for the site to facilitate the proposed Seniors Housing for the purpose of service self-care housing.

3.0 PROPOSED DEVELOPMENT

3.1 DESCRIPTION OF THE PROPOSAL

The proposed development is defined as self-contained dwellings (serviced self-care housing) under the SEPP Seniors. The proposed incorporates 46 single storey units, comprising a mix of two and three bedrooms, with one bathroom, open plan kitchen, dining and living area, double lock up garage and patio. A community hall, BBQ and communal area and visitor car parking is also incorporated into the design.

FIGURE 5 below sets out the proposed developable land footprint which is proposed to be subject to a future DA at the site for Seniors Housing. Should the SCC be issued by DPIE, completion of detailed stormwater, hydraulic and electricity designs will occur to support DA. It is noted that the number of units and layout may be modified as a result of these designs and conclusions made.

Retention of the existing dwelling will occur at completion of the development, given the separation of the dwelling from the Seniors Housing development on-site.

The development will consist of internal roads with a primary access from Phoenix Park Road. A separate access will be retained for the existing dwelling, which will continue to be associated with the low-lying agricultural land on the eastern part of the site. The unconstrained and flat topography of the site means that the roads can be placed very efficiently and effectively to achieve the most ideal urban design outcomes. As previously discussed, the seniors living component will be restricted to that land that is not identified as Flood Prone. Further, the Class 3 and 5 Acid Sulfate Soils affecting the site can be addressed through the Maitland Local Environmental Plan 2011 (Clause 7.1 – Acid Sulfate Soils).

The proposal will include specific services, such as the option for the provision of meals, cleaning and personal/nursing care. These services will be predominately offered to future residents in their homes and will be based on site in the area identified for community hall.

The SCC Application seeks consent for the use of the site as ‘serviced self-care housing’ in the above form, with each dwelling / unit having access to meals, cleaning services, personal care and nursing care, available on-site in accordance with the requirements of Clause 13 and 17 of SEPP Seniors.

3.2 OPERATIONAL DETAILS

The site will employ permanent and part-time staff to oversee the Village operations and care requirements, inclusive of allied health professionals. Whilst the exact operational details are not yet certain at this time, the home care component of the site will enable residents to access the following services:

- Domestic support inclusive of but not limited to cleaning and household tasks and meal preparation and provision. It is noted that an operator may be engaged to prepare the meals off-site and deliver on-site when scheduled, such as ‘meals on wheels’ or the like.
- Personal and pet care (if applicable)

- Administration
- Nursing and medication management
- Meal preparation and nutrition plans
- Short term and crisis care.

The exact nature of these services will be agreed upon within the Village Residents Association in accordance with their specific needs. The landowner is currently exploring a range of strategic partnerships with food and wellness providers for the provision of the abovementioned services, confirming a commitment to the provision of these services for the proper and successful management of the site. Additional or alternative services may be deemed appropriate at that point, depending on the site's needs.

Upon lodgement of a future DA, an Operational Management Plan will be prepared to clearly detail the services available following further consultation with the site provider (once appointed) and Village Residents Association, particularly in relation to:

- Hours of operation
- Fire safety
- Pedestrian and vehicular access and parking
- Deliveries
- Security
- Waste Management and Disposal
- Shuttle Bus services
- Village rules
- Pet management
- Noise and common area restrictions.

It is considered that this provision of services on-site will assist the site in meeting the requirements of Clause 13 and 17 of SEPP Seniors, demonstrating its commitment to meet the everyday servicing and facilities requirements of the site residents.

3.3 BUILDING ENVELOPE

The part of the site to be used for seniors living is located above the identified Flood Prone Land. The low density, single storey, detached dwelling nature of the proposed future built form is the appropriate bulk and scale, which is consistent with the existing and planned development for Largs and Bolwarra Heights. Measures that would allow the development to be integrated with the existing setting include:

- Siting of the development within the north-western portion of the site, adjoining existing dwelling houses on adjacent land to ensure consistency with the public domain and character of the locality;
- Provision of landscape buffers at the interface of the floodplain and proposed development areas with the provision of landscape vegetation within open space areas and along higher more visible parts of the site;
- Structural landscaping (street tree planting) along perimeter roads and internal streets;

- The incorporation of vegetation endemic to the area will provide visual integration with surrounding bushland or pockets of native vegetation, the large canopies which will have a positive impact in the broader view;
- Locally sourced native plant species, especially trees, should be utilised throughout the development;
- Controls on the built form such as limited single storey development or designated ridge top open space areas;
- Consideration should be given to controlling the type and colour of building materials used especially with the use of light, highly reflective cladding, brick and tile materials which contrast dramatically with the surrounding landscape. A partial street view is provided at **(FIGURE 4)** indicating the development type viewed from Phoenix Park Road;
- The built-form material palette would optimise on the unique natural setting of the environment to enhance the character of the neighbourhood;
- Rural style perimeter fencing such as post and rail at the interface with rural land assists in providing a sensitive transition and integration with the rural character of the area.

Figure 4 - Partial street elevation (Source: Toner Design, 2020)



Figure 5 - Proposed layout (Source: Toner Design, 2020)



3.4 POTENTIAL LAND USE CONFLICT

The locality of Largs and the adjoining suburb of Bolwarra Heights continues to transition into a residential suburb on the periphery of the major regional city of Newcastle and Strategic Centre of Maitland. The lower lying land that is more suitable for agricultural pursuits and not suitable for housing is being retained for agricultural purposes.

