

12 April 2018

Mr Trent Wink
Hunter & Central Coast Region – Hunter Office

Dear Trent,

**Subject Site Compatibility Certificate Application for Seniors Housing Development
 at Lot 1 DP 589189, No. 361 Freemans Drive, Cooranbong**

This correspondence is in reference to the NSW Department of Planning and Environment's correspondence in relation to the Site Compatibility Certificate (SCC) Application lodged under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Council is in receipt of a development application for an 87 bed residential care facility at 361 Freemans Drive, Cooranbong (refer to DA/357/2018 via Council's Application Tracking). This application is still being considered by Council and any issues expressed in this correspondence are likely to accord with issues associated with the development application assessment.

Council officers have prepared this submission and the concerns expressed in the attached Schedule are therefore the collective views of Lake Macquarie City Council. The Department is requested to take these comments into consideration when considering the determination of the Site Compatibility Certificate.

Should you have any questions regarding this correspondence, please contact the undersigned on 02 4921 0358 or via email at aregado@lakemac.nsw.gov.au

Yours faithfully



Amy Regado
Acting Senior Development Planner
Development Assessment and Compliance

Schedule of Issues

Council's staff general comments and consideration to the provisions of Clause 25(5) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is detailed hereunder.

Strategic planning

Council has concerns over the consistency of the proposal with the RU2 zone objectives.

Whilst the site is an undersized parcel, the predominate land use surrounding the site is RU2 Rural Landscape (also acknowledging the adjoining approved seniors housing development). The proposed development outcome would not be consistent with the expected neighbourhood amenity and streetscape for RU2 development.

Flooding

The site is identified as a Flood Control Lot – High Hazard. Council previously advised during prelodgement consultation that habitable floor levels are required to be set at, or above the Probable Maximum Flood Level (PMF), which is 8.45m AHD (derived from the *Dora Creek Flood Study 2015*) for the site. This provision does not apply to non-habitable areas (i.e. car parking and services), which are subject to floor levels of 5.03 metres AHD (500mm above the 100 year AEP flood level).

Where development of the site for the proposed use is supported, all habitable floor levels of any units/buildings will be required to be constructed at or above the site-specific Probable Maximum Flood (PMF) level. The plans submitted with the development application appear to meet the specified levels.

Further, Council is not supportive of on-site disposal given historical issues within the locality of downstream flooding. Council will be seeking detention on site and then disposal by pipe through a drainage easement to a suitable discharge point. This is a matter that can be resolved within the development application assessment process, however is highlighted for the Department's information.

Flora and fauna

Native vegetation in the northeast corner of the site has been protected, as per Council's request during pre-lodgement consultation.

The site contains foraging habitat for native birds, bats and arboreal mammals. Negligible impact to foraging habitat is anticipated.

The native groundcover has been previously cleared and grazed. The likelihood of threatened flora occurring is low.

Approximately 15 trees comprising landscape/exotic species such as palm trees are proposed to be. One native blackbutt in close proximity to the building, and one near the proposed access, are also nominated for removal.

One hollow-bearing tree containing multiple small hollows has been identified on the site, near the proposed access, and is identified for removal. Nest boxes can be provided to compensate for the loss of this tree.

Native vegetation at the site occurs on the Dora Creek floodplain, but does not form part of a corridor in Council's Native Vegetation and Corridor Map v1 (2011).

A watercourse occurs in the southeast of the site. Associated riparian vegetation is characteristic of a degraded form of river-flat eucalypt forest, an endangered ecological community (EEC) listed on the Biodiversity Conservation Act /Threatened Species Conservation Act (TSC Act/BC Act). No impacts are proposed in this area.

The application is therefore unlikely to result in a significant impact to threatened biota listed on the TSC Act/BC Act and a species impact statement is not required.

Creeks and Watercourses

A watercourse is located in the south-east of the site however no development is proposed within this area of the site.

Further, the stormwater management plan proposes adequate water quality quantity controls that meet Council's treatment requirements. No adverse impacts on the watercourse are foreseen.

Council staff raise no objections in this regard.

Aboriginal Heritage

The site is affected by the Sensitive Aboriginal Cultural Landscape under LM LEP 2014 and as mapped in the Lake Macquarie Aboriginal Heritage Management Strategy.

The information submitted to date does not address Council's requirements and does not provide sufficient information to enable the assessment/consideration of potential impact of the proposal on Aboriginal Heritage.

Council requires a Due Diligence/Aboriginal Heritage Impact Assessment to be submitted to enable further assessment/consideration of potential impact of the proposal on Aboriginal Heritage.

Further, Council require as part of the DA, referral of the Aboriginal Heritage Assessment report to the registered Aboriginal community groups for comment for 28 days. This will be undertaken upon the receipt of the above.

Visual Impact

The site is located within Scenic Management Zone 11 (hinterland with limited settlement) as per the *Lake Macquarie Scenic Management Guidelines 2013*.

The retention of existing trees is critical in mitigating boundary visual issues and the documentation submitted confirms retention of vegetation.

Council support the extension of the tree canopy along the entire frontage and within proximity to the creek. However, the management of these area beneath retained trees as turf is not supported. This is a matter that can be resolved via conditions of consent as part of the development application process.

Building height

Council are currently undertaken an assessment of the proposed building height variation as specified within the documentation accompanying the application. It is acknowledged the building height variation represents a departure of more than 10%.

As per the Department's Planning Circular PS-17-006, the building height variation will be considered by full Council as part of Council's determination of the development application.

**State Environmental Planning Policy (housing for Seniors or People with a Disability)
2004 – Clause 25 Application for site compatibility certificates**

Regarding the proposal's consistency with the criteria of Clause 25(5) (b) of the SEPP, the following comments are provided:

- (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.*

Please refer to previous comments in this correspondence regarding flooding, flora and fauna, creeks and watercourses and Aboriginal heritage.

It is also acknowledged that the site is subject to bushfire constraints which need to be taken into consideration.

- (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,*

Please refer to previous comments in this correspondence regarding strategic planning.

- (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,*

It is acknowledged the application seeks to provide facilities for in-house services, or transportation to required services within the nearby Cooranbong, Avondale and Morisset suburbs.

Council is likely to recommend additional bus shelters and footpaths be provided as part of the development application process.

- (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 predominate land use surrounding the site is RU2 Rural Landscape (also acknowledging the adjoining approved seniors housing development). The proposed development typology would not be consistent with the expected neighbourhood amenity and streetscape for RU2 development.