

Report to the Hunter and Central Coast Regional Planning Panel on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE: Lot 1 DP 373539, Lot 1168 and Lot 1169 DP 812203, 125-135 Johns Road and 95 Murrawal Rd, Wadalba.

The site compatibility certificate (SCC) application applies to three lots at 125-135 Johns Road and 95 Murrawal Rd, Wadalba. The site covers an area of approximately 10.7ha and is located on the northern side of Johns Road close to the point of transition of Johns Road into Murrawal Road. The site is irregularly shaped and is located on the fringe of the urban boundary of Wadalba, as shown in Figure 1 (below).

A site inspection was undertaken by Department of Planning, Industry and Environment officers on 7 February 2019.

The site is approximately 2km from Wadalba Shopping Centre, 3.7km from Kanwal Village shops, 7km from Tuggerah Shopping Centre and 2.3km from Wyong Public Hospital.

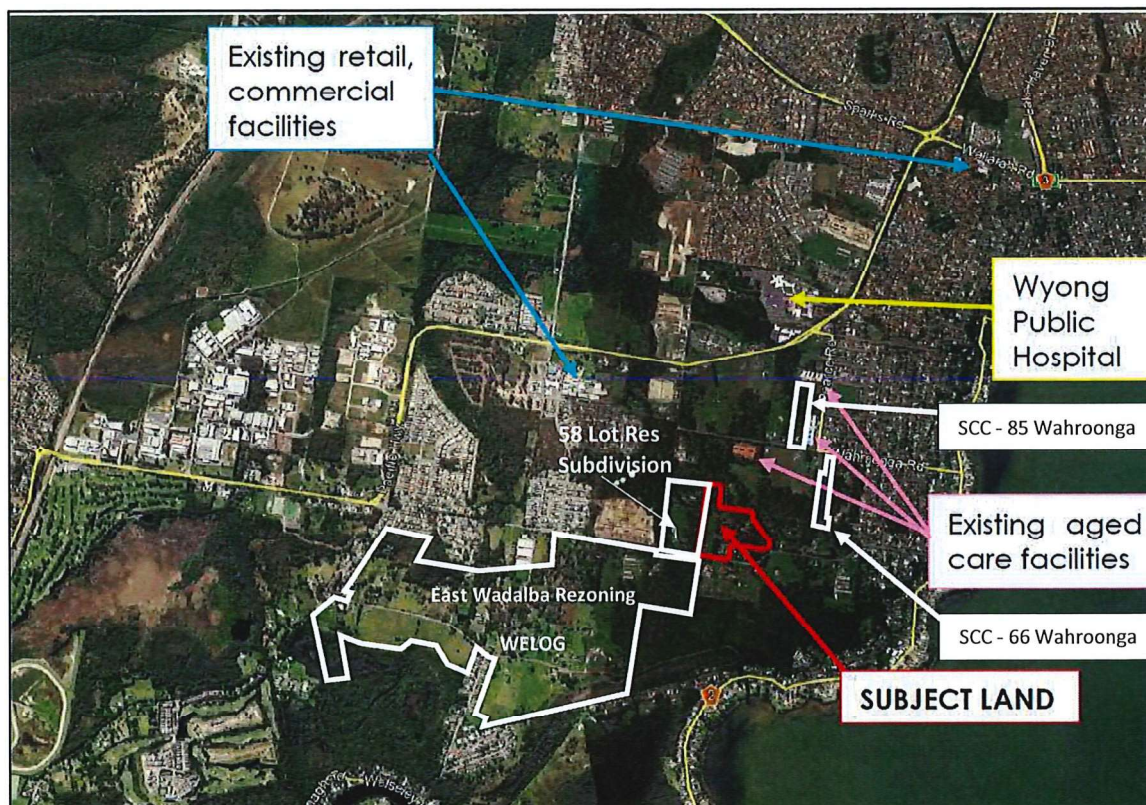


Figure 1: Locality plan.

The site slopes generally from north-east to south-west, with a fall of around 40m across the site to Johns Road and the most steeply sloping land occurring on the north-western part of the site. The three lots that form the site each contain a dwelling and ancillary structures and are mostly used for large-lot rural-residential purposes.

The site is on land zoned RU6 Transition between the urban boundary of Wadalba and Kanwal. The site has a street frontage of 198m along Johns Road with a maximum site depth of 426m. Access to the site is provided from Johns Road and Murrawal Road (Figure 2, below).

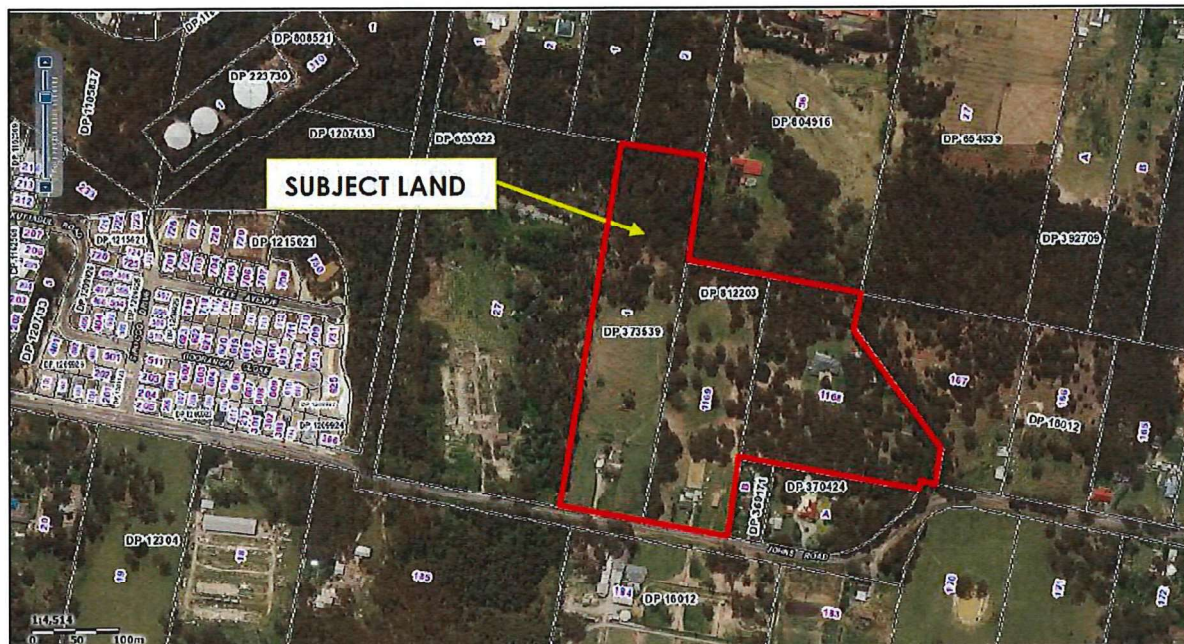


Figure 2: Site plan.

Development near the site is generally comprised of large-lot rural-residential development occupied by single dwellings. There are aged care facilities to the north and north-east of the site. Land adjoining the site to the west is zoned R2 Low Density Residential and, although it is undeveloped, a development application for a residential subdivision comprising 58 residential lots was granted consent. A residential land release planning proposal located south-east of the site at Wadalba East and known as WELOG (Wadalba East Landowners Group) is also progressing and the land is anticipated to be rezoned in early 2020.

APPLICANT: Johns Road Pty Ltd

PROPOSAL: The application states the proposal is for a seniors housing retirement village development in the form of 202 serviced self-care housing units comprising:

- six single-storey villas;
- 116 independent living units contained in 58 two-storey buildings;
- 80 independent living unit dwellings contained within 10 two-storey multi-residential buildings; and
- one community centre with associated facilities including a pool, lawn bowls facilities and a car park.

Conceptual design plans showing the proposed site layout (Figure 3, below) and a cross-section (Figure 4, below) were provided with the application.

