

File no: IRF22/1165

Report to the Northern Regional Planning Panel on an application for a site compatibility certificate (SCC) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE: This SCC application applies to part Lot 4 DP 844371 and part Lot 1 DP 1018270, Bonny View Drive (corner of Ocean Drive), Bonny Hills (Figure 1) (referred to as subject site).

APPLICANT: Mr Jeffrey Bretag on behalf of McCloy Project Management Pty Ltd

PROPOSAL: The proposed serviced self-care housing (Attachment A and A1) (as defined under Clause 13 of the Seniors Housing SEPP) development includes:

- 241 single storey serviced self-care housing units ranging from 2 to 3 bedrooms (some with additional studies) and carparking;
- ancillary facilities such as a community building, pool, gym, bowling green, tennis court, landscaped open space areas and paths, men's shed, and caravan parking; and
- community bus for resident use.

The subject site is zoned RU1 Primary Production under Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 (Figure 3). Lot 4 DP 844371 and Lot 1 DP 1018270 have a combined area of 118ha. The seniors living will be located in the northern most part of the site fronting Ocean Drive and will occupy approximately 25ha in area (development footprint and bushfire asset protection zone) as shown in Figure 2. The land contains mapped Coastal Wetlands and Proximity Area to Coastal Wetlands under the coastal management provisions of SEPP (Resilience and Hazards) 2021. These are however located outside of the proposed seniors living area.

The SCC Application (Attachments A & A1 – A10) was submitted on 16 November 2021 under SEPP (Housing for Seniors or People with a Disability) 2004. This SEPP was repealed on 25 November 2021 and replaced by SEPP (Housing) 2021. Under clause 3(1) Schedule 7A of SEPP (Housing) 2021, transitional arrangements enable clause 25 of the repealed Seniors SEPP (relating to SCCs) to continue to apply to an application for a site compatibility certificate made, but not determined, before the commencement date.

In accordance with clause 17 of the Seniors SEPP (repealed), development on land that adjoins land zoned primarily for urban purposes can only be for the purpose of:

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

As the SCC application relates to 'serviced self-care housing', it must meet the definition of such under clause 13 of the SEPP. By definition 'serviced self-care housing' is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care. The applicant has committed to the provision of meals, cleaning services, personal care and nursing care on-site (Attachment A2 & A3) to satisfy the requirements of the SEPP.

LGA: Port Macquarie-Hastings Council

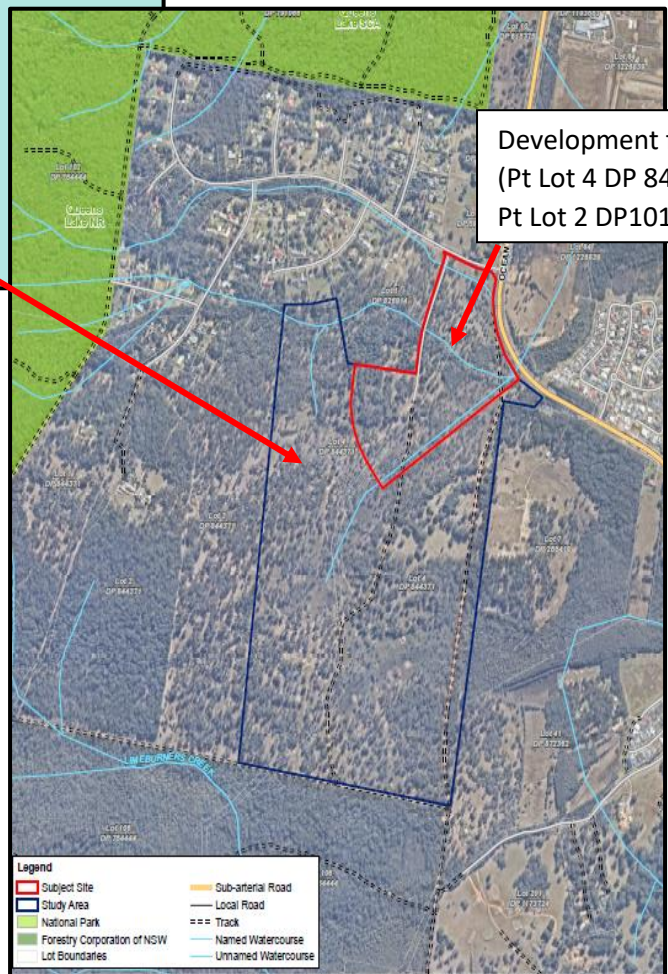
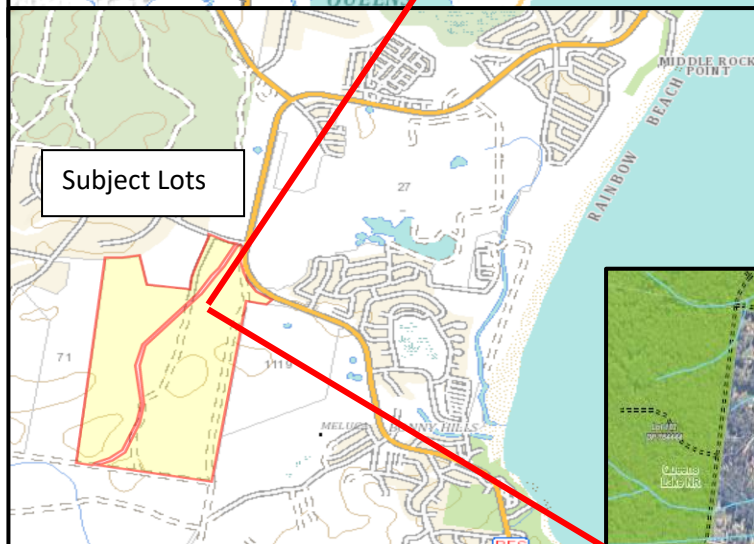
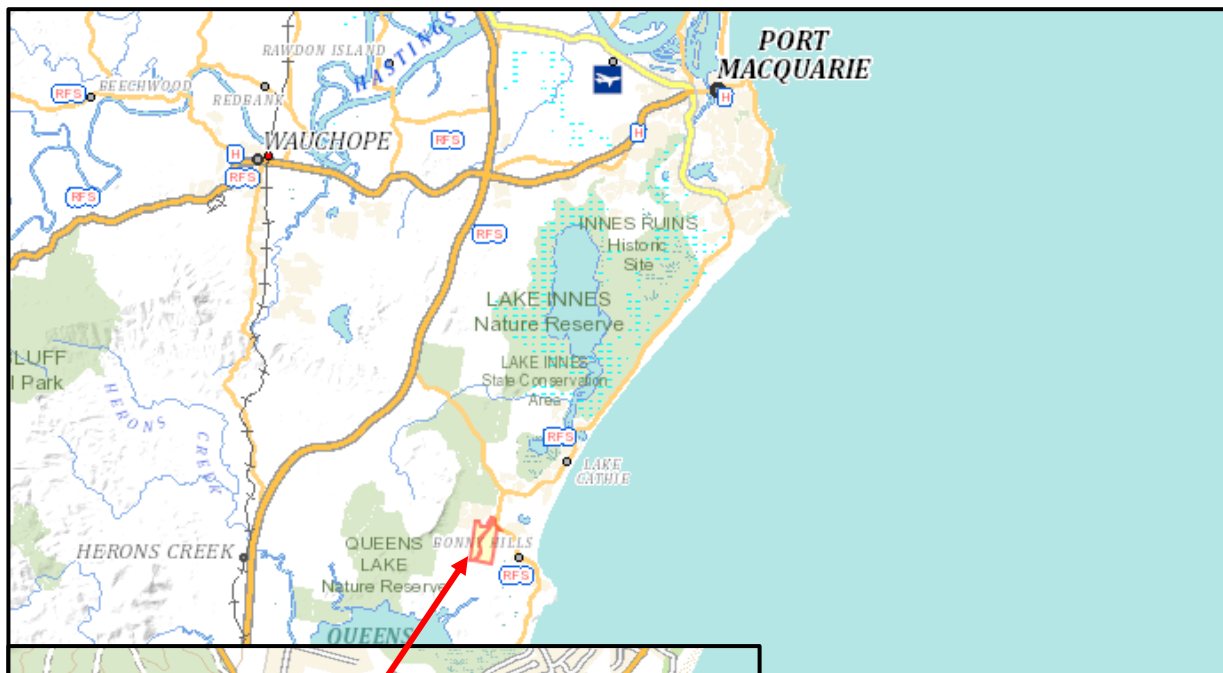


Figure 1 - Site context and subject site (source: Six Maps & SCC Report)

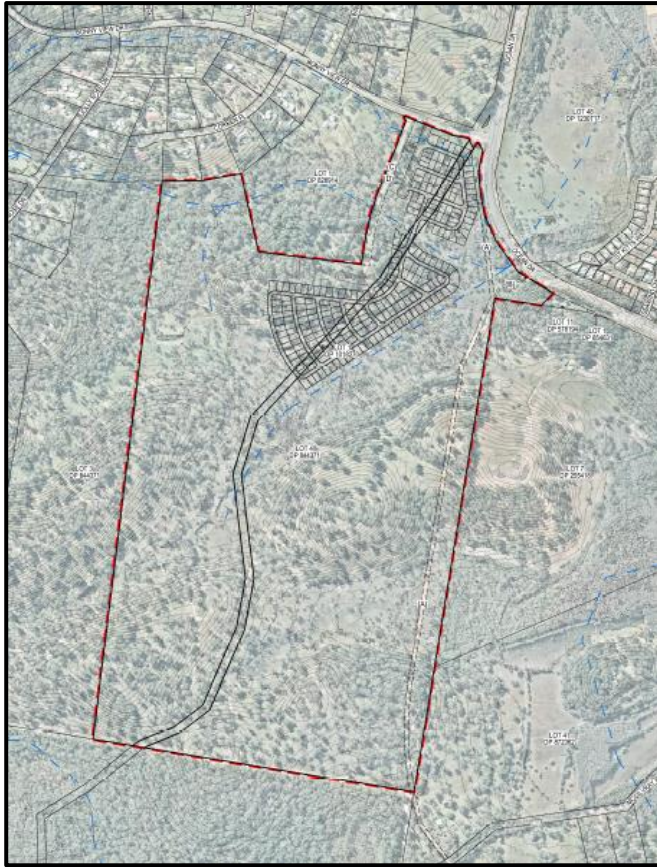


Figure 2 - Proposed development layout (source: SCC Report - March 2022)

PERMISSIBILITY STATEMENT

Zoning of the site

The subject site is zoned RU1 Primary Production under Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. Seniors Housing is not a permitted land use in the RU1 zone under the LEP.