The total site coverage of the proposed development is 10,196.65m², consisting of:

- Units = 6,519.18m²
- Community Hall= 310.00m²
- Driveways = 3,367.47m²

The site measures 9.476 ha in size, therefore the total site coverage proposed equates to 11.27%, demonstrating that a very small portion of the land is proposed for the Seniors Housing use, decreasing land use conflict relating to agricultural purposes.

Whilst the immediately adjoining sites fronting Phoenix Park Road are zoned RU1, structures including dwelling houses and ancillary sheds are clustered together, creating an extension of the Largs residential character. By clustering the proposed development adjoining these existing dwellings, fronting Phoenix Park Road, the character and built form density is continued, decreasing any potential land use conflict.

3.5 CONSISTENCY WITH COMPATIBILITY PLANNING PRINCIPLE

A key component of the SCC Application and subsequent future DA is to demonstrate compatibility of the proposed Seniors Housing development with the site and its surrounds. In *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191, an appeal against the refusal by Pittwater Council established the planning principle of 'compatibility' in the urban environment.

A planning principle is a statement of a desirable outcome from a chain of reasoning aimed at reaching, or a list of appropriate matters to be considered in making, a planning decision. While planning principles are stated in general terms, they may be applied to particular cases to promote consistency. Planning principles assist when making a planning decision, including:

- where there is a void in policy
- where policies expressed in qualitative terms allow for more than one interpretation
- where policies lack clarity.

Key elements of the 'compatibility' planning principle established in the *Project Venture Developments v Pittwater Council* case are as follows:

- *There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist*

together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

- *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:*
 - *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
 - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style** and **materials** are also contributors to character.*
- *Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*
- *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
- ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in other buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

Based on the planning principles detailed above, the proposed Seniors Housing development is considered to be compatible with the key elements as outlined in (TABLE 1) below.

Table 1 - Compatibility element review

Key element	Proposed development comment
Built form	The proposed Seniors Housing has been designed with respect to the surrounding land uses. The proposed buildings will be sufficiently setback from the Phoenix Park Road and adjoining property boundaries to minimise the impact on and maintain consistency with surrounding land uses. The proposed building envelope / siting of the development has been designed to respond to the site's constraints and to deliver the best urban outcome for both future residents of the site and surrounding properties. Landscaping would further serve to soften the perceived height and bulk form around the scale of the proposed Seniors Housing development. Further assessment of the 'visual impacts' of the proposed development is provided within (ATTACHMENT 9) .
Traffic	72 car parking spaces are provided within each dwelling's garage and 12 separate visitor car parking spaces are provided within at-grade parking for visitor use, to support the Seniors Housing development. A total of 84 car parking spaces are proposed, more than the 56 required by the DCP. The Traffic Impact Statement has demonstrated how the proposed Seniors Housing will not incur negative impacts on the existing road network and locality.
Height	The proposed building height (single storey) has been designed to respond to the topography of the site and its surrounds, being low density in nature. The proposed height also responds to existing mature tree canopy heights within the site and surrounds and is therefore considered to be a suitable urban design response to the site's existing natural features.
Landscaping	The proposed Seniors Housing development will be extensively landscaped, utilising native species consistent with the surrounding established landscaping within the immediate sites and broader locality.

4.0 STRATEGIC JUSTIFICATION

The key planning policies and legislation relevant to the assessment of the proposed Seniors Housing development include:

State Planning Context

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
- State Environmental Planning Policy No. 55 – Remediation of Land.

Regional Planning Context

- Greater Newcastle Metropolitan Plan 2036,
- Hunter Regional Plan 2016.

Local Planning Context

- Maitland Local Strategic Planning Statement 2040+
- Maitland Community Strategic Plan 2018-2028
- Maitland Urban Settlement Strategy
- Maitland Local Environmental Plan 2011
- Maitland Development Control Plan 2011.

This planning framework is considered in detail in the following sections.

4.1 SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

Chapter 1 – Preliminary and Chapter 2 – Key Concepts

Clause 2

The aim of this SEPP, the Seniors Housing SEPP is to encourage the provision of housing (including residential care facilities) that will:

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

Clause 4

In accordance with Clause 4, this Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

- development for the purpose of any of the following is permitted on the land—*
 - dwelling-houses,*

- (ii) *residential flat buildings,*
 - (iii) *hospitals,*
 - (iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
2. *the land is being used for the purposes of an existing registered club.*

As discussed elsewhere in this report, a SCC to accompany a development application (DA) for certain proposals, including seniors housing adjoining land zoned primarily for urban purposes, but only if certain development under Chapter 1 Clause 4 of the Seniors Living SEPP is permitted on the land. In accordance with Subclause 4(1)(b) of SEPP Seniors, the site is identified as being Land Adjoining Land Zoned Primarily for Urban Purposes as Dwelling Houses and residential flat buildings, educational facilities and seniors housing are permitted in the adjoining R1 General Residential Zone to the south-west of the site under Maitland LEP. Seniors Living is prohibited under the current RU1 Primary Production zoning under the Maitland LEP.

Clause 10 and 13

In accordance with Clause 10, *seniors housing* is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of—

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

For the purpose of this application, the development incorporates 46 single storey self-contained dwellings. In accordance with Clause 13, a *self-contained dwelling* is:

- *“a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.”*

In accordance with Clause 13:

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

Clause 15

Clause 15 provides that the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:

- (a) *development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*

- (b) *development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

As detailed within this report, the land is not zoned primarily for urban purposes. However, the land adjoins land zoned for urban purposes, being R1 General Residential, and the proposed Seniors Housing would constitute Serviced Self-Care Housing, therefore falls within the requirements of Clause 15(b).