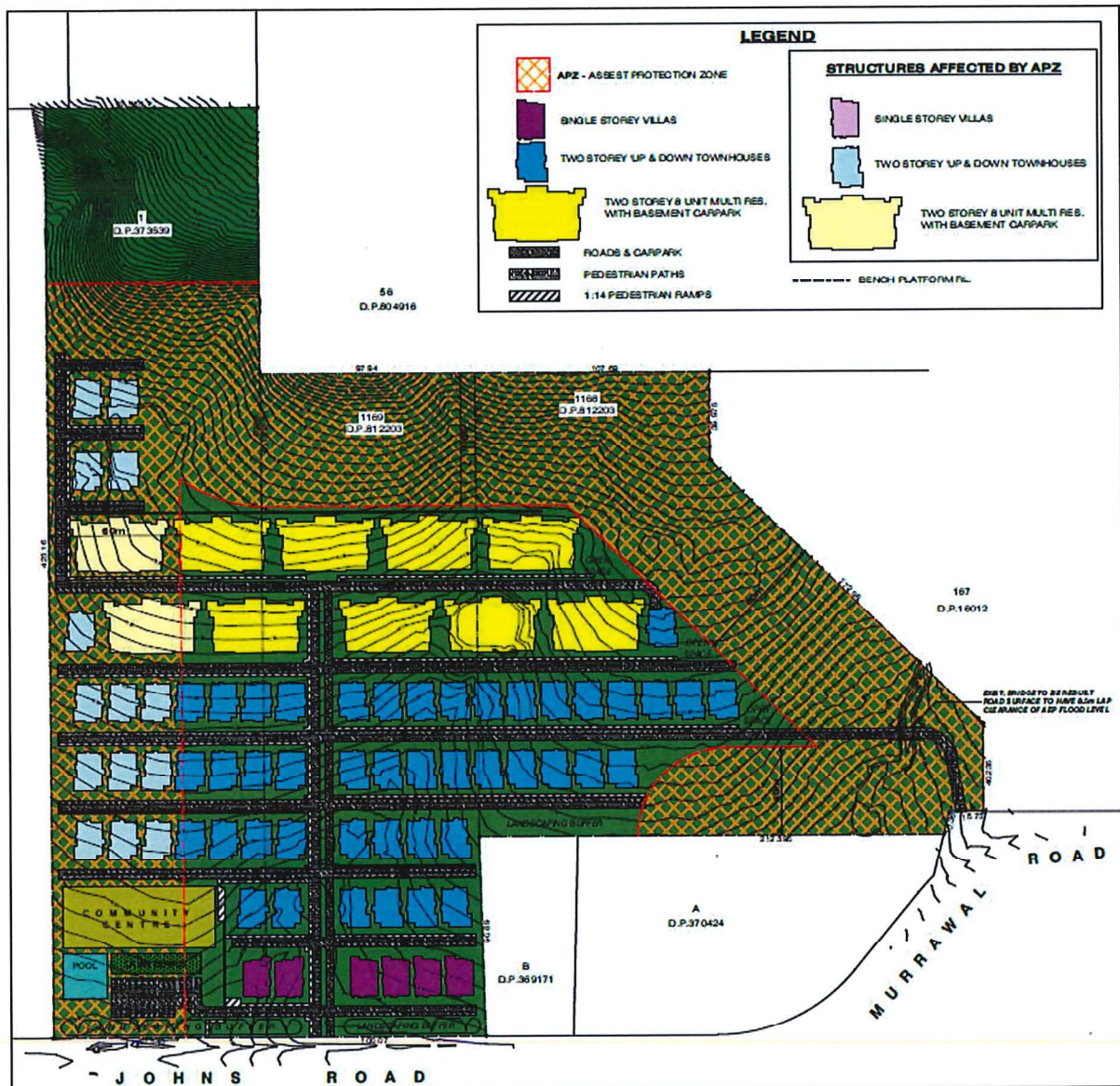


Figure 3: Proposed site layout.

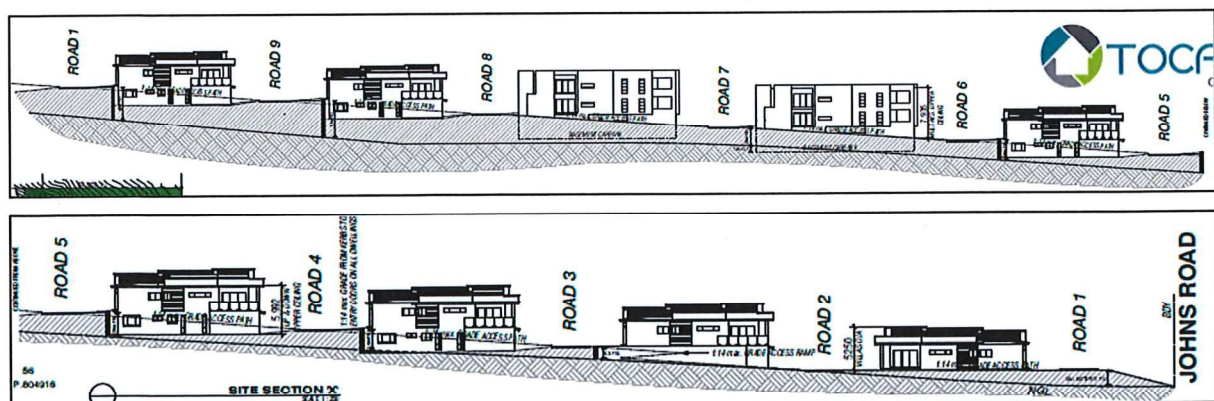


Figure 4: Cross-section of the proposed development.

LGA: Central Coast

PERMISSIBILITY STATEMENT

The land is zoned RU6 Transition under the Wyong Local Environmental Plan (LEP) 2013 (Figure 5, below). Dwelling houses are permitted with consent in the RU6 zone. The provisions under clause 4 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) provide that an SCC can be issued for the site because:

- the land is zoned RU6 Transition under the Wyong LEP 2013 and dwelling houses are permissible with consent in the RU6 Transition zone (clause 4(1));
- the land adjoins land zoned primarily for urban purposes, being land zoned R2 Low Density Residential; and
- the land is not identified in another environmental planning instrument by any exclusions listed in schedule 1 of the Seniors Housing SEPP.

The provisions of clauses 4 and 24 of the SEPP provide that an SCC could be issued.

The proposal is for serviced self-care housing provided as a retirement village within the meaning of the *Retirement Villages Act 1999*. It therefore satisfies clause 17 of the SEPP, being a type of seniors housing development that can be approved on land adjoining urban land.

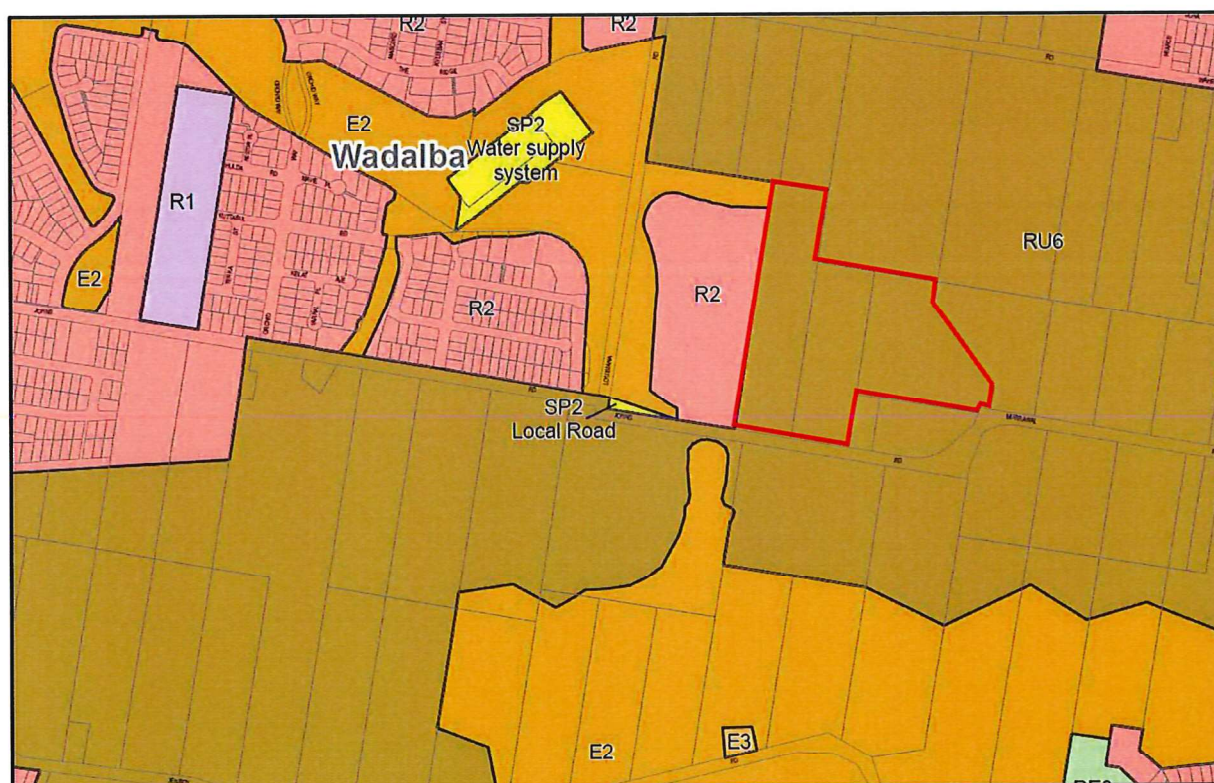


Figure 5: Extract from the Wyong LEP 2013 land zoning map.

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

No SCC has been previously issued on the land.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

Under clause 25(2A) of the Seniors Housing SEPP, the site is within a 1km radius of two parcels of land where there are current SCCs.

An SCC was issued on 15 December 2017 for a seniors housing development comprising serviced self-care dwellings on land at 66 Wahroonga Road, Kanwal. A development application (DA1205/2018) for the construction of 30 serviced self-care dwellings (under the Seniors Housing SEPP) on the site was lodged on 16 October 2018. The application was subject to an appeal in the Land and Environment Court due to a deemed refusal. The appeal was upheld, and the Court ordered development consent be granted on 31 May 2019.

An SCC was issued on 18 May 2018 for a seniors housing development comprising serviced self-care dwellings on land at 85 Wahroonga Road, Kanwal. A development application (DA 645/2018) for the construction of 58 serviced self-care dwellings under the Seniors Housing SEPP on the site was lodged on 15 June 2018 and was approved on 7 March 2019.

