

**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 2 DP 1219123, Lot 4 DP 1219124 and Lot 6 DP 1217806 – 26-56 Manor Road, Harrington (Figure 1). An inspection of the land was undertaken by the regional team on 1 February 2018.

The site compatibility certificate (SCC) application was received on 29 November 2017. The subject site has a total area of 22.7ha and is on the western edge of the Harrington township, with vehicle access from Manor Road off Harrington (main) Road. It is approximately 1.3km from the Harrington Waters Shopping Centre and approximately 3.5km from shops in High Street, Harrington.

The site is zoned R5 Large Lot Residential under the Greater Taree Local Environmental Plan 2010 and has been approved for a 46-lot rural residential subdivision. It adjoins residential dwellings within the Harrington Waters Estate to the east, a caravan park to the north and three rural residential allotments to the south.

The seniors housing development is required to maintain public road access to Manor Road for the three rural residential allotments. The concept masterplan (Figure 2, next page) addresses this issue by providing a public road along the southern and western boundaries of the seniors housing development to the three residential allotments and any future subdivision permitted in the R5 Large Lot Residential zone.



Figure 1: Locality plan.

APPLICANT: Bayline Investments (NSW) P/L

PROPOSAL: A retirement village comprising 293 serviced self-care single-storey dwellings, associated recreation facilities, ancillary commercial uses and community title subdivision.

The concept masterplan includes eight retail/commercial premises to provide small-scale retail and service facilities to residents. Such facilities could include medical consulting rooms, a pharmacy, personal care services (hairstresser/beautician), a neighbourhood shop, specialist elderly retail and/or a café/coffee shop.



Figure 2: Masterplan.

LGA: MidCoast Council (formerly Greater Taree).

PERMISSIBILITY STATEMENT

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, where it satisfies the additional requirements in clause 4 of the Seniors Housing SEPP.

The site is zoned R5 Large Lot Residential under the Greater Taree Local Environmental Plan 2010. The site adjoins land zoned R1 General Residential (Harrington Waters Estate) to the east and a caravan park on land zoned RU1 Primary Production to the north (Figure 3, next page).



Figure 3: Zoning map.

An SCC can be issued for this site because it satisfies the locational requirements of clause 4 of the Seniors Housing SEPP. It adjoins land zoned R1 General Residential, dwelling houses are permissible with consent in the R5 Large Lot Residential zone and the land is not excluded by schedule 1 (environmentally sensitive land) of the SEPP. Schedule 1 excludes the issue of SCCs on environmentally sensitive land, where it is defined in another environmental planning instrument such as coastal protection, conservation, environmental protection, high flooding hazard, water catchment and natural wetland.

The type of seniors housing that may be developed on this land is identified in clause 17 of the Seniors Housing SEPP. The proposed development satisfies this requirement by providing serviced self-care housing as a retirement village.

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 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).

COUNCIL COMMENTS

On 5 December 2017, MidCoast Council was consulted about the proposed seniors housing development and given 21 days to respond in accordance with the requirements of the Seniors Housing SEPP.

On 19 December 2017, Council advised that it has “no objections to the proposed seniors housing development in terms of its consistency with CI 25(5) (b) of SEPP (Housing for Seniors or People with a Disability) 2004”.

The application’s supporting documentation identifies that the proponent has contacted Council various times and attended a development assessment panel on 30 May 2017 about the proposed seniors housing development. This information suggests that Council supports the seniors housing development and that the site be filled to 1% AEP with climate change allowance to the year 2100, which is above the adopted flood planning level. Other issues raised such as vehicle access, vegetation retention, bushfire asset protection zones and waste management can be resolved through the development application process.

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 site is on the western edge of the Harrington township and accessed via Manor Road off Harrington Road. The site is approximately 1.3km from the Harrington Waters Shopping Centre, including a medical centre, and approximately 3.5km from shops in High Street, Harrington.

The subject land was rezoned on 11 June 2004 from 1(a) Rural General to 1(c1) Rural Residential under the Greater Taree Local Environmental Plan 1995 (Amendment No. 49). This zoning was transitioned to R5 Large Lot Residential under the Greater Taree Standard Instrument Local Environmental Plan 2010.

The site has limited agricultural potential and has been approved for a 46-lot rural residential subdivision. The proposed seniors housing development provides a better planning outcome by making better use of available infrastructure and services. It also contributes towards meeting the needs for seniors housing around Harrington and gives residents the opportunity to access appropriate forms of housing as their needs change over time.

The seniors housing development proposes a density of 13 dwellings per hectare, which is comparable with the adjoining residential estate and caravan park.

