

**Report to the Secretary on an application for a Site Compatibility Certificate  
State Environmental Planning Policy (Housing for Seniors or People with a Disability)  
2004**

**SITE:** Lot 8 – 13, Section L, DP 1925, 40B Thompson Street, Belmont South

The Site Compatibility Certificate (SCC) application applies to land at Lot 8 – 13, 40B Thompson Street, Belmont South. The site covers an area of 4,880m<sup>2</sup> and is bound by Harry Street to the north, partially formed Thompson Street to the south, low density residential development to the west and an unformed road, Green Street, to the east (see Figure 1). The site has a 42m northern frontage to Harry Street and an 82m southern frontage to Thompson Street, approximately.

The site is clear of vegetation in the north and contains Coastal Sand Swamp Forest vegetation in the south. There are a number of short and sharp (<20 degrees) slopes in the south of the site under the existing vegetation, however the land is predominantly flat with a gentle west to east slope.

The immediate area to the north and west is predominantly low density residential (one and two storey). To the south and east is the Belmont Golf Club and golf course and Blacksmiths Beach (see Figure 2). Belmont Wetlands State Park and SEPP 14 wetland 870 are located to the north-east.



Figure 1: Site location (source: Six Maps)

The site makes up part of the Belmont Golf Club (owned by Belmont Golf Club), but is not used as part of the golf course and is currently vacant. Adjoining and surrounding land is zoned R2 Low Density Residential, land further to the north is



zoned RE1 Public Recreation (cemetery). The area to the north-east is zoned E2 Environmental Conservation and land to the south, including part of the Belmont Golf Club, is zoned R3 Medium Density Residential (see Figure 2 below).

Under the *Lake Macquarie Local Environmental Plan 2014* (Lake Macquarie LEP 2014) the RE2 zoned land is not subject to a maximum height of building or floor space ratio.