The subject site is therefore located within a 1km radius of two parcels of land with current SCCs and, in accordance with clause 25(2A) of the SEPP, the land is considered to be proximate site land and a cumulative impact study is required. Clause 25(2B) states that any other parcel of land for which development consent for the purposes of seniors housing has been granted is to be disregarded when determining whether land is next to proximate site land even if an SCC has been granted in respect of that parcel. Given development consent at 66 and 85 Wahroonga Road has been granted, under the requirements of clause 25(2B) of the Seniors Housing SEPP, a cumulative impact study is not required.

The granting of development consent for 66 and 85 Wahroonga Road, Kanwal occurred after the proponent had provided information on cumulative impacts. Given the cumulative impact information was provided, it is appropriate that it is considered in this report.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (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).

CLAUSE 25(2)(C)

Two nearby sites at 66 and 85 Wahroonga Road have been granted development consent and therefore the requirement to provide a cumulative impact study as part of the SCC application no longer applies. However, the applicant undertook a cumulative impact study and addressed the following cumulative impacts associated with the proposed development:

Demand for seniors living developments

The cumulative impact study asserts seniors living developments typically have less demand and fewer impacts on infrastructure than conventional residential developments because:

- 57% of independent units are occupied by a single resident;
- the average age of entry into a seniors development is 75 years;
- the average age of occupants of a seniors development is 80 years;
- there is a lower frequency of vehicle trips;
- on-site community facilities and bus services are provided; and
- new retirement villages tend to attract seniors living in the vicinity who already use infrastructure and services.

The cumulative impact study refers to a concise summary of retirement living facts in *2017 PwC/Property Council Retirement Census* to support the SCC application.

Proximate sites

The cumulative impact study refers to the two sites at 66 and 85 Wahroonga Road, Kanwal that are within 1km of the subject site and were granted SCCs. The study notes the two sites are:

- located in the northern slopes of a vegetated ridgeline, providing visual and gradient separation from the subject site;
- located in a cluster of seniors living/aged care developments with three other aged care facilities within a 400m radius;
- located on the rural fringe of the village at Kanwal as distinct from the subject site, which is located on the expanding urban edge of Wadalba; and
- providing 88 independent living units of the 2300 dwellings forecast to be provided in the urban release precincts of 2A, 2B, 3A and 3B of the North Wyong Shire Structure Plan.

Traffic

The cumulative impact study has considered a preliminary traffic assessment, which considered traffic flows of the proposed development along with the anticipated flows from the two sites at 66 and 85 Wahroonga Road and the Wadalba East Urban Release Area planning proposal.

The preliminary traffic assessment concludes:

- the proposed development will not adversely impact on the local and state road networks considering the cumulative impacts of other developments in the area;

- the local road network will require upgrades as the urban release area develops and will be delivered through project works and funding arrangements;
- public bus routes are likely to be amended as the urban release area progresses; and
- the proposed retirement village will provide a bus service.

Water and sewer

The cumulative impact study has identified a preliminary water and wastewater servicing assessment for the proposed development. The preliminary assessment identifies:

- there is a water main in Johns Road that has sufficient capacity to service the development and it is proposed that an internal loop watermain be provided within the development;
- the site is 300m east of the closest sewer point in Johns Road;
- there is adequate capacity to receive effluent at sewer pump station CH26, noting that long term this will be decommissioned and will gravitate to the main WELOG pump station south of Johns Road; and
- there is a preference to install a pressure sewer system and pump directly to the sewer pump station at CH26, noting this does not rely on the timing of adjacent works proposed for a temporary pump station at 137 Johns Road or the Wadalba East Urban Release rezoning.

Other relevant developments

The site is located east of a major urban release area (Wadalba East Precincts).

The Wadalba East planning proposal has a study area of 143ha and seeks to rezone land to facilitate the delivery of approximately 1200 new homes.

The Wadalba East planning proposal considered a broad range of planning matters including traffic impacts, water and waste servicing strategy, open space analysis, bushfire risk assessment and social impacts and identified the following infrastructure upgrades:

- modifications and upgrades to intersections along Johns, Pollock and Jensen Roads;
- water and sewer upgrades, including three new sewer pump stations; and
- additional public recreation areas and sporting fields.

The Wadalba East planning proposal is within a planned urban growth area and within reasonable proximity to services such as shops, commercial areas, recreation facilities and health services.

The cumulative impact study identified that various studies and agency comments recommended contribution plans be amended to ensure future development contributes to identified infrastructure upgrades for the Wadalba East planning proposal.

COUNCIL COMMENTS

Central Coast Council provided comments on 15 January 2019 and additional comments on 5 June. Council's comments are summarised below:

Natural environment

The site contains vegetation identified as Coastal Foothills Spotted Gum – Ironbark Forest and the proposal involves the clearing of some native vegetation on the site,

therefore a flora and fauna assessment must be submitted with any development application to address the provisions of the *Biodiversity Conservation Act 2016* and section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The development application should not be lodged until all required surveys/assessments have been completed.

If the proposed development is likely to significantly affect threatened species or ecological communities or their habitats, the application is required to be accompanied by a biodiversity development assessment report.

Any listed species under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* requires consideration of the significant impact criteria to determine if referral to the federal Department of the Environment and Energy is required, and consultation is recommended prior to lodgement of the development application.

The flora and fauna assessment should consider the assessment and recommendations contained in the bushfire report.

Bushfire

The site is category 1 and buffer zone bushfire-prone land and the proposed development is classified as integrated development. It will require referral to the NSW Rural Fire Service for a Bush Fire Safety Authority.

The bushfire report should consider the flora and fauna assessment.

Flooding

The subject site is impacted by the 1% annual exceedance probability (AEP) flood event.

The Northern Lakes Flood Study identifies that the flood level and probable maximum flood (PMF) vary across the site and the proposed development should be located outside the PMF level.

The site will be temporarily isolated in the PMF event with no road access until the flood waters subside.

Existing and approved uses near the proposed development

Nearby uses include rural-residential and residential development comprising single dwellings and dual occupancy development.

The proposed development would be commensurate with other development in the locality.

Proposed use

The development proposes a serviced self-care facility. However, no details have been provided as to whether the proposal will satisfy the requirements under clause 42(1) of the Seniors Housing SEPP.

Future uses

The site is identified within the Central Coast Regional Plan 2036 as an urban release area adjacent to the Wyong Hospital Precinct.

Due to the proximity of the hospital and the approved private hospital at Kanwal, as well as the proximity to other services and facilities, this area is considered suitable for an aged care facility.

Infrastructure

A water main is located in the road frontage adjacent to the front boundary. Any new access will require replacement with a PVC pipe.

The site is serviced by an on-site sewer management system. Sewer servicing will need to be provided and the applicant has suggested the following two options:

- Option 1: Drain via gravity sewer to WWPS 3 proposed in the sewer servicing strategy identified for the WELOG site south of Johns Road; and
- Option 2: Install a pressure sewer system and pump to WWPS 3 proposed in the sewer servicing strategy identified for the WELOG site south of Johns Road.

Council's preference is for option 1. However, this option relies on the sewer servicing of the WELOG area to the south of the site, which is yet to be rezoned.

Until downstream drainage corridors are acquired, on-site detention will be required to pre-development flow rates for all events up to and including the 1% AEP.

Water quality treatment will be required.

Road widening

Council may require road widening consistent with the width of Johns Road to the west of the site.

Services

A local bus service provides access to centres including Wyong, Lake Haven, Tuggerah, Kanwal and Wadalba. The site is also near Wyong Public Hospital, medical centres and sporting facilities.

The location of the proposed development is considered suitable having regard for the adequate provision of infrastructure and services.

Open space and special uses

The subject site is zoned RU6 Transition under the Wyong LEP 2013. Therefore, this consideration does not apply.

Bulk, scale, built form, adjoining development/land use

The adjoining land is zoned R2 Low Density Residential, RU6 Transition and E2 Environmental Conservation under the Wyong LEP 2013.

The adjoining lands contain residential and rural-residential development. The land adjoining to the west at 137 Johns Road was recently rezoned to R2 Low Density Residential and a development application for a 58-lot residential subdivision was approved by Council.

The proposed development is considered compatible with the existing, approved and future development in the vicinity of the site.

There are similar facilities within a 1km radius of the subject site.

Land to the east, north and south of the site is zoned RU6 Transition and land to the west is zoned R2 Low Density Residential and E2 Environmental Conservation under the Wyong LEP 2013. This land is flood prone as it is impacted by the 1% AEP flood event and the PMF level.

Native vegetation

Even though the *Native Vegetation Act 2003* has been repealed, the flora and fauna assessment should consider impacts on existing and surrounding vegetation.

Sewer servicing

The water and sewer authority will not accept any further temporary sewer servicing. As such, what was identified as option 1 by Council is now considered the only option for sewer servicing of the site.

The proposed development should provide gravity sewer to WWPS 3 proposed in the sewer servicing strategy identified for the WELOG site south of Johns Road.

