

**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 1 DP 735097 and Lot 10 DP 31128, 28-34 John Oxley Drive, Port Macquarie

APPLICANT: King & Campbell Pty Ltd.

PROPOSAL: Three-storey 68 bed residential care facility. A locality map ([Tab F](#)) and concept layout plans ([Tab G](#)) are provided.

LGA: Port Macquarie Hastings

PERMISSIBILITY STATEMENT

The land is owned by the Australian Unity Limited and currently contains the Sienna Grange retirement village and associated facilities.

The site is zoned RU1 Primary Production under Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. Seniors housing is not permitted in the RU1 zone. The development of the site for a seniors housing development is permissible under clause 15 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (Seniors Housing))* if a site compatibility certificate is obtained pursuant to clause 24.

The site is land to which the SEPP applies in accordance with Clause 4, and the subject land satisfies the locational requirements of clause 24 of the SEPP (Seniors Housing) as it is land which adjoins land zoned for urban purposes being R2 Low Density Residential to the east (this is permitted by clause 4(4) of the SEPP even though it is separated by a road reserve zoned RU1 Primary Production). A zoning plan is provided at [Tab H](#).

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; 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 must not issue a certificate unless the Secretary 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 SCC application was submitted to the Department of Planning and Environment on 3 May 2016. A copy of the application was provided to the General Manager of Port Macquarie-Hastings Council for comment on the 4 May 2016.

Council staff provided a response on 20 May 2016 in the form of minutes from a pre-lodgement discussion with the proponent to highlight their key considerations for the proposal. These considerations relate to sewer, engineering, water and planning issues (Tab I). Council has raised no objection to the proposal, but has indicated what further site specific considerations it believes will be required to support development on the site.

Council's primary issues were:

- an acoustic assessment will be required given proximity to John Oxley Drive and neighbouring residential land uses;
- provision of sewage services for the site as the current infrastructure capacity is insufficient to accommodate the increased demand;
- flood impacts will need to be addressed as well as an evacuation management plan due to the nature of the facility and its location within an area identified as being subject to a probable maximum flood (but above the 1% AEP residential flood planning level);
- the provision of access including flood free vehicular access will need to be addressed;
- provision of plans for pedestrian access to the adjoining shops in the local centre on the eastern side of John Oxley Drive;
- SEPP 44 Protection of Koala Habitat and SEPP 55 Remediation of Land;
- social impacts; and
- three-storey height of the facility will require further justification.

Following a review of the SCC application it is agreed that flood affectation and sewage services are key considerations for the proposal. These issues may be appropriately addressed through the Development Application (DA) process and servicing strategies. It is recommended that the SCC, if issued, require that further consideration be given to the proposal to resolve the issues of sewage infrastructure capacity, flood design and evacuation management.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless the Secretary 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))

The 3.8 hectare site is located approximately 4km south-west of the Port Macquarie city centre. Lot 1 DP 735097 is currently subject to a development consent for a seniors retirement village under DA2003/0533 which has been operating as such for several years whilst subject to ongoing construction works. Any implications of the proposed development on the existing consent will be subject to consideration by Council at the DA stage.

The land is relatively flat and has been cleared of native vegetation except for 2 isolated trees at the rear of Lot 10. It currently contains 48 self-care units, communal facilities, driveways, car parking areas, access roads, storage, amenities and flood/drainage protection works. Lot 10 contains an existing dwelling house.

The site is serviced by all essential utility infrastructures. Council has identified that the sewage infrastructure capacity is currently insufficient to accommodate the proposed development. Council has recommended further discussions with its sewerage engineers to determine a suitable servicing strategy prior to lodging a development application. It is considered that this issue can be addressed adequately at the development application stage.

The area of Lot 1 DP735097 to contain the proposed residential aged care facility is currently occupied by 4 self-contained retirement units and a construction access road. Lot 10 DP 31128 lies directly to the south of these 4 units. The 4 existing units on the intended aged care facility site will be demolished and a boundary adjustment subdivision is proposed to situate the aged care facility entirely on an expanded Lot 10 DP 31128.