Clause 17

In accordance with Clause 17(1), subject to subclause (2), a consent authority must not consent to a DA made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of:

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

Subclause (2) provides that development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes, that the housing will be provided: provide housing:

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

The proposed Seniors Housing is sought to be provided under the RV Act, therefore satisfies Clause 15.

4.2 SEPP NO. 55 – REMEDIATION OF LAND

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has given consideration to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

A review of the Environment Protection Authority (EPA) contamination register confirms that no contamination, the subject of regulation by the EPA, is identified on the site. Despite this however, it is noted that the subject site has a history of residential use and there is no evidence that contaminating activities have historically occurred on site. No known contaminating rural / agriculture use of the land has occurred. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

4.3 GREATER NEWCASTLE METROPOLITAN PLAN 2018

The Greater Newcastle Metropolitan Plan (GNMP) responds to changing global economic trends, such as new smart technology, creative and sharing economies, the ageing population and global connectedness. It states how Greater Newcastle's ageing population will be supported through improvements to aged care facilities, community-based health services and the introduction of private providers of care and wellness for older residents. The GNMP states that it will set out strategies and actions that will drive sustainable growth across Cessnock City, Maitland City, Lake Macquarie City, Newcastle City and Port Stephens communities (p.5). In relation to the Maitland, it states:

“A significant proportion of Greater Newcastle’s greenfield development will continue to occur in Maitland, focused on the two priority housing release areas of Thornton-Lochinvar and Maitland-Kurri Kurri” (p.77).”

The site is either identified or in proximity to land identified as a 'Housing Release Area' on the Housing Opportunities Map (p.42).

The GNMP identifies how, in 2016, the population of the Hunter Region aged 65 and over was 102,800, representing 17.9% of the population. It predicts that by 2036, this demographic will increase to 163,100 or 23.5% of the Region's population. Furthermore, it states that providing housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size. A 60% target for new dwellings in the existing urban area by 2016 is therefore set. The GNMP explains how this may be achieved through a variety of housing types, including secondary dwellings, apartments, townhouses and villas.

Local Strategies are required to consider local housing needs based on household and demographic changes. It is recommended that these Local Strategies plan for a range of housing choices, including retirement villages, nursing homes, and opportunities to modify existing dwellings to enable occupants to age in place. Local Strategies should identify the infrastructure necessary to support local communities and provide access to transport and community services and facilities. The strategic direction established through Local Strategies would then be implemented through local planning controls to provide housing choice and diversity, and liveable homes that are responsive to the changing needs of households.

The proposed Seniors Housing, being for Serviced Self-Care Housing, allows individuals to downsize to a form of residential accommodation that provides Seniors Living assistance whilst also providing the amenity and independence of regular apartment accommodation. This would allow current residents of the Maitland area to age in place, particularly in the case of couples and individuals who do not yet require a high-level of aged care. The proposed Seniors Housing would therefore help meet the strategic need for more diverse housing in order to meet the needs of an ageing population as recognised in the GNMP.

4.4 HUNTER REGIONAL PLAN 2036

The Hunter Regional Plan (HRP) states that it will guide the NSW Government's land use planning policies and decisions over the next 20 years (p.4). The HRP identifies the Maitland

Local Government Area (LGA) as containing a high-growth metropolitan area, with a number of urban release areas (URA) that are contributing to a significant greenfield housing supply for the region.

In relation to the Maitland LGA, it identifies the need for an additional 12,550 dwellings by 2036 (p.67) and Largs/Bolwarra Heights areas are identified as a URA to cater for this future housing (p.68). The growth of housing needs to be balanced against the natural constraints of flooding and the agricultural value of the floodplain and other rural lands (p. 67).

Direction 22 of the HRP includes the 'promotion of housing diversity', whereby the Plan recognizes the pressures of an aging population and the need for increased dwelling diversity. The HRP states that *"by 2026, the Hunter is expected to be home to around 69,500 more people aged over 65 years"*. Due to the significant flood affectation of the subject site, the agricultural value of the subject site is minimal. To this extent, development of the non-flood affected area for the purpose of seniors housing achieves this required balance, whilst providing a housing type to enable downsizing and 'release' or 'freeing up' of land within the urban centers for further residential development to meet the housing targets identified within the HRP.

4.5 MAITLAND LOCAL STRATEGIC PLANNING STATEMENT 2040+

The Maitland Local Strategic Planning Statement (LSPS) sets out a 20 year plan integrating land use, transport and infrastructure planning for the future of the Local Government Area (p.4). The LSPS is consistent with the HRP and GNMP in that it draws together strategic planning priorities of the State, Hunter Region and Greater Newcastle metropolitan area and local priorities articulated in the Maitland 10+ Community Strategic Plan 2018-2028, and how these priorities are to be delivered and implemented at a local level.

Largs is identified as a 'neighbourhood centre' within the LSPS and is currently zoned RU1 – Primary Production. The LSPS notes the following:

"Council supports infill housing opportunities within existing urban areas to encourage more efficient use of land with greater accessibility to public transport, community facilities and centres. Such developments need to respond to the existing local and neighbourhood character" (p. 35).