The proposed sewer strategy is to be in accordance with the adopted development servicing plan.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel 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 Central Coast Regional Plan identifies the site within the Warnervale Wadalba Land Release Area, and the North Wyong Shire Structure Plan identifies the land for urban investigation for future residential development;
- public transport is readily available from the site;
- the site is approximately 2km from Wadalba Village local centre, 3.7km from Kanwal neighbourhood centre, 5.8km from Lake Haven Shopping Centre and within 7km of the Tuggerah shopping centre;
- infrastructure for services can be facilitated on the site with some augmentation;
- Council has advised that due to the proximity of Wyong Public Hospital and the approved private hospital at Kanwal, as well as the proximity to other services and facilities, this area is considered suitable for an aged care facility; and
- Council considers the proposed development would be a commensurate use with other development in the locality.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

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

Agricultural value

The land is not mapped as biophysical strategic agricultural lands. However, it has a rural zoning, and the nature of land uses in the RU6-zoned land has progressively changed from agricultural/rural uses to urban uses. This is anticipated to continue as the planning proposal at Wadalba East is finalised.

A horse training facility opposite the site at 100 Johns Road appears to be active. However, other rural or agricultural uses appear to have limited agricultural activity in the RU6 zone, with sites generally providing for rural-residential purposes. A poultry shed previously near the site at 137 Johns Rd has been demolished and there do not appear to be any other active poultry operations near the site.

Mine subsidence

The land is not located within a mine subsidence district.

Heritage

No identified environmental heritage or known archaeological items have been identified on or near the site.

Contamination

No information on site contamination was provided with the application. An assessment of contamination on the site should be undertaken as part of the development assessment preparation process and 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.

Biodiversity

The application has limited information on biodiversity values that are applicable to the site. The proposal references the NSW Biodiversity Values Map and identifies an area on the property as being of high biodiversity value that would trigger entry into the Biodiversity Offsets Scheme. The proponent has advised that full ecological assessments including measures to avoid, minimise and mitigate will be undertaken as part of the development application documentation should an SCC be issued.

Council has advised that the site contains vegetation identified on its mapping as Coastal Foothills Spotted Gum – Ironbark Forest (an endangered ecological community) and as the proposed development involves the clearing of native vegetation, a flora and fauna assessment must be submitted with any development application.

Council also recommends any future development application should not be lodged until all required surveys/assessments have been completed. If it is determined that the proposed development is likely to significantly affect threatened species or ecological communities or their habitats, the application is required to include a biodiversity development assessment report in accordance with the *Biodiversity Conservation Act 2016*. The flora and fauna assessment should also consider the assessment and recommendations contained within the bushfire report.

Should an SCC be issued, it should include a requirement that Council be satisfied that impacts on biodiversity values are appropriately addressed in the development application.

Flooding

Council's flood mapping identifies that the site is mostly flood-free land. However, some parts of the site are mapped as either flood-prone land, 1% AEP flood and freeboard or flood storage (Figure 6, below). The flooding appears to correspond with catchment topography draining into farm dams within and adjoining the site and dispersed to the south-west through the site. The flooding impacts access and egress along Johns Road.

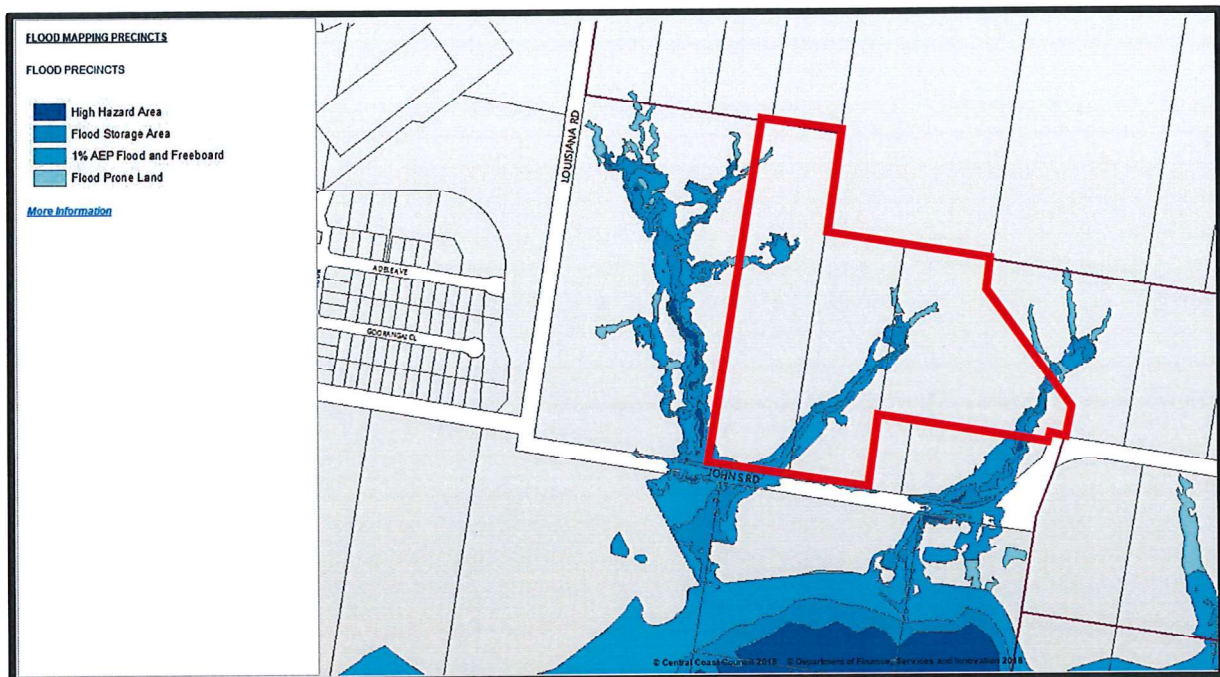


Figure 6: Council's flood-prone land map.

The proponent has provided preliminary flooding and evacuation advice that identifies the site is affected by short-duration high-intensity rainfall events due to the relatively small catchment and steep natural slopes. The flooding assessment suggests the development can comply with the minimum habitable floor level requirements and notes access along Johns Road is unavailable during large, high-intensity storm events. Emergency access to and from the site is proposed by a flooding egress road, including rebuilding a bridge to allow evacuation at the intersection of Murrawal and Johns Roads.

The preliminary plans provided indicate that most of the development will be flood free. However, some of the flood-prone land would impact some of the proposed units (Figure 7, next page). The proponent's preliminary flooding assessment indicates the development will divert the minor tributaries and considers this would not be significant in terms of affecting flood storage or the natural function of the waterway. Council has identified in its comments that the site will be temporarily isolated in the PMF event with no road access until the floodwaters subside, and that the proposed development should be located outside the PMF level.

Council does not object to the proposed development. However, it notes that consideration of flooding matters would need to confirm the appropriate location of buildings and evacuation routes affected by flooding within the site. Clause 7.3 Floodplain risk management of the Wyong LEP 2013 has requirements for sensitive land uses, including seniors housing on land between the flood planning level and

the PMF. The clause requires the consent authority to be satisfied that development will not affect the safe occupation or evacuation from the land in flood events exceeding the flood planning level. Should an SCC be issued, it should include a requirement that Council be satisfied that flooding impacts on occupation or evacuation from the proposed development are appropriately addressed in the development application.