There are no known environmental constraints that would preclude the development of the site for seniors housing. A detailed assessment of the environmental constraints is provided below.

The proponent advises that it is possible for the proposed development to be connected to reticulated sewer and water. Electricity and telecommunication networks can also be provided to the site.

Given the nature of the site, availability of services and infrastructure, and the mixed land uses in the surrounding area, the site is considered 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))

Ecology

The site is predominantly cleared and has been modified by past agricultural activities and rural residential occupation of the land. The previous ecological assessment prepared by Darkheart Eco-Consultancy in 2014 found that the development area had low-value vegetation with generally low habitat values. The existing trees (Dry Sclerophyll Forest Vegetation) along the Manor Road frontage will be retained and incorporated within a 10m-wide buffer zone as part of the seniors housing development.

Some clearing of isolated clumps of trees will be required. However, the seniors housing development and proposed landscaping are considered compatible with the environmental outcomes for this site.

Flooding

The site has a flood planning level of 3.1m AHD (2.6m plus 0.5m freeboard). The natural ground level across the site varies from 2.3m to 2.7m, thereby requiring some filling depending on the construction techniques.

If Council requires the seniors housing development to be filled to the 1% AEP flood event with allowances for climate change to the year 2100, the habitable floor levels would need to be constructed at 3.6m AHD (3.1m plus 0.5m freeboard).

The seniors housing development proposes to fill the site to 3.2m AHD to be 100mm above the 1% AEP with climate change allowance to the year 2100. This will involve raising the natural ground level by 500-900mm. The habitable floor levels will be constructed at 3.6m AHD to be a minimum of 500mm above the 1% AEP with climate change allowance, consistent with Council's pre-lodgement development assessment panel recommendations. This is well above the required flood planning level.

The approved flood planning level and the amount of filling will be resolved with Council. There may be a potential traffic impact on local roads depending on where the fill material is sourced. The proponent verbally advises that the fill material may be obtained from a variety of sources, including the future dredging of the Manning River. Council needs to assess traffic impacts and the adequacy of existing intersections as part of the development application process.

BMT VBM completed the review and update of the Manning River Flood Study on behalf of Council in April 2016. They were engaged to prepare this assessment to

determine the impacts based on filling the entire site to 3.2m AHD. The study found that the impact of the proposed development is effectively negligible for the 1% AEP and 0.5% AEP events, with some minor flood impacts modelled on 0.2% AEP and 1% AEP climate change events by increasing local peak flood levels, as floodplain flows are locally redistributed up to 90mm. The assessment concluded that “the impacts are relatively minor, given they are limited to flood event magnitudes above the 0.5% AEP, are less than 100mm and are relatively localised in extent”.

Lot	0.2% AEP Event	1% AEP 2100 Event
Lot 1 DP34304	40 mm – 90 mm	30 mm – 90 mm
Lot 1 DP1219123	30 mm – 60 mm	0 mm – 30 mm
Lot 1 DP34303	30 mm – 40 mm	0 mm – 30 mm
Lot 4 DP706110	20 mm – 30 mm	0 mm – 30 mm
Lot 3 DP706110	0 mm – 20 mm	0 mm – 15 mm

Table 1: Modelled peak flood level impacts.

The assessment found that the proposed filling will result in minor flood level increases over large rural properties and the adjoining caravan park (Lot 1 DP 34304) to the north. The proponent considers the impacts on the caravan park to be minor given the impacts are only experienced under the 2100 climate change allowance event and the park could be redeveloped in the future.

There is uncertainty about the amount of filling required for the seniors housing development depending on Council’s flooding requirements. Council will need to assess the flooding impacts as part of a future development application and determine whether the proposed impacts on the adjoining caravan park are acceptable.

The seniors housing development can adequately resolve the flooding issues by filling the site or using various construction techniques. The development is considered compatible with the surrounding environment and existing and future land uses.

Bushfire

The site is mapped as buffer areas to Category 1 Vegetation along the western and northern boundaries. The seniors housing development will be able to provide the required asset protection zones to comply with the *Planning for Bushfire Protection* requirements.

The proposed development will be categorised as a special fire protection purpose and will require a Bushfire Safety Authority certificate from the NSW Rural Fire Service under section 100B of the *Rural Fires Act 1997*. A bushfire report will need to be submitted with any future development application.

Acid sulfate soils

The site is identified as Class 3 on the Acid Sulfate Soils (ASS) Planning Maps. The previous geotechnical assessment found potential ASS over most of the site at depths of 1m or more below the surface. An ASS management plan will need to be submitted with a future development application.

