

**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 17453, 85 Wairoonga Road, Kanwal

The Site Compatibility Certificate (SCC) application applies to Lot 2 DP 17453, being land at 85 Wairoonga Road, Kanwal. The site covers an area of approximately 4.05ha and is located on the northern side of Wairoonga Road. The site has a frontage of 105m along Wairoonga Road and site depth of 389m. There is a gradual fall of 9 meters from the front south east corner of the site to the rear north west corner. The site survey indicates the site is currently occupied by three weatherboard residences, two granny flats and ancillary sheds located on the southern part of the site toward Wairoonga Road.

Development located directly east of the site is comprised of an aged care facility contained within a single building with R2 Low Density Residential zoned land comprised of residential dwellings on standard sized lots located to the east of the site. Rural lands are generally located to the west and south of the site. The local area around the site also contains pockets of urban residential development comprising of residential aged care facilities along Pearce Road, Wairoonga Road and the Pacific Highway. The site is in close proximity to an existing healthcare centre, Wyong Hospital and a public recreation area (see Figure 1 below).



Figure 1: Site location (source: SIX Maps)

The site is non-urban land principally zoned for rural and urban investigation purposes, and adjoins land to the east zoned primarily for urban purposes.

APPLICANT: Oak Tree Retirement Village Kanwal Pty Ltd.

PROPOSAL: The application states the proposal is for seniors housing comprising:

- 66 serviced self-care single storey villas (28 x 2 bedroom and 38 x 3 bedroom)
- Village centre comprising hair dressers salon, multi-purposes room, craft/billiards room, lounge/library and hall with commercial kitchen.
- Swimming pool
- Bowling green

Concept architectural plans indicating the proposed site layout have been provided with the application.

LGA: Central Coast Council (formerly Wyong LGA)

PERMISSIBILITY STATEMENT

Wyong LEP 2013

The site is zoned RU6 Transition and E2 Environmental Conservation under Wyong LEP 2013 and a minimum lot size of 40ha applies to the land. The RU6 Transition zone prohibits seniors housing. The E2 component of the site is not proposed to be developed. There are no LEP height or FSR controls that apply to the site.

The RU6 zone aims to protect and maintain land that provides a transition between rural and other land uses, minimise land use conflicts and ensure that interim land uses do not impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan (NWSSP) or Wyong Settlement Strategy.

The NWSSP identifies the site as Precinct 3A Wadalba East, earmarking the land for future residential development in the medium term (zoned in the 15 years from 2012).

The surrounding land is generally zoned RU6 Transition to the south and west, with R2 Low Density Residential development to the east, containing pockets of RE1 Public Recreation land (see Figure 2 below).