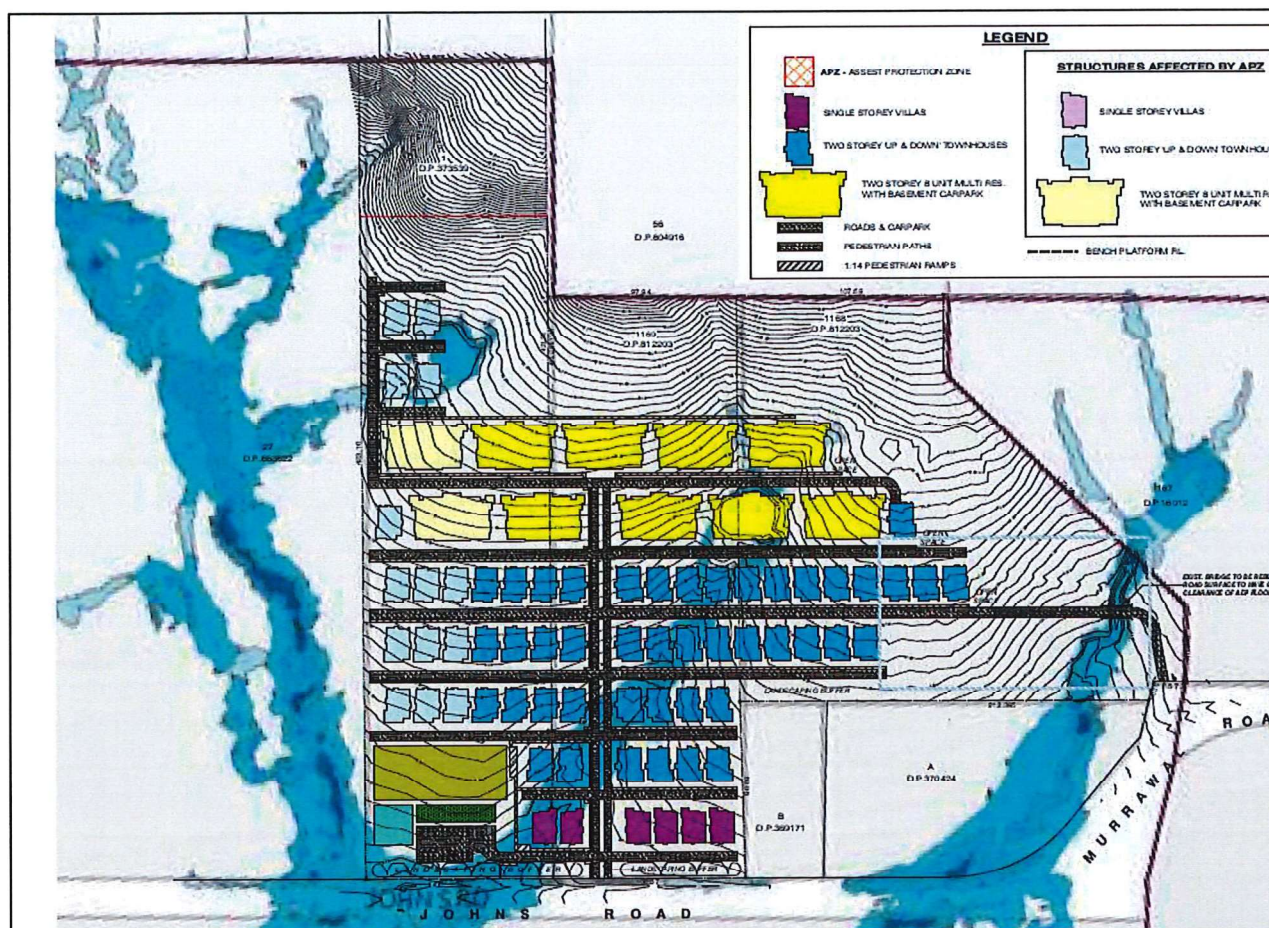


Figure 7: Proposed development with flooding affectation.

Bushfire

The site is identified as being bushfire prone, and the applicant has indicated that 60m and 40m bushfire asset protection zones (APZs) will be provided between the vegetation and future buildings (Figure 8, next page).

The location of development as shown in the site plan is inconsistent with the location of the APZ and includes approximately 16 buildings containing 44 units within the western APZ. The adjacent land at 137 Johns Road was recently rezoned, and a development application was granted consent to create 63 lots, including 58 residential lots, on 6 May 2019.

The proponent has advised that the approval of any units in the APZ would be contingent on consent being granted for the adjacent residential development and the construction of that estate to remove the bushfire risk or a separate easement for the maintenance of an APZ being negotiated with the 137 Johns Road site. The proponent has acknowledged that these units affected by the APZ could not be

included in any future development application until the bushfire threat in the APZ is resolved (Figure 9, next page).

Given the adjoining development application for subdivision at 137 Johns Road has been approved, a requirement should be added to the SCC requiring that Council be satisfied that bushfire management and APZs are appropriate for the proposed development.

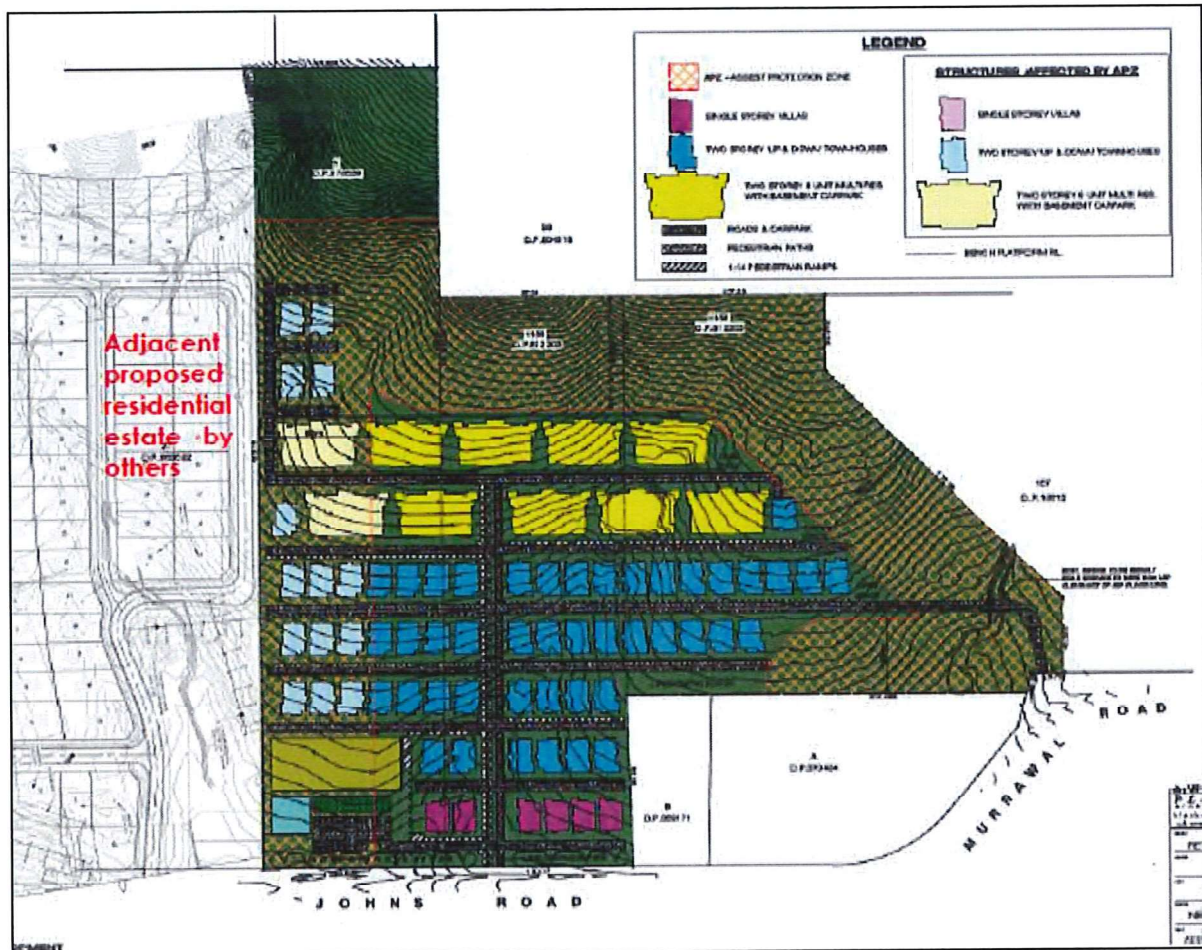


Figure 8: Proposed development affected by the 60m APZ on the western boundary.

