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## Compatibility Certificate Application Lot 1 DP 776302 Hayes Lane, Taree



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## Document Details

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Signed: 

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## 1. Introduction & Background

This Site Compatibility Certificate (SCC) application has been prepared in accordance with the provisions of Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP). The SCC application is to facilitate the preparation of a development application as required by Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000, to be lodged with Midcoast Council for a Seniors Housing Development consisting of 140 dwellings and associated facilities.

The subject land adjoins urban zoned land, and has been considered in regards to the criteria specified in Clause 25(5)(b) of the Seniors Housing SEPP.

## 2. Proposal

The proposal is to develop a Seniors Housing, residential development on a portion of the subject land. The Concept Site Plans are attached with this application. The total number of dwellings is proposed to be 140 units. The Seniors Housing will be supported by Community Facilities provided on site.

The development will be primarily single storey in height, with increased building height for the Community Facilities buildings, where required.

The residential dwellings will be well setback from the adjoining residential streets, and have adequate area for landscaping on the site. Parking and access to the land may readily be accommodated, with the adjoining streets having long sight distances.

Future residents will have immediate access to a range of services and facilities provided for residents in this locality.

### 3. Subject Land

The subject land may be identified as Lot 1 DP 776302 located at Hayes Lane, Taree. The land has frontage to both Edinburgh Drive and Hayes Lane. The location of the land in relation to the Taree centre is as shown on the following map extract.

Figure 1: Locality Map



#### Historic Use of Subject Land

The subject land has been used for horse grazing purposes. The site does not contain any known European heritage items. An extensive search on the AHIMS register did not identify any known Aboriginal heritage items on the subject land.

#### Physical description of Subject Land

The topographic map for the locality shows a stream across the eastern corner of the property but no other designated streams on the land. The land has been cleared and developed for grazing purposes and contains a dwelling-house and