The seniors housing development is considered compatible with the surrounding environment and will address the potential ASS through the future management plan.

Other existing and approved uses in the vicinity

The subject site is on the western edge of the Harrington township. It adjoins residential dwellings on land zoned R1 General Residential within the Harrington Waters Estate to the east and a caravan park on land zoned RU1 Primary Production to the north. The seniors housing development proposes a density of 13 dwellings per hectare, which is comparable with the adjoining residential estate and caravan park

The proposed seniors housing development is suitably located to help meet the demand for aged housing in the MidCoast LGA.

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)(iii))

The subject site is zoned R5 Large Lot Residential under the Greater Taree Local Environmental Plan 2010. It has been approved for a 46-lot rural residential subdivision.

The Hunter Regional Plan 2036 recognises the importance of continuing to provide housing diversity, especially for the ageing population, which is expected to continue to congregate around Newcastle and coastal communities in the Port Stephens and MidCoast LGAs.

The current R5 Large Lot Residential zone permits a range of urban uses and home-based businesses. The proposal is considered to be consistent with the likely future uses on the land and an improved planning outcome compared to the approved rural residential subdivision.

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))

Location and access to facilities

The site is approximately 1.3km from the Harrington Waters Shopping Centre and approximately 3.5km from shops in the Harrington town centre. Shops, banking facilities and other retail/commercial services are available. A medical centre with five consulting doctors and pathology services is located within the Harrington Waters Shopping Centre. There is also another consulting general practitioner in the Harrington township. Other medical specialist services are available in Taree, in addition to public and private hospitals.

The site is approximately 200m south of the existing bus route along Harrington Road, which runs in each direction three times per day. The bus company advises that it could run the bus through the retirement village and this has been accommodated into the preliminary designs. In addition, the village will provide a mini bus service connecting with Harrington and Taree.

The seniors housing development complies with the transport service and gradient requirements under clause 26(2)(c) of the SEPP. If the bus company decides not to run the bus through the retirement village, it is possible to provide the required pathway gradients to the bus stop along Harrington Road.

The concept masterplan includes eight retail/commercial premises to provide small-scale retail and service facilities to residents. Retail/commercial premises, such as neighbourhood shops, restaurants and cafés, are prohibited in the R5 Large Lot Residential zone and not recognised as support services. Harrington Waters Shopping Centre and Harrington town centre have the capacity to support new residents without encouraging out-of-centre retail/commercial opportunities. The SCC has been conditioned to remove the retail/commercial premises.

Infrastructure

The proponent advises that it is possible for the proposed development to be connected to reticulated sewer and water. Electricity and telecommunication networks can also be provided to the site.

- 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 not zoned open space or special uses. The proposed development will not reduce the provision of land for open space or special uses in this 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 seniors housing development proposes a density of 13 dwellings per hectare, which is comparable with the adjoining Harrington Waters Estate and caravan park. The seniors housing development is predominantly single-storey, except for the community buildings, which may be two storeys. The bulk, scale and built form of the seniors housing development are considered consistent with the residential dwellings in the Harrington Waters Estate.

The development layout also provides reasonable boundary setbacks and retains most of the existing vegetation along Manor Road between the proposed development and the caravan park.

- 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* was repealed on 24 August 2017. It is considered that the nature of the existing vegetation on the site is not of such significance that it would preclude the issue of an SCC or subsequent development of the site.

CONCLUSION

The Hunter Regional Plan 2036 recognises the percentage of people aged 65 years is projected to increase from 19 to 25 per cent. A large percentage of these retirees are expected to reside in coastal communities in the Port Stephens and MidCoast LGAs. This development should assist in meeting this demand for aged housing around Harrington.

The development of a seniors housing development is a better planning outcome than rural residential development in this locality. The seniors housing development

is suitability located to access retail, medical and community services and to maximise the use of existing infrastructure.

RECOMMENDATION

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

- **note** the assessment report (**Attachment A**);
- **consider** the written comments from MidCoast Council (**Attachment B**);
- **form the opinion** that the site of the proposed development is suitable for more intensive development;
- **form 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);
- **determine** the application for an SCC by issuing a certificate (**Attachment C**) for 26-56 Manor Road Harrington; and
- **sign** the letters to the applicant and Council advising of this determination (**Attachment D and E**).



18/3/2018
Monica Gibson
Director Regions, Hunter
Planning Services


4 Apr 11 2018
Stephen Murray
Executive Director, Regions
Planning Services

Approved / ~~Not Approved~~ / ~~Noted~~

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