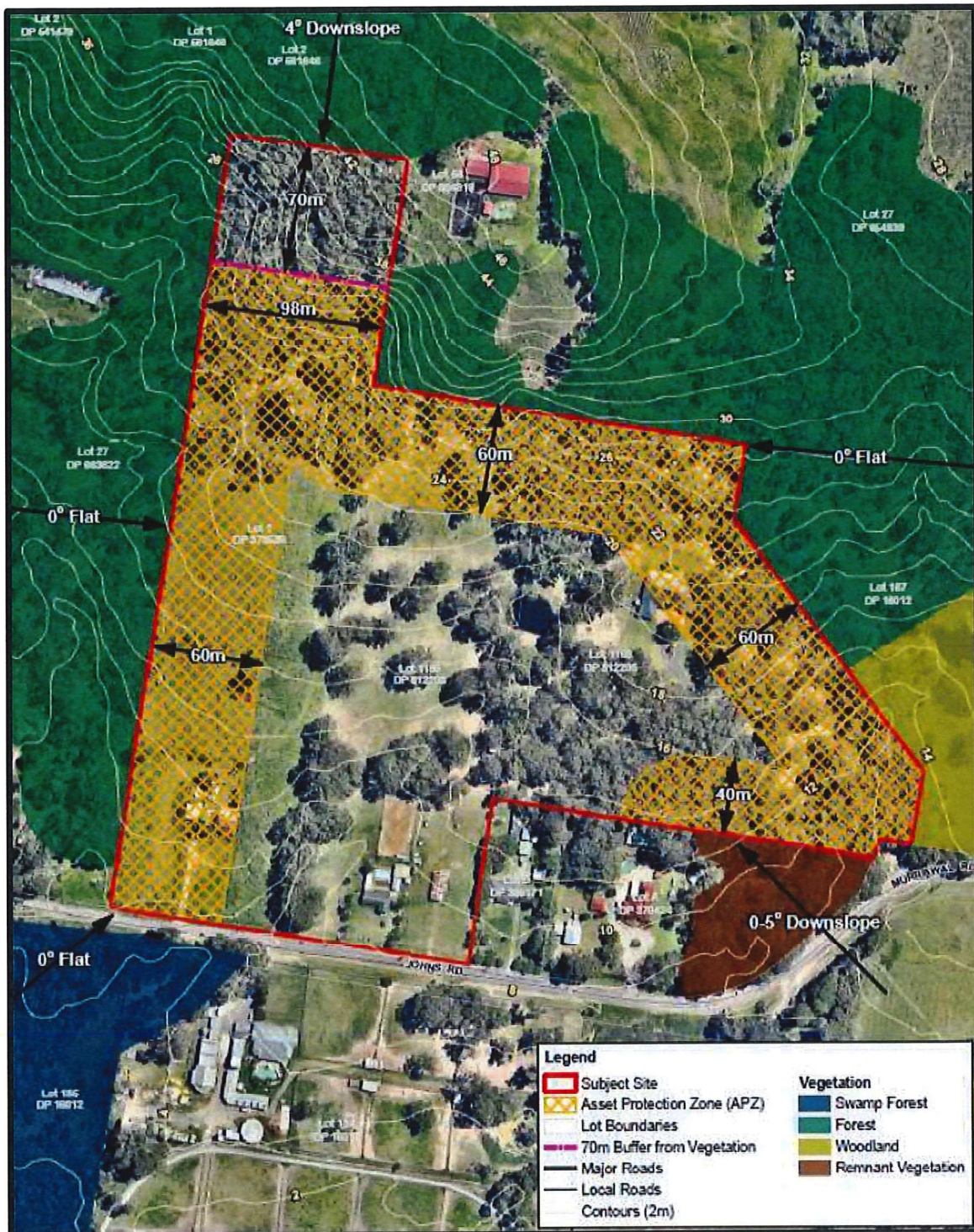


Figure 9: Proposed APZ within the site.

Existing and approved uses of land in the vicinity of the proposed development

The site is irregularly shaped and contains three lots. Two lots – 105 and 115 Johns Road – are not included in the SCC application. These are rural-residential lots and contain dwellings and ancillary structures.

A development application to establish two existing detached dwellings as a dual occupancy was approved by Council on 5 August 2016 at 105 Johns Road. Land located directly west of the site at 137 Johns Road, Wadalba was granted

development consent for a 63-lot subdivision, including 58 residential lots, by Council on 6 May 2019. An aged care facility is located at 100 Wahrenonga Road directly north of the site.

The land to the south and east is zoned RU6 Transition and contains dwellings on large lots, which are similar in character to the subject site. In the immediate vicinity of the site there are aged care facilities, assisted living facilities, a health centre and Wyong Public Hospital. A development application for 30 seniors serviced self-care dwellings under the Seniors Housing SEPP at 66 Wahrenonga Road, Kanwal was granted consent on 31 May 2019 and a development application for 58 serviced self-care dwellings under the Seniors Housing SEPP at 85 Wahrenonga Road, Kanwal was approved on 7 March 2019.

Council has advised that existing and approved uses include rural-residential and residential development comprising predominantly single dwellings and dual occupancy development. Council considers the proposed development would be a commensurate use with other development in the locality. There are several aged care and assisted living facilities and two development applications for seniors housing near the site. It is considered that the development of the site for seniors housing is compatible with existing and approved uses in the vicinity of the site (Figure 10, below).

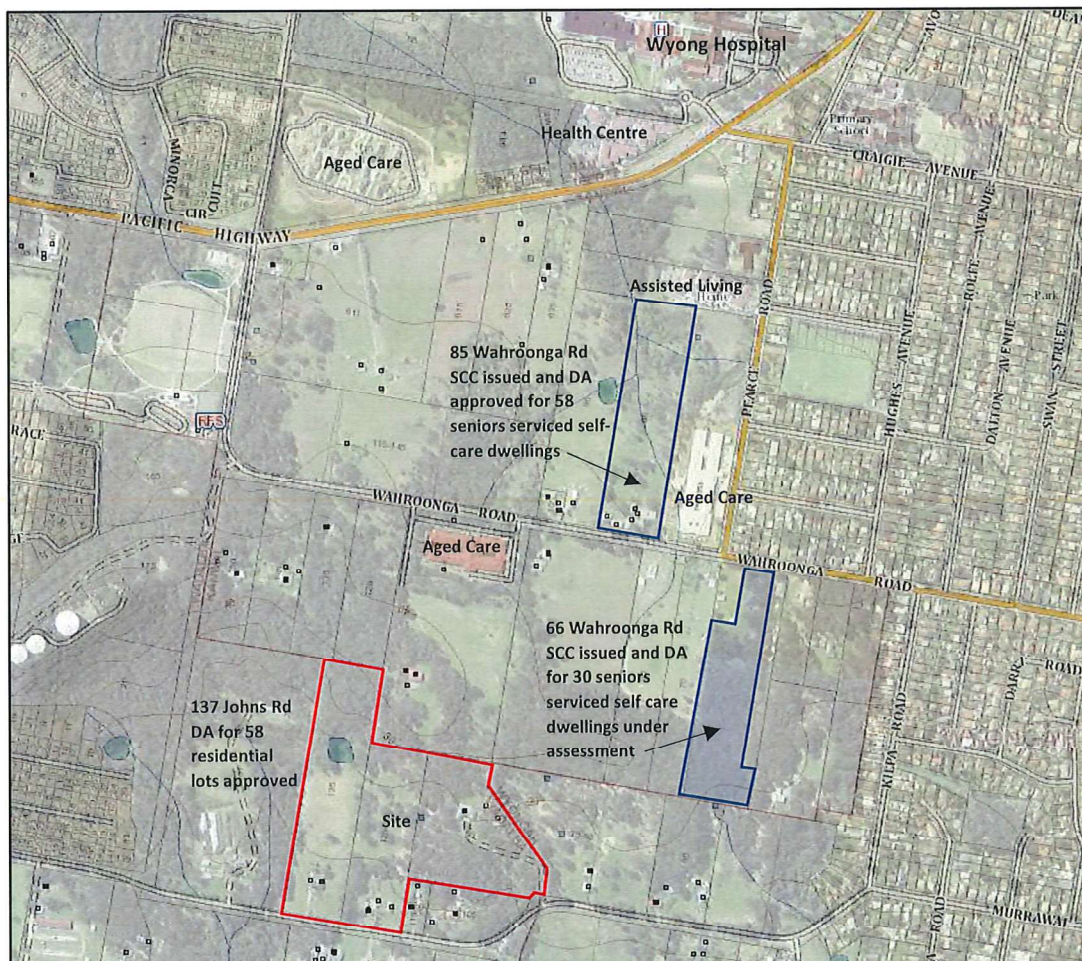


Figure 10: Existing and approved uses.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

Central Coast Regional Plan 2036

The Central Coast Regional Plan identifies the site as being within the Warnervale Wadalba Land Release Area. The development of the site for urban development is consistent with Goal 4 of the plan – A variety of housing choice to suit needs and lifestyles – and the following directions:

- 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; and
- Direction 21: Provide housing choice to meet community needs.

Given the Warnervale Wadalba Land Release Area is identified as an area for providing additional housing, developing the site for seniors housing is consistent with this outcome.

North Wyong Shire Structure Plan

The North Wyong Shire Structure Plan identifies the site as being within Precinct 3B Wadalba East (Figure 11, below), earmarking the land for residential development in the medium term (being land zoned within 15 years from 2012).

The structure plan identifies an estimated dwelling yield of 15 dwellings per hectare in Precinct 3B once it is 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 3B. The seniors development will progress in advance of other land in Precinct 3B and has the potential to limit future development options in relation to master planning development within Precinct 3B.

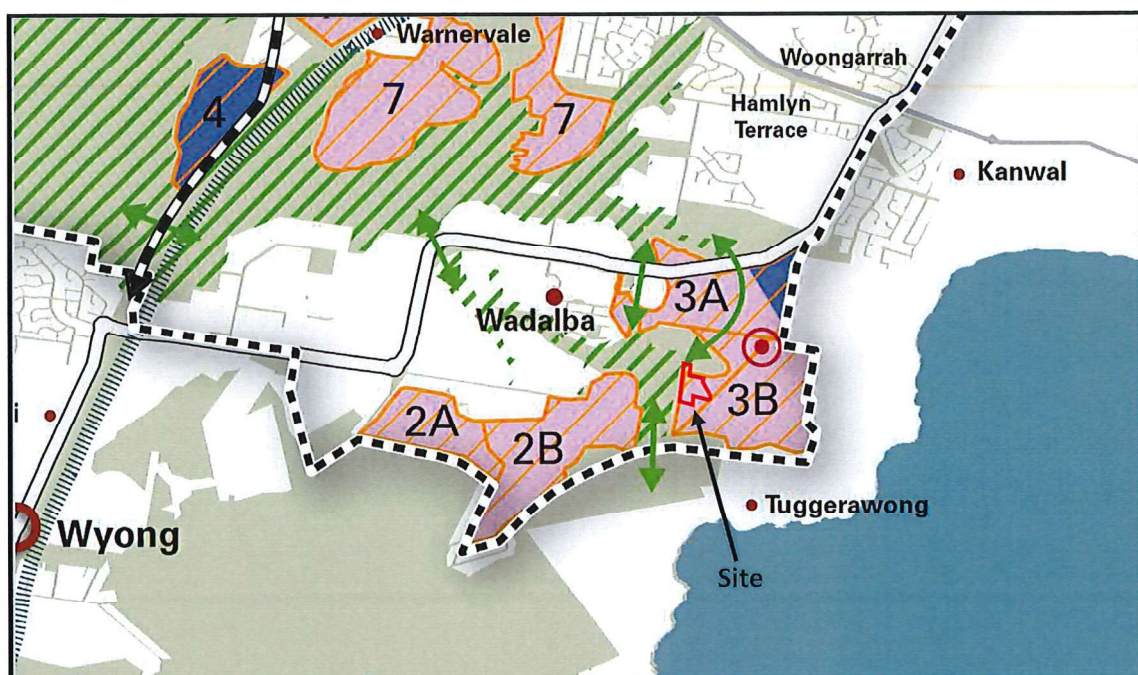


Figure 11: North Wyong Shire Structure Plan precincts.