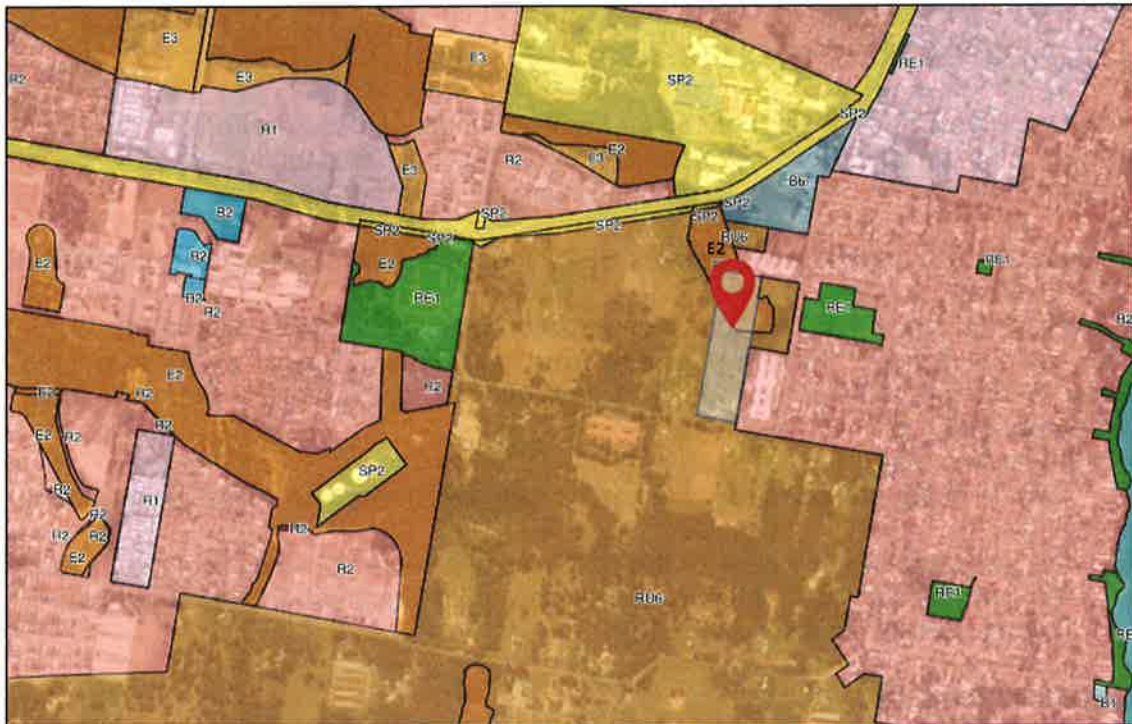


Figure 2: Land Zoning (source: NSW Planning Portal)

SEPP (Housing for Seniors or People with a Disability)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors 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 SEPP.

In accordance with clause 4, the Seniors SEPP applies to the subject site as:

- the land adjoins land zoned for urban purposes, as it directly adjoins land zoned R2 Low Density Residential east of the site; and
- dwelling houses are permitted on the land.

Clause 15 of the policy provides that “any form of seniors housing” is permissible development where the policy applies.

Clause 17 requires the development to be proposed as “serviced self-care housing” with access to services available on site because the site is not already zoned for urban purposes.

In this policy, clause 15 defines “serviced self-care housing”, as being seniors housing that “consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care”.

The applicant’s planning report confirms that services for future residents will be provided in accordance with the Seniors SEPP and the full details of the services will be provided with a future development application.

SITE COMPATIBILITY CERTIFICATES

A Site Compatibility Certificate is required for the land, under clause 24(1)(a)(i) of the Seniors SEPP, as the land is non-urban land principally zoned for rural and urban investigation purposes, and adjoins land zoned primarily for urban purposes.

Under clause 24(2) and 25(5) of the Seniors SEPP 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

On 2 May 2018, Central Coast Council provided comments on the proposal (**Attachment B**) which are summarised as follows:

Planning:

- The site is identified in the Central Coast Regional Plan as an urban release area adjacent to the Wyong Hospital Precinct.
- Existing and approved uses in the vicinity of the proposed development include rural residential and residential development comprising predominantly single dwellings, an aged care facility incorporating self-care units and a nursing home, a nursing home comprising 100 beds, Wyong public hospital and a private hospital currently under construction.
- The development proposes a self-care facility; however, no details have been proposed as to whether the proposal will satisfy the requirements under Clause 42(1).
- Several aged care facilities have been approved in proximity to the proposed development and the Department has issued two site compatibility certificates within close proximity to the subject site.
- Due to the proximity of Wyong Hospital and an approved private hospital, as well as the proximity to other services and facilities, this area is considered suitable for facilitating an aged care facility.
- The proposed development would be a commensurate use with other development in the locality.

Architectural:

- The adjoining land contains rural residential development and an aged care facility.
- The plans indicate the proposed development is of a similar size and scale to existing development in proximity to the subject site.

Water and Sewer Infrastructure:

- A water main located in the road frontage adjacent to the front boundary and any new access will require upgrading to the water main.

- Sewer is available on the eastern and northern boundaries of the subject site.
- The location of the proposed development is considered suitable having regard for the adequate provision of infrastructure and services.

Transport and Medical Services:

- The site is in proximity to a local bus service which provides access to centres including Wyong, Lake Haven, Tuggerah, Kanwal and Wadalba.
- The site is in proximity to Wyong Hospital, medical centres and sporting facilities.