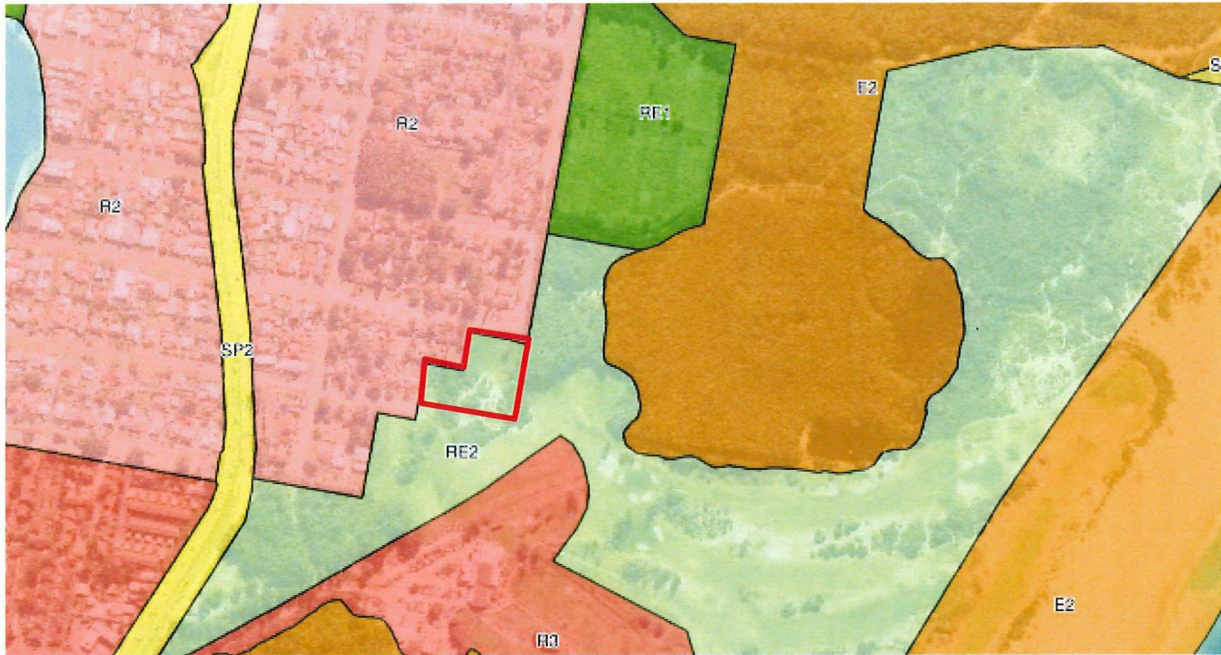


Figure 2: Wider land zoning context (source: NSW Planning Portal). Site outline is approximate.

**APPLICANT:** Paradigm Planning & Development Consultants on behalf of Belmont Golf Club.

**PROPOSAL:** No plans, specific detail or studies were provided with the application. The proposal is to develop the site for seniors housing comprising:

- Removal of existing remnant vegetation where necessary; and
- Construction of 24 infill self-care, self-contained seniors living dwellings.

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the Seniors Housing SEPP), clause 13 defines 'in-fill self-care housing' as:

*"seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care".*

The application is attached at (Tab C).

**LOCAL GOVERNMENT AREA:** Lake Macquarie City Council



## PERMISSIBILITY STATEMENT

The site is zoned RE2 Private Recreation under Lake Macquarie LEP 2014 (see Figure 3). Residential accommodation, which includes seniors housing, is prohibited in this zone.

Development of the site for seniors housing purposes therefore requires a site compatibility certificate (SCC) under clause 24 of the Seniors Housing SEPP.



Figure 3: Site Zoning and immediate context. (Source: NSW Planning Portal).

In accordance with clause 4, the Seniors Housing SEPP applies to the subject site as:

- the land is being used for the purposes of an existing registered club (clause 4(1)(b));
- the land is zoned for urban purposes (because the site is used for an existing registered club, other urban purposes are permissible on the site and most of the site adjoins R2 Low Density Residential being land zoned primarily for urban purposes) (clause 4(5)(b)); and
- the land to which the SCC applies is not covered by any of the exclusions listed in Schedule 1 of the SEPP (this is discussed more below).

The proposed development is permissible under the Seniors Housing SEPP, as the SEPP applies to the site and the proposed development falls within “the purpose of any form of seniors housing” under clause 15 of the policy.

## SITE COMPATIBILITY CERTIFICATES - CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate unless the Secretary:

- (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; and*

*(b) is of the opinion that:*

- i) the site of the proposed development is suitable for more intensive development 24(2)(a); 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).*

## **COMMENTS FROM COUNCIL**

On 12 January 2017, Lake Macquarie City Council provided comments on the proposal (Tab B) which are summarised as follows:

### Biodiversity

- The site is identified in Council's Native Vegetation and Corridor Mapping;
- The site contains trees from the Coastal Sand Swamp Forest vegetation community, which is an Endangered Ecological Community (EEC);
- There are threatened species recorded nearby; and
- The site is within 100m of a SEPP 14 wetland.

### Flooding and Hydrology:

- The subject site is identified as being affected by flooding and sea level rise;
- The site is part of the Marks Point and Belmont South Adaptation Plan – Council is currently reviewing development controls against flood risk;
- The habitable floor level of future development is 3.27m AHD; and
- The ability for stormwater to be drained will need to be demonstrated.

### Coastal Zone

- The site falls within the coastal zone under the current SEPP 71.

### Draft Coastal Management SEPP

- Part of the site is identified as being within the 'proximity area for coastal wetland and littoral rainforest' in the Draft Coastal Management SEPP; and
- Council has requested the Coastal Vulnerability Area be mapped in accordance with the gazetted Lake Macquarie Coastal Zone Management Plan 2016.

### Aboriginal Heritage

- Part of the site is identified as being within the Sensitive Aboriginal Landscape Area, as mapped under the Lake Macquarie LEP 2014.

### Bushfire

- The site is identified as being bushfire prone.

### Infrastructure and services

- Construction of Thompson Street and Green Street may be required.