The LSPS however identifies that some historic Seniors Housing development proposals lodged under SEPP Seniors within urban rural interface have undermined the value and character of the interface. The development proposed under this application seeks to ensure the land is developed and managed in accordance with the values of the land and desired strategic vision of Council, through:

- Concentrating density and siting the development cluster within the front portion of the land, to reflect the existing built form on the northern side of Phoenix Park Road. This also ensures the existing view corridors, and environmental values are not compromised, reducing any associated land use conflict.
- Limiting site coverage to approx. 10% of the land to ensure the continued agricultural capacity and use within the rear portion of the land occurs and is not compromised.

- Providing single storey dwellings consistent with the character and built form typologies within the immediate locality.

The above is further detailed within the VIA provided with this application.

4.6 MAITLAND COMMUNITY STRATEGIC PLAN 2018-2028

The Maitland Community Strategic Plan (CSP) is broken into the categories of 1) Proud people, great lifestyle; 2) Our built space; 3) Our natural environment; 4) A prosperous and vibrant city; and 5) Connected and collaborative community leaders.

The most relevant category is: 2) Our built space. Within this category, the actions relate to coordinating infrastructure with the provision of housing in order to create livable communities. The proposal is consistent with these actions by seeking to draw on existing infrastructure within Honey Myrtle Road, while providing lot sizes that contribute to the diversity of housing in this locality.

4.7 MAITLAND URBAN SETTLEMENT STRATEGY

The Maitland Urban Settlement Strategy (MUSS) identifies the town centre of Largs as a 'neighbourhood centre'. In terms of housing, the MUSS states:

'The greenfield urban release areas of Thornton North (up to 5,000 dwellings), Gillieston Heights (up to 5,000), Farley (up to 1,500), Largs and Bolwarra, have progressed to completion and collectively contribute to over half of the overall target of 21,500 dwellings within new release areas to be achieve by 2031 under the vision of the LHRS' (P.21).

Largs is located within the 'Central Sector' area within the MUSS, which comprises urban settlements north and south of Central Maitland (**FIGURE 5**). It is expected that the average dwelling construction rate within this area will increase, in order to meet the housing supply targets. The subject site is located within 30m of urban areas, with density clustered around the town centre.

The Hunter Regional Plan and Greater Newcastle Metropolitan Plan have been released in recent years. It is our understanding that Maitland Council is currently reviewing the MUSS to align with this most recent guidance provide by the State Government. As part of this process, the document will be renamed to the 'Maitland Strategic Blueprint 2036', which incorporates a draft 'Local Urban Development Program' (LUDP). The LUDP was placed on public exhibition between 18 April 2019 and 16 May 2019. The MUSS summary map (**FIGURE 6**) within the LUDP identifies an 'urban extension site' immediately adjoining the subject site, which confirms that density is intended to be incorporated in and around this area.

Figure 6 - Central sector identification (subject site outlined in red)