Natural Environment:

- The northern portion of the site contains an Endangered Ecological Community (EEC) known as Swamp Sclerophyll Forest on Coastal Floodplains and as the proposed development involves clearing of native vegetation, a Flora and Fauna Assessment will be required to be submitted with the development application.
- The Flora and Fauna Assessment is to be prepared by a suitably qualified and experienced Ecologist and must be consistent with Council's Flora and Fauna Survey Guidelines (Survey Guidelines) with the appropriate surveys completed prior to lodgement of the development application.
- The FFA should have regard for the assessment and recommendations contained within the bushfire report.

Waterfront Land

- A watercourse traverses the northern part of the site and a watercourse is located east of the subject site.
- The proposed development is located beyond 40m from the top of bank of the watercourse that traverses the northern part of the site. However, Swamp Sclerophyll Forest on Coastal Floodplains is a vegetation type that may comprise waterfront land.
- If the proposed development is located within 40m of waterfront land (includes a river, a lake or an estuary) the proposed development will require an integrated referral to Department of Industry – Water to issue a controlled activity approval under the Water Management Act 2000.

Bushfire

- The subject site has been identified as containing bushfire prone land category 1 and 2 vegetation and buffer zone. As such the development will be referred to NSW Rural Fire Service as a Special Fire Protection Purpose.
- The plans submitted to Council as part of the site compatibility certificate application do not define the asset protection zone. The bushfire report should also have regard for the Flora and Fauna Assessment.

Flooding

- The northern part of the site is identified as being impacted by the 1% AEP Flood Event and the Porters Creek Flood Study identifies the Probable Maximum Flood (PMF) level as being 16.45m AHD with the PMF level in the channel adjacent to the site being unknown. The proposed development should be located outside the PMF level and plotted on the development plans.

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 considered suitable for more intensive development for the following reasons:

- the site is identified in the NWSSP for urban investigation for future residential development;
- public transport is readily available from the site;
- the site is located approximately 1.6 km from Wadalba Village Local Centre and 2km from Kanwal neighbourhood centre and 5.4km from Wyong - Tuggerah town centre;
- infrastructure for services can be facilitated on the site with some augmentation;
- Central Coast Council has advised the area is suitable for facilitating an aged care facility given its proximity to Wyong and Hospital, and other approved private hospital and health services and facilities.
- Council considers the proposed development would be a commensurate use with other development in the locality.

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))

Biodiversity

A draft ecological assessment has been provided in support of the application, prepared by Molino Stewart Pty Ltd, dated April 2018. The report identifies the development footprint of the retirement village and access roads would cover approximately 21,400m² of the site. Approximately 10,400m² of Swamp Oak Floodplain Forest EEC will be retained on the northern part of the site which includes the drainage line and vegetated riparian buffer. Some scattered remnant and planted trees are proposed to be removed including 2 hollow bearing trees. No threatened species of flora was observed during the survey however the site represents habitat for threatened bat species and potential habitat for other threatened flora and fauna species. The Ecological Assessment identifies small areas of land located on the southern boundary of the subject property as being of high biodiversity value and could trigger entry into the biodiversity offsets scheme. The report concluded the proposal is not likely to have a significant impact on NSW or Federally listed threatened species, populations or communities. Council advised as the proposed development involves clearing of native vegetation, a Flora and Fauna Assessment will be required to be submitted incorporating recommendations contained within the bushfire report with any future development application. It is considered this is a matter that is capable of being addressed at the development application stage.

Heritage

No identified environmental heritage or known archaeological items have been identified in the vicinity of the site.

Contamination

No information on site contamination was provided with the application. The applicant has indicated an assessment of contamination on the site will be undertaken as part of the development assessment preparation process. Council may request a contamination report to be prepared in support of any development application to ensure the site is suitable for the proposed development if deemed necessary.

Flooding

The northern part of the site is identified as being flood prone and the applicant indicates that future development is only proposed over part of the site that is flood free. The applicant has advised further investigation of flooding and drainage matters would be conducted as part of a future development application. Council has reviewed the SCC application and advised the northern part of the site is identified as being impacted by the 1% AEP Flood Event and that proposed development should be located outside the probable maximum flood level which should be plotted on the development plans. This is a matter that can be addressed at the development application stage.

Bushfire

The site is mapped as bushfire prone land and the proposed retirement village is identified as a special fire protection purposes development. The applicant proposed a 60metre APZ buffer between the development and the retained vegetation.