### Scale

- The scale of the development will be more intensive than adjoining areas with lot sizes down to 200m<sup>2</sup>.



## APPLICANT'S RESPONSE TO COUNCIL COMMENTS

An initial assessment identified there was insufficient information regarding the native vegetation and the potential impacts of the development. On 3 February 2017, the Department requested additional vegetation information as outlined in the 'Considerations of native vegetation under Seniors Housing SEPP' guidelines ([Tab D](#)). The applicant was also given an opportunity to respond to Council's comments.

The applicant provided a response to Council's comments on 2 May 2017 ([Tab E](#)) and the response is summarised below:

### Biodiversity and clearing of vegetation

- The Vegetation Assessment ([Tab F](#)) concluded:
  - the site does not contain the EEC Swamp Sclerophyll Forest on Coastal Floodplains and Regrowth Coastal Sand Banksia Scrub vegetation is not of high conservation significance;
  - the proposal is not anticipated to significantly impact the nearby SEPP 14 wetlands; and
  - the site lacks significant habitat value and mid-upper storey trees to allow for corridor linkages.

### Development assessment

- Issues raised by Lake Macquarie Council, including flooding, geotechnical, bushfire and road infrastructure are issues that should be addressed at the development assessment stage.

### Scale

- The applicant stated that the proposal would be a similar scale to recent development applications in the area which would result in one dwelling per 200m<sup>2</sup>. However, no specific applications of this nature were found on Council's DA tracking system by the Department.

### Coastal Zone and Draft Coastal Management SEPP

- The site is not currently identified as coastal hazard land in the Draft Coastal Management SEPP.

## SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless she believes the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

### **1. Clause 24(2)(a) - The site of the proposed development is suitable for more intensive development for the following reasons:**

The site is considered suitable for more intensive development for the following reasons:

- the subject site adjoins an existing urban area and permits other urban uses, including registered clubs;
- public transport (bus) is available on the Pacific Highway, within 150m of the site;

- the site is within 2km of a centre (Belmont), which is accessible by bus and includes a shopping centre, a few supermarkets, at least two banks, medical services, a post office and retail services; and
- the site can be serviced by water and waste water.

However, there are several issues and environmental constraints which will need to be addressed through relevant studies and consultation with Council at the development application stage regarding the following:

- there are no foot paths linking the site to the bus stops on the Pacific Highway;
- there is no designated pedestrian crossing, or safe means of crossing the Pacific Highway;
- the site is affected by flooding, sea level rise and bushfire hazard;
- there may be coastal management issues; and
- an assessment of potential threatened species and Aboriginal heritage issues will be required.

## **COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES**

The Secretary must not issue a certificate unless she 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)):

### **1. Clause 25(5)(b)(i) - 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**

#### Vegetation and biodiversity

The site contains vegetation, as shown in the aerial in the application (Tab C).

Council noted the site contains a vegetation community which is part of an EEC, is located within 100m of a SEPP 14 Wetland and that threatened species have been identified nearby.

The applicant's Vegetation Assessment indicates the vegetation is not an EEC, instead is native regrowth vegetation which does not significantly contribute to the corridor and is not of high conservation significance. As such clearing the site will not result in a significant environmental impact on the local ecosystem.

#### Coastal Management

The Draft Coastal Management SEPP identifies a small part of the site as Proximity Area for Coastal Wetlands, and part as Coastal Environment Area, refer to Figure 4. Council's Coastal Zone Management Plan identifies the site as being subject to coastal hazards. However, the site is not currently identified as Coastal Hazard land in the Draft Coastal Management SEPP.

Should the site be developed for seniors housing, the applicant would be required to demonstrate consistency with the relevant coastal management provisions and Council controls at the development application stage.





Figure 4: Draft Coast Management SEPP Map. (Source: Department of Planning & Environment).

### Flooding & Sea Level Rise

Council has advised that a habitable floor level of 3.27m AHD will be required for the proposed development. Figure 5, shows that the area is flood affected and the subject site is classified as a low hazard.