In order for seniors housing to be permissible on the site, a SCC is required under Clause 24 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (*Seniors Housing SEPP*).

Seniors Housing SEPP

An SCC can be issued for land that is not zoned primarily for urban purposes provided it adjoins land zoned for urban purposes. The subject site directly adjoins land zoned R1 General Residential that is located on the eastern side of Ocean Drive (Figure 3).

An SCC can be issued for land which is not zoned for urban purposes providing dwelling houses, residential flat buildings or hospitals are permissible with consent in the zone. Dwelling houses are a permitted use within the RU1 zone under Port Macquarie-Hastings LEP 2011.

An SCC cannot be issued for environmentally sensitive land being land which is described in Schedule 1 of the *Seniors Housing SEPP*. Schedule 1 identifies the following land as environmentally sensitive:

- a) coastal protection,
- b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),
- c) critical habitat,
- d) environment protection,
- e) open space,
- f) escarpment,
- g) floodway,
- h) high flooding hazard,

- i) natural hazard,
- j) (repealed)
- k) scenic (but not land that is so identified if—
 - I. the land is within a residential zone in which development of two storeys or more in height is permitted, or
 - II. an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),
- l) water catchment,
- m) natural wetland
- n) land shown cross-hatched on the bush fire evacuation risk map.

The subject site does contain land mapped as Coastal Wetlands under SEPP (Resilience and Hazards) 2021 (Figure 4). The development footprint does not however impinge upon the area of land mapped as Coastal Wetlands or Proximity Area to Coastal Wetlands.

The subject site is also mapped as containing potential High Environmental Value (HEV) land under the North Coast Regional Plan 2036. The proposed development footprint is located within this mapped area and is discussed in more detail later in the report. Potential HEV land does not however classify the land as environmentally sensitive under Schedule 1 of the SEPP (Figure 5).

The site is mapped as bushfire prone however is not 'Land shown cross-hatched on any bush fire evacuation risk map' (Figure 6).

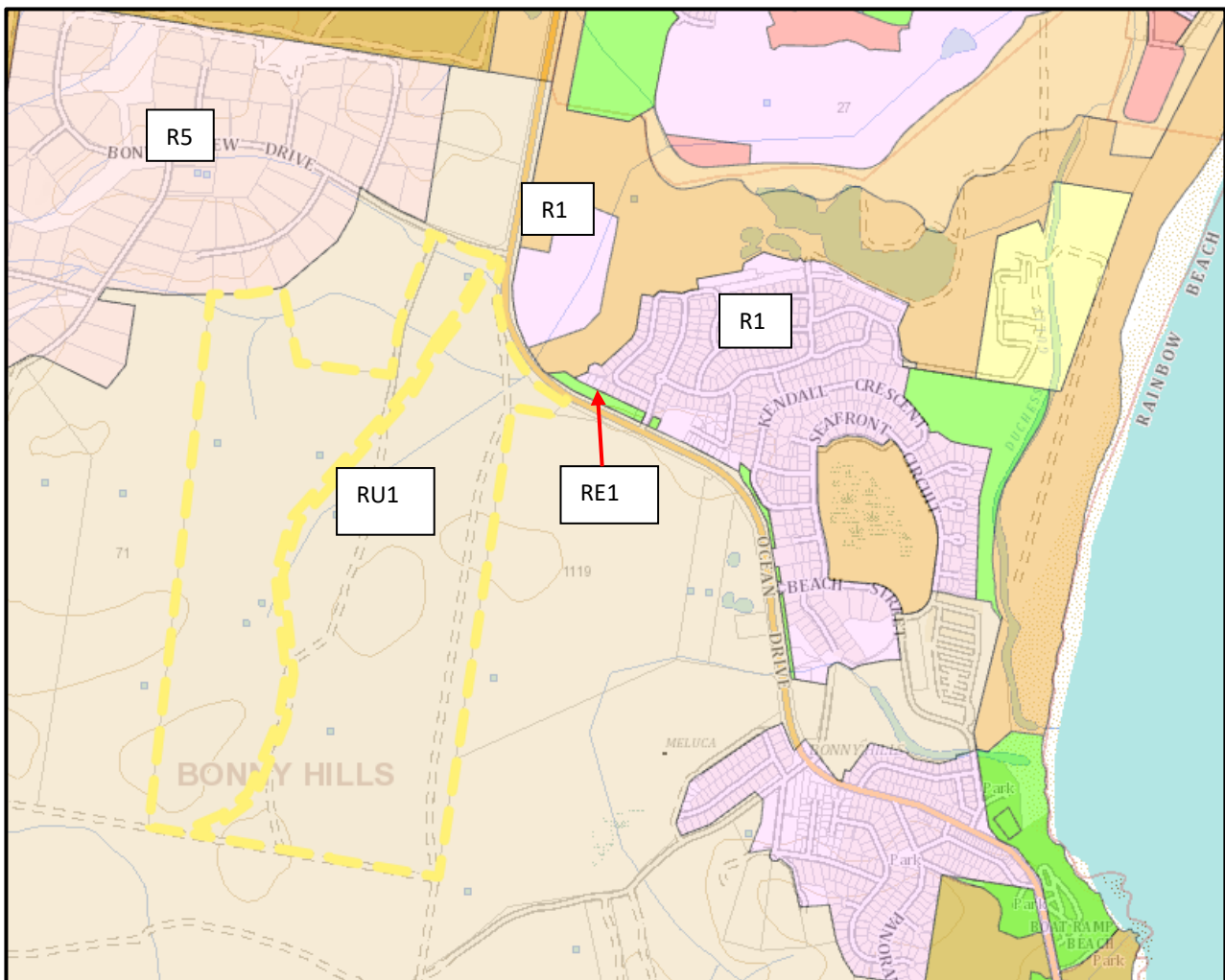


Figure 3 - Zoning of Subject site (source: Port Macquarie-Hastings LEP 2012)

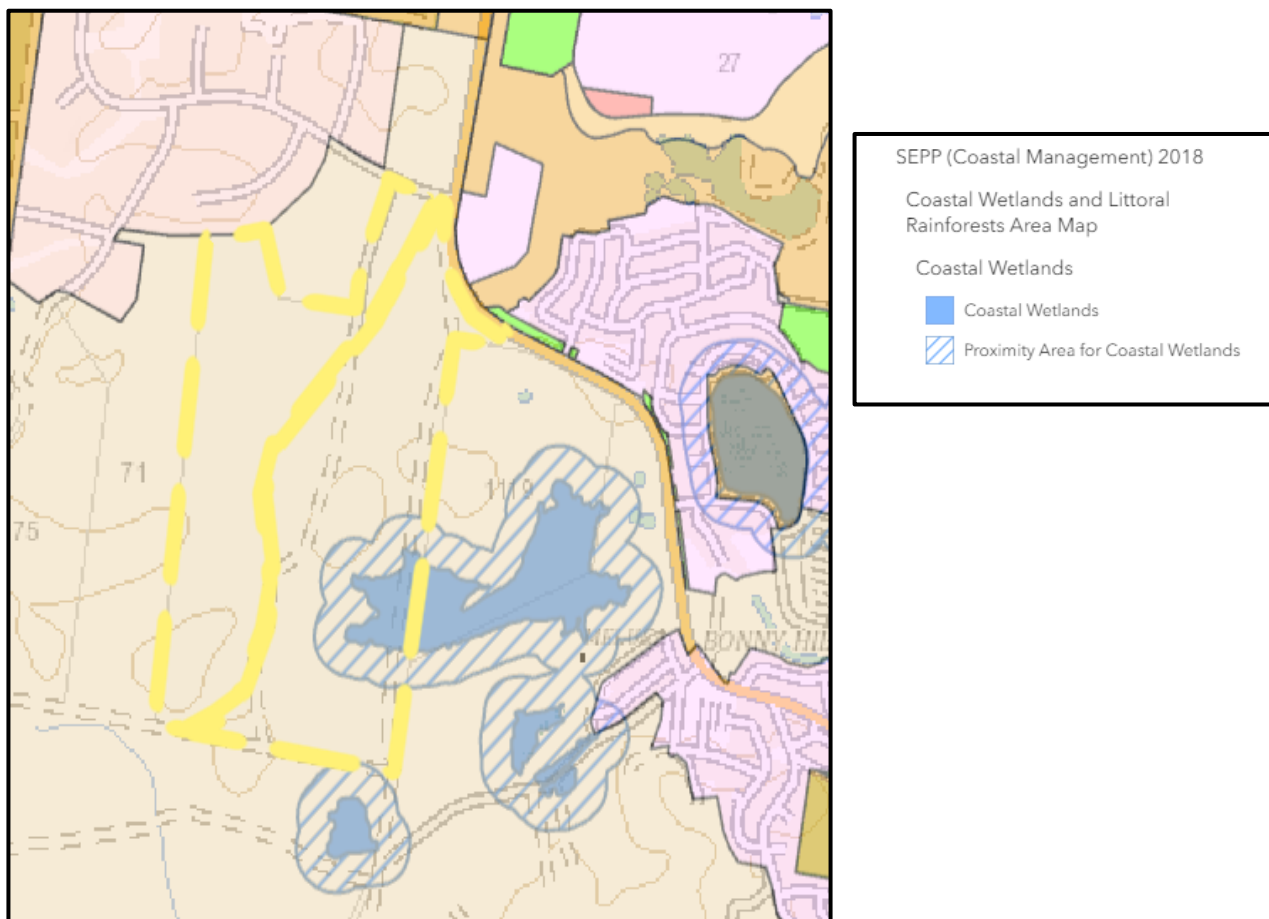


Figure 4 - Subject site showing mapped Coastal Wetlands (source: ePlanning Spatial Viewer)

