



Site Compatibility Certificate Application Report

**Part Lot 10 DP 1088869,
John Oxley Drive, Port Macquarie**

**Proposed Senior's Living Development under State
Environmental Planning Policy (Housing for Seniors or
People with a Disability) 2004**

11 October 2018

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Disclaimer

This report was prepared in accordance with the scope of works set out in correspondence between the client and Land Dynamics Australia. To the best of Land Dynamics Australia's knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

Land Dynamics Australia used information and documentation provided by external persons, companies and authorities. Whilst checks were completed by Land Dynamics Australia to ensure that this information and/or documentation was accurate, it has been taken on good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.

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Introduction

This document forms part of the application for a Site Compatibility Certificate (SCC) which is required to be obtained from the Department of Planning under the provisions of Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors Living) prior to lodgement of the development application.

The proposal is for development of Part Lot 10 DP 1088869, John Oxley Drive, Port Macquarie as a senior's living development under SEPP Seniors Living. The development is proposed on the southern portion only of the site (not the northern portion on the other side of the Oxley Highway). This report only relates to the portion of the site south of the Oxley Highway.

The subject site is located on land zoned RU1 Primary Production and is adjoined to the south-east by residential zoned land. The land immediately adjoining to the north-east is an existing senior's living development (and extension under construction) known as Sienna Grange.

A Site Compatibility Certificate is required for the proposal as Seniors Housing is not permissible within the RU1 Primary Production zoning applying to the subject site and as the subject land adjoins land zoned primarily for urban purposes, being residential land located to the south-east, on the opposite side of John Oxley Drive.

This report accompanies the application form for a SCC and includes attachments comprising preliminary concept plans and specialist reports. The purpose of this report is to address the planning requirements associated with the proposal and specifically to provide a response to the SCC assessment criteria specified within SEPP Seniors Living.

C1 DEVELOPMENT PROPOSAL INFORMATION

1. Context

The site is identified as Lot 10 DP 1088869, John Oxley Drive, on the southern portion only (not the northern portion on the other side of the Oxley Highway), as shown below. Any reference to the land or site relates to this southern portion, notwithstanding the legal title extends to the north, but is not included in this development.

The site is irregular in shape and is approximately 11.9 hectares in size and located 5km west of the centre of Port Macquarie on the northern side of John Oxley Drive, opposite The Ruins Way and in close proximity of Lake Innes Village Shopping. The site has a direct frontage to John Oxley Drive, approximately 128m wide. The site then fans out to extend beyond properties which remain fronting the road. The site is vacant, managed land which has previously been utilised for agricultural purposes and essentially is devoid of vegetation. A small portion of this site is currently utilised for the purposes of landscape supplies, which has overflowed from the adjoining site.

The Oxley Highway transects the site and the development is proposed on the southern portion only. Vehicular access to the site is via John Oxley Drive, opposite The Ruins Way.

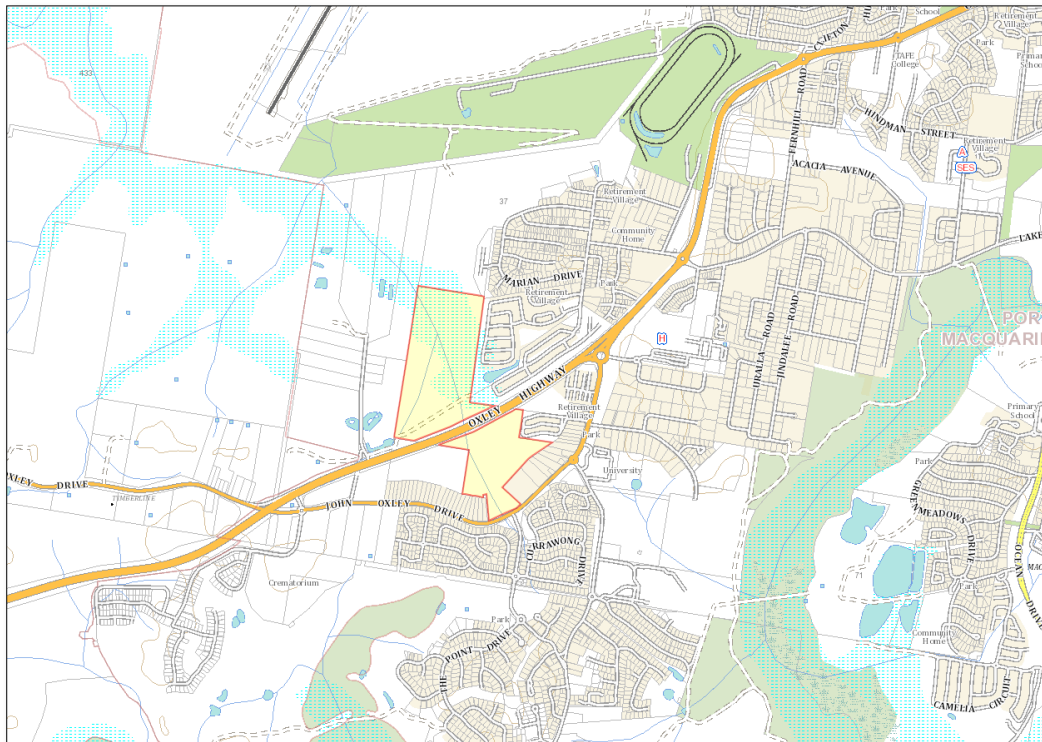


Figure 1: Location of the subject land (source: www.sixmaps.nsw.gov.au)

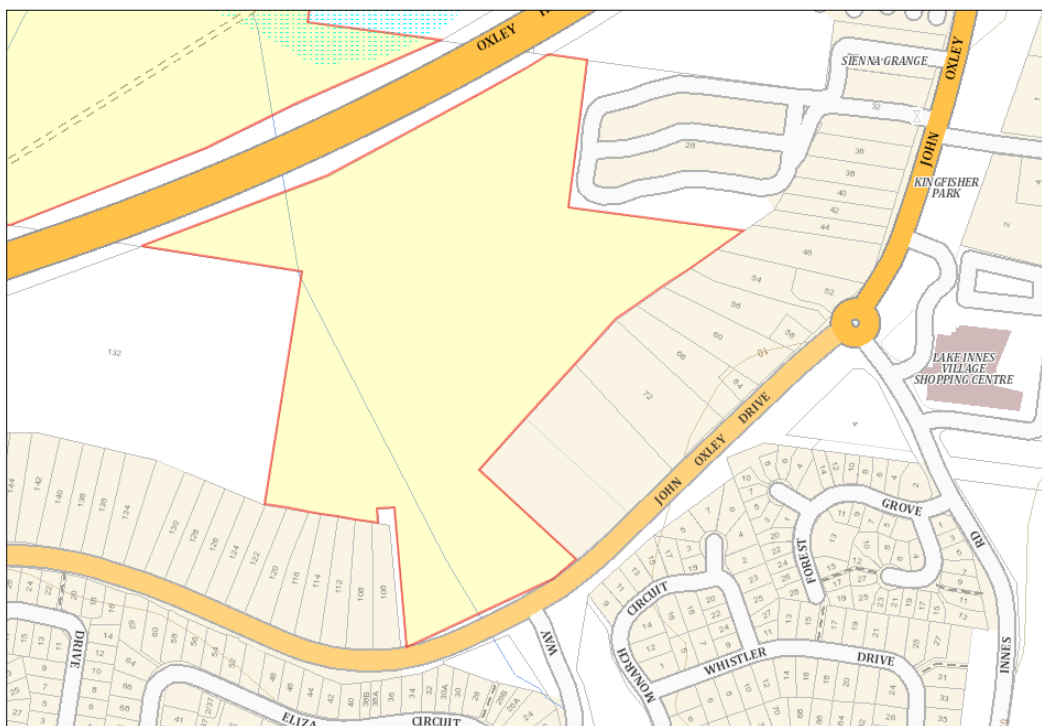


Figure 2: Close Up – Southern Portion only - Location of the subject land (source: www.sixmaps.nsw.gov.au)

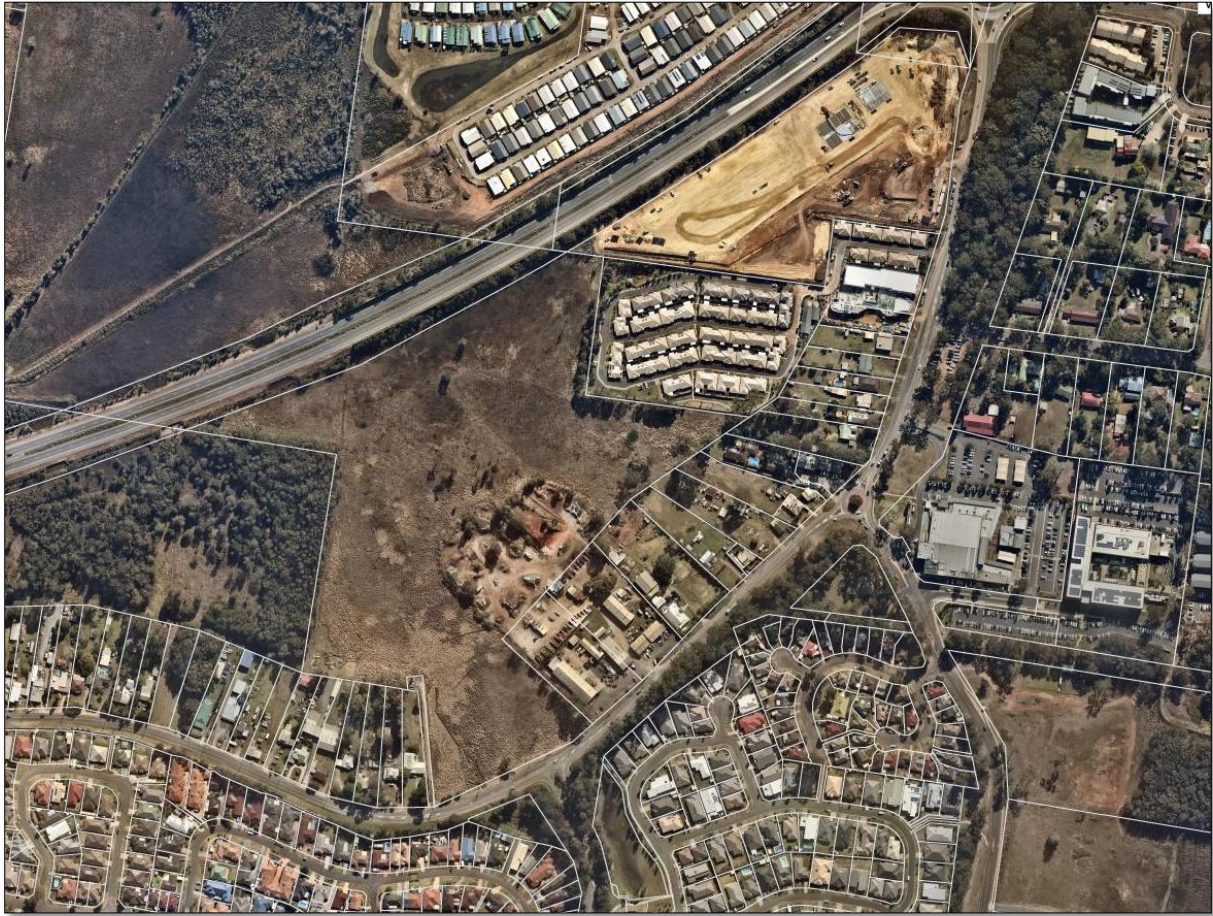


Figure 3: Aerial Photograph dated 23 July 2018 (source: www.nearmap.com)

The land immediately adjoining to the north-east is an existing senior's living development (and extension under construction) known as Sienna Grange. To the north of Sienna Grange, and adjoining the northern corner of the site, is land zoned B5 Business Development which is a bulky goods development under construction as part of DA2015/600. Immediately to the north of the subject portion of the land is the Oxley Highway and further beyond is the remainder of legal portion of the land.

