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**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**

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**SITE:** Part Muree Golf Club, Part Lot 202 DP 610043, Lot 33 DP 40136, Lot 31 DP 753161 and Lot 1 Section 22 DP 758871 (7 Walker Crescent), Raymond Terrace. Noting development to be isolated to a portion of the larger site.

**APPLICANT:** APP Corporation Pty Ltd

**PROPOSAL: Seniors Housing Development**

The proposal (Tab F1 and F2) involves the construction of an aged care housing development to provide accommodation for seniors including:

- 61 x 2 bedroom self-care housing
- 81 car parking spaces

**LGA:** Port Stephens

**PERMISSIBILITY STATEMENT**

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP) applies to land zoned primarily for urban purposes or adjoining land zoned primarily for urban purposes, where it satisfies the additional requirements of Clause 4. The type of seniors housing that may be carried out on this land is identified in Clause 15 of the SEPP.

Assessment of Clause 4:

- The subject land is currently zoned RE2 Private Recreation under *Port Stephens LEP 2013* and none of the uses specified in clause 4(1)(a) are permitted within the zone.
- The subject land consists of a golf course, existing registered club and car parking and is considered as being used for the purposes of a registered club, consistent with clause 4(1)(b) of the SEPP.
- Consistent with clause 4(5), the land being used for the registered club is considered to be land zoned primarily for urban purposes. The zoning map identifies the site as predominantly adjoining urban land, being R2 Low Density Residential, RE1 Public Recreation, SP2 Special Uses (Depot) and SP2 Special Uses (Cemetery). In particular;
  - The development site is proposed in the northern part of the site which is surrounded on three sides by adjoining urban development.
  - The SP2 Special Uses (Depot) is considered to be urban as it involves light industrial uses associated with Council's depot operations.

Assessment of Clause 15:

- The subject land is being used for an existing registered club and is considered to be land zoned primarily for urban purposes as described above.
- Consistent with Clause 15(a) development on this land is permitted for the purpose of any form of seniors housing.
- The proposal is for a group of self-contained dwellings and, because no services are to be provided on site, the development is considered in-fill self-care housing.

Consequently, the provisions of clause 4 of the SEPP provide that a Site Compatibility Certificate (SCC) could be issued for the site and the proposal is defined as in-fill self-care housing.

