

Via email: james.shelton@planning.nsw.gov.au

Dear Mr Shelton,

Re: Site Compatibility Certificate Application for Seniors Housing at 88 Shoal Bay Road, Nelson Bay

Thank you for your correspondence dated 12 December 2017 regarding a site compatibility certificate referral under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Council provides you with the following comments, with reference to the criteria listed in clause 25(5)(b) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and based on the Site Compatibility Report – Wests Nelson Bay Diggers dated 20 November 2017 prepared by RPS.

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

The headlands and ridgelines are significant values characterising and defining the Tomaree Peninsula. While the site is not identified in the Nelson Bay Town Centre and Foreshore Strategy 2012 study area; consideration should be given to the general principles which include that it is critical that the wooded ridge and headlands that surround the Bay be visible and not eclipsed by buildings.

While Appendix 2 'Response to Site Compatibility Criteria' states the proposed development will not be visible from public vantage points and the views of important natural features, it does not demonstrate there is no impact. It is recommended a visual impact assessment be undertaken to validate that statement.

The draft Progressing the Nelson Bay Town Centre and Foreshore Strategy: A Revised Implementation and Delivery Program 2017 (the Delivery Program) seeks to provide appropriate height, density and massing within the Town Centre to support opportunities that could lead to the activation of underdeveloped sites in the Nelson Bay Town Centre. The site is not identified in the Delivery Program nor Town Centre and may be creating a visual block that reduces the legibility of the neighbourhood as it relates to the layout, hierarchy of streets and the clarity of the neighbourhood.

(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,

The Port Stephens Planning Strategy (2011) provides for a range of housing types of appropriate densities, in suitable locations and that are capable of adapting and responding to the ageing of the population. Land surrounding the site is already adequately zoned to provide for a diverse range of housing types. The surrounding R3 Medium Density Housing and R2 Low Density Residential Zones both permit seniors housing with consent.

(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,

The Port Stephens Planning Strategy (2011) provides that for medium density housing, such as seniors living developments, it should generally be located within a:

- five minute walk (400m) of a centre, or
- five minute walk (400m) of bus stops with frequent services to major centres, or
- ten minute walk (800m) to the town centres.

I note the proposed development is a distance of approximately 1.8km to the Shoal Bay shops (22 minute walk) and 1.5km to Nelson Bay shops (19 minute walk).

Consideration should be given to providing safe and appropriate measures to access bus stop services along Shoal Bay Road; given it is the major thoroughfare to Shoal Bay and Fingal Bay particularly during peak tourist seasons. It would be undesirable to support an increase in the density of seniors living in a location that has an unsafe pedestrian journey for residents to services and infrastructure (retail, community, medical and other) are located, available and accessible such as the Town Centre.

(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 identified as RE2 Private Recreation Zone. The objectives of this zone are to enable land to be used for private open space or recreational purposes; to provide a range of recreational settings and activities and compatible land uses; and to protect and enhance the natural environment for recreational purposes. There is no evidence the proposal would enhance the natural environment for recreational purposes. In addition, there are limited parcels of land zoned RE2 in the area, and developing the land in the manner proposed will limit the sites available that are suitable for private open space and a range of recreational settings and activities.

(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 site is surrounded by low density residential, medium density residential and it is adjacent to a heritage item and parkland to the west. As such, careful consideration

should be given to the impacts on the bulk, scale and size of the development on these surrounding land uses and the likely future character of the neighbourhood.

The application must ensure that the built form does not come at the price of significant over-shadowing, loss of human scale, solar access and privacy. The application should provide a balance between considering the character of the surrounding local neighbourhood, visual amenity and impacts on significant and surrounding environmental values.

The application should consider how the design of the proposal will impact on the character of the neighbourhood. In particular the design of the façade, the design of the vehicular and pedestrian entries, the articulation and detailing of any facades taking into account the rhythm of the immediate neighbourhood, given the current proposal exceeds existing development controls.

(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.

The proposal does not appear to involve the clearing of native vegetation.

Conclusion

The Port Stephens local government area (LGA) has an ageing population. It is recognised that there is an existing need for affordable housing within the local area and the Port Stephens LGA. Council is supportive of providing a range of housing types in the LGA that are appropriate for an ageing population in appropriate locations that do not undermine existing centres.

Should you need to contact Council again in relation to this matter, please call Elizabeth Lamb on (02) 4980 0293 or elizabeth.lamb@portstephens.nsw.gov.au.

Yours sincerely,



Jessica Franklin
Strategic Planner

24 January 2018

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