The area to the immediately adjoining east and south, on the northern side of John Oxley Drive, is also zoned for rural purposes and comprises dwellings on large parcels of land and a small business component which includes a rural lands supply business.

On the opposite side of John Oxley Drive is the residential area of Lake Innes, in particular Annabella Downs. This comprises standard residential allotments and adjoins land zoned primarily for urban purposes, being land zoned R1 General Residential, on the opposite side of the road.

The land to the immediate west is vacant and well vegetated.

The site is located within an area of Port Macquarie known as Innes Lake. This area is predominantly a residential area, well serviced by buses and contains a private Anglican School and associated child care centre. Port

Macquarie Base Hospital is located approximately to the 400 metres north, off Wrights Road, as well as a medical university facility and specialist medical rooms.

To the east of the site is an established neighbourhood shopping centre, which includes a supermarket and speciality tenancies including doctor, dentist, café, bakery, butcher, takeaway food and travel agent, amongst others. Immediately adjacent to the shopping village is Chares Sturt University.

The locality plan above shows a blue line through the site; however, this is indicative only of a man-made drainage line and not a natural watercourse. The site has been heavily disturbed by surrounding residential development and the construction of the Oxley Highway. Our previous discussions with NSW Water to ascertain whether a blue line is classified as a watercourse revealed that the department would act upon the advice of an engineer in determining whether it is a watercourse for the purposes of the Act and not on the basis of a line on a map, which is often inaccurate. Given the disturbed nature of the site with a new highway now transecting and surrounding residential development providing detention basins to the south of the site, which disperse into this site, our Engineer has advised that it is reasonable to determine that this is not a natural drainage channel, but rather a conveyance channel, with any natural watercourse highly modified both upstream and downstream. Consideration was also given to the Water Management Act 2000 and the definition of “waterfront land”. Having regard to this definition, the man-made channel does not appear to fit within the definition and as such, a controlled activity approval is not required for works within 40m.

The site is identified as being bushfire prone land and is also classified as Special Fire Protection Purposes (SFPP) pursuant to the Rural Fires Act 1997, and appropriate asset protection zones have been considered in determining the developable footprint.

A preliminary ecological assessment of the site has identified that the site has been substantially modified from its original state in order to establish pasture as part of its historical rural usage. Ongoing management plus inputs from stormwater from surrounding residential development has further contributed to degradation of the site. While the site qualified over most of its extent as a complex of Coastal Floodplain EEC in various levels of condition, existing use rights prevent the EEC from recovering to its preferred state i.e. Swamp Sclerophyll Forest. No threatened flora or fauna were found.

As part of the proposed development it has been considered that 2.9 ha could be allowed to regenerate which would enhance local habitat linkages and increase the extent of remnant forested wetland vegetation.

Below are photographs of the site, corresponding to the marked up plan in Figure 4.

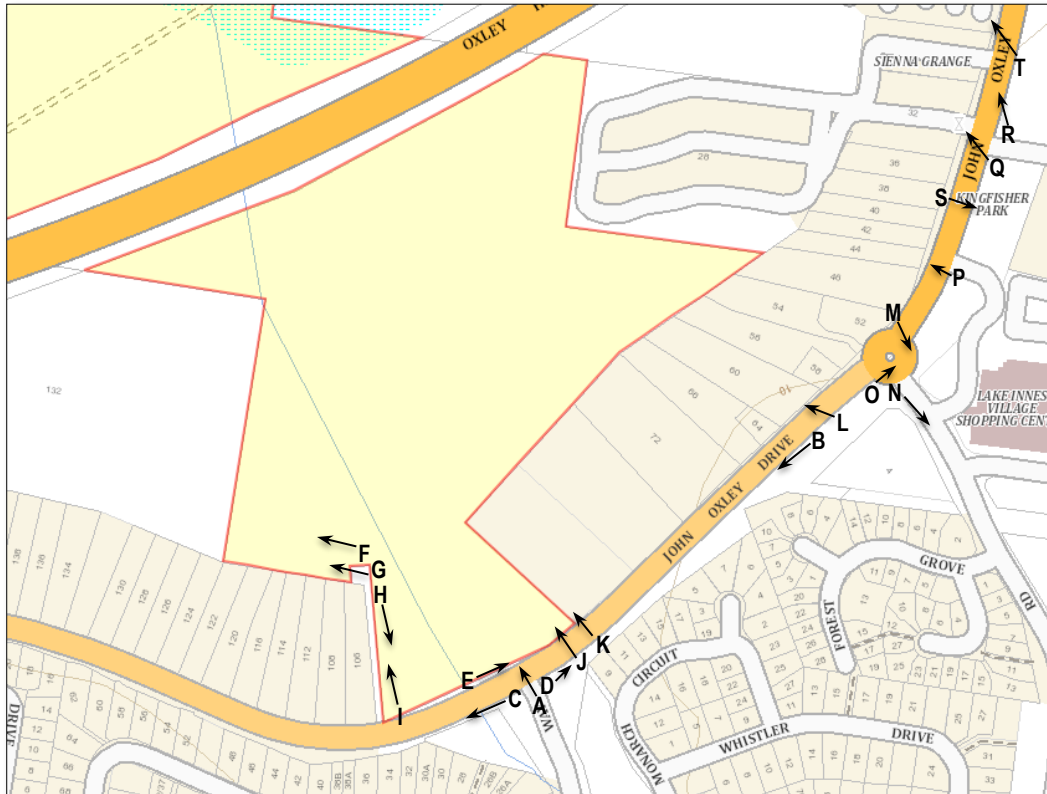


Figure 4: Area Map identifying location of photographs.



A



B



C



D



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S



T

Figure 5: Photographs of the site – September 2018

Clause 26 of the Seniors Housing SEPP requires that services and facilities be located within 400m of the site or accessed via public transport which is located no more than 400m from the site via a suitable access pathway. The proposed Seniors Living development is located within 400m of the site within the neighborhood retail and commercial area of Innes Lake and Grace Church. In addition, access to a larger range of retail and commercial services, community and recreational facilities is available through regular bus transportation to the Port Macquarie CBD and shopping precinct. Existing bus stops are available out the front of Sienna Grange on the same side of the road, as well as outside of Grace Church on the opposite side. A new town centre is also commencing construction at Sovereign Hills, Thrumster to the west, which is accessed via John Oxley Drive.

From a review of public documents for surrounding applications, below is a summary of the height of the surrounding developments to establish the context:

Site	Height
Bunnings	Part 8.5m and 11.5m 9.83m high pylon sign
Sienna Grange - Original	1 storey
Sienna Grange Addition	2 & 3 storey / 12m maximum
Coles Supermarket	10.45m
Charles Sturt University	3 storeys
Businesses facing John Oxley Drive	1 storey Signage structure approx. 7-8m
Dwellings facing John Oxley Drive	1 storey
Dwellings in Annabella Downs facing John Oxley Drive	Generally 1 storey

Overhead power lines exist along John Oxley Drive, along the frontage of the site. Vegetation is established along the southern side of John Oxley Drive.

There is a diversity of uses within the immediate area, which reflects the transitioning nature of the area and Council has advised they are in the preliminary stages of structure planning for this area as a health and education precinct. Council has also advised that there are no details of road upgrades along John Oxley Drive or to the wider network, other than the improvement currently under construction in the vicinity of Bunnings and Sienna Grange further north as part of the approved developments.

2. The Proposal

The proposal is for development of Part Lot 10 DP 1088869, John Oxley Drive, Port Macquarie as a senior's living development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The development is proposed on the southern portion only of the site (not the northern portion on the other side of the Oxley Highway). This report only relates to the portion of the site south of the Oxley Highway.

A Site Compatibility Constraints Analysis has been prepared which maps various environmental factors, namely bushfire, flooding and ecology, which have been taken into account to derive the resultant potential developable areas for future Seniors Living housing. Below are constraints plans, preliminary planning analysis/concept plan and building zone mapping which identifies constraints and possible building locations.

Given the location of the site between John Oxley Drive and Oxley Highway, the seniors housing developments to the east and residential to the south, and the location in close proximity to Lake Innes Shopping Village and the Hospital, the site is considered ideal for the proposed development and can accommodate the height and density proposed.