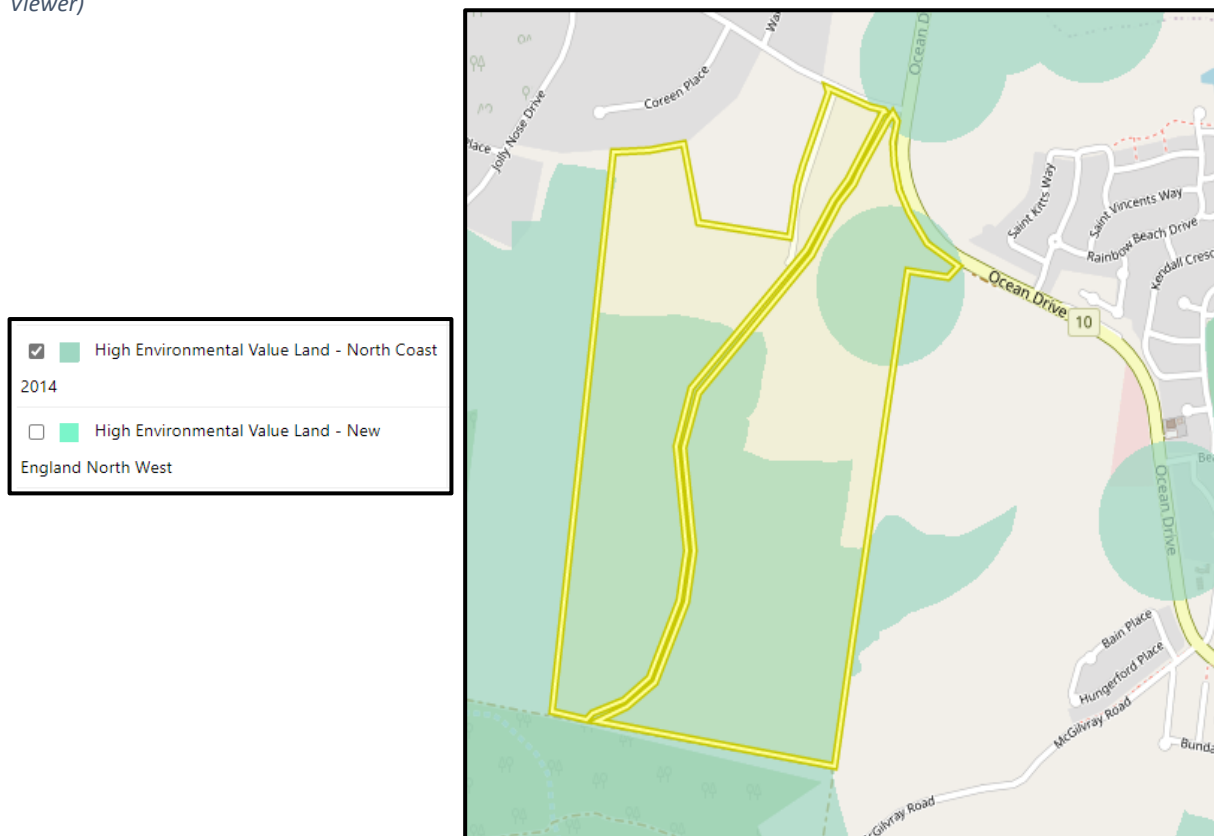


Figure 5 - Potential HEV land (source: North Coast Regional Plan 2036, ePlanning Spatial Viewer)

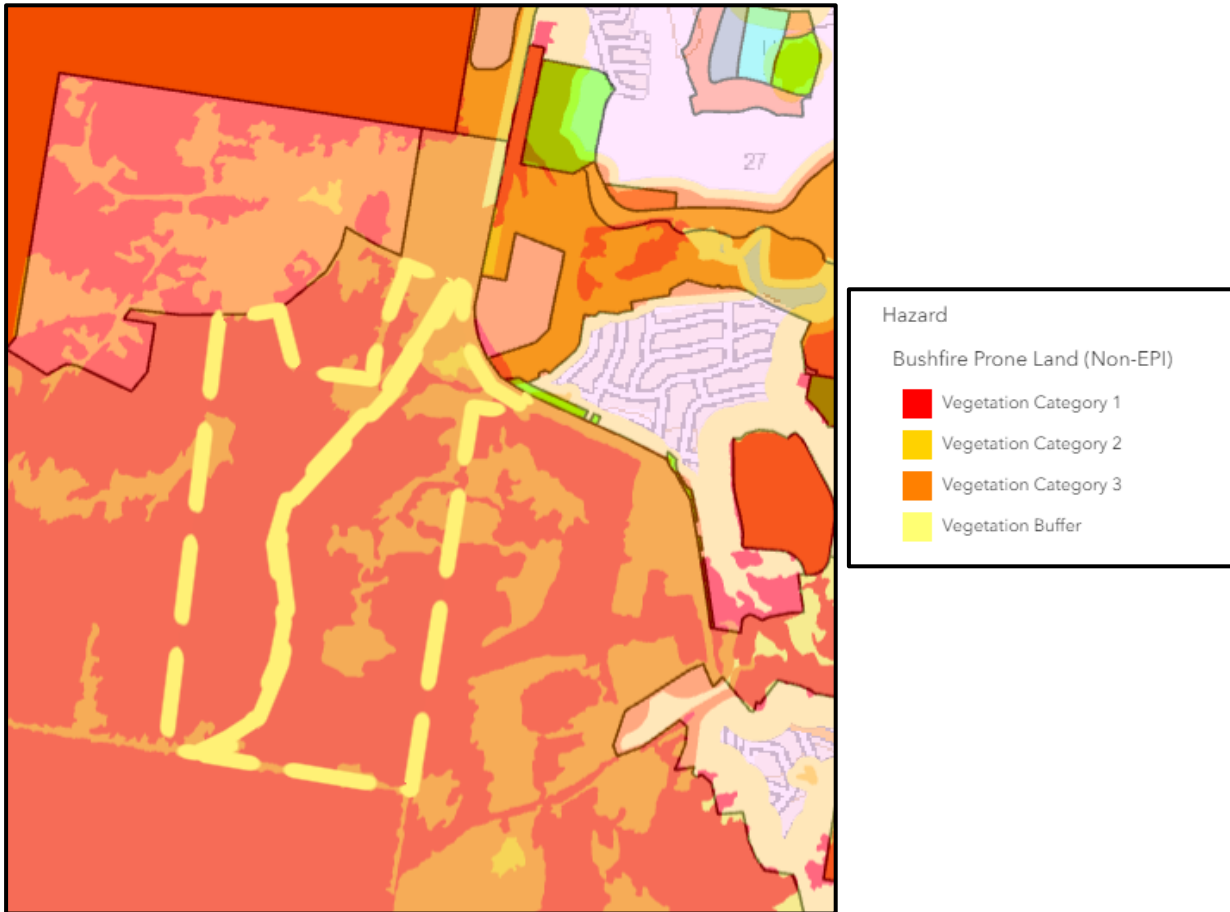


Figure 6 - Subject site showing bushfire Prone Land (source: ePlanning Spatial Viewer)

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

No previous SCCs have been issued for the subject site.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

There are no current SCCs on land within a 1km radius of the subject site that meet the definition of 'next to proximate site land' under the SEPP.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made;
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

CLAUSE 25(2)(C)

A cumulative impact study has not been prepared as there are no current SCCs on land within a 1km radius of the subject site that meet the definition of 'next to proximate site land' under the SEPP.

COUNCIL COMMENTS

After several requests to the proponent by the Department for further information, the current SCC application was able to be referred to Council for comment on 22 March 2022. A response was received from Council on 8 April 2022 (Attachment B).

Council has advised that it does not support the issuing of an SCC for the proposed development as it currently lacks merit in regard to the strategic and infrastructure planning frameworks currently applying to the site under the NCRP 2036, Council's Urban Growth Management Strategy (UGMS), Local Strategic Planning Statement (LSPS), Development Servicing Plan (DSP) and Contribution Plans.

Council considers that the most appropriate pathway for future development of the subject land would be through assessment as part of the next review of Council's Strategic Land Use Strategies. This inclusion would then assist to inform updates to Council's DSP and contribution plan to ensure appropriate infrastructure planning is available for the development of the site.

Council has also further detailed the following with regard to the potential development of the site:

- The area is environmentally constrained and contains large areas of native vegetation. Of particular note, Lot 4 DP 844371 contains Coastal Wetlands and Proximity Areas to Coastal Wetlands. The North Coast Regional Plan (NCRP) maps the area as comprising potential High Environmental Value (HEV) land.
- The NSW Government Mineral Resources Audit identifies important mineral resources, potential resources and transition buffers on Lot 4 DP 844371.
- The area is bushfire prone.
- Port Macquarie-Hastings Council manages growth and new land releases in its coastal strip by directing development to the mapped Urban Growth Areas (UGAs) delineated in the NCRP 2036, which sets the 20-year limits for urban growth on the NSW North Coast, including for Port Macquarie-Hastings.
- Lot 4 DP 844371 and Part Lot 1 DP 1018270 are largely outside of the mapped UGA, containing only a small narrow strip of land along the eastern boundary of Lot 4 DP 844371. This subsequently makes the proposal largely inconsistent with Council's Urban Growth Management Strategy 2017 - 2036 (UGMS) and Local Strategic Planning Statement (LSPS), which seek to use existing UGAs to define the land available to investigate for release.
- The area is outside of Council's current Development Servicing Plan (DSP) boundaries for sewer and water. As such, strategic sewer and water infrastructure planning has not been undertaken by Council in relation to this proposal. In this regard, note that limited capacity exists within the Bonny Hills sewerage treatment plant, and there are no priority plans to accommodate additional capacity beyond planned growth boundaries.
- The area/proposal has not been subject to strategic infrastructure planning by Council and is not considered within Council's development contributions framework.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

Lot 4 DP 844371 and Lot 1 DP 1018270 are located on the northern outskirts of the main Bonny Hills residential area. Together, the subject lots comprise approximately 118ha with the proposed development located in the north eastern corner of the site. It is estimated that the proposed development will occupy approximately 21ha with an additional 4ha for APZ management (Attachment A4 & A5).