Wadalba East planning proposal

A planning proposal to rezone land at Wadalba East for residential and environmental conservation purposes originally included Precincts 2A, 2B and 3B land release areas identified in the North Wyong Shire Structure Plan. The planning proposal was issued a Gateway determination in December 2013. The proposed zones are shown in the proposed zoning map (Figure 12, below) and included the land subject to this SCC application.

Following the issue of a Gateway determination, Council resolved to remove Precinct 3B and an Alteration of Gateway determination was issued in October 2015 to progress only Precincts 2A and 2B due to funding issues within the landowner group in Precinct 3B (Figure 13, next page). The Wadalba East planning proposal is anticipated to be finalised in March 2020 and is expected to provide approximately 1200 residential lots. The land in Precinct 3B that was removed from the planning proposal retained its zoning and it was envisaged by Council that a separate landowner-funded planning proposal would be initiated to rezone Precinct 3B. However, this has not happened.

Given the proposed seniors housing development can deliver housing in the short term at a higher density to that envisaged in the North Wyong Shire Structure Plan, it is considered there is sufficient justification to progress the proposed development for seniors housing.

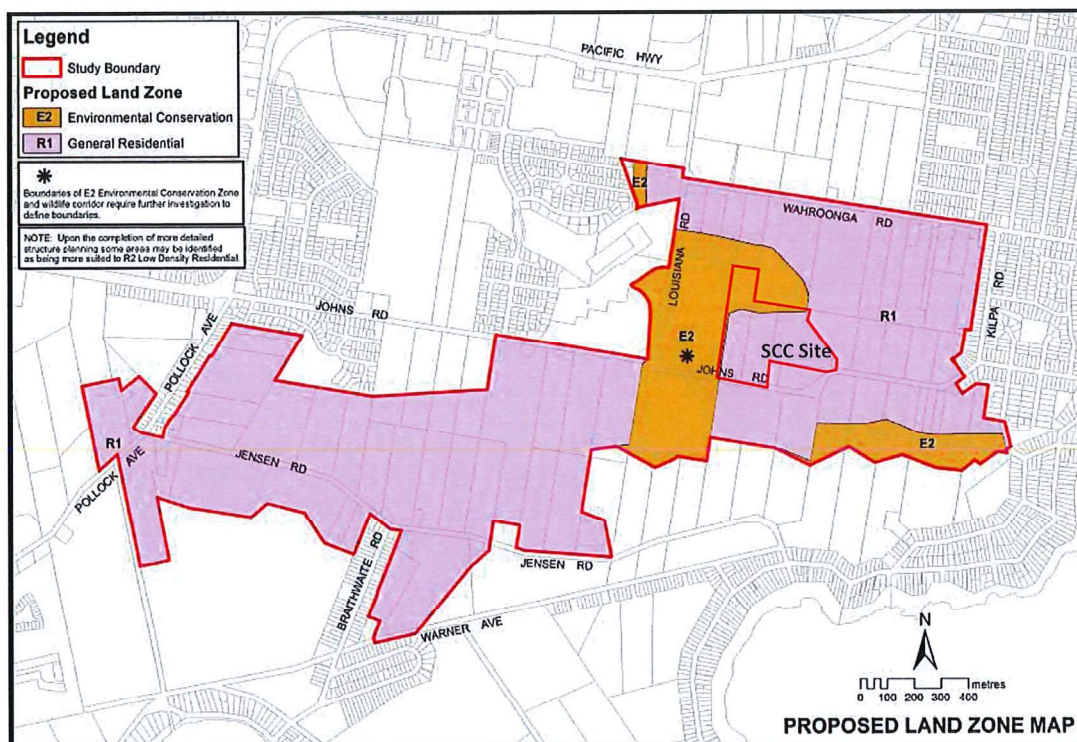


Figure 12: Wadalba East rezoning, with Precinct 3B included.

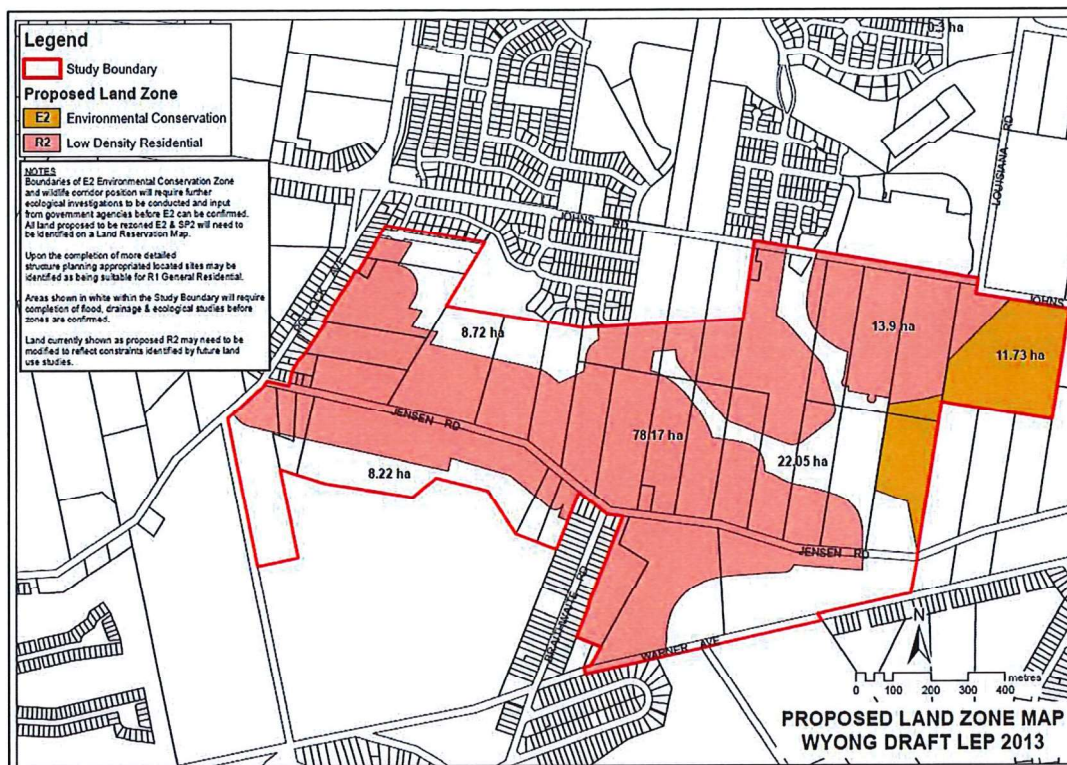


Figure 13: Proposed zoning map, with Precinct 3B removed.

Wyong Settlement Strategy

The land is identified in Council's settlement strategy as Development Precinct No 3B Wadalba East for future residential land use. Council estimates the precinct will provide 725 dwellings, reflecting the outcomes of the North Wyong Shire Structure Plan. Given the proposed seniors housing development has the potential to provide up to 202 dwellings in Precinct 3B and the timing of a landowner-initiated planning proposal to rezone land in Precinct 3B is uncertain, the seniors housing development will assist in providing additional housing in the interim.

Wyong Local Environmental Plan 2013

The site is zoned RU6 Transition under the Wyong LEP 2013 and a minimum lot size of 40ha applies to the land, limiting the intensity of development. The RU6 Transition zone prohibits seniors housing. The 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 or Wyong Settlement Strategy.

The surrounding land is generally zoned RU6 Transition to the north, south and east, with R2 Low Density Residential development to the west of the site. If the land was not developed for seniors housing, then it is likely the site would continue to be used for rural-residential purposes similar to other land uses nearby until the land is rezoned.

Council's comments note the site is identified in the Central Coast Regional Plan as an urban release area adjacent to the Wyong Hospital precinct and is proximate to hospitals and other services and facilities. Council considers the area is suitable for facilitating an aged care facility and is compatible with existing, approved and future development near the site.

Given the proposed development can deliver additional seniors housing in an area identified in the Central Coast Regional Plan, the North Wyong Shire Structure Plan, Council's settlement strategy and the Wyong LEP 2013 for future residential purposes, the proposed retirement village is considered to be consistent with the likely future uses of that 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))

Location and access to facilities

The SCC application states the site is 7km from Tuggerah Shopping Centre, 6.2km from Wyong Plaza, 5.8km from Lake Haven Shopping Centre, 3.7km from Kanwal shopping village and 2km from Wadalba Shopping Village, which provide a range of supermarket, retail, community and banking services. The application also states that medical services are located at Wadalba Shopping Village, and Wyong Public Hospital is 2.6km from the site. Given the site's location, there are sufficient services in centres to meet the demands that would be generated by the proposed development.