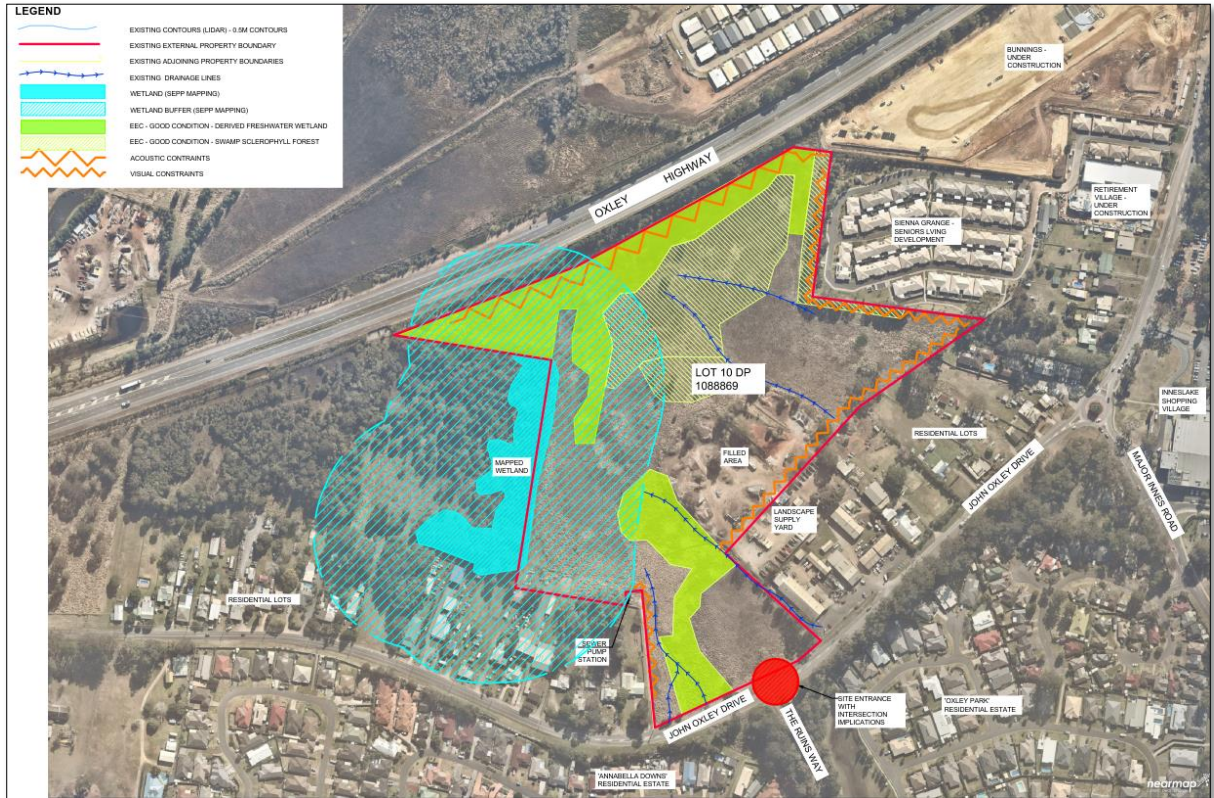


Figure 6: Preliminary Constraints Plan

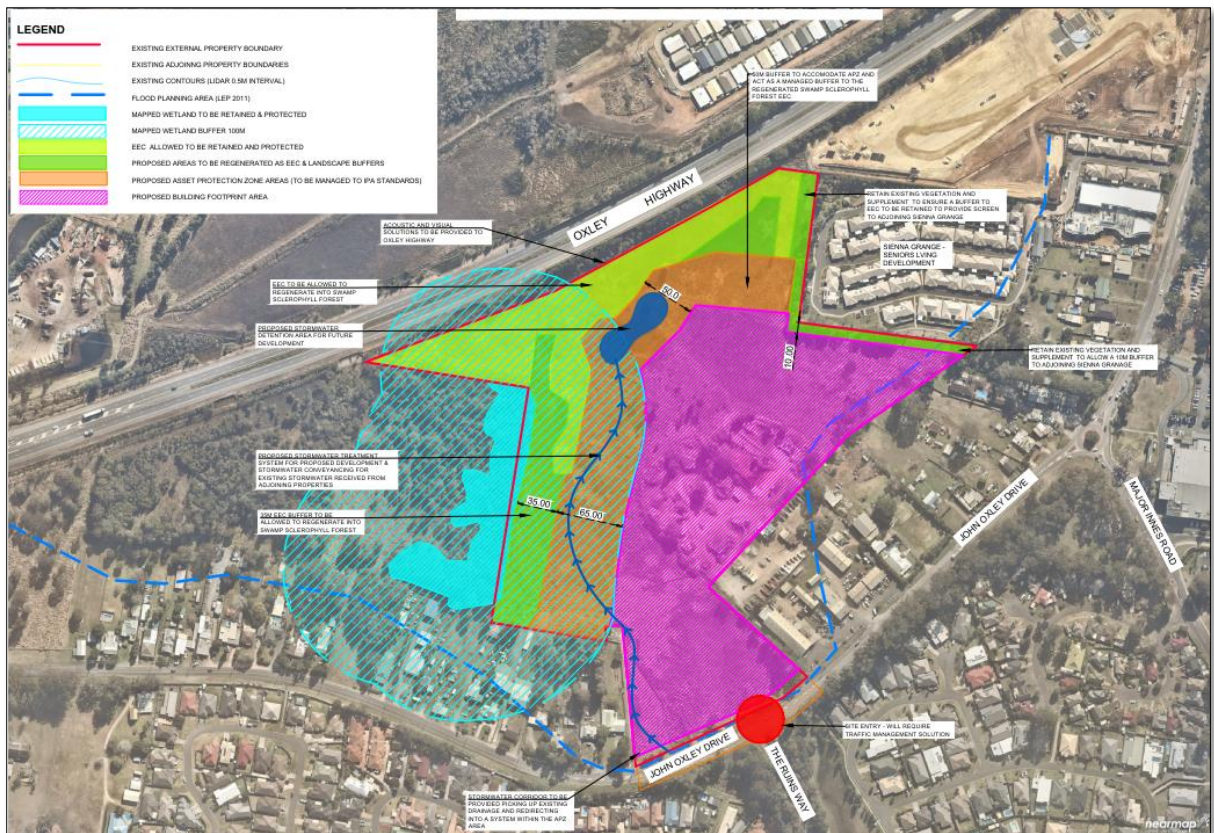


Figure 7: Preliminary Planning Analysis

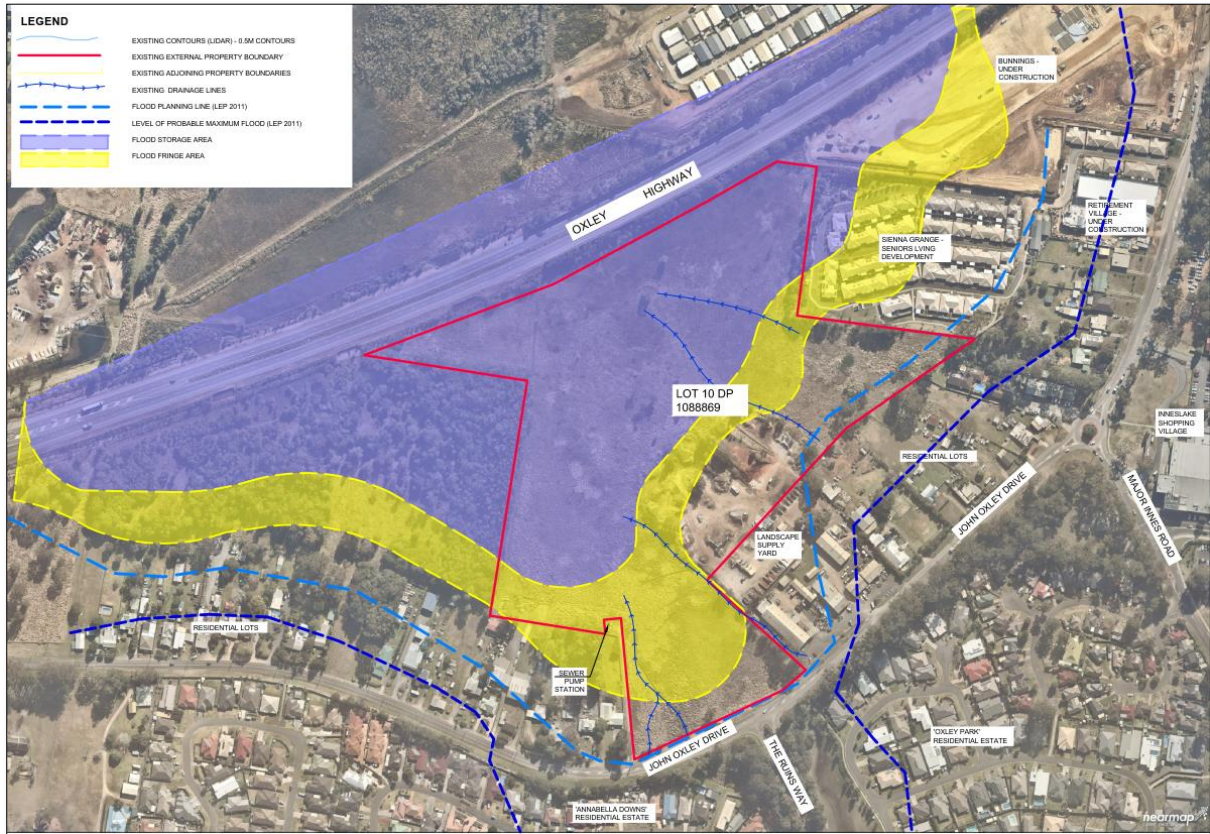


Figure 8: Preliminary Flooding Constraints Plan

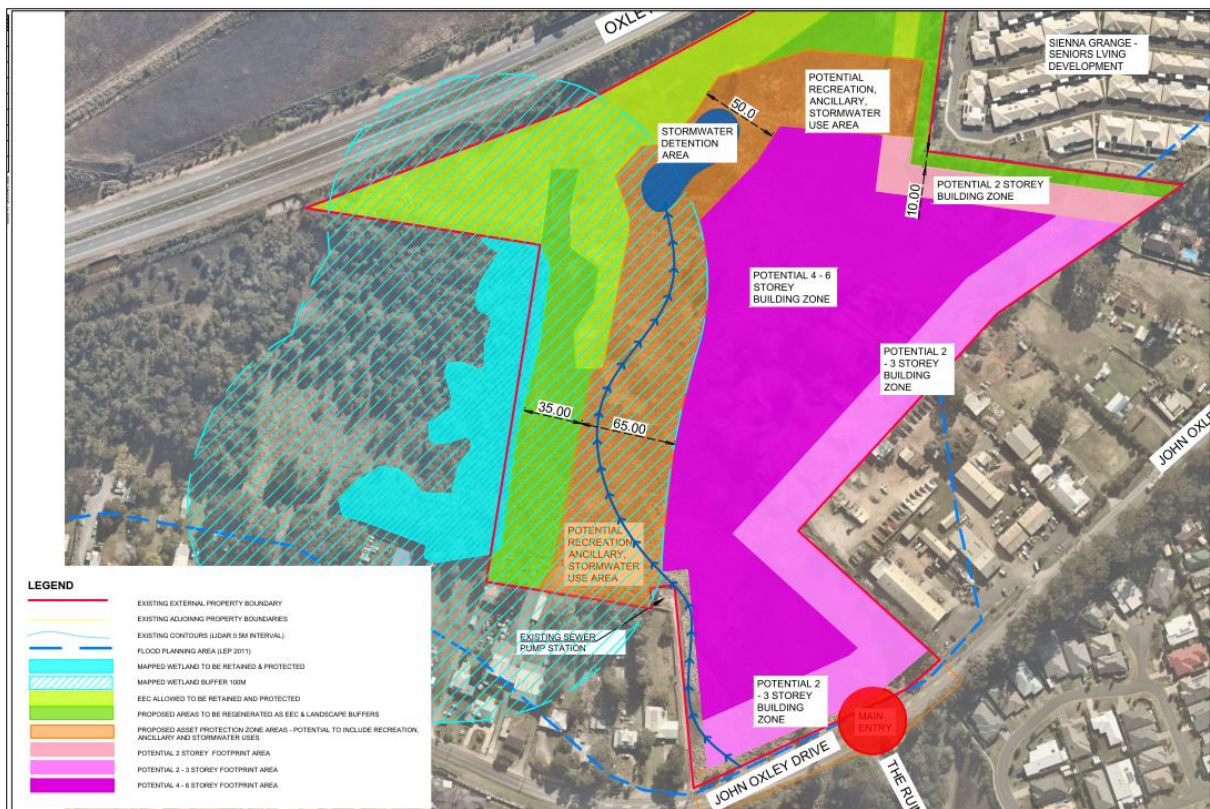


Figure 9: Recommended Building Zones Plan

The form of seniors housing is serviced self-care housing and will operate as a retirement village (within the meaning of the Retirement Villages Act 1999).

The proposal will include specific services such as the option for the provision of meals, cleaning, and personal/nursing care. These services will be predominantly offered to future residents in their homes and will be based on site in the area identified for community buildings. The development therefore constitutes self-contained dwellings (serviced self-care housing) as per the relevant definitions from SEPP Seniors Living.

Preliminary Architectural Plans (Figure 9) have been prepared for this application are preliminary only as detail design will be refined further for the Development Application. Below is an extract of the plans, including the concept, layout and indicative building elevations. Based on advice from the Department of Planning, the Architects have been instructed not to undertake full detailed design until the SCC is issued. The plans and details provided are sufficient to undertake an informed review of the suitability of the site for seniors housing.





Figure 10: Architectural Plans

The key characteristics of the proposal include:

- Provision of a group of buildings containing serviced self-care housing for seniors within a landscaped setting. The height of the proposed buildings varies between 2 to 6 storeys, transitioning into the increased height being contained in the central portion of the site, having regard to the surrounding development and the likely future use, noting that there is currently no height limit on the site.