Bonny Hills is located approximately 19 km south of Port Macquarie and is characterised by low density residential development. Limited services and facilities are available in Bonny Hills and comprise a small supermarket, petrol station, café, pharmacy, dentist, hotel and medical centre.

The NCRP 2036 identifies that within the next 20 years almost one third of residents in the wider region will be aged over 65 years and that it will need to accommodate an additional 76,200 people, generating the need for 46,000 new homes. These changes will not only increase the demand for housing but also the need for a greater variety of housing. Despite this, it is important that future housing be directed to locations that can accommodate more housing and that have existing or planned infrastructure and services. The subject land is in the most part, mapped outside the Urban Growth Area (UGA) boundary of the NCRP 2036 (Figure 7). The purpose of the UGA is to direct growth to the most appropriate locations and to assist Councils to investigate and sequence land release within their Growth Management Strategies.

Council's UGMS indicates that the Lake Cathie and Bonny Hills area will experience significant population growth in the period to 2036. The area is anticipated to be the second fastest growing urban area in the Port Macquarie-Hastings, with population growing from about 6,300 in 2016 to around 9,000 residents by 2036. Planned future development is oriented along the coast between Lake Cathie and Bonny Hills, including the master planned Rainbow Beach release area.

Despite the expected population growth for the Bonny Hills area, the subject land is located largely outside the UGA and as such Council is not in favour of the proposal for the following reasons:

- The site is environmentally sensitive and contains large tracts of native vegetation;
- The area is outside of current Development Servicing Plan (DSP) boundaries for sewer and water, with Council noting that limited capacity exists within the Bonny Hills sewerage treatment plant, and there are no priority plans to accommodate additional capacity beyond planned growth boundaries.
- The area/proposal has not been subject to strategic infrastructure planning yet by Council and is not considered within Council's development contributions framework.
- Development of the subject land is inconsistent with the UGMS and Council's Local Strategic Planning Statement both of which aim ensure an orderly development land of suitable land.

As discussed further in this report, it is considered that the current SCC application does not provide sufficient detail or evidence to confirm that the site is suitable for the proposed development regarding the clearing of native vegetation, potential core koala habitat impacts and expansion of infrastructure provisions to the site. While some constraints could be satisfactorily addressed through appropriate design responses at the development application stage should an SCC be issued, and that the footprint of the seniors living is located outside the mapped coastal wetland and mineral transition areas, it is considered that any development of the site for more intensive purposes would be premature until Council has undertaken broader strategic planning that comprehensively considers the expansion of infrastructure and services, expansion of the North Coast Regional Plan Urban Growth Area (NCRP UGA) boundary and site specific environmental constraints.

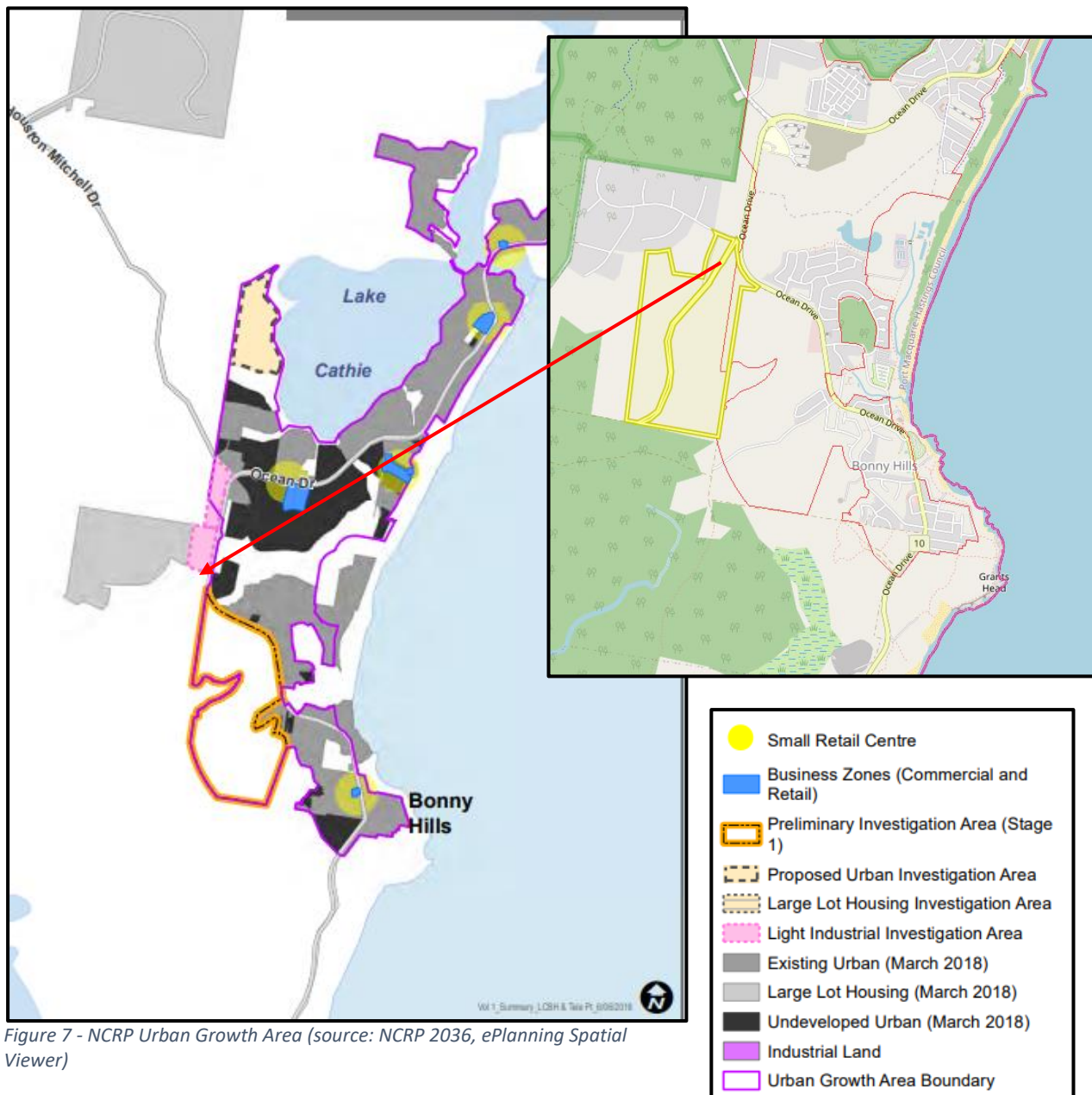


Figure 7 - NCRP Urban Growth Area (source: NCRP 2036, ePlanning Spatial Viewer)

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. **The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))**

Flora

The SCC application is accompanied by a Preliminary Ecological Assessment (PEA) undertaken by Kleinfelder (Attachment A6). Plant Community Types (PCT) on the subject site can be seen by reference to Figure 8 with key environmental constraints visually represented in Figure 9.

The subject site is characterised by a mix of remnant forest, managed grassland, open forest and scattered eucalypts, intersected by cleared access tracks. The PEA notes that the vegetation is subject to grazing, therefore shrub and mid-storey vegetation is predominantly absent or heavily reduced. The topography is typified by undulating hills, alluvial flats towards the north-east and along Ocean Drive. Multiple first and second order drainage channels traverse the site.

The vegetation within the subject site (which includes the development footprint) is similar to the vegetation in the broader Study Area, with the exception of having a greater area of alluvial flats, cleared grassland and forested wetlands remnants.

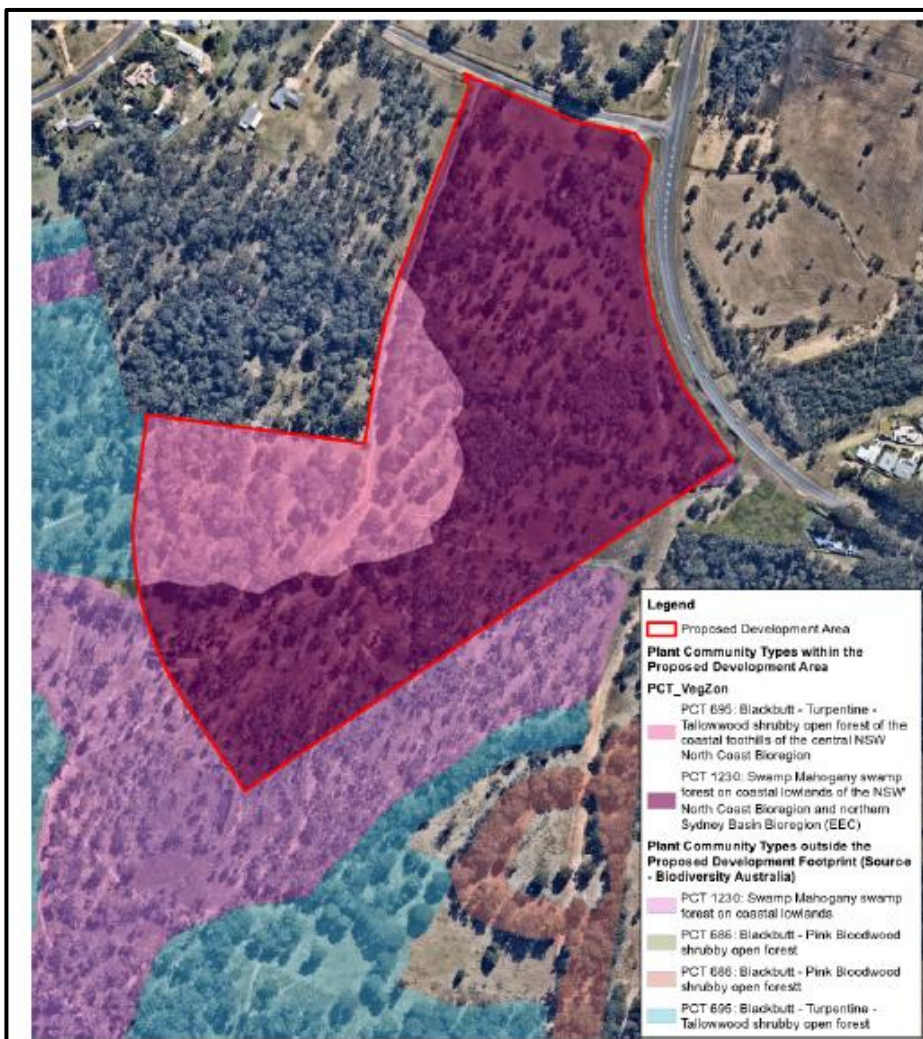


Figure 8 - Plant Community Types (SCC Application Report)