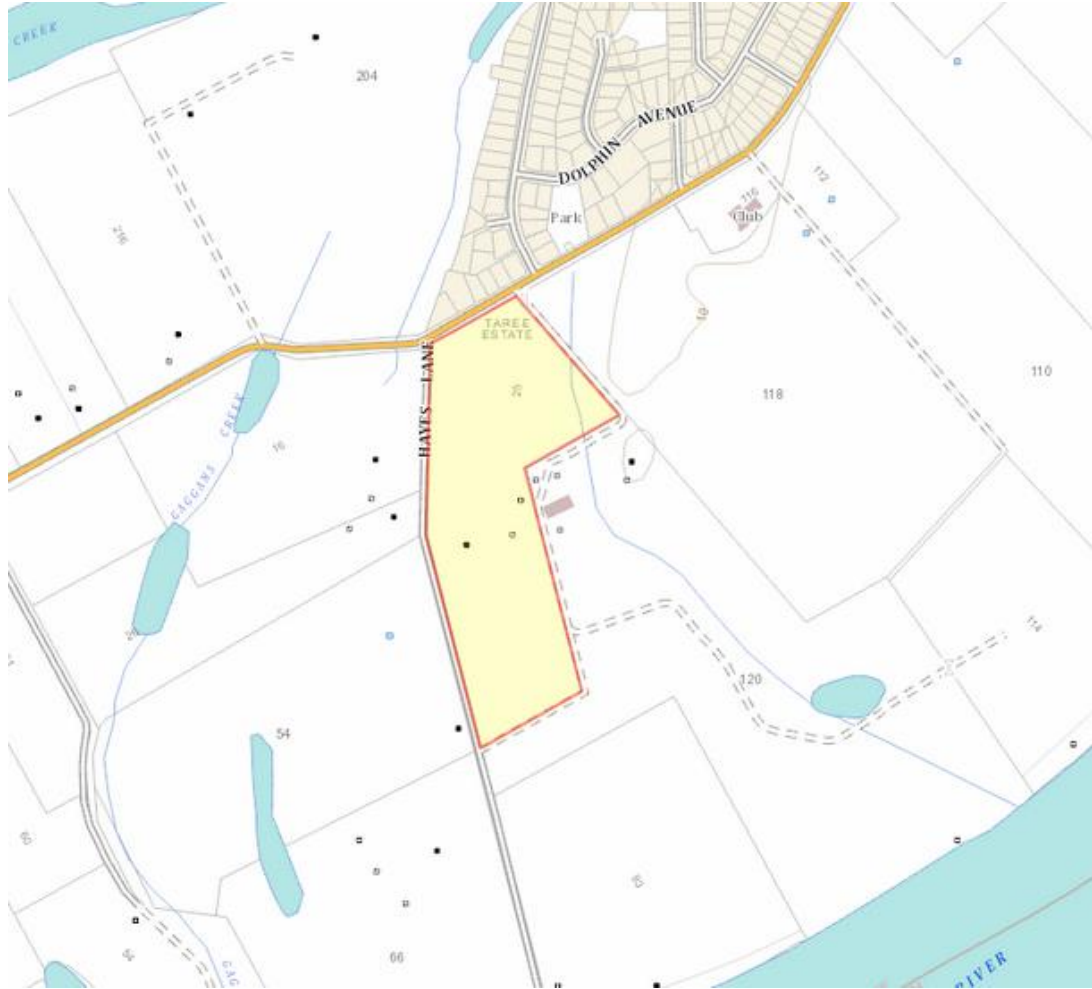


several rural buildings and agricultural infrastructure. Development consent was issued by Greater Taree Council for the use of the land as an animal boarding and training establishment, and it is evident that this is the existing and ongoing landuse conducted on the subject land.

Figure 2: Aerial image of subject land



Figure 3: Topographic map extract showing subject land



## 4. Relevant Legislation

### 4.1 Local Environmental Plan

The subject land is zoned RU1 – Primary Production under the provisions of the Greater Taree Local Environmental Plan 2010 (LEP 2010).

Figure 4: Zone map extract with subject land bounded in red



This zoning permits a number of landuses, subject to Council consent. These are set out in part 3 of the landuse table as shown below.

#### **Zone RU1 Primary Production**

##### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.



- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit small scale rural tourism uses associated with primary production and environmental conservation with minimal impact on primary production and the scenic amenity of the area.
- To maintain the rural landscape character of the land.
- To protect and enhance the native flora, fauna and biodiversity links.

## **2 Permitted without consent**

*Extensive agriculture; Forestry; Home occupations; Intensive plant agriculture*

## **3 Permitted with consent**

*Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Funeral homes; Helipads; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Open cut mining; Roads; Roadside stalls; Rural industries; Rural workers' dwellings*

## **4 Prohibited**

*Livestock processing industries; Any other development not specified in item 2 or 3*

It is important to note that dwellings are a permissible landuse.

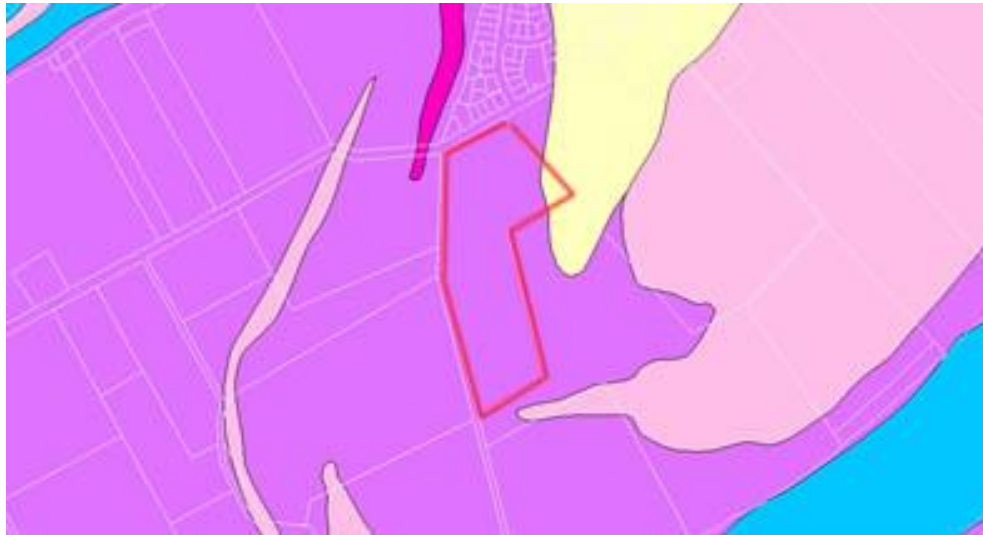
The minimum lot size for this land is 40ha. The subject land is already less than this minimum area. An extract from the minimum lot size map is shown in the following figure with the subject land bounded in red. The land to the north of the subject land is residential and a lot size of 450m<sup>2</sup> is permitted.