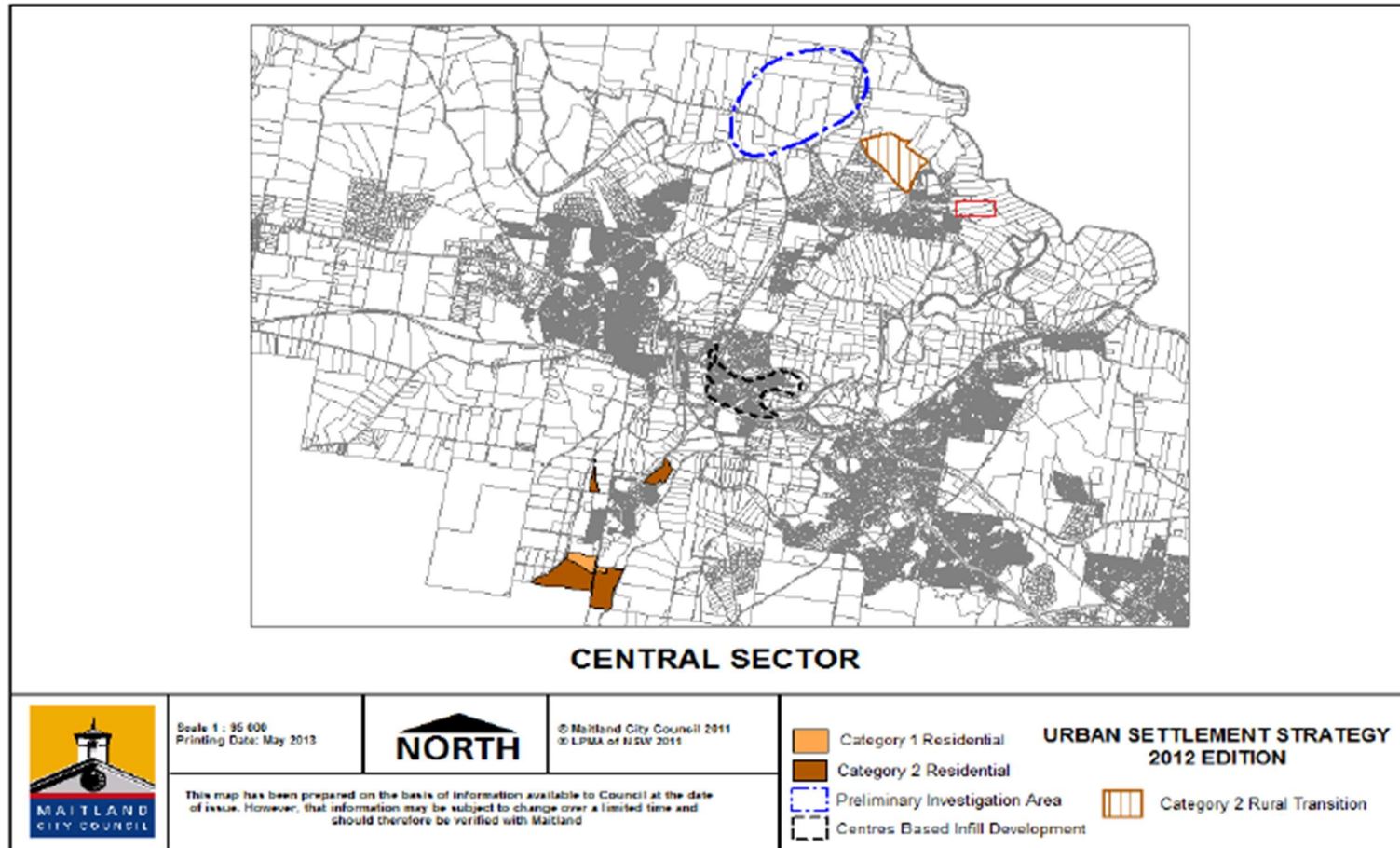
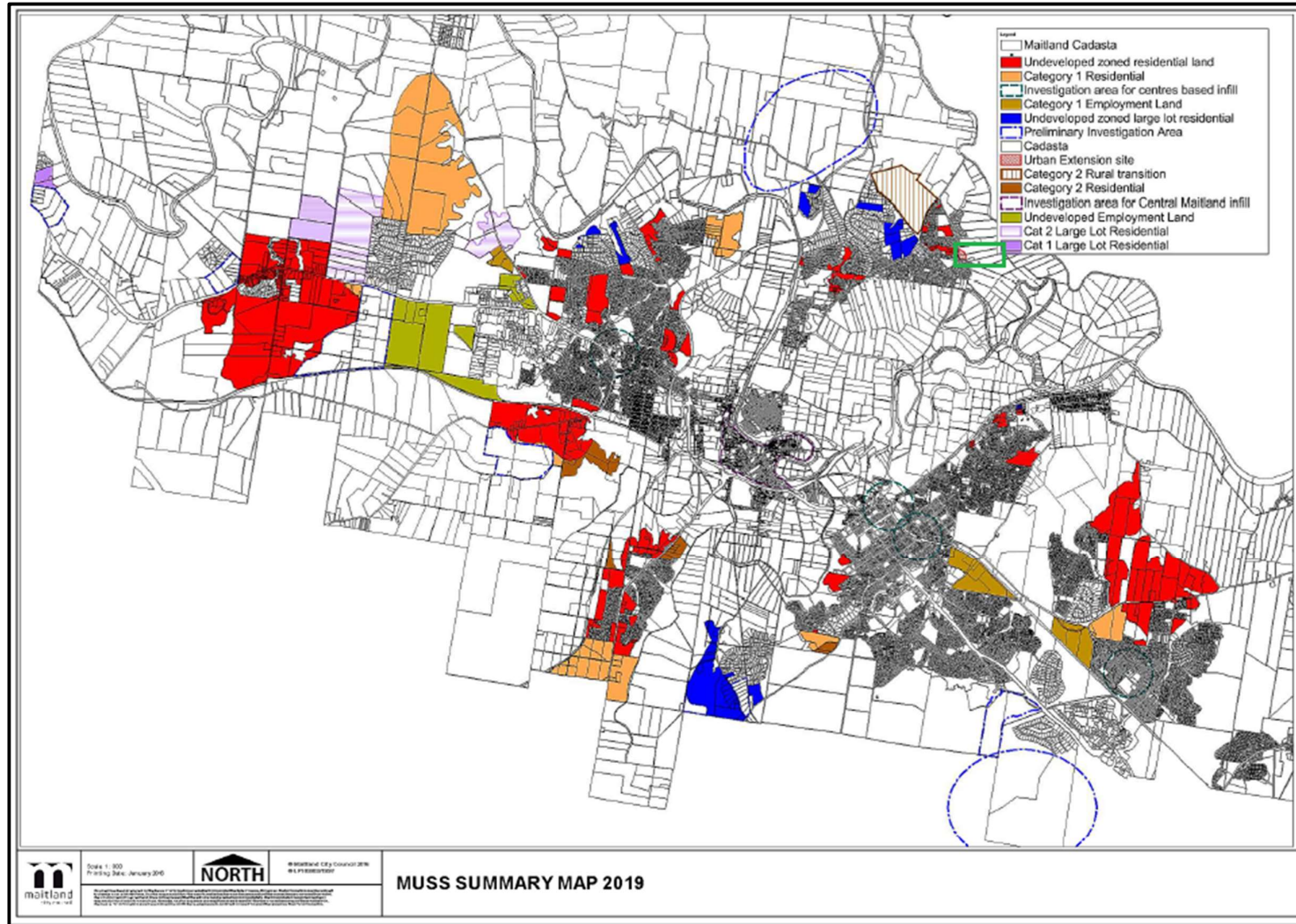


Figure 7 - MUSS summary map (subject site outlined in green)



4.8 MAITLAND LEP

The Maitland LEP 2011 is the primary Environmental Planning Instrument guiding sustainable development. The relevant Clauses applicable to the proposed Seniors Housing development are detailed below.