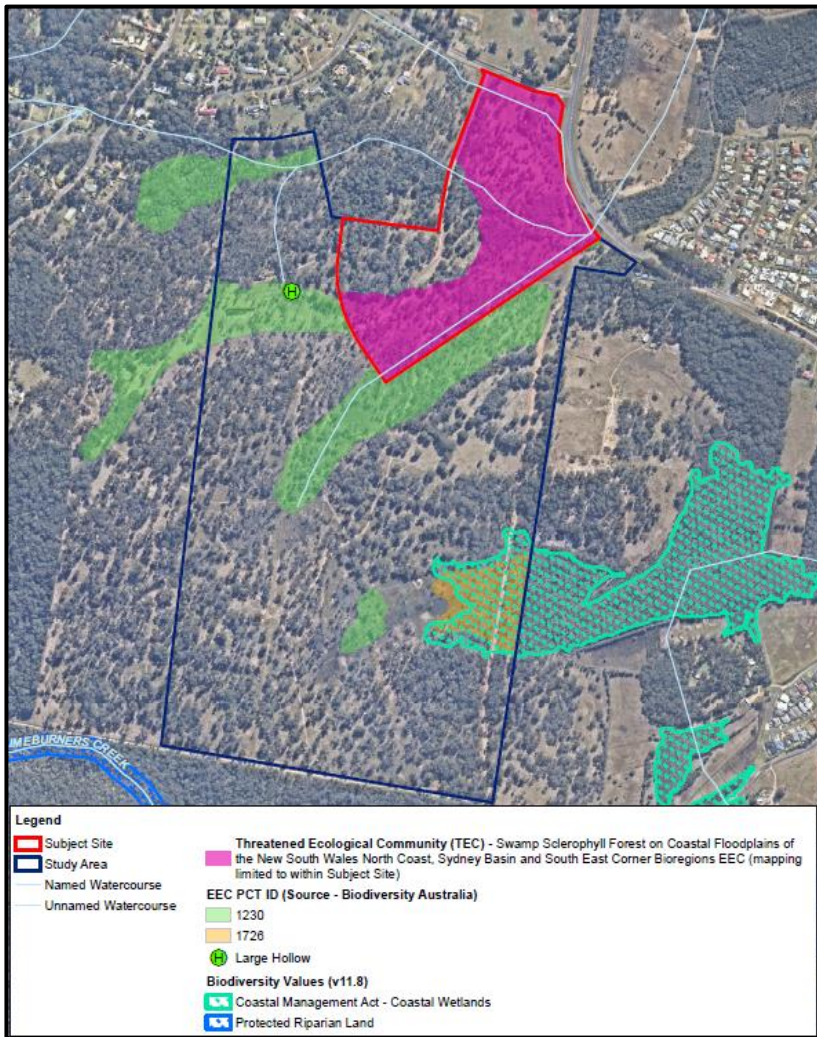


Figure 9 – Key Biodiversity Values (source: Preliminary Ecological Assessment - Kleinfelder)

The PEA determined that two plant community types (PCTs) occur within the Subject site:

- PCT 695 Blackbutt - Turpentine - Tallowwood shrubby open forest of the coastal foothills of the central NSW North Coast Bioregion
- PCT 1230 Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion.

PCT 1230 Swamp Mahogany swamp forest on coastal lowlands is commensurate with the Endangered Ecological Community (EEC) Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions and is regarded to be in a low-moderate condition form of the EEC. Figure 9 also lists this EEC as a Threatened Ecological Community (TEC). This PCT is a TEC that has been listed under the Environment and Protection Biodiversity Act 1999 (EPBC Act) as endangered i.e: this ecological community is facing a very high risk of extinction in the wild in the near future. (i.e indicative timeframe of 10 years).

The PEA determined both PCT's to be a moderate condition based on the occurrence of an intact, albeit reduced, native canopy, mixed native and exotic grassy groundcover, and a predominantly absent mid-storey/shrub layer, the result of regular grazing.

The PEA has indicated that no threatened flora species were identified within the subject site during the assessment and that the site is unlikely to constitute suitable habitat for any threatened plant species predicted or recorded within the locality. The PEA has also noted that search of the BioNet Atlas of NSW Wildlife returned five records of threatened plant species within a 5 km radius of the site. An EPBC Protected Matters search returned a list of 18 threatened plant species predicted to occur within the locality of the subject site.

A “likelihood of occurrence” assessment determined that the subject site is unlikely to constitute suitable habitat for any threatened plant species predicted or recorded within the locality. Concept drawings submitted as part of the SCC Application indicate that the proposed development footprint will impact on the EEC. The SCC Application has provided little further information regarding the potential impact on the EEC except to say that it will need to be managed during the development application process and that any vegetation removal necessitated by the proposed development within the site would likely trigger the Biodiversity Offset Scheme (BOS), requiring a Biodiversity Development Assessment Report (BDAR). With a minimum lot size of 40 ha, the vegetation clearing threshold that would trigger entry into the BOS is one (1) hectare.

An area of coastal wetlands is mapped within the southern portion of the study area, however due to the location of the seniors living development, no direct impacts to these mapped coastal wetlands are expected to occur through the development of the Subject site.

Fauna

No threatened fauna species were detected within the subject site during the site assessment.

A search of the BioNet Atlas of NSW Wildlife (DPIE, 2021a) returned a list of 59 threatened fauna species that have previously been recorded within 5 km of the subject site. An EPBC Protected Matters search returned an additional 19 threatened fauna species predicted to occur within the locality of the subject site.

A “likelihood of occurrence” assessment determined a moderate likelihood of occurrence for 13 fauna species within the subject site, including five (5) birds and eight (8) mammals. A total of two species were identified as having a high likelihood of occurrence, including the Koala (*Phascolarctos cinereus*) and the Wallum Froglet (*Crinia tinnula*), based on the occurrence of suitable habitat throughout the subject site and recent records within the subject site or in close proximity. As such the PEA recommends further targeted surveys were the proposal to progress, to ascertain the presence of the species and the extent of suitable habitat within the site.

As the site contains hollow-bearing trees, further surveys (i.e. stag-watching) are recommended to ascertain the presence of threatened forest owls e.g. the Powerful Owl, recorded within the locality.

Koala habitat

At the time this SCC Application was lodged with the Department, the relevant legislation applicable for Koala Protection was SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020). This SEPP was however repealed on 28 February 2022 with the relevant provisions now included in SEPP (Biodiversity and Conservation) 2021. The assessment of potential impacts on Koala habitat for this SCC Application is the Koala SEPP 2020.

An assessment by the proponent of Koala habitat suitability was conducted in accordance with the Koala SEPP 2020 including the determination of:

- Potential Koala Habitat (Step 1) defined under the SEPP as areas of native vegetation where trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component; and
- Core Koala Habitat (Step 2) defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population within the subject site.

In regard to Potential Koala Habitat, both PCT's within the subject site are dominated by Koala Feed tree species listed under Schedule 2 of the Koala SEPP. These include Tallowwood and Swamp Mahogany. These two species constitute over 15% of the total number of trees within the Vegetation Community 1 and Vegetation Community 2 respectively. As such, the vegetation within the subject site constitutes “Potential Koala Habitat” as defined under the SEPP.

The assessment determined however that the site does not constitute Core Koala Habitat as defined in the SEPP based on the following:

- No signs of koalas were recorded within the site during opportunistic diurnal fauna survey and two (2) Spot Assessment Technique (SAT) tests; and
- of the 870 records of Koala within the locality (<5 km from the Study Area), none are directly associated with the land.

Considering the PEA has indicated that a “likelihood of occurrence” assessment determined the species (Koala) as having a high likelihood of occurrence based on the occurrence of suitable habitat throughout the subject site, and recent records of koalas in close proximity, the conclusion that the site does not constitute core Koala habitat appears premature.

Accordingly, the PEA recommends further targeted surveys (i.e. nocturnal surveys) in accordance with the SEPP in order to provide an accurate assessment of Koala habitat values within the subject site at the development stage should a SCC to be issued.

The subject site is not mapped as Koala Habitat under Port Macquarie-Hastings LEP 2011. This does not however mean that Koala habitat does not exist on this site.

EPBC Protected Matters

The PEA states that no EPBC Act listed threatened species or communities were detected within the subject site during the site assessment.

A ‘likelihood of occurrence’ assessment was conducted for all threatened species and migratory species returned by the EPBC Protected Matters Search. A total of three (3) threatened species listed under the EPBC Act were considered to have a moderate to high likelihood of occurrence within the subject site.

Further assessment in accordance with the EPBC Act Significant Impact Guidelines may be required at the DA stage should an SCC be issued, to determine the potential impact of the proposal on listed species.

In summary, the PEA has concluded that despite the subject site containing a number of key ecological constraints, including a TEC/EEC, it is suitably positioned as to avoid ‘environmentally sensitive’ land as defined by the Seniors Housing SEPP (i.e. mapped coastal wetlands).

