

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

**SITE:** Lot 4, DP 778263 being 13 Chapmans Road, Tuncurry

**APPLICANT:** Coastplan Group Pty Ltd

**PROPOSAL:** Seniors Housing Development

The senior housing development consist of 42 hostel units within 10 separate buildings, a community building, and approximately 17 car parking spaces.

**LGA:** Great Lakes

**PERMISSIBILITY STATEMENT**

In accordance with clause 4 of the *State Environmental Planning Policy (Housing for Seniors of People with a Disability 2004* (SEPP (Seniors Housing)), the policy applies as the site adjoins land zoned primarily for urban purposes. The site is zoned R5 Large Lot Residential under *Great Lakes Local Environmental Plan 2014*; the zone permits dwelling houses with consent; and the site adjoins Zone R2 Low Density Residential land. In accordance with clause 17(1)(a), the proposed hostel development is permissible as the site adjoins land zoned primarily for urban purposes. A site compatibility certificate is required under clause 24(1) as the site adjoins land zoned primarily for urban purposes.

**CLAUSES 24(2) AND 25(5)**

A certificate must not be issued unless the Secretary's delegate:

- (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; 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**

The Secretary's delegate must not issue a certificate unless he or she has taken into account any written comments concerning the consistency of the proposed development with the criteria specified in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made (clause 25(5)(a)).

The site compatibility certificate was received on the 22 March 2016. The consultation period was delayed until after the Easter break, to ensure Council had adequate time to comment on the proposal. Council was formally consulted on 8 April 2016. Council responded on 26 April 2016 advising that the proponent's proposal had been previously reviewed by Council's Development Assessment Panel on 3 March 2016. The Council raised the following matters in relation to the proposal:

- the proposal is set within the Zone R5 Large Lot Residential, and adjoins Zone R2 Low Density Residential which predominantly consists of development that is single storey detached dwellings and ancillary structures;
- the proponent is requested to undertake consolidation of the land with the adjoining hostel development site;
- there is a discrepancy in floor space ratios being sought for the proposed hostel of 0.45:1, rather than the maximum 0.4:1 permitted under the *Great Lakes Local Environmental Plan 2014*;
- the environmental factors for the site, including coastal protection matters, acid sulfate soil classification and water quality and stormwater runoff; and
- the present service and infrastructure arrangements within the vicinity of the site, including the distance to retail and medical facilities.

Council had no objection to the site compatibility certificate being issued for a senior housing development (hostel) on the site. Council's assessment of the development application will determine the eventual development layout.

### **SUITABILITY FOR MORE INTENSIVE DEVELOPMENT**

The Secretary's delegate must not issue a certificate unless he or she is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

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

The site is located on the northern edge of the Tuncurry township. The proposed senior housing development will be located on the northern side of Chapmans Road, and will provide an extension to the existing adjoining senior housing development - Sunrise Supported Living Hostel, located on its eastern boundary. The proponent has indicated that a subdivision consolidation of the two allotments may be considered as part of any future development application.

The site is located opposite an existing residential estate; and adjoins the existing hostel. Behind the hostel is further residential development. Adjoining the land to the north-east is a large church complex. To the north, there are large lot rural-residential developments, with dwellings, sheds and ancillary buildings scattered amongst the natural, landscaped and cleared environment. The development in the vicinity is generally low density being single storey dwellings/buildings.

Similar to the adjoining existing seniors development, the proposal is for 'hostel' accommodation. The proposed extension will accommodate an additional 42 hostel units contained within small clusters of single storey dwellings connected by covered walkways. The additions include a new community building which will be connected to the existing community building, and located centrally in the site. The bus stop is located close by (across the road from the adjoining hostel) and provides public transport to commercial, retail and medical services, recreation and community facilities within nearby Foster-Tuncurry. The site is not affected by any significant environmental constraints, impacts on the amenity of neighbours are considered minor, and can be resolved as part of any future development application. The site is considered suitable for more intensive development to accommodate seniors housing.

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

The Secretary's delegate must not issue a certificate unless he or 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)) 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))**

The subject land does not contain any significant environmental values or resources. The site is generally flat, and unconstrained. The allotment has been cleared, and an existing dwelling and ancillary shed has been constructed on the site with lawns, gardens and trees planted within the site. Should the hostel proposal proceed, the existing dwelling will be demolished. There are no defined drainage features on the site; it is not mapped as bushfire prone land, and there are no known natural hazards. The future development of the site is unlikely to adversely impact on any threatened flora and fauna.

The site is presently Zone R5 Large Lot Residential providing for a mix of housing and activities within a rural setting. The surrounding land is generally developed for urban purposes – residential estates, church, and rural-residential allotments, which are typically low scale, and single storey. The proposed senior housing development (hostel) is unlikely to have a detrimental impact on the existing and approved uses within the surrounding locality. Rather, the proposed development will compliment, and provide a linkage to the existing hostel accommodation and services on the adjoining allotment.

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

The site presently contains a substantial brick dwelling. The site is zoned R5 Large Lot Residential under the *Great Lakes Local Environmental Plan 2014*, and presently permits urban uses on the site such as community facilities, dual occupancies, eco-tourist facilities, exhibition homes, farm stay accommodation, information and education facilities, respite day care centres, and veterinary hospitals. Great Lakes Council's local strategy does not propose an alternative future purpose for the subject site. The use of the subject land for seniors housing would not be expected to have any impact on the existing strategic planning framework (both local and regional strategic policy).