Figure 5: Minimum lot size map extract



The subject land is also mapped as containing class 4 and class 5 acid sulphate soils, as is the existing residential estate to the north of the subject land. This simply requires an assessment of the soils should earthworks be proposed which would involve works more than 2m below the natural surface or which would lower the watertable by more than 2m.

Figure 6: Acid sulphate soil map extract (Class 5 = yellow; Class 4 = purple)



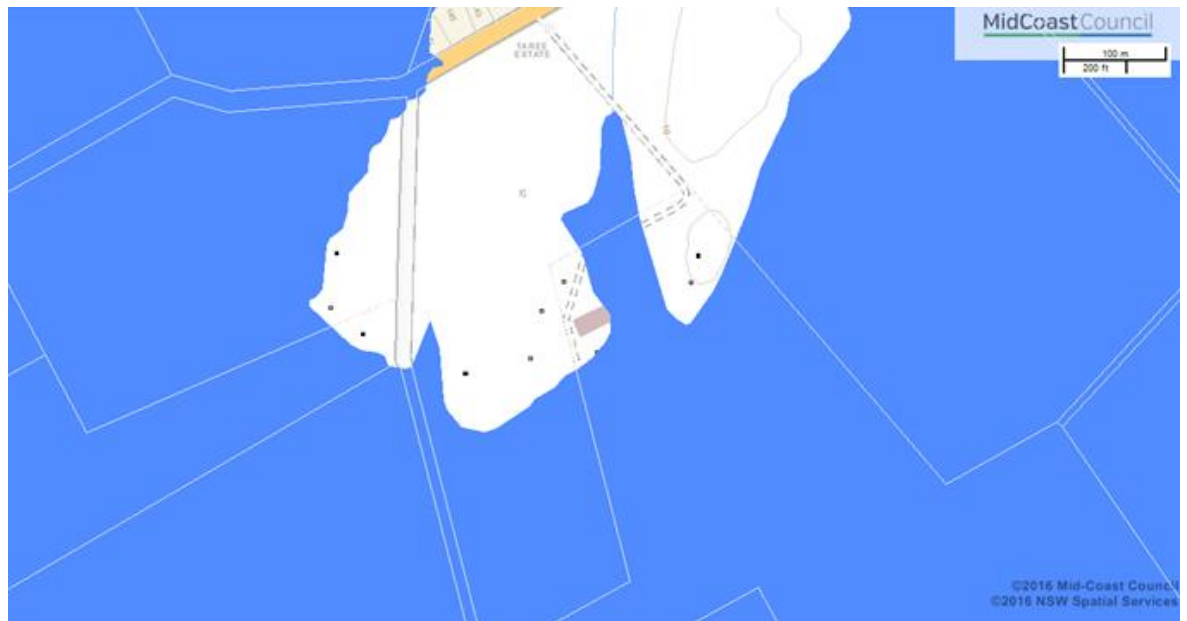
The subject land has been mapped as being partially floodprone. The flood map extract shows the northern portion of the subject land (which is the area of the proposed Seniors Housing) is primarily flood free. However, the mapping triggers clause 7.2 in LEP 2010 which requires the consent authority to be satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

More detailed flood analysis may be undertaken as part of the development application, and in accordance with the provisions of clause 7.2 of the LEP.

The flood mapping is shown in the following plan. The northern portion of the land is not floodprone. It is important to note that Edinburgh Drive is mapped as flood free and thus provides a suitable evacuation route.

**Figure 7: Flood mapping detail plan**



The subject land is not identified as bushfire prone. The land is well separated from any areas of bushfire hazard as may be seen on the following map extract.

**Figure 8: Bushfire Prone Land map extract - Subject Land shown by red pin and shaded**



## 4.2 Seniors Housing SEPP

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 permits the development of Seniors Housing on land which adjoins urban zoned land, subject to a number of criteria. This includes the issuing of a Site Compatibility Certificate. In regards to the SEPP, it is relevant to note that dwellings are a permitted use on the subject land and the land is not identified as floodway or high flooding hazard flood.