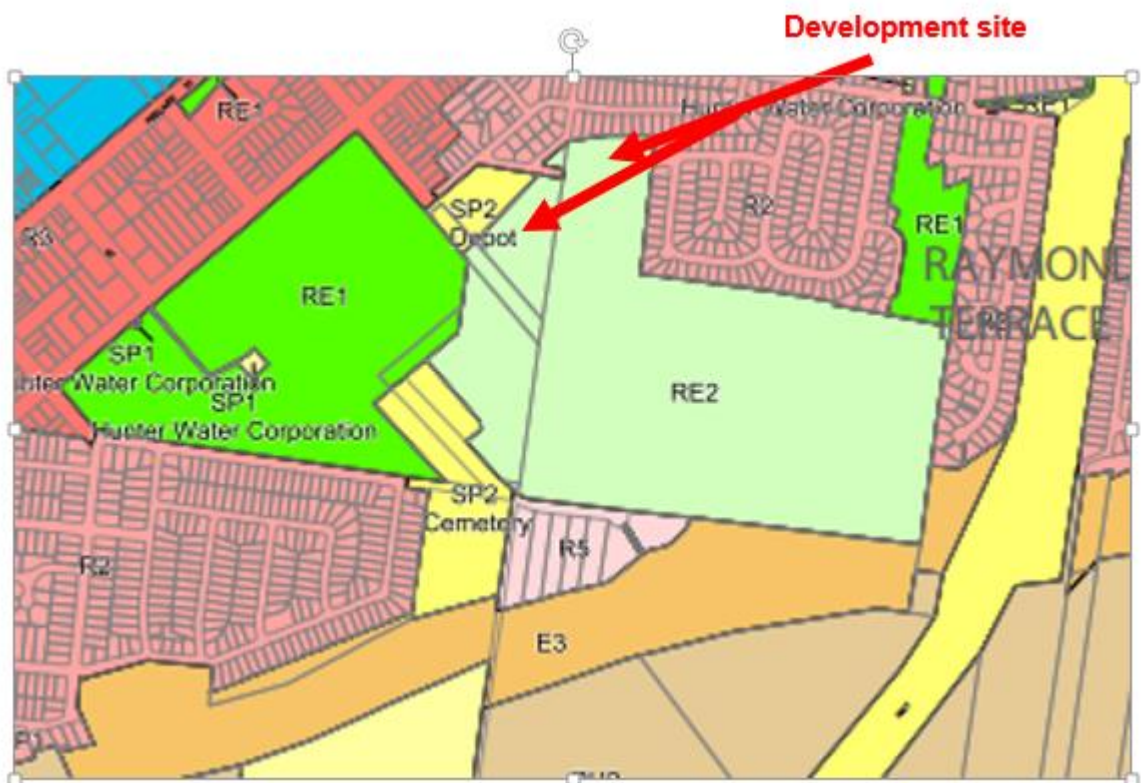


Figure 1: Muree Golf Club zoned RE2 Private Recreation and surrounding zoning. Location of proposed development highlighted.

#### **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;
- (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 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)).

A letter was sent to Port Stephens Council on 23 June 2016 seeking written comments on the proposal. Council's response was received 15 July 2016. Council advised that it:

*"is supportive of additional seniors housing within the Local Government Area and sees no impediment for the use of the subject site for such as purpose. The future development of the site will be subject to the development application process at which full consideration of the overall development and potential impacts will be undertaken. Council considers that the proponent has adequately demonstrated that the proposal is compatible with the site and surrounding land uses."*

A copy of the Council response is provided ([Tab B](#)). Council identified potential noise and dust impacts from the existing works depot which will be further considered as part of a future development application and which may be addressed through design.

## **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 (Figure 1) is zoned RE2 Private Recreation and is an irregular shape reflecting the existing golf course configuration located within the urban area of Raymond Terrace. The proposed development site is located at the northern end of the site close to adjoining residential development, the existing registered club and associated car parking.

Land adjoining the site to the north is zoned residential with low density housing, and adjoining to the west is the Port Stephens Council Works Depot situated in a special uses zone. The site is well located, being less than 1km to the main services offered in Raymond Terrace CBD.

Further to the south west is a large local Park (Boomerang Park) which has active and passive recreation uses. The southern part of the Golf Course adjoins a corridor of environmentally zoned land which contains EEC's and is around 500m from the proposed development.

The concept design considers its relationship with the adjoining urban land uses and also reflects the topography of the land and the separation of proposed buildings, which assists in managing the visual and privacy impacts.

The subject site is largely unconstrained and the proposal seeks to develop only a small portion of the larger golf club. The role of the area in providing Koala Habitat can be maintained through careful design.

The proposal demonstrates that the site is suitable for more intensive development.

## **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))**

#### Natural Environment and Hazards

The site and the immediately surrounding land is generally a mixture of low density urban and recreation (including the golf course).

While no native vegetation or EEC's are present for the proposed northern building clusters, the flora and fauna assessment report recognises other areas of the golf course as containing EEC's and the golf course is identified as preferred Koala Habitat in Council's Koala Plan of Management. The site for the proposed southern buildings contains two potential habitat trees and two preferred Koala habitat trees. There is an opportunity to retain these trees through the design of the buildings which will be reflected in the SCC conditions.

Part of the site is identified as Bushfire prone or within a bushfire vegetation buffer. A preliminary Bushfire Assessment has been undertaken and notes that the necessary bush fire prevention measures can be accommodated in any subsequent development application.

There are no other known natural hazards, noting that the site is well above the known flood levels and that contamination has been considered and is not expected to be a constraint to development.

#### Other Existing and Approved Uses in the Vicinity

Surrounding residential areas are typically low density single dwellings. The building height controls on adjoining residential land permit development up to 8 metres, and the proposal will be consistent with this development outcome.

To the south east is Council's works depot which will be to the rear of the southern building cluster. It has light industrial activities and larger scale buildings of height and bulk similar to the proposed development. There may be some amenity impacts from noise and dust associate with the operations of the Depot that may be addressed with further design.