Existing and approved uses of land in the area

The applicant has indicated the subject land includes three weatherboard residences, two granny flats and a corrugated iron shed with the land being used for limited grazing and keeping of horses. The adjoining site to the east contains an existing aged care facility and a nursing home is located directly north of the site. The surrounding area contains low density residential development to the east of the site. The land to the south and west is generally zoned RU6 Transition and contains dwellings on large lots similar in character to the subject site. In the immediate vicinity of the site there are aged care and assisted living facilities. Wyong Public Hospital is located 800 metres to the north of the site.

The scale of the development being 66 single storey dwellings located in the southern part of the site was generally supported by Council and Council considered the proposed development is of a similar size and scale to existing development in proximity to the subject site.

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 proposal seeks to develop the land for a seniors living development. The development of 66 dwellings on the site would increase the intensity and scale of the development on the site. The land is currently zoned RU6 Transition and aims to protect and maintain land that provides a transition between rural and other land uses, minimise land use conflicts and ensure that interim land uses do not impact on the conservation or development potential of land identified for future investigation in the North Wyong Shire Structure Plan (NWSSP) or Wyong Settlement Strategy.

Given the NWSSP identifies the site as within Precinct 3A Wadalba East, earmarking the land for future residential development in the medium term (zoned in the 15 years from 2012) and the Central Coast Regional Plan (CCRP) identifies the land as within an Urban

Release Area it is considered the future uses of the land will be identified in the medium term for future residential purposes.

The NWSSP identifies a proposed dwelling yield of 15 dwellings per hectare in Precinct 3A once developed for residential purposes. The proposed seniors housing development contains a yield of approximately 29 dwellings per hectare for the developed component of the site and achieves almost double the density proposed for Precinct 3A. It is noted that the seniors development will progress in advance of other land in this Precinct including land to the west and south of the development and has the potential to limit future development options in relation to master planning development within Precinct 3A. However, given the proposed seniors housing development can deliver housing in the short term at a higher density to that envisaged in the NWSSP it is considered there is sufficient justification to progress the proposal in the interim.

The impact of the proposed seniors housing development is consistent with the future uses for residential purposes and would be similar to current existing developments for aged care facilities and proposed aged care facilities in the vicinity of the site. Council has advised given the site is identified as an urban release area in the CCRP and located in proximity to Wyong Hospital Precinct and other services and facilities, the area is considered suitable for the proposed development.

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 located within 5.4km of Wyong-Tuggerah Town Centre, 1.6km from Wadalba Village and 2km from Kanwal Village which provides a range of retail, community, medical and transport services. The site is approximately 800 metres from Wyong Hospital and a number of ancillary health services.

A bus stop is located approximately 100metres west of the site on Wahrenonga Road and is served by Busways route 82 which operates regular transport connections between Lake Haven and Wyong-Tuggerah shopping and business precincts including Wyong Train Station. The applicant's report identifies there is currently no pedestrian footpath linking the subject site to the bus stop however the developer intends to provide a footpath as part of the development in addition to providing a bus service for residents.

It is considered that the proposal is capable of complying with the requirements of clause 26(2)(b)(iii) of the SEPP, in respect of the site's location and access to facilities.

Infrastructure

The applicant has advised the site has access to reticulated, water, sewer, electricity, gas and telecommunications. Council has advised water and sewer services are available in the vicinity of the site. The water main would require some augmentation however this is a matter that can be addressed at the development application stage.

The proposal will not trigger the requirement for State infrastructure contributions to be collected because the land is not mapped as an urban release area in Wyong LEP 2013 and is not within an area covered by a State Infrastructure Contributions plan.

Council has indicated support by advising the location of the proposed development is considered suitable having regard for the adequate provision of infrastructure and services.

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 clause is not applicable to the application as the site is zoned RU6 Transition and E2 Environmental Conservation and does not include any zoned open space or special uses land.

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))

Character of the local area

The surrounding area comprises predominantly of low-rise mostly 1 and 2 storey residential development with aged care and assisted living facilities also located adjoining and in the vicinity of the site. The area south of Wahroonga Road is predominately zoned RU6 Transition and contains dwellings and ancillary structures on large lots. An aged care facility contained within a single building is located approximately 150m west of the site. Development located directly east of the site is comprised of an aged care facility contained within a single building with R2 Low Density Residential zoned land comprised of residential dwellings on standard sized lots located to the east of the site.