- Vehicular access is from John Oxley Drive and an internal private driveway network is proposed. The final intersection treatment was unknown at the pre-lodgement discussions and subject to further discussions with Council.
- Community facilities are proposed as the centre of the development in the northern portion, adjacent to the detention basin. This area may also include ancillary facilities for the residents, such as a shop or café, which is common in seniors housing and would offer daily conveniences.
- The western and northern portion of the site has been left undeveloped, having regard to ecological features. Adjoining this natural area, a drainage swale and pipe network is proposed from John Oxley Drive, leading into a detention basin, which will also have dual use as a visual feature adjacent to the facilities. It is also envisaged that this portion of the site will be utilized by residents as informal recreation, with a formal area identified to the east of the macrophyte swale. The identified wetlands area has been retained without disruption and the buffer utilised for drainage swales and detention basin, pathways and passive recreation activities by the future residents.
- All habitable floor levels of buildings are proposed having regard to the flood affectation and all buildings have been sited clear of land required for bushfire protection zones, and ecologically sensitive areas.
- To provide the landscape setting and provide screening from nearby development and the Oxley Highway, new trees and landscaping is proposed along the boundaries as a buffer and between the built form enhancing visual appeal and amenity at the site.
- A series of landscaped meeting areas comprising covered shelters and planting is proposed which will provide an outside recreation and meeting area, as well as provide separation between buildings and an attractive outlook for residents of the buildings. The final design of these areas and extent of facilities will be included in the detailed design, however they form an important role in providing separation between buildings and a sense of openness throughout the development.
- A substantial setback has been proposed to the Oxley Highway to the north to ensure adequate separation to minimise amenity impacts for residents, including acoustically. The northern portion of the development site will be enhanced with new vegetation for screening, and it is envisaged that buildings in the vicinity of the Highway may require some form of acoustic treatment by way of construction standards.
- A private bus service will be incorporated into the development for residents.

The height of the buildings has been proposed as follows, with a brief explanation as to the reasoning behind the chosen height.

Boundary	Proposed Height	Adjoining Site	Adjoining Height
North	3 storeys plus 10m landscape buffer	Bunnings	Part 8.5m and 11.5m 9.83m high pylon sign
	2 storeys plus 10m landscape buffer	Sienna Grange - Original	1 storey
	5-6 storeys plus landscape buffer	Oxley Highway	The highway is elevated above the ground level of the site.
East	2 & 3 storeys plus 5- 10m landscape buffer	Sienna Grange Addition	2 & 3 storey / 12m maximum
		Coles Supermarket	10.45m
		Charles Sturt University	3 storeys
		Businesses facing John Oxley Drive	1 storey Signage structure approx. 7-8m
		Dwellings facing John Oxley Drive	1 storey
South	2 & 3 storeys plus 5-10m landscape buffer	Dwellings facing John Oxley Drive & in Annabella Downs	1 storey
West	4-6 storeys plus landscape buffer		

When reviewing the aerial photograph of the site and surrounds in Figure 3, it is noted that the single storey Sienna Grange to the north has a denser footprint as a result of the lower height. The subject development however has been designed to provide larger areas of open space and in doing so has provided a transition of heights from the boundaries, with the increased height contained in the centre of the site, to minimise amenity impacts for existing and future residents.

It is further noted that the recent Sienna Grange addition is three storeys in height, adjacent to the existing surrounding single storey dwellings. As the area is and will be continuing to undergo significant transition over the coming years as part of the health and education precinct, increased height is expected and the design being 2-3 storeys with a substantial landscaped buffer adjoining single storey is appropriate. The approval of the Bunnings development has set the change in character for the area and increased height and density.

3. Strategic Justification

3.1 Strategies

Within the North Coast Regional Plan 2036 and Urban Growth Management Strategy 2017-2036 recently adopted, this area is identified as being within a Health and Education Precinct. The Regional Plan identifies this area as having good future road connections. Extracts of both the Regional Plan and UGMS are shown below.

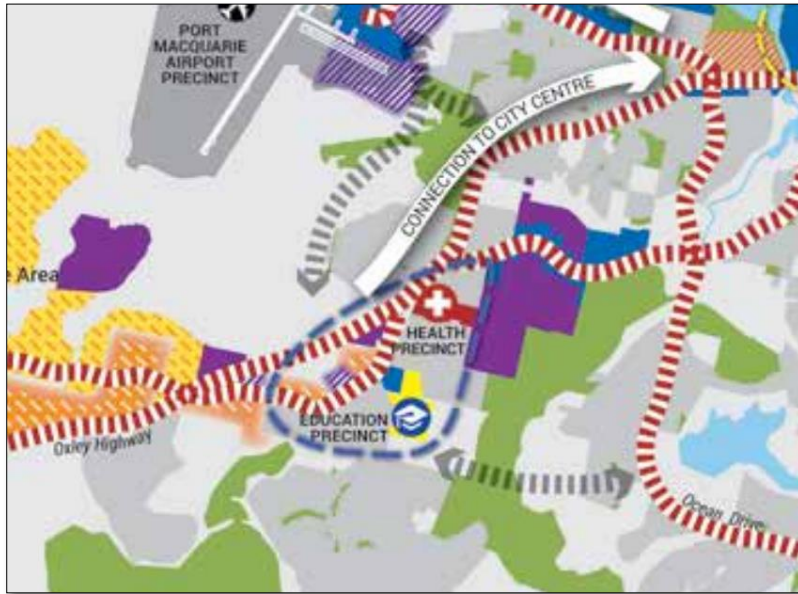


Figure 11: Extract - North Coast Regional Plan 2036

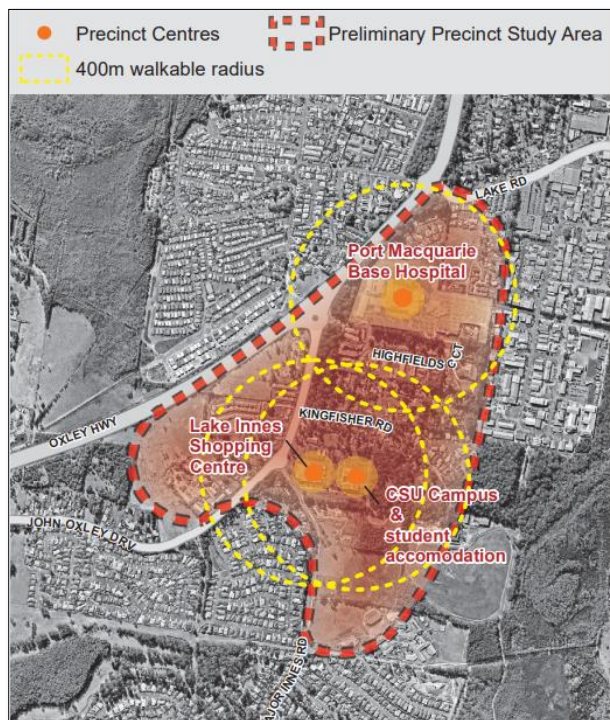


Figure 12: Extract – UGMS 2017-2036

The UGMS recognises that the Port Macquarie-Hastings local government area includes an increasingly ageing population with a higher proportion of people aged 65 and over in comparison to the Australian population. The UGMS also recognises the demand for a greater range of housing types, including for the ageing population. The UGMS states on page 7:

“This growth is expected to be concentrated in our major towns and villages, particularly in Port Macquarie, which provides a wide range of jobs, services and entertainment. The number of people aged over 60 is forecast to reach 37,000 by 2036, or 36% of the population. This is significantly higher than the NSW State average.”

Further, page 10 states:

“We aim to promote a range of housing types between detached houses and high rise apartments in central, well-connected locations, like the proposed Health and Education Precinct in Port Macquarie.

The aim is to ensure that we have a range of housing options to meet the needs of residents at different stages of their lives and to help retain options for future growth in the longer term by limiting the need for new ‘greenfield’ growth.”

The Health & Education Precinct is specifically identified, and this site falls within this precinct and provides a form of housing which provides for people over 55 years of age and does not result in loss of greenfield land, with the site located within the Lake Innes, in close proximity to the hospital and existing medical, shops and services.

Following the Pre-lodgement meeting with Council held with respect to the proposal, contact has been made with Council’s Strategic Planning Section as it is understood that preliminary structure planning has commenced for the Health and Education Precinct. A copy of the emails accompanies this report and confirm that:

“We are making progress on the preparation of a draft Master Plan for the Health and Education Precinct, which includes the area to the west of John Oxley Dve and at least part of the land that you are looking at. As you note the Master Plan is being prepared for Council by Architectus. It will be based on engagement undertaken this year. The aim is to report the draft Master Plan to the October Council meeting and then exhibit soon after in November 2018.

In the meantime, the adopted John Oxley Dve Precinct Structure Plan provides a framework for Council planning. This is under review as part of the Master Plan preparation. The land in question forms part of sub-precincts 2, 3 and 6 in the Structure Plan.”

The Structure Plan is discussed later in this report. The proposed seniors living development remains consistent with the North Coast Regional Plan 2036 and Urban Growth Management Strategy 2017-2036 recently adopted and is keeping with this area is identified as being within a Health and Education Precinct.

3.2 Biodiversity Conservation Act

The Native Vegetation Act 2003 has been repealed and essentially replaced with the Biodiversity Conservation Act 2016 (BC Act). Under the BC Act, an assessment will be required for the Seniors Living development, and preliminary investigations have been undertaken by JB Enviro to establish the approximate context of development impacts and conservation opportunities within the framework of the proposed development configuration. From these investigations, the developable land area of the site was identified.

It is considered that a viable Seniors Housing development is achievable based on the ecological investigations undertaken and the disturbed nature of the site given the surrounding development.

In summary these preliminary investigations concluded that the subject site has been substantially modified from its original state in order to establish pasture as part of its historical rural usage. Ongoing management plus inputs from stormwater from surrounding residential development has further contributed to degradation of the site. While the site qualified over most of its extent as a complex of Coastal Floodplain EEC's in various levels of condition, existing use rights prevent the EEC from recovering to its preferred state i.e Swamp Sclerophyll Forest. No threatened flora or fauna were found or are considered to depend on the site's habitats for critical life cycle stages. The site is also not a key part of an intact remnant of vegetation or function as a corridor.

As part of the proposed development it has been considered that 2.9ha could be allowed to regenerate which would enhance local habitat linkages and increase the extent of remnant forested wetland vegetation.

3.3 State Environmental Planning Policies

State Environmental Planning Policy No 44 — Koala Habitat Protection

As the area of the subject land is greater than 1ha and is located within the Port Macquarie Hastings Local Government Area, SEPP 44 –Koala Habitat Protection is applicable. A SEPP 44 Koala Habitat Assessment (completed by a qualified ecologist) will accompany the development application.

Preliminary investigations have concluded that it is unlikely that the site currently forms part of a Core Koala Habitat. Although a number of Schedule 2 tree species were found on the site no scats were found and no koalas were observed. Koalas have a very low potential to use the site particularly due to the fact that it sits on the outermost fringe of known koala habitat and its location between the Oxley Highway and John Oxley Drive makes it difficult to navigate. Formal assessment will be required however in a future Development Application

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to “*promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment*”. The land is primarily cleared and has remained vacant for a number of years. Preliminary investigations have been undertaken by Regional Geotechnical Solutions Pty Ltd,

including a desktop Stage 1 Contaminated Site and Geotechnical Assessment for the proposed aged care development in the southern portion of Lot 10 DP1088869, John Oxley Drive, Port Macquarie. The report states:

“The assessment found the site is likely to be appropriate for the proposed aged care development from a site contamination perspective provided the recommendations and advice of this report are adopted. Recommendations include undertaking a Stage 2 Contaminated Site Assessment targeting identified Areas of Environmental Concern.