The development proposal relies on the provisions of the Seniors Housing SEPP relating to development on land adjoining land zoned primarily for urban purposes. Clause 17 of the SEPP states as follows:

**17 Development on land adjoining land zoned primarily for urban purposes**

*(1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:*

- (a) a hostel,*
- (b) a residential care facility,*
- (c) serviced self-care housing.*

*(2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:*

- (a) for people with a disability, or*
- (b) in combination with a residential care facility, or*
- (c) as a retirement village (within the meaning of the Retirement Villages Act 1999).*

*Note. Clause 13 (3) defines serviced self-care housing as seniors housing that consists of self-contained dwellings where meals, cleaning services, personal care and nursing care are available on site. Clause 42 requires the consent authority to be satisfied that residents of such housing have reasonable access to services. Clause 42 also provides that if services are limited to those provided under Government provided or funded community based care packages, this does not constitute reasonable access to services.*

The proposal is for serviced self-care housing to be undertaken as a retirement village, and therefore the provisions of Clause 17 are satisfied.

The subject land adjoins land zoned for urban purposes and requires a Site Compatibility Certificate as the first stage of the development assessment process. The relevant provisions of the Seniors Housing SEPP are set out as follows:

**Part 1A Site compatibility certificates****24 Site compatibility certificates required for certain development applications**

*(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:*

*(a) the development is proposed to be carried out on any of the following land to which this Policy applies:*

- (i) land that adjoins land zoned primarily for urban purposes,*
- (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*
- (iii) land that is used for the purposes of an existing registered club, or*

*(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*

*(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.*

*(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion:*

- (a) the site of the proposed development is suitable for more intensive development, and*
- (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).*

**Note.** *Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate.*

*(3) Nothing in this clause:*

- (a) prevents a consent authority from:*
  - (i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or*
  - (ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority’s own assessment of the compatibility of the proposed development with the surrounding environment, or*
- (b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.*



**Note.** *Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50.*

**(4) (Repealed)**

The proposal is consistent with the provisions of Clause 24 such that the subject land adjoins land zoned for urban purposes, as Edinburgh Drive, which adjoins the subject land to the north, as well as the residential properties to the north, are zoned R1 – General Residential under the provisions of the local LEP. Thus, a Site Compatibility Certificate is required for the proposal. The process for the Certificate is set out in Clause 25 of the SEPP as follows:

**25 Application for site compatibility certificate**

*(1) An application for a site compatibility certificate for the purposes of clause 24 may be made to the Director-General:*

- (a) by the owner of the land on which the development is proposed to be carried out, or*
- (b) by any other person, with the consent of the owner of that land.*

*(2) An application must be:*

- (a) in writing, and*
- (b) in the form (if any) approved by the Director-General from time to time, and*
- (c) accompanied by such documents and information as the Director-General may require.*

**Note.** *Clause 262A of the Environmental Planning and Assessment Regulation 2000 provides for the maximum fee for an application for a site compatibility certificate.*

*(3) Subject to subclause (4) (b), the Director-General must provide a copy of the application to the General Manager of the council for the area in which the development concerned is proposed to be carried out (the relevant General Manager) within the period of 7 days after the application is made.*

*(4) Subject to subclause (5), the Director-General:*

- (a) may determine the application by issuing a certificate or refusing to do so, and*
- (b) if the Director-General refuses to issue a certificate at any time within the period of 7 days after the application is made—is not required to comply with subclause (3).*

*(5) The Director-General must not issue a site compatibility certificate unless the Director-General:*

- (a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and*
- (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
  - (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,*

- (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,*
  - (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,*
  - (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,*
  - (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,*
  - (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.*
- (6) Without limiting subclause (4) (a), the Director-General may refuse to issue a certificate if the Director-General considers that the development is likely to have an adverse effect on the environment.*
- (7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.*
- (8) The Director-General must, if it is reasonably practicable to do so, determine an application within 35 days after it is lodged.*
- (9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General.*
- (10) The provisions of subclauses (3) and (5) (a) do not apply in relation to the determination of an application for a site compatibility certificate if the Director-General has delegated the function of determining the application to the council for the area in which the development concerned is proposed to be carried out.*
- Note.** *Section 23 of the Act enables the Director-General to delegate to a council any of the functions of the Director-General imposed or conferred by or under the Act or any other Act.*