The proposal seeks to provide 66 single-storey serviced self-care dwellings grouped in sets of 2 located towards the southern part of the site. It is considered the site can accommodate the increase in the intensity for the seniors development while being consistent with the existing and future character of the area.

Bulk, scale and built form

The proposal redevelopment of the site includes 66 single-storey self-care dwellings with communal facilities comprising of a retirement village centre comprising hair dressers salon, multi-purposes room, craft/billiards room, lounge/library and hall with commercial kitchen, swimming pool and bowling green. The site layout plans submitted with the application indicate the dwellings will principally be 2 and 3 bedroom villas.

Architectural elevations are not provided however given the villas are proposed to be single-storey, the built form in relation to scale, height and visual dominance will result in building heights being consistent with surrounding residential development in the area and would comply with the building height control of an 8 metre maximum under clause 40(4)(a) of Seniors SEPP for the seniors housing development.

The site is 4.05 hectares in size and proposed development as shown on the site layout plan is proposed to occupy approximately half of the site and will result in a floor space ratio well below the 0.5:1 standard in Clause 50(b) of the Seniors SEPP.

Council has advised the proposed development is of a similar size and scale to existing development in proximity to the subject site.

Overall the proposed development is considered to be satisfactory in terms of building bulk, height and scale in comparison to existing and proposed future development in the vicinity.

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 (NV Act) was repealed in August 2017. Clearing associated with a development application is now assessed in accordance with the Biodiversity Conservation Act 2016. The Ecological Assessment identifies small areas of land located on the southern boundary of the subject property as being of high biodiversity value and could trigger entry into the biodiversity offsets scheme. The report concluded the proposal is not likely to have a significant impact on NSW or Federally listed threatened species, populations or communities. The application seeks to retain the majority of vegetation in the northern part of the site. Council will assess the impact of the development and any required clearing for bushfire protection on the remnant vegetation as part of the development assessment process.

OTHER RELEVANT MATTERS

Strategic Planning Context

Central Coast Regional Plan

The following Directions and Priorities of the Regional Plan are considered relevant:

- Direction 15: Create a well-planned, compact settlement pattern;
- Direction 19: Accelerate housing supply and improve housing choice;
- Direction 20: Grow housing choice in and around local centres;
- Direction 21: Provide housing choice to meet community needs;

The development proposal is consistent with the regional plan as it:

- maintains a compact settlement pattern;
- accelerates housing supply, improves housing choice and affordability;
- provides greater housing diversity near local centres; and
- provides housing choice to meet the needs of the local community.

State Planning Policies

The following state policies are applicable to the development:

- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP 55 - Remediation of Land

The development is capable of being designed to be compliant with state policies.

CONCLUSION

Issue of a Site Compatibility Certificate, subject to conditions, is recommended for the following reasons:

- The development is consistent with the Central Coast Regional Plan and the North Wyong Shire Structure Plan and will provide additional housing choice to meet community needs in an area identified for future residential purposes;
- the site is suitable for more intensive use, for the provision of serviced self-care housing units, having regard to the criteria set out in clause 25(5)(b) of the SEPP;
- it will provide a well-located seniors housing development in the Central Coast region, as it is located in close proximity to existing public transport networks, which

provide access to health, retail, banking and other facilities and services in local and town centres;

- concerns regarding the impacts on vegetation, can be suitably addressed at the development application stage by the local consent authority.

RECOMMENDATION

It is recommended that the Coordinator General for the Central Coast as delegate of the Secretary:

- **note** the report (**Attachment A**);
- **consider** the written comments from Central Coast 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 a site compatibility certificate by issuing a certificate (**Attachment C**) for 85 Wahroonga Road, Kanwal; and
- **sign** the letters to the applicant and Council advising of this determination (**Attachment D and E**).



Greg Sullivan
Director Operations, Central Coast Region

18 May 2018



Lee Shearer
Coordinator General for the Central Coast

Noted

18 MAY 2018

Report by: Glenn Hornal
Senior Planning Officer, Central Coast Region
Phone: (02) 4345 4409