Lying between the proposed two northern building clusters are telecommunication structures, including a tower which will be higher than the proposed buildings.

The relationship between the proposed development and the existing registered club will be further clarified through the development assessment process, this will include consideration of parking requirements as identified by Council.

#### **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))**

The subject site is zoned RE2 Private Recreation and permissible uses relate to a potential recreation or tourism function for the site. The use of a small portion of the subject site for seniors living development will require the realignment of one of the golf holes and matters of access and parking can be resolved through a future development application. Due to the minor nature of the proposal in comparison to the larger site it is unlikely that the proposed development will have any impact upon the future use of the site.

If Council considered that the site was not required for a recreation or tourism function then a proposal to rezone the site for residential development could be considered.

#### **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 on the fringe of an existing urban area and it is located less than 1km from the Regional Centre of Raymond Terrace, where retail, community and medical services are provided. Access to the centre is relatively flat and walkable. A local bus services is less than 300 metres from the site and provides access to the centre.

The provision of reticulated services to the site – water, sewer, electricity, gas and telecommunications is a matter which the proponent will ultimately need to resolve with the respective infrastructure agencies, however as the site is on the fringe of the existing urban area, this is unlikely to be an impediment for the development.

The report identifies the likelihood of the need to upgrade water and sewer services to accommodate the proposed additional growth. No traffic analysis has been undertaken, however it is noted that it is expected that the surrounding road network currently should have sufficient capacity.

#### **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 site is currently zoned RE2 Private Recreation and is used as a functioning golf course with associated club house, buildings and infrastructure. The proposed development will not significantly alter the operation of the facility as a recreation golf course and club house facilities.

The site is not broadly accessible to the community for non-golf purposes. Land to the south west of the site is zoned RE1 Public Recreation (Boomerang Park) and accommodates active and passive recreation pursuits such as sports fields, children's playgrounds, community facilities, bushland and passive recreation facilities such as picnic facilities. Use of these adjoining recreation areas may increase through additional demand from this proposed development. The proposed development will not have any significant impact on the provision of land for open space and special uses in the vicinity of the development

**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 subject land is surrounded by various existing land uses, the majority being single dwellings of various ages and conditions. Council's works depot lies to the west with light scale industrial buildings. The single story golf club house and car parking are to the south and east with the club house currently having the largest footprint of any building within a 500m radius.

The proposal includes 61 two bedroom infill self-care units, proposed to be sited across three separately located clusters of dwellings. The buildings are proposed to be two storey and have similar bulk and scale to the existing club house. The photomontage supplied with the application demonstrates that the proposal is of a scale that will not dominate the landscape. The green space of the golf course and the distances between the proposed building clusters break up the building mass and visual impact. (Tab H).

The site does not have any building height controls that apply under the LEP, however the adjoining residential land has an 8 metres height limit. Due to the topography of the site, the visual impacts associated with bulk and scale can be reduced with appropriate setbacks to adjoining areas. Council do not have any concerns regarding the proposed conceptual designs and building massing as outlined in the proposal.

**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))**

Firebird Ecosultants (April 2016) undertook a Fauna and Threatened Species Habitat Assessment over the northern and southern development sites under consideration. The field surveys identified *“that vegetation on proposed redevelopment areas is mainly a mixture of exotic and native planted trees/scrubs. No endangered ecological communities listed under the Threatened Species Conservation Act 1995 were found to occur.”*

However two species of preferred Koala Food trees and potential habitat trees were found to occur within the development area. The consultants advised that there are opportunities to retain these trees as part of the design of development of the southern building cluster and relocation of the green keeper sheds.

While the development is unlikely to have any impacts on the clearing of native vegetation, a 7 part test will be included in the development assessment process.

## **RECOMMENDATION**

It is recommended that the 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 202 DP 610043, Lot 33 DP 40136, Lot 31 DP 753161 and Lot 1 Section 22 DP 758871 (7 Walker Crescent), Raymond Terrace.

A handwritten signature in black ink, appearing to read 'K. O'Flaherty', with a stylized flourish at the end.

25/07/2016

**Katrine O'Flaherty**  
**A/Director Regions, Hunter and Central Coast**