The site is identified to be part flood prone. The location of the residential care facility is above with residential flood planning level but is affected by the probable maximum flood area mapped by Port Macquarie-Hastings LEP 2011. Clause 7.4 of the LEP identifies residential care facilities are a sensitive land use that must consider emergency response and evacuation issues if proposed on land affected by the probable maximum flood. Council's response has confirmed that the site is suitable for more intensive development subject to appropriate designs in response to the outcomes of a flood constraint assessment conducted for the site ([Tab J](#)) and preparation of an evacuation management plan as proposed in the application. The land is also identified as part bushfire prone due to vegetation in the adjoining John Oxley Drive road corridor. The preliminary bushfire hazard report confirms that the site has the capacity to be developed subject to certain design requirements.

The site is identified for future residential purposes in the John Oxley Drive Structure Plan which was approved by the Acting Director General in November 2012 as an amendment to Council's Urban Growth Management Strategy.

The land is free of major constraints which cannot be mitigated with appropriate design or upgrades to necessary infrastructure. It is considered that the site is suitable for more intensive development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless the Secretary 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))**

Natural Resources

Lot 1 DP 735097 has been cleared of native vegetation and developed in association with development consent DA2003/0533. Lot 10 DP 311228 is largely cleared as a result of its current residential land use and contains only 2 isolated trees at the rear of the site.

The land is zoned RU1 Primary Production but is not identified as regionally significant farmland and is considered to have no agricultural value as a result of its small size, surrounding urban uses and isolation from other agricultural lands. Pockets of mature vegetation are scattered to the east and south of the site though are separated by roads and residential areas.

Seniors housing on the site would not be incompatible with the natural resources in the locality.

Flooding

The 3.8 ha site comprises a small portion of land subject to inundation in a 1 in 100 year event. The proposed residential aged care facility footprint is above the mapped residential flood planning level but is identified as being partly affected by the probable maximum flood event.

Port Macquarie-Hastings Council Flood Policy identifies that residential care facilities should contain a finished floor level (FFL) at or above a Probable Maximum Flood level which would equate to 6.6m AHD for the site.

The concept design and flood constraints study for the site demonstrates that the FFL can comply with the requirement of Council's flood policy.

Should a site compatibility certificate be issued, further review should be undertaken by the proponent and Council to ensure flood risk is appropriately managed. This would include reviewing the flood risk levels for the site, preparing appropriate evacuation design responses, and as the proposal includes a proposed basement level, providing all essential facilities with a FFL of at least 6.6m AHD.

The flood characteristics of this site are not considered sufficient to preclude the use of the site for a residential aged care facility.

Existing and Approved Adjoining Uses

The site has eastern frontage and access to John Oxley Drive. John Oxley Drive functions as an urban collector road providing direct public, private and pedestrian transport connectivity to both the Port Macquarie city centre and Pacific Highway.

Residential land surrounding the site is currently characterised by single and two storey dwellings. The nearest residential dwelling is located approximately 25m south of the proposed aged care facility location. An existing seniors housing estate, containing self-contained dwellings surrounds the site to the north and west, approximately 15m from the proposed facility.

Future development of the land would be subject to Council's consideration of a suite of site specific studies in regards to the natural environment, hazards and existing and approved land uses as part of the development application process.

No major constraints exist in regards to the natural environment, hazards and existing and approved land uses. It is considered that a residential aged care facility on the site would be compatible with the existing land uses in the local area.

2. 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 (clause 25(5)(b)(ii))

While the land is currently zoned RU1 Primary Production under the Port Macquarie-Hastings LEP 2011, it has been identified for future residential purposes in the John Oxley Drive Structure Plan approved by the former Acting Director General. The structure plan has been adopted as an addendum to Councils local growth management strategy. It is anticipated based on this strategy that the likely future use of the land would be residential.