Should the site be developed for seniors housing, the applicant would be required to demonstrate consistency with Council's flood planning controls. A flood and stormwater study and sea level rise management study would likely be required for the development assessment.

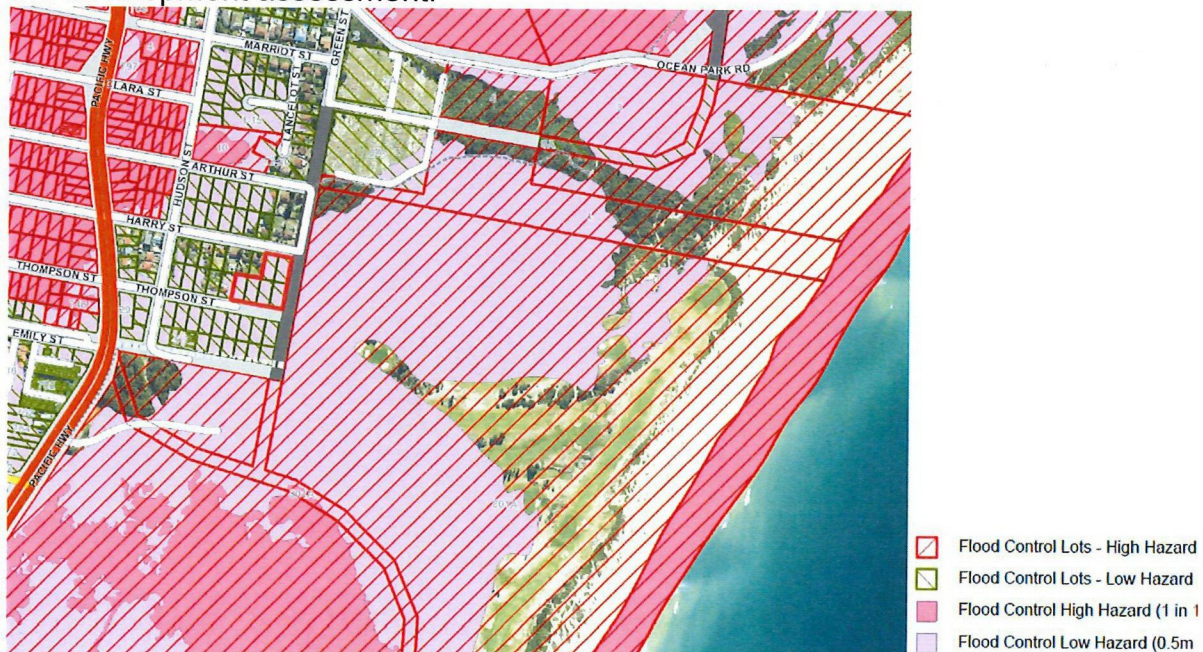


Figure 5: Flood Planning Low & High Hazard. (Source: Lake Macquarie City Council).

### Contamination

The SCC application did not include any detail relating to site contamination. Council's LEP mapping identifies the site as having Class 3 Acid Sulphate Soils.

Should the site be developed as seniors housing, both contamination and Acid Sulfate Soils would need to be addressed in the development application.

### Bushfire

The site is identified as bushfire prone, vegetation buffer. The site contains remnant vegetation. A bushfire assessment will be required at the development application stage.

### Existing and approved uses of land in the area

The site is generally surrounded by residential, recreational and environmental uses, including some low density residential development and Belmont Golf Club. The subject lots are part of a historical paper subdivision, along with lots directly to the south, which have all since been purchased by the Belmont Golf Club.

Council notes Belmont Golf Club has recently discussed redevelopment of other Club lands with Council, and Council would prefer an integrated outcome. Whilst this application is only for the Lots 8-13, consideration should be given to the context of the wider redevelopment of the Club's land and Council and the Club can discuss this should the proposal proceed.