The assessment found the site is also likely to be appropriate for the proposed aged care development from a geotechnical perspective, however, geotechnical investigation of the site will be required prior to construction to assist earthworks, foundation and pavement design once the layout and details of the proposed development is known.”

State Environmental Planning Policy (Infrastructure) 2007

The application will be reviewed against the requirements of State Environmental Planning Policy (Infrastructure) 2007. This Policy contains State-wide planning controls for developments adjoining rail corridors and busy roads. The development is located immediately adjacent to a classified road to the north, being the Oxley Highway, but has no direct access.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any **BASIX affected building**, being *any building that contains one or more dwellings, but does not include a hotel or motel*. BASIX Certificates will be required to accompany any application.

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

The application will be made under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The Architectural Plans to accompany the Development Application will be designed against the requirements of the SEPP, noting that the site is located within the required distance of shops and services at Lake Innes Village and nearby bus stops.

Seniors Housing is permissible subject to the property being immediately adjoining R1 General Residential zoned land.

The site is zoned RU1 Primary Production under PMH LEP 2011. Seniors housing is not permissible in this zone, however, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 allows seniors housing on land that adjoins land zoned primarily for urban purposes under Clause 17.

Clause 17 states:

“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.”

Clause 4, stated below, provides clarification regarding the land to which this SEPP applies.

“4 Land to which Policy applies

(1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

- (a) development for the purpose of any of the following is permitted on the land:*
 - (i) dwelling-houses,*
 - (ii) residential flat buildings,*
 - (iii) hospitals,*
 - (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) the land is being used for the purposes of an existing registered club.*

(2) Land that is not zoned primarily for urban purposes

For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument:

- (a) a zone that is identified as principally for rural uses,*
- (b) a zone that is identified as principally for urban investigation,*
- (c) a zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).*

(2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.

(3) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.

(4) Land that adjoins land zoned primarily for urban purposes

For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.

(5) Application of Policy to land zoned for special uses and existing registered clubs

For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:

- (a) land on which development for the purposes of special uses is permitted, or*
- (b) land that is being used for the purposes of an existing registered club,*
as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.

(6) Land to which Policy does not apply

This Policy does not apply to:

- (a) land described in Schedule 1 (Environmentally sensitive land), or*
- (b) land (other than land to which Warringah Local Environmental Plan 2000 applies) that is zoned for industrial purposes, or*
- (c) (Repealed)*

- (d) the land to which Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) applies, or*
- (e) the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies.*

(7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because:

- (a) the land is identified under State Environmental Planning Policy (Coastal Management) 2018, or*
- (b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as:*
 - (i) private open space, or*
 - (ii) open space where dwellings or dwelling-houses are permitted.*

(8) (Repealed)

(9) Application of Policy to certain land in Sutherland Shire

For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (5)), the land that is shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” in Schedule 7 to Sutherland Shire Local Environmental Plan 2000 is taken to be land that is zoned primarily for urban purposes.

Note. Clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006 continues the application of Sutherland Shire Local Environmental Plan 2000 to the land referred to in this subclause.

(10) For the purposes of this Policy (and despite anything to the contrary in subclause (1) or (4)), any land that adjoins the land referred to in subclause (9) is not to be treated as being land that adjoins land zoned primarily for urban purposes.

(11) Subclause (6) does not apply in relation to:

- (a) the land referred to in subclause (9), or*
- (b) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or*
- (c) an application to carry out development for the purposes of a residential care facility on land in any of the following zones under Sutherland Shire Local Environmental Plan 2006:*
 - (i) Zone 4—Local Housing,*
 - (ii) Zone 5—Multiple Dwelling A,*
 - (iii) Zone 6—Multiple Dwelling B,*

- (iv) Zone 7—Mixed Use—Kirrawaree,
- (v) Zone 8—Urban Centre,
- (vi) Zone 9—Local Centre,
- (vii) Zone 10—Neighbourhood Centre.

(12) Application of Policy to certain land in Hornsby Shire

For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (6)), the land comprised by each of the following is taken to be land that adjoins land zoned primarily for urban purposes:

- (a) 599–607 Old Northern Road, Glenhaven (being Lot 2, DP 1123753),*
- (b) 589–593 Old Northern Road, Glenhaven (being Lot 1, DP 135398 and Lots 2 and 3, DP 225754).*

(13) (Repealed)”

With respect to point 1, dwelling houses are permitted in the zone.

With respect to point 4, the land directly opposite to the south is zoned R1 General Residential, except for a road, as shown below. This is the same approach taken by Sienna Grange to the north-east when obtaining a SCC.

With respect to Point 6, this has been the point of numerous discussions with the Department of Planning to clarify that the mapping of wetlands along the western boundary, and on the other portion of the site to the north, does not preclude development of the unmapped land. We have sought legal advice which has confirmed permissibility and that the SEPP applies to the land. A copy of this confidential legal advice is attached and the addition of Clause 7(a) also confirms this.

Below is Clause 17 of the SEPP which states:

“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."

It is proposed that the development will operate as a retirement village and therefore satisfy this clause.

The proposed development will include serviced self-care housing as per the definitions provided within the SEPP, which will provide meals and cleaning services and personal/ nursing care. Therefore, the proposal satisfies Clause 17(1) and (2) through the type of senior's accommodation proposed as well as the site location immediately adjoining urban zoned land.

In regard to Schedule 1 of the SEPP where certain 'environmentally sensitive lands' are excluded from the policy, it is noted that whilst the land is identified as a 'flood planning area' under Port Macquarie Hastings LEP, the land is not identified in any Environmental Planning Instrument (EPI) as a 'floodway' or 'high flooding hazard' or by any like descriptions. Furthermore, the land is not identified on the bush fire evacuation risk map as land excluded from the policy under Clause 4(6).

This application is accompanied by legal advice regarding permissibility under SEPP Seniors Living.

This legal advice concludes that *"the provisions of the Seniors SEPP apply to the development for Seniors housing on the Site, provided the elements of that housing accord with cl 17 of that Policy. The corollary of that opinion is that the Site is not excluded from the operation of the Policy by operation of cl4.6(a) and Sch 1."*

The development standards and provisions of the SEPP have been considered in the preliminary design and will be addressed in the final design as part of a future development application, including design principles, accessibility, crime prevention, waste management and height. It is noted that the height exceeds the SEPP requirements, however a request to vary the development standard will accompany the Development Application given the transitioning nature of the area.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65) aims to improve the design quality of residential flat development. SEPP 65 does not contain numerical standards but refers to the Apartment Design Guide (the Guide). The Guide provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 and the final plans will be designed by the Architects having regard to both SEPP 65 and the Guide.

State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management SEPP applies to all land. Below is an extract of the relevant map, relating to wetland, which shows an affectation on the western boundary of the southern portion. The northern portion of the site is also affected but not subject to development. The proposed development will be clear of the affected wetlands as mapped.

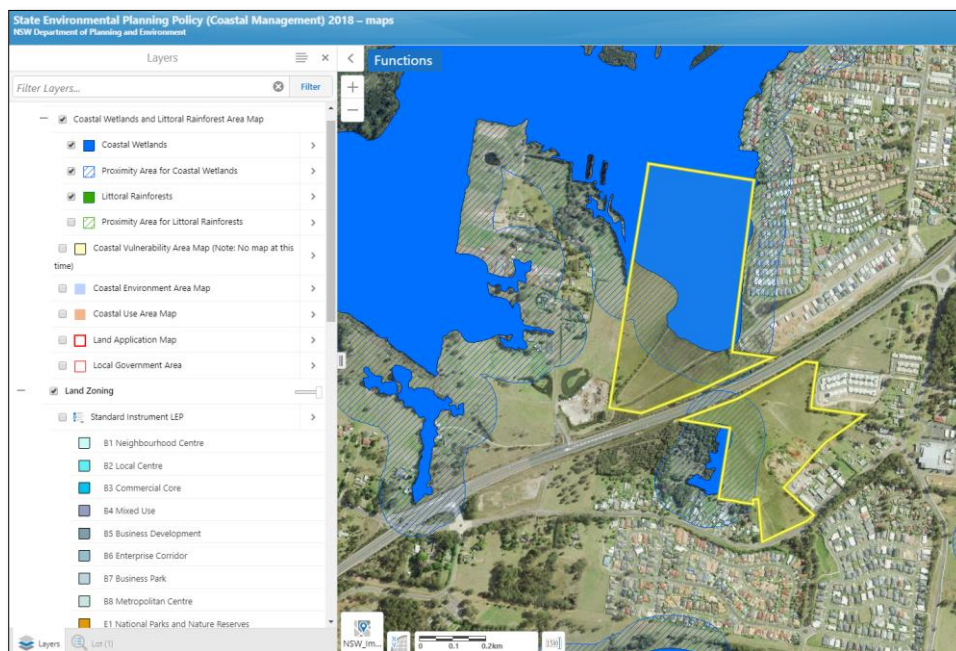


Figure 13: Coastal Management SEPP Extract dated 26 July 2018

Clause 11 of the SEPP states:

“11 Development on land in proximity to coastal wetlands or littoral rainforest

Note. The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests

Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

(2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.”

This Clause allows works in the proximity area where it does not significantly impact upon the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or groundwater. The minimal works comprise passive recreation, drainage swale and landscaping in the proximity area are unlikely to impact upon these areas identified by the SEPP.

3.4 John Oxley Drive Precinct Structure Plan

The key guiding principles in the implementation of the Structure Plan are identified as:

- *“Consider options for business investigation development (or other economic initiative), as proposed in Council’s Urban Growth Management Strategy 2011- 2031,*
 - *Recognise the intended function of John Oxley Drive as a sub-arterial road,*
 - *Minimise potential land use conflicts (e.g. through development control measures),*
 - *Provide for compatible land uses within existing fragmented lots,*
 - *Avoid urban development on land subject to environmental hazards or other significant constraints,*
 - *Enhance Lake Innes Shopping Centre as a neighbourhood hub,*
 - *Facilitate good urban design,*
 - *Facilitate co-ordinated and efficient provision of infrastructure,*
 - *Assume all properties, excluding Sienna Grange Retirement Village, are available for redevelopment.*
- (This does not presume that all owners wish to redevelop in the near future).”*

The site is included in the John Oxley Drive Precinct Structure Plan and is identified as site 6, which encompasses the subject Lot 10 and the adjoining Lot 12. The Plan identified that there will be flooding and environmental constraints but acknowledges that the owners wish to achieve development and states:

"The owners would like to achieve development. Accordingly there is the option for submission of detailed proposals that demonstrate satisfactory outcomes in relation to the constraints and the development of the land. Filling may be possible west of areas 2 and 3, allowing extension of these areas".

Having regard to the key principles, the proposed seniors living development is compatible with the surrounding land uses and future desired uses, avoids significant environmental constraints and this site is available for redevelopment.