As noted above, the Director General must consider the criteria set out in Clause 25(5) in the assessment of a Site Compatibility Certificate. Each of these matters are considered in relation to the subject land and the proposed Seniors Housing development, as follows:

- (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.*

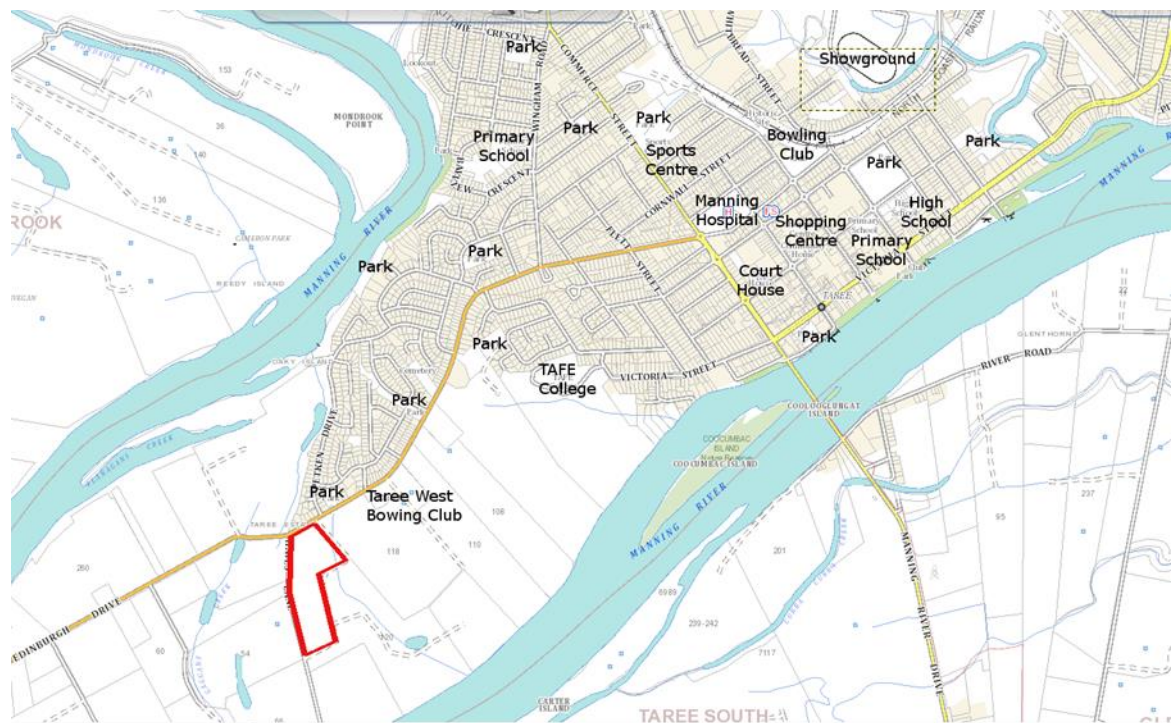
The natural environment of the subject land has been significantly altered to reflect the long term farming uses in this area. The land is divided into a number of paddocks and it is evident that pasture is the predominant vegetation classification of the land. The aerial information and site inspection did not identify any areas of the subject land which were considered to contain significant environmental areas.

The subject land has been approved as an animal training facility with additional staff facilities approved by Council. A number of agricultural sheds and stabling facilities exist on the land.

The boundaries of the subject land are formed by both public and private access roads. The northern boundary is Edinburgh Drive, and the western boundary is Hayes Lane. The southern and eastern boundaries are bordered by a private access road on the adjoining property.

There are a variety of landuses in this locality. They vary from dairy operations and turf farms, to standard residential streets and aged care housing. This area of Taree is well serviced with residential facilities. The subject land has sealed road access to several parks, Bowling Clubs, a number of schools and Taree TAFE College. The subject land is also only 2.5km by road to the Manning Hospital and Community Health Centre. These landuses are shown on the below map extract with the subject land outlined in red.