Despite the conclusion of the PEA, it is apparent that the proposed development is located on land that is likely to have a significant impact on the TEC/EEC and habitat that can support koalas. The proposal also has the potential to impact the Wallum Froglet.

The PEA is considered to be insufficient to determine the extent, impact or appropriateness of the proposed development on native flora and fauna.

Bushfire

The SCC Application is accompanied by a Bushfire Threat Assessment (BTA) (Attachment A7).

The site comprises two undeveloped lots, surrounded by residential and rural residential development to the north west, north, and south east. The site is bounded by Bonny View Drive to the north and Ocean Drive to the east. Cleared and managed land is located to the east and native bushland to the south. Both subject lots are mapped as Bushfire Prone Land, specifically Vegetation Category 1 and 3 (Figure 6).

The condition and type of vegetation across the site varies between managed land, grassland, riparian buffer areas and remnant forest vegetation.

The proposed APZ would be located within the boundaries of land owned by the applicant to the south and west. Where the required APZ extends beyond the site boundary to the north and east, the proposed APZ is located on existing roads and road reserves which are considered permanent infrastructure and compliant with APZ standards.

The BTA provides an assessment of the proposed development against the aims and objectives of Planning for Bush Fire Protection 2019 (PBP). This assessment has found that the proposed development complies with all relevant aspects of the PBP and that following the implementation of the recommendations contained in the BTA report, the proposal can comply with the specific objectives for Special Fire Purpose Protection developments. The report also recommends that Council may apply the specific conditions relating to APZ widths, minimum criteria for water supply; minimum standard of construction in relation to BAL 12.5 and the development and implementation of an emergency management and evacuation plan.

As the proposal is a special fire protection purpose under the *Rural Fires Act 1997* and consultation and approval from the NSW Rural Fire Service will be required before a development can proceed, it is considered that these matters can be adequately addressed at the development application stage should an SCC be issued.

Whilst the land is identified as bush fire prone, it does not constitute environmentally sensitive land under the Seniors SEPP. A Bush Fire Evacuation Risk Map has not been prepared under this policy for the Port Macquarie-Hastings LGA.

Flooding

Council have indicated that the property is located in close proximity to local depressions and creeks with multiple first and second order drainage channels traversing the site. The subject site is not mapped under Port Macquarie-Hastings LEP 2011 as subject to flooding.

The SCC Application has not identified flooding as an issue for the subject site and as such the application has not been supported by any preliminary flood investigations.

Council have indicated that a local drainage investigation would be required to be submitted in support of the development application should an SCC be issued. This is to ensure that the risks associated with local overland flooding are clearly identified and where appropriate, the development is modified to minimise those risks.

Whilst the issue of flooding can be addressed at the Development Application stage should an SCC be issued, it is considered that the SCC Application lacks adequate information to adequately determine the suitability of the site regarding flooding, particularly given that several channels traverse the site and are known to flood that part of the site fronting Ocean Drive and Bonny View Drive.

The potential for future residents to be restricted in their mobility must also be taken into consideration when potentially developing a site that may be subject to flooding.

Acid Sulfate Soils

The subject site is mapped as containing Class 4 Acid Sulfate Soils (likely to be found beyond 2 metres below the natural ground surface) (Figure 10).

It is considered that Port Macquarie-Hastings LEP 2011 contains adequate provisions to ensure that this issue can be appropriately addressed at the development application stage should a SCC be issued.

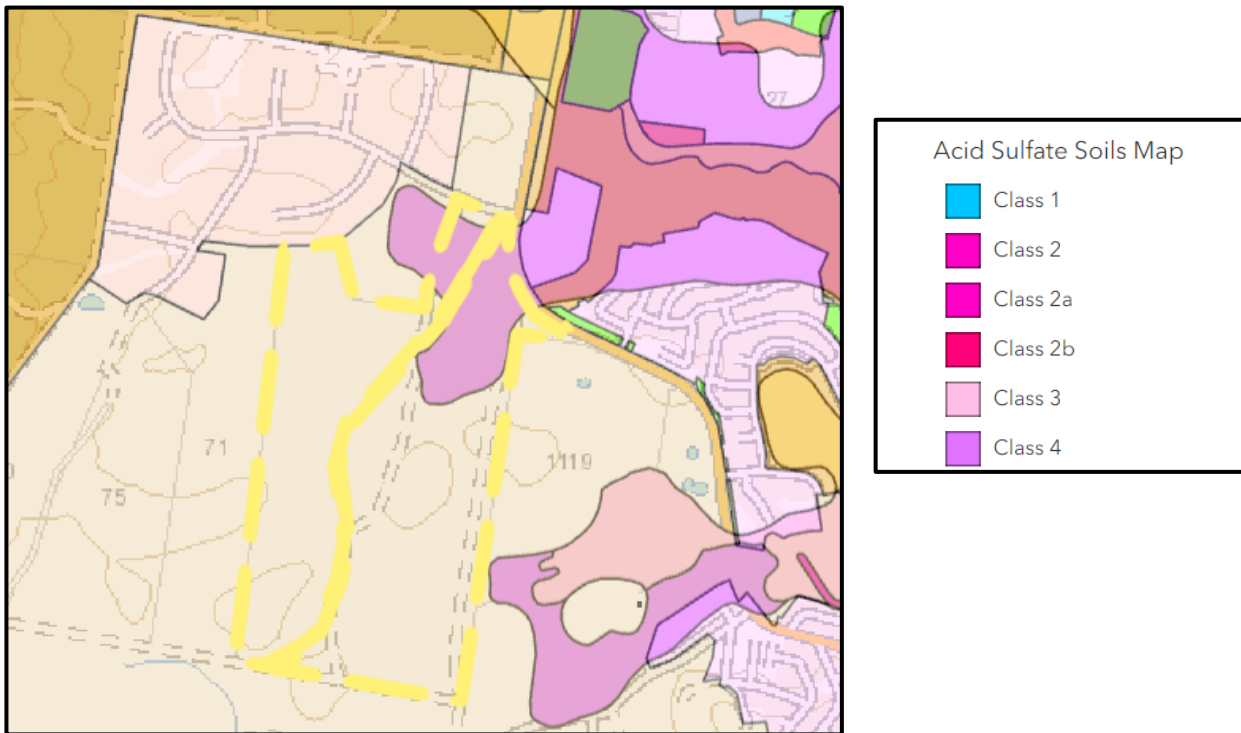


Figure 10 - Presence of Acid Sulfate Soils (source: Planning Spatial viewer)

Contamination

The applicant has indicated that the known site history and a search of relevant EPA records identified no contaminated land issues on the subject site. Council has also not raised this as a potential issue. It is considered that this issue can therefore be appropriately addressed at the development application stage should a SCC be issued.

Heritage

A desktop analysis has not indicated any items of Aboriginal or European heritage significance located on the subject site.

In pre-lodgement meeting discussions, Council have indicated that a specialist Aboriginal Archaeological assessment of the site would be required to support the development application.

It is considered that this issue can be further addressed at the development application stage should an SCC be issued for the site.

Acoustic

In pre-lodgement meeting discussions, Council indicated the need for an acoustic assessment to determine the acoustic impacts of Ocean Road on the development and of the proposed development on nearby residences. It is considered that this issue can be further addressed at the development application stage should an SCC be issued for the site.

Important Farmland

The subject site is mapped in the Mid North Coast Farmland Mapping Project as containing Important Farmland as (Figure 11).

The site is currently used for grazing purposes and has been subject to logging in the past. The proposed development footprint indicates that this mapped area is likely be impacted by the only the APZ required by the proposal to address bushfire threat (Figure 12).

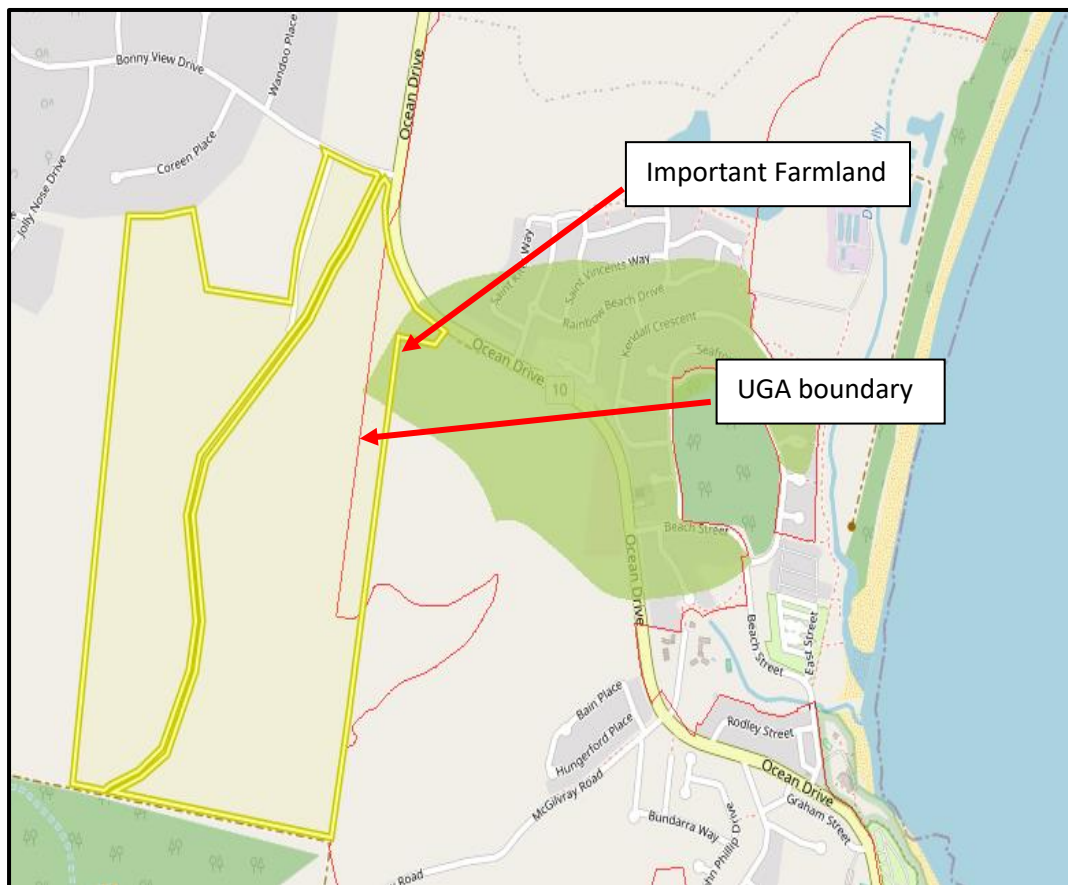


Figure 11 - Mid North Coast Farmland Mapping Project (source: Planning Spatial Viewer)



Figure 12 - Development footprint showing APZ (source: Bushfire Threat Assessment - McCloy Group 2021)

Potential High Environmental Value Land

The subject site contains land mapped as potential High Environmental Value (HEV) under the NCRP 2036 (Figure 5). A range of criteria was used to map these areas including:

- existing conservation areas (e.g national parks and reserves etc);
- native vegetation of high conservation value;
- threatened ecological communities;
- important wetlands, coastal lakes and estuaries; and
- sites of geological significance.