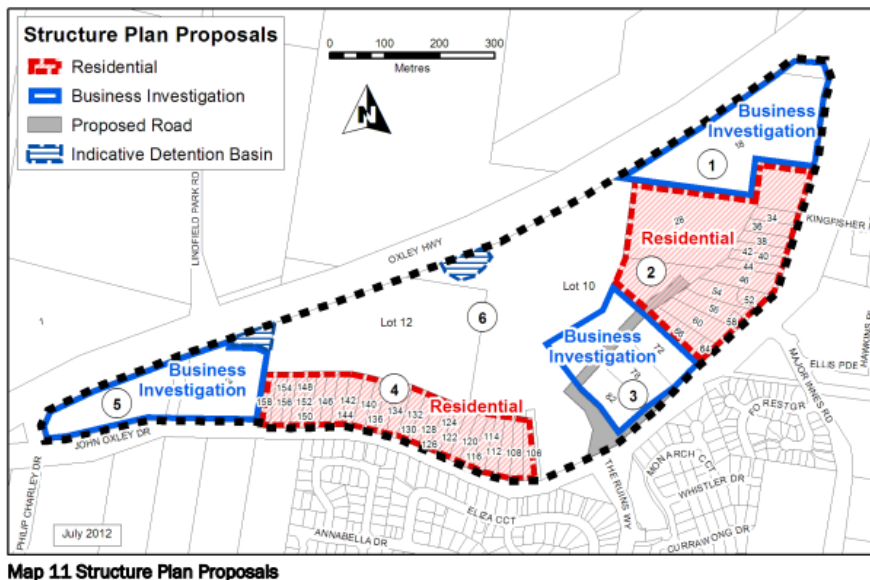


Figure 14: Extract from Structure Plan

The proposed seniors living development is generally compatible with the identified land uses and the detailed design will address the ecological and flooding investigations. It is expected that the existing businesses along John Oxley Drive will be redeveloped over time, consistent with the Structure Plan, however the proposed design for this site does not include a business component as indicatively indicated above. The vehicular access however is consistent with the figure.

It is noted that a detention basin is shown indicatively closer to the Oxley Highway, however due to ecological constraints, the basin is located in the general vicinity, but away from the area of ecological value.

It is expected that the Structure Plan will be refined further as part of the Health & Education Precinct planning expected to be commenced shortly. Given the large amount of work already undertaken to date on the Structure Plan and that the Regional Plan and UGMS reinforce this area for Health & Education purposes, it can be reasonably expected that any new plan will remain similar to identified above, yet respond the recent development in the area and surrounding, with the opportunity to ensure that this site and proposed seniors living is included in the changes.

The existing Structure Plan provides comment regarding traffic and possible future road links. These links are indicatively identified on the site, however along the western portion at the rear of the existing dwellings is not desirable given the wetlands constraints. The intent of vehicular connections through the precinct can still be met notwithstanding this development, albeit in a marginally altered location to be contained on adjoining sites, noting that the Structure Plan is indicative only.

With respect to flooding, the Plan acknowledged that:

*“It may be possible for some development to take place within land subject to flooding, where it is assessed that the development is above the flood planning level (e.g. due to land filling) **and** there are no adverse impacts elsewhere (i.e. from increased flood levels or water velocities). Council does not propose to investigate this. However, there is scope for landowners to fund professional assessments that could allow consideration of development of land excluded here.”*

Having regard to these comments, development of the site is supported subject to developer funded investigations. Refer to comments regarding flooding.

Given the proximity to services and facilities, existing and emerging urban release areas, and the significant change to the area, the development is consistent with the Structure Plan and can easily be included in any future amendment and remain consistent with the key principles and play a key role in the area.

3.5 Port Macquarie Hastings LEP 2011

Zoning

The subject portion of the land is zoned RU1 – Primary Production under Port Macquarie Hastings LEP 2011. Ppermissibility is being sought under the SEPP rather than the LEP.

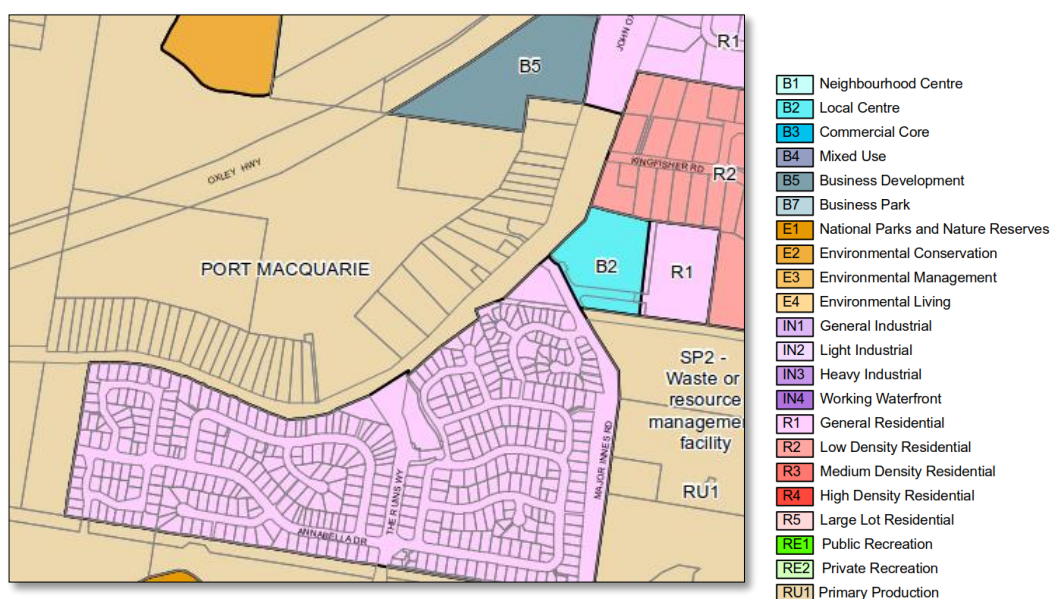


Figure 15: Zoning Plan Extract - Port Macquarie Hastings LEP 2011

Maps

The relevant LEP maps applicable to the site has shown below and a comment provided.

Minimum Lot Size

The LEP has a minimum lot size requirement of 40ha. No subdivision is envisaged as part of this proposal.

Acid Sulfate Soils

The site is identified on the LEP maps as being affected by Acid Sulfate Soils Class 5. This is a manageable constraint and would be considered further in the detailed design.

Floor Space Ratio

The site is not identified on the LEP maps as being affected by Floor Space Ratio.

Height

The site is not identified on the LEP maps as being affected by Height of Buildings. The proposed heights have resulted from a review of surrounding developments, future likely character and feedback from Council at the pre-lodgement meeting.

Acoustic Controls

The site is not identified as “Subject to acoustic controls” on the Acoustic Controls Map. However, consideration will be given to the noise impact on the future residents from the Oxley Highway adjoining to the north and a substantial separation and vegetation will assist in this regard.

Flooding

The site is identified on the LEP maps as being affected by flooding.

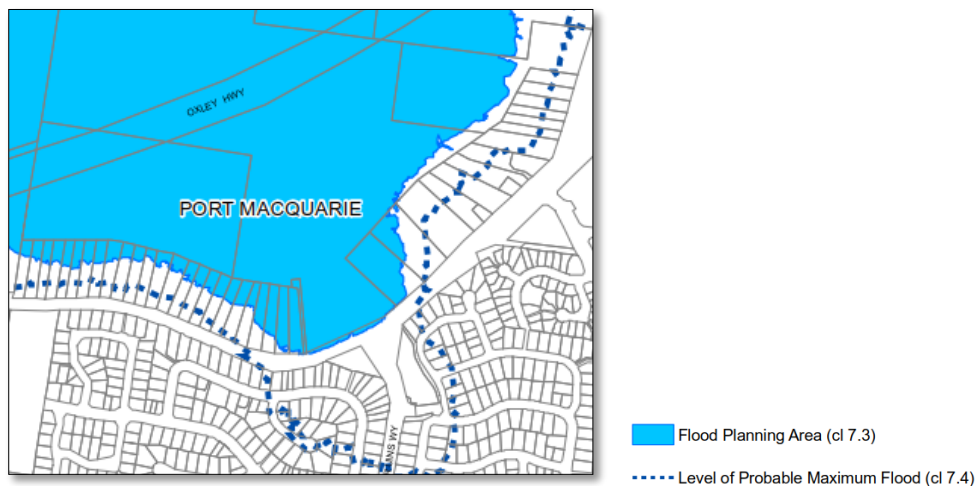


Figure 16: Flooding Map Extract - Port Macquarie Hastings LEP 2011

Port Macquarie Hastings Council (PMHC) flood policy 2015 allows for development in flood affected areas providing that the applicant demonstrates compliance with this policy. As is evident from Figure 15 the site is affected by flood however is largely flood storage and some flood fringe areas. The PMHC's flood policy objectives aims to achieve sound flood management when assessing development and these objectives are outlined in the table hereunder together with the proposal's intent on how to meet these.

PMHC Flood Policy 2015 – Primary Objectives

Objective	Development Intent
To maintain the existing Flood regime and flow conveyance capacity	The site is at the edge of a very large flood storage area and will have little impact on existing flood regimes from a storage perspective. Upstream flows will be formalized and channeled to a purpose-built bio retention basin prior to release into the downstream flood storage area.
to reduce the impact of Flooding and Flood liability on individual owners and occupiers of Flood prone property	Detailed flood modelling will be undertaken at development application stage to ensure both onsite and off-site flood impacts are minimized. Minimization will be achieved through design elements such as raised (piers) building construction and limit filling as far as possible.
to reduce private and public losses resulting from Floods	All infrastructure will be constructed to withstand any flood impacts and where possible/practical be located above the flood planning level.
to increase public safety with respect to Flood events	All infrastructure accessible by the general public will be located at suitable levels as dictated by flood modelling at DA stage. All habitable and serviceable areas will be located above the flood planning levels.
to protect the operational capacity of emergency services and emergency response facilities during Flood events	The development will be designed to negate reliance on emergency services by providing flood habitable and service areas above the flood planning levels as well as provide evacuation routes above the flood planning levels.

Objective	Development Intent
to increase public awareness of the potential for Flooding across the range of Flood events up to the Probable Maximum Flood level	A flood evacuation and flood warning manual/procedures will be introduced as part of the DA process.
to inform the community of Council's policy in relation to the use and Development of Flood Prone Land	The development will be placed on exhibition
to ensure that planning and Development of essential services and land use makes appropriate provision for Flood related risk	All habitable areas and any essential services will be located above the flood planning level. Building construction will be cognitional of flood impacts/constraints.
to utilise best engineering practice for determination of Flood conditions, impact and risk	Modelling of the proposed development will be undertaken by specialist hydraulic professionals familiar with PMHC's flood policy and requirements.
to utilise ecologically positive methods of Flood protection wherever possible	All stormwater and flooding structures will be designed to ecological sustainable and best practice.
to ensure that any New Development or modifications to existing Development must, as far as practical, result in a reduction in the existing Flood Risk, and in no circumstances should the Flood Risk be made worse; and	The development will be designed to minimize any impacts on adjoining properties as well as minimize the risks to persons/property on the development site.
to deal equitably and consistently with all matters requiring Council approval on land affected by potential Floods, in accordance with the principles contained in the NSW Government's Floodplain Development Manual (2005)	The flood modelling/assessment will be undertaken in consultation with the current NSW state/council policies and best practice. The DA will address all matters for consideration in relation to flood impacts.

As is evident from the table above the development intent will satisfy the objectives of the PMHC flood policy 2015 and refinement of the objectives will be achieved through flood modelling and subsequent assessment.

3.5 Bushfire

The subject site is classified as bushfire prone on the Bushfire Prone Land Mapping available on the NSW Planning Portal. A bushfire hazard assessment report accompanies this application. The proposal is considered to be

'Integrated Development' under Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and a Bushfire Safety Authority would be required from the NSW Rural Fire Service (RFS). The proposed development is also classified as Special Fire Protection Purposes (SFPP) pursuant to the Rural Fires Act 1997, and appropriate asset protection zones have been considered in determining the developable footprint.