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

The subject site is owned by the Belmont Golf Club, refer to (Tab C), but is not currently used for the golf course. Future uses for the site could be for expansion of the golf club or other permissible uses under the zone. Council noted that the Belmont Golf Club has discussed redevelopment options for the remainder of the club site.

The surrounding land is zoned R2 Low Density Residential which aims to provide low density housing and the site is zone RE2 Private Recreation which aims to provide a range of recreational uses and protection of the environment, however also permits educational facilities, community centre, places of public worship and tourist accommodation. Seniors housing of the scale proposed is generally consistent with the surrounding residential development and permissible uses in that zone.

### **3. Clause 25(5)(b)(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**

#### Location and access to services

The site is located 2.2 kilometres from the Belmont town centre which includes retail, medical and community services. It is acknowledged that the site is located more than 400m to several day to day retail, commercial and medical services, and does not strictly meet the requirement of clause 26(2)(a).

However, two bus stops are located approximately 150m from the site which provide regular bus services to Belmont. Buses to Newcastle in the north and Swansea and Lake Haven in the south are also available. It is considered that the proposal complies with the requirements for access to public transport (clause 26(2)(b)(i)(ii)).



Harry and Thompson Streets do not have footpaths. The applicant did not provide detail relating to footpath gradients. Should a senior's housing development application be approved, footpaths in accordance with clause 26(3) will be required to provide access from the site to bus stops.

#### Infrastructure

The proposal states that there are local services and utility infrastructure in the area, and that essential utilities are available from surrounding local areas. It is likely that the increase in demand for utilities provision will be met by connection to existing infrastructure, which can be addressed by Council at the development application stage.

#### **4. Clause 25(5)(b)(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**

The site is zoned RE2 Private Recreation, is in private ownership and does not currently provide public open space. The proposal will not result in the loss of either public open space or special uses on the site.

#### **5. Clause 25(5)(b)(v) - 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**

The application did not include plans, reports or a detailed description of the proposed development. As such, any future design should consider the surrounding character, Lake Macquarie LEP and DCP, and Seniors Housing SEPP controls, as well as the site constraints. Design issues can be addressed at the development application stage by the local consent authority.

#### Character of the local area

The surrounding area comprises low density residential dwellings, mainly one and two storey. The character is predominantly single, brick dwellings on 800m<sup>2</sup> lots. The informal streetscape is formed by large setbacks, which accommodate medium to large trees. Regular building separation and vegetation breaks up the built form.

The subject site makes up six residential lots and could accommodate an increased density, subject to further investigation of the site constraints. There is visual sensitivity to the east towards the vegetated golf course.

Council's development control plan (DCP) and the Seniors Housing SEPP provide guidance for character and design in the area. Building character can be addressed at the development application stage by the local consent authority.

#### Site analysis and design

The site makes up part of a traditional linear subdivision. The site is surrounded on three sides by road, Harry Street to the north, the unformed Green Street to the east and partially formed Thompson Street to the south. Directly to the west and to the north adjacent to Harry Street, comprises low density residential dwellings, with some

recent infill on Hilda Street (south). The site currently has vehicular access from a cul-de-sac at the end of Thompson Street and from Harry Street. To the east and south, adjacent to Thompson Street, is the Belmont Golf Club.

Council's mapping identifies the site as Native Vegetation and Corridor. However, the Vegetation Assessment indicated that the site is not part of an EEC and does not significantly contribute to the corridor. The site is also affected by several physical constraints including flooding, sea level rise and bushfire.

Further studies are required to address the constraints and these should inform the appropriateness, scale and design of any future development on the site.

#### Bulk and scale

The adjacent land is zoned R2 Low Density Residential, allows building height of 8.5m, has no maximum floor space ratio and the minimum lot size is 450m<sup>2</sup>.

The application proposes 24 dwellings, which is marginally higher than the maximum achievable density on the adjacent R2 land. The R2 land could potentially achieve approximately 21.6 dual-occupancy dwellings on the same area of 4880m<sup>2</sup>.