**Figure 9: Locality Plan identifying existing Services & Facilities in Locality**



*(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.*

A review of Council's adopted Landuse Strategies was undertaken to determine Council's desired future direction for the Manning Region. It is noted that the endorsed Taree Wingham Urban Growth Plan is dated 1990. This Strategy is too old to be considered of particular relevance, and in any case did not provide strong direction regarding landuses in this area of Taree.

Council recently reviewed the Greater Taree LEP 2010 and a number of amendments were exhibited at the end of 2017. In reviewing these amendments, it is noted that Council is seeking to broaden the landuses permitted in the RU1 – Primary Production zone. The landuses which will be added to the 'permitted with consent' portion of the landuse table, are as follows:

*boat launching ramps, boat sheds, camping grounds, charter and tourism boating facilities, community facilities, depots, educational establishments, function centres, industrial training facilities, information and education facilities, intensive plant agriculture, jetties, marinas, markets, mooring pens, moorings, plant nurseries, public administration buildings, recreation areas, recreation facilities (major), recreation facilities (outdoor), registered clubs, restaurants or cafes, sewerage systems, timber yards, veterinary hospitals, waste or resource management facilities, water recreation structures, water supply systems, wharf or boating facilities*

*remove "funeral homes" as "permitted with consent"*

*remove "intensive plant agriculture" as "permitted without consent"*

These amendments are considered to represent a broader range of landuses within the primary production landscape, and suggest a desire to increase the services and facilities available in the rural setting. The Council report notes that 66% of the Manning Valley area is zoned RU1 – Primary Production, and thus Council has identified a need to increase the landuses permissible in this particular zone.

In order to gain a broader, regional Strategic direction for the subject land, the local Regional Strategy was considered. From this search, it is noted that the Department of Planning and Environment recently adopted the Hunter Regional Plan 2036. This plan incorporates the Greater Taree area which is now part of the Midcoast Council Local Government Area.

The Hunter Regional Plan has a strong focus on Newcastle as the primary centre, however Taree is noted as being a Strategic Centre. The Hunter Regional Plan is a 20-year blueprint for the future of the Hunter, with a vision to *"create a leading*

*regional economy in Australia, with a vibrant metropolitan city at the heart".* The goals of the Hunter Regional Plan are as follows:

- *a leading regional economy in Australia*
- *a biodiversity-rich natural environment*
- *thriving communities*
- *greater housing choice and jobs*

It is considered that the proposal is consistent with this Regional Strategy as the development will significantly improve the housing choices in this regional area. The ageing population creates a strong demand for independent but supported living environments. The project will also increase the available jobs in the locality both during construction as well as in the long term operation of the Seniors Housing development.

The need to support the Manning hospital by creating a medical precinct, as well as enhancing housing opportunities, formed part of the Regional Strategy. Health Care and Supported Services was considered to be the largest employment sector in the Midcoast area and is considered significant for economic growth. The proposed Seniors Housing development on the subject land is consistent with the Regional Strategy such that the required support services on site will enhance housing opportunities and employment in the health and aged care sectors.

*(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 locality plan demonstrates the close proximity of the subject land to the extensive services and facilities provided in Taree. The Manning hospital is located 2.5km from the subject land by sealed road. Similarly, the Taree Central Shopping Centre is only 3.3km from the land, which is estimated to be a 6 minute drive. The Taree Central Shopping Centre is a major centre which includes Australia Post facilities, banking services, Woolworths, and other major shopping outlets. There is currently a bus service which provides access from Edinburgh Drive to the hospital and the shopping centre services and facilities. This bus service operates 6 days a week as shown on the bus timetable extract included in the Appendices. The bus used on this route is a Disability Discrimination Act Compliant Bus. It is of course envisaged that public transport services would increase to service the increase in population associated with this development proposal.

Consultation with MidCoast Water in relation to the reticulated Water and Sewer network has been undertaken and advice regarding the location of services has been received. A copy of the provided plans is included in the Appendices section



of this report. With the recent Council amalgamations, it is noted that MidCoast water is now part of Midcoast Council. It is noted that reticulated services are in place, however will require extension to service the proposed development.

*(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 subject land is not zoned open space or special uses, and thus this section does not apply to this proposal.

*(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 proposal relates to residential dwellings which will be primarily single storey in height. Seniors Housing requires a high level of accessibility and for this reason, single storey, level developments are the preferred form of self care housing. The Community Facilities buildings are generally the highest buildings within such a development due to a number of factors including the greater floor to ceiling height in community buildings.