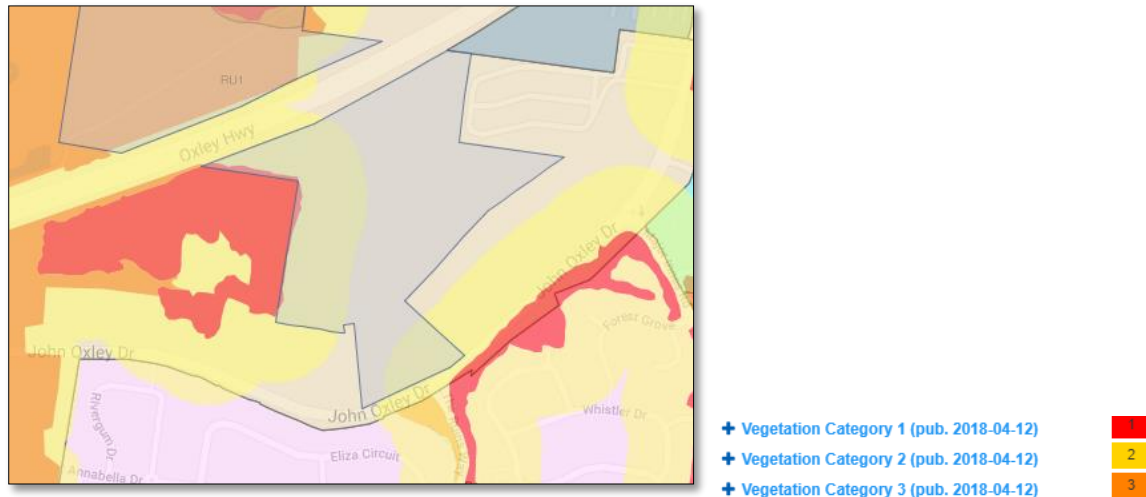


Figure 17: Bushfire Prone Land Extract (source: www.planningportal.nsw.gov.au)

The bushfire report prepared by David Pensini that accompanies this Site Compatibility Certificate demonstrates that the bushfire risk is manageable for the proposed seniors living development. It also concludes that the impact of bushfires to property and community will be significantly reduced beyond that which currently exists.

4 Pre-lodgement with Council

Land Dynamics attended a Pre-Lodgement meeting with Council on 21 August 2018. Attached to this application is a copy of the Pre-Lodgement minutes.

Whilst there was no in principle objection to a seniors living development on the site, it was suggested at the meeting that the application was premature given the planning which has commenced for the precinct and it was suggested that we be involved in the planning. Subsequent to the meeting, we contacted the Manager Strategic Planning to obtain information regarding the precinct planning and indicated our willingness to be involved. A copy of the emails are attached to this application.

It appears that there is currently no information available and that it will be many months, if not years, until the precinct planning progresses.

It was also suggested that the indicative scale of 6 storeys was out of character with the locality and difficult to justify without broader stricture planning occurring. Notwithstanding that the site currently has no height limit, the comment regarding 6 storeys has been taken on board and a transition of heights from 2 storey up to 5-6 storeys in the centre of the site has been proposed in the preliminary plans, and incorporation of landscaped buffers along

boundaries. The final detail will be finalized in the detailed architectural plans to be submitted with the Development Application.

Flooding was discussed at the meeting and information provided by Council considered in the preliminary review. Refer to earlier discussion regarding flooding.

Comments regarding scale, land use conflict, bushfire and acoustics have been considered in the preliminary constraints mapping and plans and will be refined in the final plans for DA lodgement.

C2 STATEMENT ADDRESSING SEPP SITE COMPATABILITY CRITERIA

1 Existing Environment & Approved Uses

As detailed earlier in this report, the main environmental constraints are bushfire, ecological and flooding. The constraints mapping and development plans have been developed based on the preliminary investigations of these constraints and include areas of ecological significance to be avoided and appropriate Asset Protection Zones and floor levels to be incorporated into the design and layout. Refer to earlier comments within the report regarding flooding, ecological and bushfire constraints and the accompanying details.

Detailed studies will be undertaken when preparing the Development Application to fully address all relevant legislation as well as relevant Council plans and policies. The proposed use is not inconsistent with surrounding zonings and existing or likely future land uses, as detailed earlier in consideration of the UGMS and Structure Plan.

The area is under transition, with the recent development of the University, Bunnings and Sienna Grange extension altering the rural character of the area of the area, as well as the site's characteristics being significantly altered when the Oxley Highway was constructed through the overall site.

The layout has regard to the existing development, views to the Mountains to the west and proximity to the Oxley Highway.

2 Impact on Future Uses

The site is located within the John Oxley Drive Precinct which is identified as a Health and Education Precinct. Whilst currently zoned rural land, the strategies clearly identify this area as a transitioning area and is located within a pocket which remains between the future South Lindfield Release Area, the medical area containing the hospital and associated services, seniors housing known as Sienna Grange, commercial uses including Coles and Bunnings (under construction), and the University.

The future uses surrounding the site will include primarily residential and a small pocket of commercial.

The Architectural Plans have had regard to the existing and future land uses and the heights of buildings have been transitioned to provide the height within the centre of the site, and landscaped buffers incorporated along boundaries.

John Oxley Drive is proposed to be upgraded to four (4) lanes and Council is undertaking area wide traffic investigations, noting works currently underway as a part of the Bunnings development consent to the north. No details have been forthcoming from Council at this stage, however there is ample room to accommodate intersection treatment and is likely to include a round-a-bout at the entry to the site.

3 Availability of Services & Infrastructure

The subject site is located in close proximity to facilities including the Port Macquarie Base Hospital and Lake Innes Village Shopping Centre.

Two bus stops exist to the north-east of the site (in front of Sienna Grange and Grace Church) providing connection to the centre of Port Macquarie.

Infrastructure including water, sewer, electricity and telecommunications are easily extended to the site given the adjoining development, presence of overhead power lines along the frontage and location of a SPS adjacent. The Pre-Lodgement meeting notes are detailed with respect to water and sewer and these issues are not seen as constraints and easily incorporated into the development.

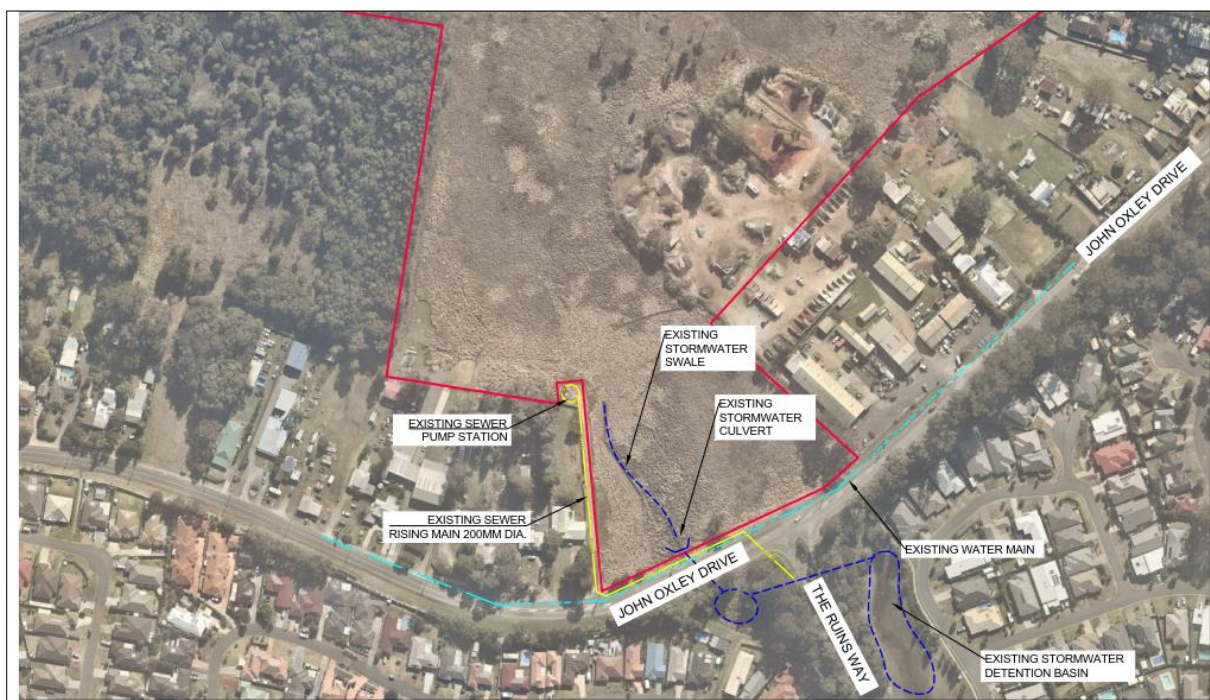


Figure 18: Existing Services Infrastructure

Stormwater can be dealt with in an ecologically sustainable way. Upstream flows shall be dealt with through formalisation of a stormwater swale through the site along the western portion. Ecologically positive means of achieving best practice for water quality and groundwater recharge shall be utilised. Stormwater runoff generated by the development site shall be detained by suitable design structures and suitably treated prior to release into tail water. Runoff is to be reused as best as possible for any reclaimed water reuse. Any runoff from adjoining properties shall be formalised in a similar manner and treated appropriately prior to releasing to tail water conditions.

It is well established by the RMS that Seniors Living Developments are not typically high traffic generators. As such, it is acknowledged that the proposal has potential to impact on the existing road network within the vicinity of the site.

A traffic impact assessment will accompany the Development Application. Information was sought from Council at the Pre-Lodgement meeting regarding Council's traffic investigations to date, but no information was forthcoming. As such, consideration has been given to the knowledge that works have commenced in the vicinity of the site on John Oxley Drive as part of the Bunnings development immediately to the north and also the Sienna Grange extension to the north.

Council in the past has indicated that intersection works will occur at the John Oxley Drive / Major Innes Drive intersection. At the Pre-Lodgement meeting, Council confirmed that some intersection works will be required as part of this development at the John Oxley Drive / The Ruins Way intersection and may include a round-a-bout.

We are also aware that Council has been working on an Area Wide Traffic Study, however no public information is available, and Council would not provide details when questioned at the Pre-Lodgement meeting.

4 Impact on Open Space and Special Use Provisions

Not applicable.

5 Impact on Bulk, Scale, Built Form & Character

The area is clearly under transition from rural to urban purposes, with a variety of built form and no consistent height or character. There have been a number of developments constructed or under construction in the vicinity which have changed the character of the area over the recent years.

Given the size of this development, being a major parcel of land in the precinct, the proposal has been designed to set the tone for future development and provide a high quality, Architecturally designed seniors living development with larger areas of open space and in doing so, has provided a transition of heights from the boundaries, with the increased height contained in the centre of the site, to minimise amenity impacts for existing and future residents. The siting of buildings responds to the street frontage, the surrounding and future

development, the ecological constraints and the noise and visual impact from the Oxley Highway.

It is further noted that the recent Sienna Grange addition is three storeys in height, adjacent to the existing surrounding single storey dwellings. As the area is and will be continuing to undergo significant transition over the coming years as part of the health and education precinct, increased height is expected and the design along the boundary being 2-3 storeys with a substantial landscaped buffer adjoining single storey is appropriate. The approval of the Bunnings development, with large structures and hard stand areas, has set the change in character for the area and increased height and density.

Notwithstanding that the site currently has no height limit, the comment from Council at the Pre-lodgement meeting regarding 6 storeys has been taken on board and a transition of heights from 2 storey up to 5-6 storeys in the centre of the site has been proposed in the preliminary plans, and incorporation of landscaped buffers along boundaries. The final detail will be finalized in the detailed architectural plans to be submitted with the Development Application.