As mentioned above, the majority of the site is currently developed as a seniors retirement village and the proposal seeks to retain this primary use for the adjusted Lot 1 DP 735097 whilst situating the residential aged care facility on an expanded Lot 10 DP 38831.

The development of the site as a residential aged care facility helps attain the highest and best use of this site for its mapped strategic purpose and is considered to be consistent with the likely future uses of the land.

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))

It is considered that there are suitable services and infrastructure available to the site and in the wider area that would meet the demands of a residential aged care facility. These services are summarised below. The biggest constraint to access is lack of a dedicated pedestrian crossing of John Oxley Drive. This issue has been raised by Council as needing to be addressed at the development application stage.

Retail and Community Services

Lake Innes Village is located approximately 400m south east of the site, on the opposite side of John Oxley Drive, and contains a medical centre, supermarket, specialty stores, hair and beauty salon, café and other retail stores.

Medical Services

In addition to the medical centre in Lake Innes Village, the Port Macquarie Base Hospital is located approximately 400m from the site. Aged care workers operating within the proposed aged care facility will also be available to provide support when required.

Transport Services

Bus stops are located directly adjacent to the site on both sides of John Oxley Drive. The area is well serviced by buses as large residential areas, schools, the Port Macquarie Base Hospital and Charles Sturt University campus are all located nearby. Bus services travel in and out of the city centre every day of the week. Bus services departing from the city centre also provide public transport access to the wider areas of Port Macquarie. The location of the bus stop and frequency of service complies with the requirements of the SEPP.

Infrastructure Provision

The land is fully serviced by reticulated water, sewer, telecommunications and power. However Council has identified that the existing sewage infrastructure does not have sufficient capacity to accommodate the proposed development. It is considered that matters regarding provision, capacity and/or augmentation of services can be further investigated through a servicing strategy prior to the development application stage.

Car Parking & Access

The concept layout plan (Tab GH) includes parking for the proposed facility through a basement level carpark and street level car parking.

The level of car parking proposed currently meets the provisions of clause 48(d) of the SEPP (Seniors Housing).

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 use purposes.

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 proposal seeks to develop a three storey (including basement level) residential building with the basement level to provide parking, maintenance, kitchen, laundry and staff areas. The residential floors are arrayed in four wings of rooms off a central area

containing living, dining, kitchen, and recreation and service areas. Each floor will contain 34 rooms.

The Port Macquarie-Hastings LEP 2011 has no prescribed maximum building height limit for the site. A bulky goods development to the immediate north has been granted development consent to construct to a height of 18 m. This development is proposing a maximum building height of 12m. Council have requested justification of a three-storey height limit and street presentation considerations as part of any future development consent.

No specific built form plans have been provided yet, however based on the concept plans provided and the bulk, scale and built form of approved future uses, it is considered that the proposal would be compatible with the future character of the area. Final building designs for the development can be addressed at the DA stage.

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 proposal seeks to develop an aged care facility upon developed and cleared land. The development will not impact upon adjoining vegetation in the road corridor to the east of John Oxley Drive. It is likely that two existing trees will be removed to provide access to the site. These trees are considered to be isolated and do not form part of any ecological corridor or wider significant habitat. The impact of the proposed tree removal can be considered through the DA process.

RECOMMENDATION

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

- **notes** this report;
- **considers** 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 Port Macquarie-Hastings Council within 21 days after the application for the certificate was made as set out in the report;
- **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);
- **forms the opinion** that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate; and
- **determines** the application for a site compatibility certificate under clause 25(4)(a) by signing and issuing a certificate subject to the satisfaction of certain matters (Tab B) for Lot 1 DP 735097 and Lot 10 DP 31128, 28-34 John Oxley Drive, Port Macquarie.

- **signs** the letters to the applicant and council advising of this determination (Tabs C and D).



Stephen Murray

Acting Executive Director, Regions
Planning Services

23 June 2016

Approved / Not Approved / Noted