Council has expressed concern in relation to increased residential density and the seniors living use within a site that is constrained by flooding, bushfire and flora and fauna. Investigation of these constraints should inform the proposed bulk and scale of any future development.

Further, Council advised that representatives from the Belmont Golf Club have recently been in discussion with Council about the redevelopment of the golf course, Council would prefer to consider the development in an integrated manner.

#### **6. Clause 25(5)(b)(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**

After the initial assessment, the Department requested additional information, including an assessment of the vegetation in accordance with the guidelines for 'Consideration of native vegetation under the Seniors Housing SEPP'. The Vegetation Assessment identified the vegetation type, value and conservation significance. The following is the Department's assessment against Section 3 of the assessment guidelines:

##### Avoidance of land and water degradation

The Vegetation Assessment identified a mix of managed exotic vegetation and native regrowth coastal sand banksia scrub. The proposed development will clear all vegetation from the site.

Although all vegetation will be removed, the clearing is not anticipated to result in a negative impact on the wetland east of the site.

##### Maintenance of corridors



The site is identified in Council's green corridor mapping. However, the Vegetation Assessment suggests the site offers limited connectivity due to the lack of mid-upper storey trees for the movement of some fauna. It is considered that the vegetation does not form a continuous corridor between the two pockets of E2 Environmental Conservation. As such clearing the site will not have a significant impact on the corridor.

#### Vegetation types and values

It is considered that the vegetation has limited conservation value due to the small number of native plants on site, the limited value of the vegetation as habitat, the type of vegetation and the level of existing disturbance on the site.

#### Minimise impact on other conservation areas

Given the site adjoins existing R2 residential land and the existing golf course, the clearing of vegetation is unlikely to negatively impact the nearby E2 vegetation, while impacts from the proposed development should be addressed at the development application stage.

The proposed development and associated clearing is not considered to have a significant negative impact as existing vegetation is regrowth with limited conservation value, it is unlikely to result in a negative impact on the wetland and the vegetation does not significantly contribute to the vegetation corridor.

### **OTHER RELEVANT MATTERS**

#### Strategic Planning Context

##### *Hunter Regional Plan*

The Hunter Regional Plan was approved in 2016. The Plan sets out goals for achieving a leading regional economy, protecting the natural environment, developing thriving communities and providing housing choice and jobs.

Seniors housing development is consistent with Goal 4: Greater housing choice and jobs and the below directions:

- Direction 20: Revitalise existing communities;
- Direction 21: Create a compact settlement;
- Direction 22: Promote housing diversity;

The proposal is consistent with the plan as it will:

- revitalise an existing suburb through new infill;
- maintain a compact settlement pattern;
- accelerate housing supply, improve housing choice and affordability;
- provide greater housing diversity in local centres; and
- provide housing choice to meet the needs of the local community.

#### State Planning Policies

The following state policies are applicable to the development:

- SEPP 71 – Coastal Protection;

- SEPP (BASIX) 2004;
- SEPP 14 – Coastal Wetlands;
- SEPP 2004 – Housing for Seniors or People with a Disability; and
- Draft Coastal Management SEPP.

## CONCLUSION

Approval of a Site Compatibility Certificate, subject to conditions, is recommended for the following reasons:

- The site is suitable for more intensive use, for the provision of self-care, infill accommodation for seniors, having regard to the criteria set out in clause 25(5)(b) of the SEPP;
- It will provide a well located seniors housing development in the Lake Macquarie LGA, as it is located within walking distance of existing bus networks, which provide access to health, retail, banking and other facilities and services;
- Council's main concerns regarding hazard constraints of flood and bushfire, ecology and Aboriginal heritage can be addressed at the development application stage;
- The ultimate scale and design of the development can be resolved when Council considers a future development application; and
- The compatibility certificate conditions and letters to the proponent and Council provide a means for relevant matters to be addressed at the appropriate time.

**Endorsed by:**



**26/5/2017**

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**Director Regions, Hunter Region**

 **Stephen Murray** 10 JUNE 2017  
**Executive Director, Regions**  
**Planning Services**

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