The constraints mapping and consideration of adjoining current and future land uses has resulted in buildings being setback from boundaries and landscaped buffers incorporated. The bulk and scale of the built form is of low proportions consistent with the likely future scale of buildings on surrounding properties earmarked for commercial, as well as the highway immediately to the north.

It is expected that the strategic direction, based on the recently approved Bunnings development, will include increased height from the current development.

With respect to character, the Department of Planning & Environment have released a Planning Circular dated 16 January 2018. Having regard to this circular, the following points are provided:

- Development should have regard to the desired future character statement for the area.
- Compatibility is key for new development, which can co-exist together with the existing form, but it does not need to be the same development.
- Respecting character does not preclude development.
- The values of the neighbourhood should be built on by the proposed development.
- Consider built form, bulk, scale, height, landscaping and good design.
- Place based, responds to local character and community aspirations.
- Local character should be considered at all stages of planning.

Council does not have a desired future character statement for the area. This is discussed earlier in this statement in considering the strategies for the area.

The character of the area is still undergoing transition. This site specifically was altered when the RMS constructed the Oxley Highway through the centre of the overall site, severing into two. Specifically, with respect

to character and compatibility, the Circular states:

“Compatibility is different from sameness, as it allows for many different features to coexist together harmoniously.”

This is an important comment to note that the character of the health and education precinct can be, and is being, respected by the proposed development, notwithstanding its varied form and not being the same as the existing varied form in the area. The Bunnings development under construction is a prime example of a mix of land uses in this area remaining compatible with the future desired character whilst respecting the existing development. This circular is consistent with the Planning Principle above and the comments in that section.

The subject site is essentially the last relatively unconstrained large parcels of land in one ownership in the immediate area and this development is an opportunity to provide a focal point not only for the precinct, but the wider area. The site will be visible from the Oxley Highway, and as such will inform the bulk, scale, built form and character of the developing area.

6 Impact on Conservation and Management of Native Vegetation

As discussed earlier in this report, the ecological considerations have heavily informed the planning for development of this site. While the site qualified over most of its extent as a complex of Coastal Floodplain EEC in various levels of condition, existing use rights have prevented the EEC's from recovering to their preferred state i.e. Swamp Sclerophyll Forest.

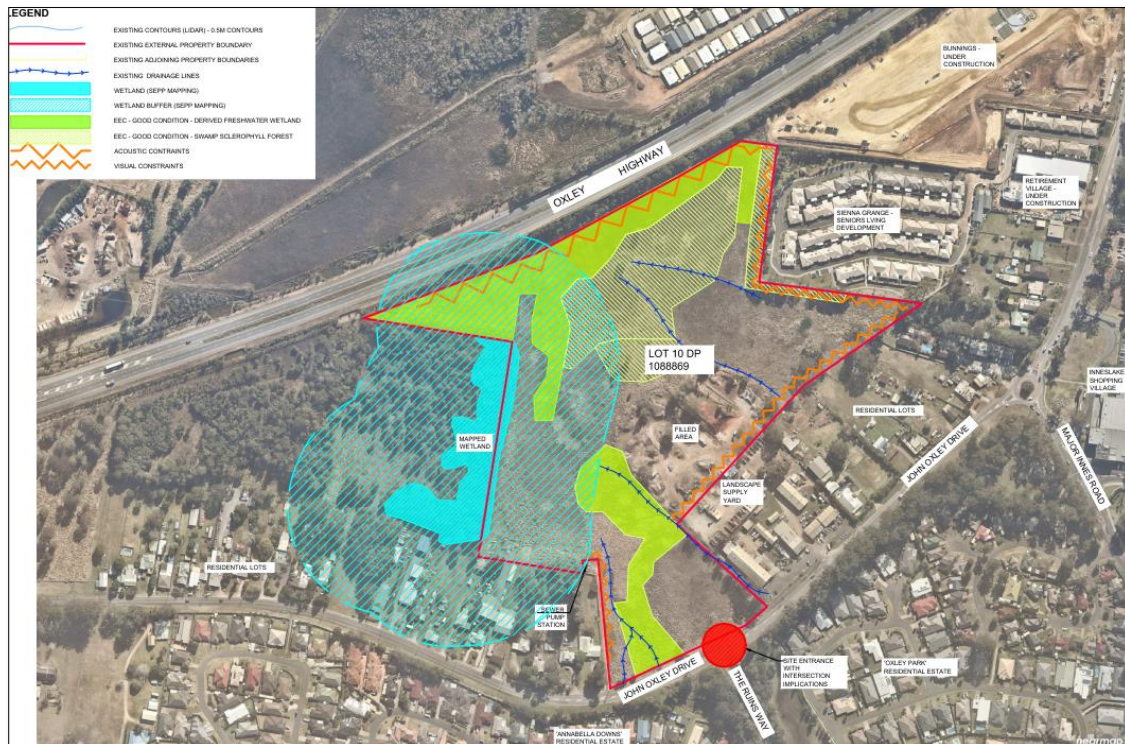


Figure 19: Ecological Constraints

In establishing the sites ecological constraints the areas of EEC identified as being 'least modified' or 'disturbed' have been retained and protected. These are predominantly located within the north west portion of the subject site and on the adjoining western site. A buffer zone has been proposed around these selected areas ranging from 30-50 m wide. This buffer will enable natural regeneration and therefore extension of Swamp Sclerophyll Forest.

The site is not currently an effective corridor for wildlife. Allowing the western and north western portions to regenerate back to forested wetlands will restore this connectivity to the west

The Planning Analysis plan below clearly identifies the areas of EEC proposed to be protected and retained and the buffer areas to be provided (light green and green). The orange portion can also be deemed a buffer (required as an APZ) but will be under a management regime providing opportunity for passive recreational activities.

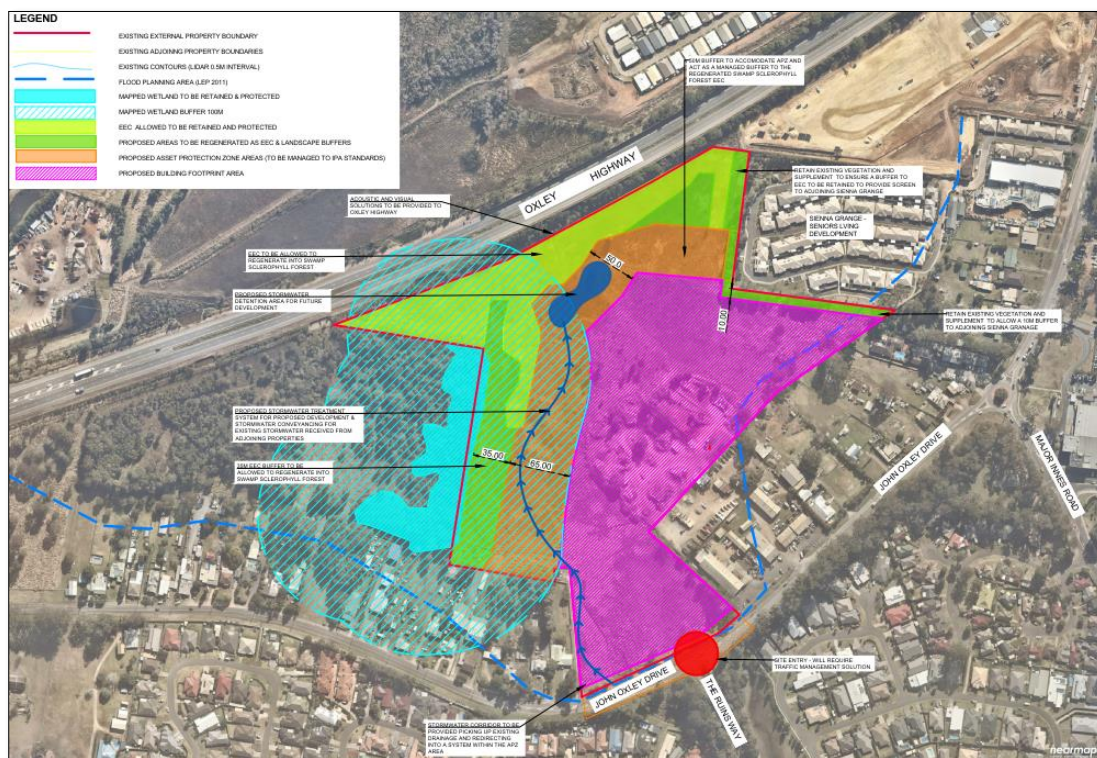


Figure 20: Planning Analysis Plan

C3 ADDITIONAL COMMENTS

The UGMS recognises that the Port Macquarie-Hastings local government area includes an increasingly ageing population with a higher proportion of people aged 65 and over in comparison to the Australian population. The UGMS also recognises the demand for a greater range of housing types, including for the ageing population. This development responds to that need.

Further, Council's strategic policies indicates that this area is ideal for a health and education precinct due to its proximity to services, hospital and transport links.

In this regard, the proposed Seniors Living facility will provide significant benefits to the local community and be in keeping with the desired future character of the area, as well as the existing and emerging development.

From a national, State and regional policy context, it is noted that there is a trend that housing affordability is declining, and housing supply is falling behind theoretical demand. A proposal such as that proposed under this application would assist in the provision of affordable Seniors Housing in the region.

Conclusion

This report has been prepared to accompany an application to the Department of Planning and Environment for a Site Compatibility Certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The site is zoned RU1 – Primary Production under Port Macquarie Hastings LEP 2011 and immediately adjoins land zoned primarily for urban purposes on the opposite side of John Oxley Drive, being R1 General Residential.

Furthermore, the proposal includes ‘serviced self-care housing’ which, consistent with the requirements of the SEPP.

As detailed within this report, the proposed senior’s accommodation and associated community facilities will contribute to an attractive residential environment for over 55s in a locality that has been identified as having not only a growing population but also a higher proportion of older people when compared to the national and State averages.

The primary constraints to development on the site in terms of the natural environment are existing EECs and wetlands, flooding and bushfire. The constraints mapping has had regard to these constraints, as well as the existing and desired future development of the area.

The proposal will include high quality, architecturally designed accommodation and community facilities for seniors or people with a disability that is compatible with adjoining uses and the natural environment.

The site is located within close proximity to relevant local retail shopping village, services, facilities and amenities with access to regular bus services (both private and public) to the nearby hospital and larger retail and commercial services, community and recreational facilities is available to the Port Macquarie CBD and shopping precinct. Existing bus stops are available out the front of Sienna Grange on the same side of the road, as well as outside of Grace Church on the opposite side. A new town centre is also commencing construction at Sovereign Hills, Thrumster to the west, which is accessed via John Oxley Drive.

The seniors living development will therefore result in a positive contribution to the emerging area, as well as the wider area of Port Macquarie.

Attachments:

- A. SCC Preliminary Environmental Constraints Plan**
- B. SCC Preliminary Flood Constraints Plan**
- C. SCC Preliminary Planning Analysis Plan**
- D. SCC Recommended Building Zones Plan**
- E. SCC Preliminary Architectural Plans**
- F. SCC Preliminary Ecological Review**
- G. SCC Preliminary Bushfire Review**
- H. SCC Stage 1 Contaminated Site and Geotechnical Assessment**
- I. Pre-lodgement Report & Preliminary Plans**
- J. Pre-lodgement Minutes**
- K. Emails with Council regrading precinct planning**
- L. Servicing Diagrams**
- M. Legal Advice - CONFIDENTIAL**