As noted earlier, the site is located opposite an existing residential estate; and adjoins the existing hostel. Behind the hostel is further residential development. Adjoining the land to the north-east is a large church complex. To the north, there are similar large lot rural-residential developments, with dwellings, sheds and ancillary buildings scattered amongst the natural, landscaped and cleared environment. Within this location, the proposed seniors housing development is considered compatible with the existing and potentially surrounding land uses.

**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))**

The site is located 2.1km from the Tuncurry township on its northern boundary. The proposal is for hostel accommodation, providing 42 accommodation units supported by a community centre that provides meals, cleaning and care services to residents. This will include 24 hour nursing care availability and is an accredited care provider of aged care services. The proponent has indicated that the adjoining land containing the existing hostel may be consolidated into a single title as part of any development consent. Consequently, the addition of the new centrally located community building will enhance provision and delivery of services, including larger dining and lounge areas, offices and facilities to deliver resident care services, dedicated nursing offices for both the existing and new residents.

The town is accessible by public transport. There is access to a bus stop directly opposite the adjoining Sunrise Supported Living Hostel which provides 5 services a day Monday-Friday, and 3 services on Saturday which travels to the townships of Tuncurry and Forster, permitting access to facilities within the townships. In addition the existing Hostel provides a mini bus for residents.

Facilities within Tuncurry and Forster include shops, banking facilities, retail services such as supermarket, chemists, general medical practitioners, medical services, recreation and community facilities including bowling and sports club, community halls, golf course, tennis courts, public reserves and beach areas.

The proponent advises that reticulated water and sewer are provided to the site and area by MidCoast Water. Council staff advised on 9 May 2016 that there is likely to capacity within the water and sewer system and that the issue can be addressed as part of the future development application. Electricity and telecommunications are connected to the land.

There are satisfactory services and infrastructure available to meet the demands arising from the proposed development.

**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 land is not zoned open space or special uses. The proposed development will not impact on the provision of land for open space or special uses within the locality.

**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 site is surrounded by residential estates, an existing aged care facility/hostel, a church, and rural-residential allotments, which are typically low scale, and single storey. The current zoning and height provisions reflect the existing character and realistic development potential for the area. The proposed development will be constructed as single storey with traditional materials, being complimentary to the location.

Council raised concerns in their comments regarding floor space ratios. The hostel development proposes a floor space ratio of 0.45:1, rather than the 0.4:1 under the *Great Lakes Local Environmental Plan 2014*. It is noted under the SEPP (Senior Housing) Division 3, cl.49 - standards that cannot be used to refuse development consent for hostels - the density and scale of the floor expressed as a floor space ratio is to be 1:1 or less. Consequently, the proposed development's floor space ratio satisfactorily meets this standard.

The proposed development would include 42 hostel units contained within small clusters of single storey dwellings, and a 2 storey community building, all connected by covered walkways, in total 11 buildings. However, the proponent has indicated that the existing hostel and the present site may be consolidated into a single title as part of any future development consent. The adjoining senior housing/hostel development is comprised of single storey buildings providing 51 hostel units, within 9 buildings, and includes a two storey community building. Whilst this consolidation provides a more efficient use of services and facilities to residents, in assessing the impact, the total development needs to be examined.

As a result of the proposed development, the number of buildings will increase the bulk and density of the hostel development within the neighbourhood. There will be 20 buildings developed over the two allotments, and this density is not characteristic of the location. However, the proposed senior housing development is not considered incompatible with residential development, and is permitted in the adjoining Zone R2 Low Density Residential land. The remaining surrounding land is rural-residential development with dwellings and buildings set back from the proposed development's boundaries. Any potential impact on neighbours can be minimised through building design and landscaping, and any privacy and amenity issues can be addressed as part of the future development application. The proposed development's bulk, scale, character and built form, and likely impact on existing uses, approved uses and future uses of the land in vicinity of the development is satisfactory in this circumstance.

**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))**

Due to the history of development on the site being previously cleared, having an existing dwelling constructed, lawns, gardens and several introduced trees planted within the site, the impact on native vegetation is limited. Council has noted in their response, that the Commonwealth listed

Tuncurry Midge Orchid and other endangered ecological communities have been identified on the eastern side of The Lakes Way. Council advises these species are not expected to be located on the subject site, and given the nature of the site (i.e. cleared) this is a reasonable conclusion.

There is one small isolated Blackbutt (*Eucalyptus Pilulais*) located in mid northern section of the site that is likely to be removed from the site to accommodate the proposal. In accordance with clause 12 of the *Native Vegetation Act 2003*, approval is required to permit clearing of any native vegetation. In making an assessment under the Department's Guidelines 2009 '*Consideration of Native Vegetation under the Senior Housing SEPP*' the removal of the Blackbutt is considered minor in nature, and is not likely to have a detrimental impact on the conservation and management of native vegetation values within the site or surrounding locality. The proponent has indicated that the site will be landscaped utilising native vegetation, which is likely to offset this loss in vegetation.

## RECOMMENDATION

It is recommended that the Acting Executive Director, Regions, as a delegate of the Secretary:

- **forms the opinion** that the site of the proposed development is suitable for more intensive development;
- **forms the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b); and
- **determines** the application for a site compatibility certificate under clause 25(4)(a) by issuing a certificate (Tab C) for Lot 4, DP 778263 being 13 Chapmans Road, Tuncurry.



10.05.2016

**Monica Gibson**

**Director, Regions Hunter and Central Coast**