- **Clause 2.3 – Zone objectives and Land Use Table**

The site is zoned RU1 – Primary Production, with the objectives of the zone including:

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

Seniors Housing is an innominate use prohibited in the RU1 Zone. The proposed development for Seniors Housing is therefore prohibited on the site pursuant to the Maitland LEP. However, as described in Section 4 of this Report, SEPP Seniors provided for Seniors Housing as a permissible land use at this site, despite the RU1 Zoning. The site adjoins land zoned R1 for residential purposes to the south-west. The proposed Seniors Housing is consistent with the intended character of the area as it provides for a housing product that meets the needs of a growing demographic in the local community, being elderly and people with a disability. The built form of the proposed Seniors Housing has been designed to respond to existing and future characteristics of the locality.

Through the clustered location of the development adjoining Phoenix Park Road, between the existing housing existing on adjoining sites, primary agricultural production is protected on the remainder of the site which minimises fragmentation and / or the alienation of resource lands. As detailed within the VIA provided with this application, the location and density of the proposed development is respectful of the existing character of the site and locality and does not create conflict between the land use zones / adjoining zones. Should the development be located further to the north or east of the site, conflict would arise due to being located in the 'transitional' area between the rural and residential zones / character.

- **Clause 4.3 – Height of Buildings**

The objective of Clause 4.3 is to ensure that the height of buildings is appropriate for the context and character of the area. The subject site is not affected by a maximum height of buildings standard. Despite this however, it is considered that the proposed development is of an acceptable height for the location, providing single storey dwellings consistent with the site surrounds and therefore will not detrimentally affect the values of the site or adjoining sites.

- **Clause 5.10 – Heritage Conservation**

The objective of this clause is to conserve the environmental heritage of Port Stephens, including heritage items and heritage conservation areas, associated fabric, settings and

views, to conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

A AHIMS search (18 August 2020) contained at **(ATTACHMENT 3)** was undertaken in respect of the subject site which determined that no Aboriginal sites or places of significance are recorded in or near (within 50m) the subject site. Further, the site is not identified to be located within a heritage conservation area and does not contain a heritage item specified under Schedule 5. To this extent, no further assessment against the objectives of clause 5.10 is required.

- **Clause 7.1 - Acid Sulfate Soils**

The site is identified as containing Class 3 and 5 Acid Sulfate Soils, with development proposed within the Class 5 area however is within 500m of adjacent Class 3 soils (**FIGURE 8**).

The objective of Clause 7.1 of the Maitland LEP is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The area proposed for the development construction is generally flat, however will incorporate earthworks to establish a level building platform through the use of balanced cut and fill. Any cut associated with the development will be limited and shall not exceed 5 metres below the natural ground surface and will not result in the water table being lowered more than 1 metre below the natural ground surface. To this extent, an ASS Management Plan is not required to be prepared for the proposed development.

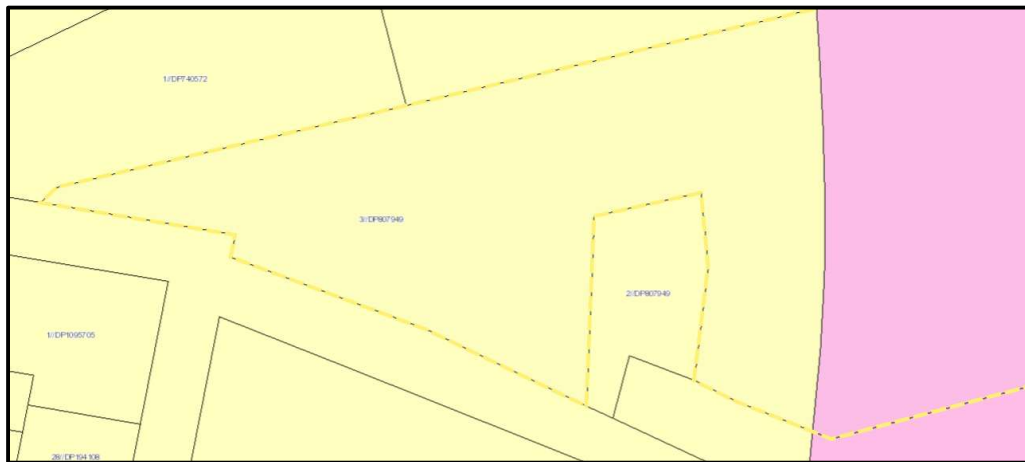


Figure 8 - Acid sulfate soils affectation (Source: NSW Planning Portal)

Acid Sulfate Soils

- Class 1
- Class 2
- Class 2a
- Class 2b
- Class 3
- Class 4
- Class 5
- Non Standard Values

- **Clause 7.3 – Flood planning**

The site is identified as flood prone, within the north-eastern section as shown in **(FIGURE 9)** below. The objectives of this clause are as follows—

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*

The proposed development has been consciously sited outside of the areas identified as flood prone to ensure the objectives of this clause are met.



Figure 9 - Flood prone land affectation (Source: NSW Planning Portal)

4.9 MAITLAND DCP

The Maitland Development Control Plan 2011 (DCP) is the primary and comprehensive DCP that applies to the entire Maitland LGA. The DCP provides guidelines and controls for specific types of development. It is however noted that SEPP Seniors prevails to the extent of any inconsistency.

Whilst there are no specific development controls relating to Seniors Housing, the general provisions under the DCP identify relevant controls for rural land and development for consideration relating to design and environmental constraints.

5.0 STATEMENT ADDRESSING SEPP SITE COMPABILITY CRITERIA

This part of the SCC report provides a Statement of Compatibility demonstrating the sites suitability and compatibility for the intended use, having regard to the matters for consideration in Clause 25 and Clause 26 of SEPP Seniors.