The mapped area in this instance appears to coincide with land also mapped as TEC/EEC.

Direction 2 of the NCRP seeks to “enhance biodiversity, coastal and aquatic habitats and water catchments”. The mapping of potential HEV land enables Councils to direct growth away from such areas and to focus development to areas of least biodiversity sensitivity in the region and implement the ‘avoid, minimise, offset’ hierarchy to biodiversity.

It is anticipated that the proposed development will involve significant clearing of the TEC/EEC to enable construction of up to 241 detached self-service housing units and will therefore have an adverse impact on land mapped as potential HEV.

Mineral Resources

Council have indicated the NSW Government Mineral Resources Audit identifies important mineral resources, potential resources and transition buffers on Lot 4 DP 84437 (Figure 13). It appears the development footprint sits just outside the identified mineral resource and resource transition area, however this would need to be confirmed at the development application stage.

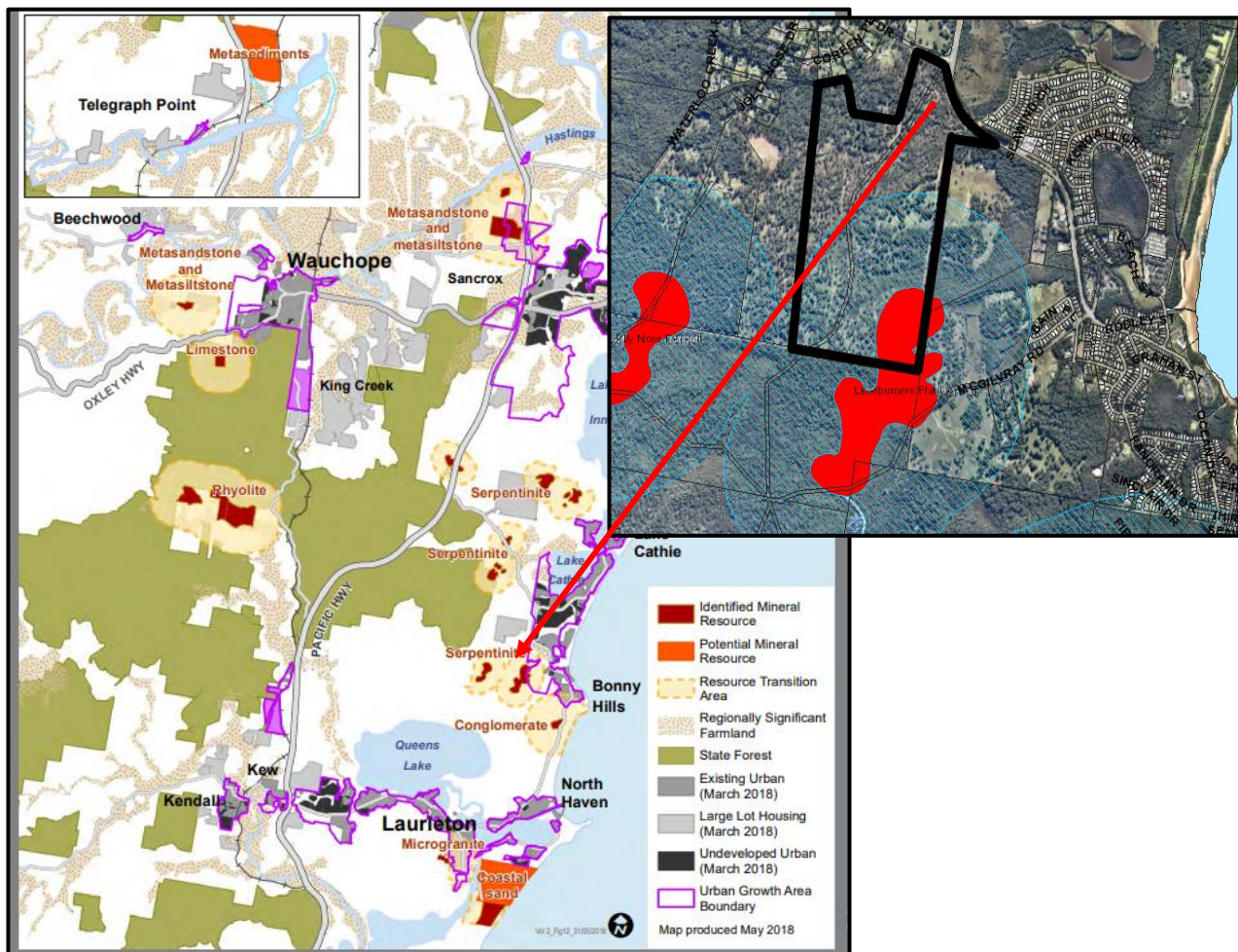


Figure 13 - Subject land showing mapped Mineral Resources (source: PMHC UGMS)

Existing and approved uses in the vicinity

The subject site is located on the northern outskirts of the main Bonny Hills residential area. The proposed development site is located adjoining rural, large lot residential and low density residential land uses. The Port Macquarie-Hastings Urban Growth Management Strategy (UGMS) indicates that land directly to the east of the site has been mapped as a preliminary investigation area (Figure 7) and light industrial investigation area to the north. The UGMS also indicates that this light industrial investigation area may also be used for a school.

The existing Ocean Club Resort and Gemlife Rainbow Beach lifestyle villages for the over 50's, are located approximately 2-3km to the north along Houston Mitchell Drive and Ocean Drive towards Lake Cathie. In close proximity to these lifestyle villages is the Lake Cathie Public School and the Rainbow Beach residential subdivision. Council's UGMS has indicated that a new local business centre is planned to service local retail demand from the new residential community at Rainbow Beach, between Lake Cathie and Bonny Hills. The new centre will adjoin schools, community facilities and playing fields.

The subject site sits largely outside the mapped NCRP 2036 UGA which is consistent with Council's identified preliminary investigation area. Only a small narrow strip of land along the eastern boundary of Lot 4 DP 844371 is located within the UGA.

In a broad strategic perspective, the Bonny Hills area as a whole is considered to be undergoing transition for more intensive purposes, particularly in relation to catering for expected population growth. In this regard, the proposal can be considered to be generally consistent with the existing and approved uses in the vicinity.

However, the proposal to develop land on this specific site outside the UGA means that it is largely inconsistent with the existing and likely approved uses for at least the next 20 years that are anticipated under NCRP 2036, Council's UGMS and Local Strategic Planning Statement (LSPS).

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

Under Port Macquarie-Hastings LEP 2011, the subject site is zoned RU1 Primary Production and has a minimum lot size of 40 ha.

The subject land is currently located outside the NCRP 2036 UGA and therefore Council has no current planned urban uses for that land. In response to the SCC application, Council noted that the proposal currently lacks strategic merit and that the most appropriate pathway to have the land considered for future development would be through an assessment that was part of the next review of Council's strategic land use strategies. Any inclusion of this area within a potential subsequent revised UGA boundary may inform updates to Council's DSP and relevant contributions plan to ensure appropriate infrastructure planning is in place prior to future development of the site.

It is noted that some of the broader Lot 4 has been identified in several transport studies as a possible route for the Bonny Hills bypass.

Until Council has undertaken broader strategic work for this site, it is expected that the likely future uses are to remain rural.

3. 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 (clause 25(5)(b)(iii))

Retail, community and medical services

The SCC application confirms that the proposed development is for serviced self-care housing. This is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals; cleaning services; personal care; and nursing care. The proposed development will also include community facilities such as a community centre, bowling green, pool, tennis court, men's shed and gym as well as and large areas of open space and pathways.

The applicant has committed to the provision of a community bus for residents which will operate regular services to:

1. Ocean Drive, Bonny Hills (approximately 3km) which contains:
 - Bonny View Store and associated petrol station;
 - Bonny Hills Plaza, which includes a pharmacy, dentist, medical centre and café; and
 - Bonny Hills Beach Hotel.
2. Port Macquarie (approximately 19km), which contains:
 - Port Macquarie Base Hospital;
 - Full-line supermarkets, such as Coles and Woolworths;
 - Port Central Shopping Mall; and
 - Government administration buildings (e.g. Hospital, Council, Centrelink)

The location of nearby services is visually represented on Figure 14.

The applicant has also indicated that a public bus stop is located on the corner of Ocean Drive and Bonny View Drive, less than 100m from the entrance of the site, linking the site to both Bonny Hills/Laurieton and Port Macquarie. This bus service provides nine services during the day, six on Saturdays and five on Sundays (during school periods). It is important to note that the Bonny View Road bus stop is not used for all services. The applicant has stated that access to this bus stop meets the gradient requirements of clause 26(2)(c) of the Seniors Housing SEPP. However, a suitable access pathway would need to be formed. It is considered that this matter can be appropriately considered further at the development application stage should an SCC be issued.