Therefore, the very nature of this type of Seniors Housing results in a low scale, development with limited visual building bulk.

The concept plans have also shown setbacks to the road frontages of Edinburgh Drive and Hayes Lane. This limits visual impacts for properties adjoining the subject land.

The existing residential development in Edinburgh Drive has a permitted building height of 8.5 metres, and thus it is considered that a Seniors Housing development on the subject land may readily be developed to be consistent with the existing residential development in this locality.

The topography of the locality is also generally level, such that the subject land is a consistent overall land height as per other properties in this locality. This results in the subject land not being in a visually dominant position. When viewed from the adjoining residential areas, the development will be well setback and have limited visual height.

It is noted that other Seniors Housing developments are established in the Taree area. The proposal is for a residential form of development which is consistent with the growing demand for aged care housing, and is consistent with the adjoining residential areas.

(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 subject land has long been established for grazing purposes and pasture improvement works. A review of the drainage lines within the area of the proposed development has noted that there are limited, if any, areas of native vegetation remaining on the property. Therefore, it is considered that this proposal will not result in any removal of significant native vegetation.

### 4.3 Draft Coastal Reforms Mapping

The Draft NSW Coastal Management State Environmental Policy was reviewed in relation to the subject land. It was noted that the land was not identified as being subject to any area identified as Coastal Wetlands, Proximity Area for Coastal Wetlands, Littoral Rainforests, Proximity Area for Littoral Rainforests, Coastal Hazard Mapping or Coastal Environment Area. An extract from the mapping is shown below, with the subject land outlined in red.

**Figure 10: Coastal Reforms Mapping with subject land outlined in red**



The land is within the area identified as Coastal Use Area map. The draft provisions relating to the Coastal Reforms package note that the consent authority is to have regard to the impact of any development on land so identified, in relation to impacts on coastal areas. This will be considered as part of any future development application for the subject land.

## 5. Consultation

A Prelodgement Meeting was held with MidCoast Council on 14<sup>th</sup> July, 2016. The concept site plan was presented and discussed. Representatives from Council's engineering and planning staff were present at the meeting, along with the property owners and their consultant representatives. The only concerns raised related to the need to manage the residue land, and whether this land could continue to operate as a farming business via a subdivision of the land from the Seniors Housing development based on the agricultural landuse.

Information regarding flood heights and intensity was provided by Council, and the Concept Plan limits the residential development to the elevated, floodfree areas of the subject land.

Consultation with Midcoast Water was undertaken informally in October 2017. The servicing plans contained in the Appendices section of this report were provided at that meeting. It is noted that MidCoast Water are now part of Midcoast Council.

It is noted that the Site Compatibility Certificate is not equivalent to development consent, and any proposal for Seniors Housing will require a complete and comprehensive development application which will be assessed and determined by the relevant consent authority. Council may then provide considered comment in relation to the detailed plans lodged with the development application.

## 6. Conclusion

The subject land directly adjoins land zoned for urban purposes, the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 may be applied to allow consideration of a Seniors Housing proposal.

The flood mapping shows the land as being subject to flooding in part. There is a significant area of the land which is above flood level and which has direct, flood free access via sealed roads to the CBD and the full range of urban services and facilities.

The subject land already has access to public transport services which would likely be improved to cater for the additional residents. There are heritage items identified on adjoining land (fig tree), however the low scale nature of the proposed development will not detract from this heritage item.

The future residents of this land will have ready access to a full range of services and facilities required for urban living. This includes recreational and social services as well as banking and shopping facilities. The proposal is consistent with strategic planning which considers the need to support the strong employment sector of health and service industries, and shows strength in the identification of Taree as a Strategic Centre within the Hunter Region.

Therefore, it is considered that the subject land is able to accommodate additional residential development, the locality is readily able to cater for the future residents, and the proposal is consistent with the identified need for further housing choice, particularly amongst high demand and required growth in aged care / supported living services.

## 7. Appendix 1 – Existing Bus Route Servicing Subject Land

Bus Route 363 – Offers 6 days a week service on a Disability Discrimination Act Compliant Bus

Route connects Subject Land to Hospital and Shopping Centre, etc