A bus stop is located approximately 20m east of the site on Johns Road and is served by Busways route 81, which operates regular transport connections between Lake Haven and Wyong-Tuggerah shopping and business precincts, including Wyong Station. The applicant's report identifies there is no pedestrian footpath linking the subject site to the bus stop. However, the developer intends to provide a footpath as part of the development and a bus service for residents.

The gradient of the Council verge adjacent to the site is flat and can comply with the Seniors Housing SEPP once a path is constructed. It is considered that the proposal can comply with the requirements of clause 26(2)(b)(iii) of the SEPP in respect of the site's location and access to facilities.

Traffic

The traffic advice submitted with the application considered the cumulative impacts of traffic generated by two sites at 66 and 85 Wahroonga Road, which have both received SCCs and provide for 88 seniors housing units in total. The traffic report concluded the Wahroonga Road sites and the Johns Road site use different parts of the local road network and there would be no cumulative impact on the local road network. The sites at Wahroonga Road primarily use Wahroonga Road to access the sub-arterial road network at the Pacific Highway near Louisiana Road, whereas the subject site would use Orchid Way to the west to access the Pacific Highway.

The traffic report considered the cumulative impacts of the Wadalba East planning proposal and the seniors development on the capacity of the Pacific Highway, Pollock Avenue and Orchid Way to 2029 and concluded that traffic volumes remained below the road capacity. The report also considered intersection capacity impacts and indicated the development's contribution would be negligible and would not adversely affect the operation of the intersections.

The traffic advice concluded that the seniors living development would not adversely impact the local and state road networks, even considering the cumulative impacts of other known developments in the area. The advice is preliminary and, given that a

detailed traffic assessment for the proposal would be required at the development application stage, it appears that cumulative impacts of traffic generated by the proposed seniors development would not adversely affect the local and state road networks.

Infrastructure

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 the 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.

Water

The applicant has provided a preliminary water and wastewater servicing assessment and indicates there is a water main that runs along the frontage of Johns Road that will have sufficient capacity to service the development. Council confirmed the water main is located in the road frontage adjacent to the front boundary. However, any new access will require augmentation to replace the existing pipe with a PVC pipe.

Sewer

Regarding wastewater services, the applicant has indicated the site is 300m east of the closest sewered point in Johns Road. The proponent has also indicated that Council has confirmed there is adequate supply to receive effluent at a nearby sewer pump station approximately 700m west of the site in Johns Road.

The proponent also stated in the cumulative impact study that there is adequate capacity to receive effluent at sewer pump station CH26, noting this will be decommissioned and will gravitate to the main WELOG pump station south of Johns Road. The study indicated a preference to install a pressure sewer system and pump directly to the sewer pump station at CH26, noting that this does not rely on the timing of adjacent works proposed for a temporary pump station at 137 Johns Road or the Wadalba East urban release planning proposal.

Council provided revised comments in relation to sewer servicing and has advised it will not accept any further temporary sewer servicing, and the proposed development shall provide a gravity sewer to WWPS 3 proposed in the sewer servicing strategy identified for the WELOG site south of Johns Road. The proposed sewer strategy is to be in accordance with the adopted development servicing plan.

The proposed development would need to align with the proposed wastewater pump station planned for the WELOG site after it has been rezoned, which is anticipated to be in early 2020. Although Council has limited the options available to the proposed development, should an SCC be issued it should include a requirement that Council be satisfied the proposed provision of sewer services is adequate to service the development and appropriately addressed in a future development application.

Given the site's location adjacent to an urban area, any augmentation or provision to water, sewer, stormwater, electricity, gas, or telecommunications capacity can be addressed at the development application stage with the relevant infrastructure service providers.

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))

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

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))

Bulk, scale and built form

The proposed developments on the site consist of six single-storey villas, 58 two-storey villas, or 10 two-storey eight-unit multi-residential blocks with basement parking, as well as a community centre and pool. The proponent has indicated heights for the two-storey villas would be 5.992m and the two-storey multi-unit blocks 7.935m.

The amount of fill required to accommodate the proposed development and meet a 1:14 grade access path ranges between 0.5m near Johns Rd and 5.5m to the rear of the site due to the need for vehicular and pedestrian entry at street level for a two-storey townhouse design. The villas and townhouses are generally consistent with surrounding one-storey and two-storey dwellings.

The SCC application has identified a proposed floor space ratio of 0.36:1 on the site, with site coverage of 35.8% over the 10.7ha site. The proposal will contain 74 structures comprising 202 dwellings in the form of single-storey villas, two-storey up-and-down townhouses and two-storey multi-residential unit blocks. The scale and density of the proposed development are not inconsistent with recent residential developments to the west of the site along Johns Road and are considered compatible in terms of bulk, scale and built form.

Character

The character of the area is established by the prevailing land uses in the vicinity of the site, being largely large-lot rural-residential uses, aged care facilities and more intensively developed residential lots to the west. The area is identified as an urban release area and it is envisaged that future development proposals within the vicinity of the site (e.g. the Wadalba East rezoning) will continue to provide more residential lots and land for environmental conservation purposes. The proposed retirement village in this locality would not be inconsistent with the character of existing, approved and future uses in the vicinity.

Impact on existing, approved and future uses in the vicinity of the development

The proposed development is located over three lots. It would have been preferable if the applicant had included the two adjoining sites to the south at 105 and 115 Johns Road to round off the development site. However, these sites were not included in the proposed development for seniors housing. These sites contain a dwelling and a dual occupancy.

The development proposal locates a one-storey villa and two two-storey townhouses along the western boundary on 115 Johns Road. The proposed development includes a landscape buffer zone of approximately 20m between five two-storey

townhouses from the northern boundary of 105 and 115 Johns Road. Land to the west at 137 Johns Road has been approved for a residential subdivision.

Given the proposed development contains dwellings and unit blocks under 8m in height, any amenity, overlooking or privacy impacts associated with the proposal could be managed with development consent conditions. The proposed development is not inconsistent with existing, approved and future uses 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* has been repealed and replaced by the *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013*. As discussed earlier in this report, it is considered that concerns regarding native vegetation, the appropriate level of clearing and any offsets that may be required in accordance with the requirements of the *Biodiversity Conservation Act 2016* can be considered and managed at the development application stage should an SCC be issued.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

The SCC application considered the cumulative impacts of two current SCCs proximate to the site. However, during the course of the Department's assessment of the SCC application, development applications for the SCC sites at 66 Wahroonga Road, and 85 Wahroonga Road, Kanwal were approved. Therefore, in accordance with clause 2B of the Seniors Housing SEPP, a cumulative impact study would not be required.

However, given there are several proposed developments in the vicinity (i.e. proposed rezonings, an approved development application for a residential subdivision and recent SCCs for seniors housing), the applicant's consideration of the cumulative impacts of the proposal is considered appropriate. In summary, the cumulative impact study identified:

- seniors living developments typically have less demand and fewer impacts on infrastructure than conventional residential development;
- two sites at 66 and 85 Wahroonga Road, Kanwal that are within 1km of the subject site are separated from the site by a vegetated ridgeline on the rural fringe of the village at Kanwal rather than the urban edge of Wadalba. They provide for 88 independent living units of the 2300 dwellings forecast to be provided in the urban release Precincts of 2A, 2B, 3A and 3B of the North Wyong Shire Structure Plan;
- the proposed development will not adversely impact on the local and state road networks, considering the cumulative impacts of other developments in the area and noting the local road network will require upgrades as the urban release area develops;
- water and sewer services with some augmentation, in consultation with the relevant utility providers, can be addressed at the development application stage; and
- the Wadalba East planning proposal considered a broad range of planning matters including: traffic impacts; water and waste servicing strategy; open

space analysis; bushfire risk assessment; social impacts; infrastructure upgrades in the vicinity of the site, including upgrades to intersections along Johns, Pollock and Jensen Roads; water and sewer upgrades, including three new sewer pump stations; and additional public recreation areas and sporting fields all within the vicinity of the site.

It is considered that the cumulative impacts associated with the proposal are limited and would not preclude the issuing of an SCC.

CONCLUSION

The issue of an SCC, subject to requirements, 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 residential purposes. It will assist in providing additional housing for the projected seniors population on the Central Coast;
- the site is suitable for more intensive use and for the provision of serviced self-care housing units, having regard to the criteria set out in clause 25(5)(b) of the Seniors Housing SEPP;
- it will provide a well-located seniors housing development in the Central Coast region near public transport networks, which provide access to health, retail, banking and other facilities and services in local and town centres;
- issues regarding biodiversity impacts, flooding, bushfire and asset protection zones and the provision of sewer services can be suitably addressed at the development application stage by the local consent authority; and
- including requirements in schedule 2 of the SCC will ensure that biodiversity, flooding, bushfire and asset protection zone requirements and the provision of sewer services are appropriately considered, noting the need for the development to be compatible with the surrounding environment through the consent authority's assessment of any future development application.

ATTACHMENTS

Attachment A – Letter to panel advising of application

Attachment B – SCC application package

- SCC application form
- Owner's consent
- Proponent's planning report

Attachment C – Council comments

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