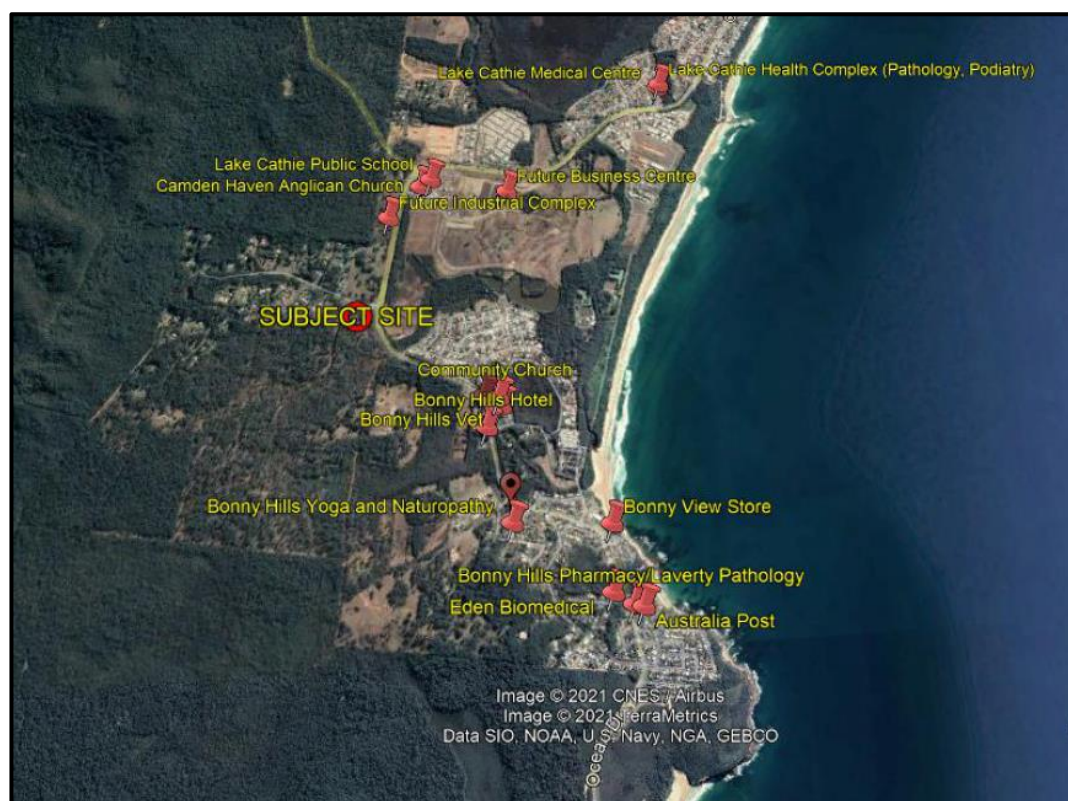


Figure 14 - Location of nearby services (source: SCC Application report)

Infrastructure provisions

Infrastructure including water, sewer, electricity and telecommunications are all available in the area.

In regard to stormwater, the applicant has indicated that on site detention will be provided as part of any future development application. An indicative stormwater detention area is provided in the concept plan. The final size and location will be modelled during the development application process with consideration given to culverts under Ocean Drive to the east of the subject site. It is anticipated that water quality modelling will also be undertaken as part of the development application process.

In regard to wastewater, the applicant has detailed the 2011 upgrade to the Lake Cathie/Bonny Hills Sewerage Plant has provided sufficient capacity to treat raw sewage for 12,000 people. The UGMS estimates a population of around 9,000 residents for the Lake Cathie/Bonny Hills area by 2036.

Council has indicated that the area is outside of its current Development Servicing Plan (DSP) boundaries for sewer and water. As such, strategic sewer and water infrastructure planning has not been undertaken by Council in relation to this proposal. In particular, Council has noted that limited capacity exists within the Bonny Hills sewerage treatment plant, and there are no priority plans to accommodate additional capacity beyond planned growth boundaries.

The area/proposal has not been subject to strategic infrastructure planning by Council and is not considered within Council's development contributions framework.

Pre-lodgement meeting notes between Council and the applicant indicate that should the proposal progress to a development application, Council would require the following:

- A Water Supply Strategy and plan for the whole of the development, stage by stage;
- A Sewer Strategy and plans for the whole of the development site, stage by stage;
- A Stormwater Management Plan;
- A Total Water Cycle Management Plan; and
- A local drainage investigation.

Whilst it is considered that issues relating to the provision of infrastructure can be addressed at the development application stage should a SCC be issued, consideration of the site by Council in a broader strategic sense would ensure that it can be adequately serviced whilst not impacting on an existing infrastructure system that may currently be sitting at capacity as a result of rapid population growth in the area.

Traffic

StreetWise Road Safety and Traffic Services were engaged to prepare a Traffic Impact Assessment (TIA) for the proposed seniors living development (Attachment A8). For the purposes of the TIA a 250-unit development was considered in the assessment.

The TIA has estimated that the proposed development will generate approximately 1,000 trips per day, or around 100 trips during morning and afternoon peak times when fully completed and occupied. The TIA has indicated that these volumes are relatively low and when distributed into 'in & out' movements, as well as 'north & south', will not have any significant impact on the local road network.

The applicant is proposing to construct an intersection and access off the southern side of Bonny View Drive, approximately 220m west of the existing intersection with Ocean Drive. The TIA indicates that the existing sight distance in either direction is satisfactory to provide safe access to and from the proposed development, with minimal impacts on through traffic on Bonny View Drive.

Additional information in the TIA indicates that:

- Concept plans for the future of the Ocean Drive Corridor indicate that one lane in either direction will be maintained between Houston Mitchell Drive and the Bonny Hills township. However, it is proposed to widen the existing roadway to provide a centre median island and formal road shoulders; and
- It is expected that any future DA approval for the proposed development will include conditions to upgrade Bonny View Drive across the frontage of the development. Any upgrade of Bonny View Drive would need to include a formal pedestrian connection between the development and the existing bus stop in Ocean Drive.

In summary, the TIA considers that there is currently adequate capacity within Ocean Drive to cater for 10 years growth, and the additional trips to be generated by the development, without any significant loss of safety or efficiency.

Advice from Council indicates that any upgrade of Ocean Drive or the intersection with Bonny View Drive are not included in any current contribution plan nor its current Works Program. Any upgrade required by the development will be at the developer's cost.

It is considered that issues relating to the provision of infrastructure can be addressed at the DA stage should a SCC be issued.

4. 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 (clause 25(5)(b)(iv))

The subject land is not zoned for open space or special uses.

RE1 zoned land is located adjacent to the subject site on the opposite side of Ocean Drive. It is not expected that the proposed development will have any impact on this land.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

The SCC application indicated that the proposed residences will be detached 2 to 3 bedroom single storey dwellings. No elevation or earthwork plans have been provided however to determine the broader visual impact of the proposal. With a single storey design however, it is expected that the proposed development would be in keeping with the 8.5m building height control of adjoining R1 zoned land.

Despite proposing a more intensive residential use of the subject land, the proposal is considered to be compatible with the character, bulk and scale and built form of the existing residential development on land in the vicinity of the development.

Site inspection notes and photographs are at Attachment C.

6. 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 (clause 25(5)(b)(vi))

The Native Vegetation Act 2003 has been repealed and replaced by the Biodiversity Conservation Act 2016.

In terms of vegetation, the site is characterised by a mix of remnant forest, managed grassland, open forest and scattered eucalypts, intersected by cleared access tracks. The vegetation is subject to grazing, therefore shrub and midstorey vegetation is predominantly absent or heavily reduced. The site has previously been subject to logging/forestry.

The SCC application has indicated that some vegetation would be removed as part of the works with the proposal to be situated on approximately 25ha (including 4ha APZ) in the northern part of the site adjoining Ocean Road. The remainder of both lots will not be subject to any clearing. It is not expected that there will be any impact on the Coastal Wetlands or Proximity Area to Coastal Wetlands that are located approximately 500m to the south of the subject site.

The PEA has found the subject site to contain a number of key ecological constraints including Swamp Sclerophyll Forest TEC/EEC, but believes that it is suitably located within close proximity to existing urban land uses, and is positioned as to avoid 'environmentally sensitive' land as defined by the Seniors Housing SEPP (i.e. mapped coastal wetlands).

Based on the results of the PEA, development within the site would likely trigger the Biodiversity Offset Scheme (BOS), requiring a Biodiversity Development Assessment Report (BDAR) at the development application stage.

Whilst the preparation of a BDAR at the development application stage would enable management and appropriate offsetting of any clearing, it is clear that the proposed development layout has the potential to have a major detrimental impact on native vegetation currently on the land and that the PEA lacks adequate detail to determine whether the issuing of an SCC for this site is in the best interests of the environment particularly in regard to conservation and management.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

As there are no issued SCCs or undetermined applications for an SCC within a 1km radius of the site, a cumulative impact study is not required to address the impacts of multiple SCCs within the vicinity.

RECOMMENDATION

The site is considered unsuitable for more intensive development for the purposes of seniors living at the present time having regard to the criteria set out in clause 25(5)(b) of the Seniors Housing SEPP because the SCC application contains insufficient information confirming the strategic and site suitability of the site regarding:

- native vegetation clearing, particularly impacts on an Endangered Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999 and potential High Environmental Land under the North Coast Regional Plan 2036;
- koala habitat impacts;
- potential flooding / drainage impacts; and
- infrastructure provision.

ATTACHMENTS

Report	SCC Assessment Report
	SCC Application Package (Attachments A & A1 – A10)
A	SCC Application Report
A1	Building plans
A2	Confirmation of services – Just Better Care
A3	Letter of commitment from McCloy Group to provision of services
A4	Survey plan
A5	Site plan
A6	Preliminary Ecological Assessment (PEA)
A7	Bushfire Threat Assessment (BTA)
A8	Traffic Impact Assessment (TIA)
A9	Owner's consent
A10	Cover letter from McCloy Group
B	Council comments
C	Site Inspection Notes and Site Map

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