5.1 CLAUSE 24 CRITERIA (SEPP SENIORS)

Clause 24(2) of SEPP Seniors provides that a consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion:

- (a) the site of the proposed development is suitable for more intensive development, and*
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

With respect to these matters, it is considered that the proposed Seniors Housing development:

- Can be undertaken without significant traffic or acoustic impacts,
- Can meet the accessible site servicing requirements set out in Clause 26 of SEPP Seniors,
- Can be undertaken with minimal visual impact to the surrounding area / locality,
- Is well sited to ensure compatibility with the flood prone constraints of the land and topography to allow the proposed built form to transition into the existing neighbourhood.

The particular matters set out in Clause 25(5)(b) are considered in further detail within Section 6.2 below.

5.2 CLAUSE 25 CRITERIA (SEPP SENIORS)

Clause 25(5)(b) of SEPP Seniors provides that the relevant panel must not issue a site compatibility certificate unless the relevant panel is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the criteria outlined in **(TABLE 2)** below. The assessment provided below demonstrates that the proposed Seniors Housing development is consistent with the prescribed requirements of Clause 25(5).

Table 2 - Assessment of Clause 25 criteria (SEPP Seniors)

Clause 25(5)(b)	Assessment of proposed concept
(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.	<p>The site has limited site constraints, being Flood Prone Land and Acid Sulfate Soils. By limiting the development to land that is not Flood Prone, the site is considered to be suitable for the development. The proposed use is not inconsistent with surrounding zonings and land-uses, nor is the proposed built form inconsistent with the surrounding built form.</p> <p>Surrounding residential and rural land uses will not be greatly affected by the proposed development. Due to its topography, the site does not contain any significant external views and as such, visual</p>

	impacts of the proposed development will be minimal.
(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land.	<p>Amenity related impacts on the surrounding rural zoned land. The residential zoned land surrounding the site and existing uses is consistent with the seniors housing that will make up this development. The locality has seen and will continue to see the construction of new dwellings due to the recent construction at Largs and Bolwarra Heights. A visual impact assessment is provided at (ATTACHMENT 9) to qualify these statements.</p> <p>The site is zoned RU1 – Primary Production and the eastern part of the site is Flood Prone. The Architectural Plans identify a that the seniors living development is located above Flood Prone Land. Additionally, an 'Stock Refuge Area' has been identified above this Flood Prone Land, which was requested by Council during early consultation about this site. By siting the development in this location, utilising approximately 10% of the total site area, sufficient area is still available for continued agricultural use, if desired. The location of the development directly adjoining Phoenix Park Road continues the residential 'look and feel' in this area between the existing, prior to transitioning into the rural 'character' further to the north and east of the site.</p>
(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.	<p>Services have been discussed throughout this Report which meets the requirements set out under the SEPP (Clause 26 and Part 5). Access to these services will need to be upgraded via pedestrian pathways to comply with the required continuous accessible path of travel. The incorporation of a private on-site shuttle bus service is intended as part of the development, meeting the requirements of Clause 26(2)(c).</p> <p>The site has been described as having access to essential services (i.e. water, sewer and power) that is located in Phoenix Park Road (ATTACHMENT 4 – 6).</p>
(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development.	Not Applicable – The site is not zoned for open space or special uses.
(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is	The subject site is adjacent to the dense urban development area within Largs. The location of the site is not isolated, in comparison to the rural

likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.

properties located further away from the Largs centre.

The pattern of development of the Largs neighbourhood constitutes mostly single storey dwellings on allotments measuring approximately 500m² in size, with generous front setbacks which results in a low and horizontal built form. This design is reflective of the greater environment consisting of generally flat or low-lying topography of the land. The style of buildings is contemporary in nature, varying between weatherboard and brick veneer. The informality of the street layout is emphasized by the lack of footpaths and front fences and the existence of grassy verges. Dense clusters of housing exist along elevated areas adjacent to the river flood plain.

The subject site and proposed development are reflective of this character and overall pattern of development, through the incorporation of single storey contemporary dwellings, as shown within the architectural plans provided. The proposed development is setback generously from the front setback in accordance with other dwellings in the area, continuing the building line and clustered location of the dwellings / ancillary structures within this section of Phoenix Park Road. The proposed development respects the low scale nature of the built form within the locality and uses a variety of material and finishes without the dominance of fences or carparking. A mix of vegetation will be incorporated to ensure the natural environment and topography of adjoining lands is maintained and softened visually.

The proposed Seniors Housing would have a confined area of visibility due to the existing dense vegetation located along Phoenix Park Road within proximity to the site boundary. Potential public viewpoints at ground level would also be largely blocked by existing housing and vegetation.

In this regard, the proposed development respects the scale, form and context of the locality and contributes to the preferred character of the neighbourhood. The proposed development will reinforce the mixed rural-residential nature of the locality and is characteristic of other developments in both the local and wider community. The proposal addresses the street and provides logical and convenient connections to the road network and pedestrian facilities in the locality. There are no anticipated adverse impacts on the built

	environment as a result of the proposed development.
(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003 —the impact that the proposed development is likely to have on the conservation and management of native vegetation.	<p>The development does not require the removal of any native vegetation.</p> <p>The <i>Native Vegetation Act 2003</i> has been repealed and replaced with the <i>Biodiversity Conservation Act 2016</i> (BC Act). Under the BC Act, an assessment utilising the Biodiversity Assessment Method (BAM) would be required for the development, if native vegetation was proposed to be removed. With reference to the <i>Biodiversity Conservation Regulation 2017</i>, up to 1ha of native vegetation can be cleared without exceeding the threshold. It is noted that no vegetation is required to be removed as part of the proposal.</p> <p>As detailed in the ecology letter provided at (ATTACHMENT 8), a desktop review was undertaken including a regional vegetation mapping search for threatened species Atlas records and Biodiversity values mapping. The site contains approximately ten semi-mature and mature trees, and regrowth is considered unlikely to have or be occurring.</p> <p>The site does not contain any areas mapped on the Biodiversity values map however it is likely that the trees or shrubs present may be classified as native vegetation. Despite this, it is considered unlikely that this vegetation is of any significance given that the property has been extensively grazed and is extremely sparse and degraded. The site does not contain any mapped Endangered Ecological Communities (EEC).</p> <p>In conclusion, the proposed development does not significantly impact threatened entities listed under the BC Act or EP&A Act.</p>
(vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate.	No cumulative impact study is required to be provided in relation to the proposed development.

5.3 CLAUSE 26 CRITERIA (SEPP SENIORS)

Clause 26 of SEPP Seniors requires that a consent authority not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2). An assessment of compliance with Clause 26(2) of the proposed Seniors Housing development concept is provided in **(TABLE 3)** below.

Table 3 - Clause 26 criteria (SEPP Seniors) assessment

Clause 26 criteria	Assessment of proposed concept
<p>(1) Consent must not be granted unless evidence is provided that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. 	<p>Access to essential services and facilities is discussed elsewhere within this report.</p> <p>Moreover, it is proposed to provide a range of every-day services and facilities to the future Seniors Housing residents onsite. The provision of these specific services would be finalised at the DA lodgement stage. However, at this time it is proposed to provide a range of services and facilities and social activities. This will create an integrated community which encourage physical wellbeing, activity and social engagement.</p>
<p>(2) Access complies with this clause if—</p> <ul style="list-style-type: none"> (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable: <ul style="list-style-type: none"> (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time, (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time, (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time. 	<p>The site cannot demonstrate compliance with Clause 26(2)(a) as the site is located more than 400m from such services.</p>
<p>(b) relates to land within the Greater Sydney (Greater Capital City Statistical Area).</p>	<p>Does not apply, as the site is located outside of this area.</p>
<p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—</p> <ul style="list-style-type: none"> (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and 	<p>It is noted that, as the site is located outside of Greater Sydney, there is no requirement under SEPP Seniors for the site to be located within 400m of accessible public transport. Whilst this is a requirement for Seniors Housing developments within the Greater Sydney area to be located within 400m of accessible public transport (as per Subclause 26(2)(b), the requirement for sites outside of Greater Sydney is rather that they be accessible <u>by transport</u>, which is not specified as comprising public transport (refer to Subclause 26(2)(c) of SEPP Seniors).</p> <p>It is therefore considered that the proposed Shuttle Bus service would meet these requirements under Subclause 26(2)(c) of SEPP</p>

<p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p>	<p>Seniors to provide accessible transport to residents, linking them to the relevant facilities and services specified in Subclause 26(1).</p> <p>At this stage, this Shuttle Bus service is intended to operate three times daily from Monday to Friday (inclusive). These details would be confirmed at the DA lodgement stage.</p>
<p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p>	<p>Noted, upgrades to footpaths may occur as a result of DA assessment.</p>

5.4 CLAUSE 27 CRITERIA (SEPP SENIORS)

Clause 27 provides that a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map, unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection.

The site is not identified as bushfire prone and therefore no further assessment against the requirements of this clause is required.

5.5 CLAUSE 28 CRITERIA (SEPP SENIORS)

Clause 28 provides that a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

The site currently contains an existing dwelling. Essential infrastructure, such as water, sewer and power are located within the road reserve of Phoenix Road. Section 2.0 of this report provides further details with regard to water and sewer servicing, supported by the strategy provided with this application.

The impact on existing services provided within the community to this senior living development will be minimal. Provision of specialised services (such as meal deliveries,

cleaning assistance, etc.) will be facilitated in house and therefore the burden of support for future residents of the development will onto be passed onto existing providers.

The development will establish serviced, self-care housing for senior persons or people with a disability, providing a quality lifestyle, including activities and transport services. It will assist with the ageing population demographic without impact on existing services, such as meals on wheels or home & community care.

6.0 CONCLUSION

The site adjoins existing residential development and is relatively clear of constraints. It is within proximity to major services, such as the city centre of Maitland and Stockland Greenhills. This locality is already experiencing significant low-density residential growth due to its proximity to these services.

The development for seniors living accommodation and associated facilities will help to meet the increasing demand for this type of residential accommodation in Maitland. It is acknowledged that the average household size is declining and predicted to continue to decline over time within the Maitland LGA. This trend is expected to continue across the majority of the country as the baby boomer generation ages. The proposal will include 46 single storey dwellings that will be designed to cater for the over 55 market where the occupants are generally independent, mobile and active. This should be considered in the context of the majority of persons of this age bracket looking to downsize their accommodation but retaining their standard of living. The development will provide this opportunity within an attractive setting that is close to services.

The site presents an opportunity to provide seniors housing in an appropriate location. A SCC would enable more detailed plans to be developed through the Development Application phase, which would then lead to construction.

The proposed development will have minimal impact on surrounding land uses and represents an appropriate re-use of agricultural land. The proposed development will provide housing diversity necessary to support a growing, aging demographic within the Maitland LGA and the Lower Hunter. It is considered to be consistent with the public interest, the strategic context of the site and the identified capability of the site and surrounding areas to support further residential development.

To this extent, we recommend SCC application for approval.



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