Site Compatibility Certficate Application

Seniors Living Accommodation

71 Gan Gan Road and 100 Old Main Road
ANNA BAY NSW 2316

Prepared by KDC Pty Ltd | April 2018

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PLANNING DEVELOPMENT PROPERTY

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Site Compatibility Certificate Application

Final

Report Job No. 16105 | Prepared by KDC Pty Ltd | March 2018

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Contents

1 Introduction 1

2 Context 3

2.1 Site Location, Zoning and Surrounding Uses 3
2.2 Description of Surrounding Environment 6
2.2.1 Built Form 6
2.2.2 Potential Land Use Conflicts 6
2.2.3 Natural Environment 6
2.2.4 Access to services and facilities (Clause 26) 7
A -Accessibility & interrelationships with the surrounding area 7
B -Location & description of available shops, banks and other retail and commercial services, community services and recreation facilities, medical facilities 8
2.2.5 Open Space and Special Use Provisions: 8
2.2.6 Agricultural capability of the site and adjoining land if the proposal affects land not zoned primarily for urban purposes. 8
2.2.7 Type, values and significance of native vegetation on site, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003. (nb: separate Guideline available for further information) 8

3 Proposed Development 9

3.1 Description of the Proposal 9
3.2 Site Description 10
3.3 Building Envelope 10
3.4 Proposed Extent of Native Vegetation Clearing, if Land is Not Located in an Urban LGA or Urban Zone Listed under Schedule 1 of the Native Vegetation Act 2003 10

4 Strategic Justification 11

4.1 Relationship with Regional and Local Strategies 11
- Hunter Regional Plan 2036 11
- The Anna Bay Strategy and Town Plan 2008 11
- Port Stephens Planning Strategy 2011 11
4.2 Public interest reason for applying for seniors housing in this locality 11
4.3 Adequacy of services and infrastructure to meet demand 12

5 Pre-lodgement Consultation with the Consent Authority (Council) 13

5.1 Evidence of Consultation 13
5.2 Description of and response to issues raised in consultation 13
5.2.1 Zoning 13
5.2.2 Ecology 14
5.2.3 Flooding 15
5.2.4 Bushfire 15
5.2.5 Traffic and Access 16
5.2.6 Watercourses 17

6 Statement Addressing SEPP Site Compatibility Criteria 19

6.1 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 19
6.2 The Impact that the Proposed Development is Likely to have on the uses that are likely to be The Future Uses of the Land in the Vicinity of the Development 19
6.3 The Services and Infrastructure that are or will be available to meet the demands arising from the Development (Particularly, Retail, Community, Medical, and Transport Services

having regard to the Location and Access Requirements set out in clause 26 of the SEPP) and any Proposed Financial Arrangements for Infrastructure Provision. 19
6.4 In the case of Applications in Relation to land that is Zoned Open Space or Special Uses— The impact that the Proposed Development is likely to have on the Provision of Land for Open Space or Special uses in the Vicinity of the Development. 19
6.5 Without Limiting any other Criteria, the Impact that the Bulk, Scale, Built Form and Character of the Proposed Development is likely to have on the existing uses, Approved uses and Future uses of land in the Vicinity of the Development. 20
6.6 If the Development may involve the Clearing of Native Vegetation that is subject to the Requirements of Section 12 of the Native Vegetation Act 2003 - the impact that the Proposed Development is likely to have on the Conservation and Management of Native Vegetation 20
6.7 Additional Considerations 20
7 Conclusion 21

Figures

Figure 1 – Aerial Plan 3
Figure 2 - Cadastral Plan 4
Figure 3 – Zoning Map Extract 5
Figure 4 – Site Adjoining Urban Zoned Land 13
Figure 5 – Bushfire Prone Land Map Extract 16

Appendices

Appendix A – Architectural Drawings 23
Appendix B – Table of local Services and Facilities 25
Appendix C – Traffic Technical Design Note 27
Appendix D – Flooding 29
Appendix E – Preliminary Ecological and Bushfire Investigations 31

1 Introduction

This report accompanies the Site Compatibility Certificate (SCC) application as required under the provisions of Clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors Living) for proposed seniors housing accommodation located at 71 Gan Gan Road and 100 Old Main Road, Anna Bay NSW 2316. It contains details of the proposal and information in accordance with *Part C- Site Compatibility* of the SCC application form.

The purpose of this report is to address the planning issues associated with the proposal and specifically to provide a response to the SCC assessment criteria as specified within SEPP Seniors Living.

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2 Context

2.1 Site Location, Zoning and Surrounding Uses

The site is located at 71 Gan Gan Road and 100 Old Main Road, Anna Bay, situated within the Local Government Area (LGA) of Port Stephens. It comprises two lots, legally described as Lot A in DP 360150 and Lot 21 in DP 718935.

The site is irregular in shape and comprises approximately 31 hectares. It has frontage to Nelson Bay Road (State Classified Road) to the north, Gan Gan Road to the south west and Old Main Road to the south. Refer to Figure 1 and 2 for the site aerial photograph and cadastral information.

Figure 1 – Aerial Plan

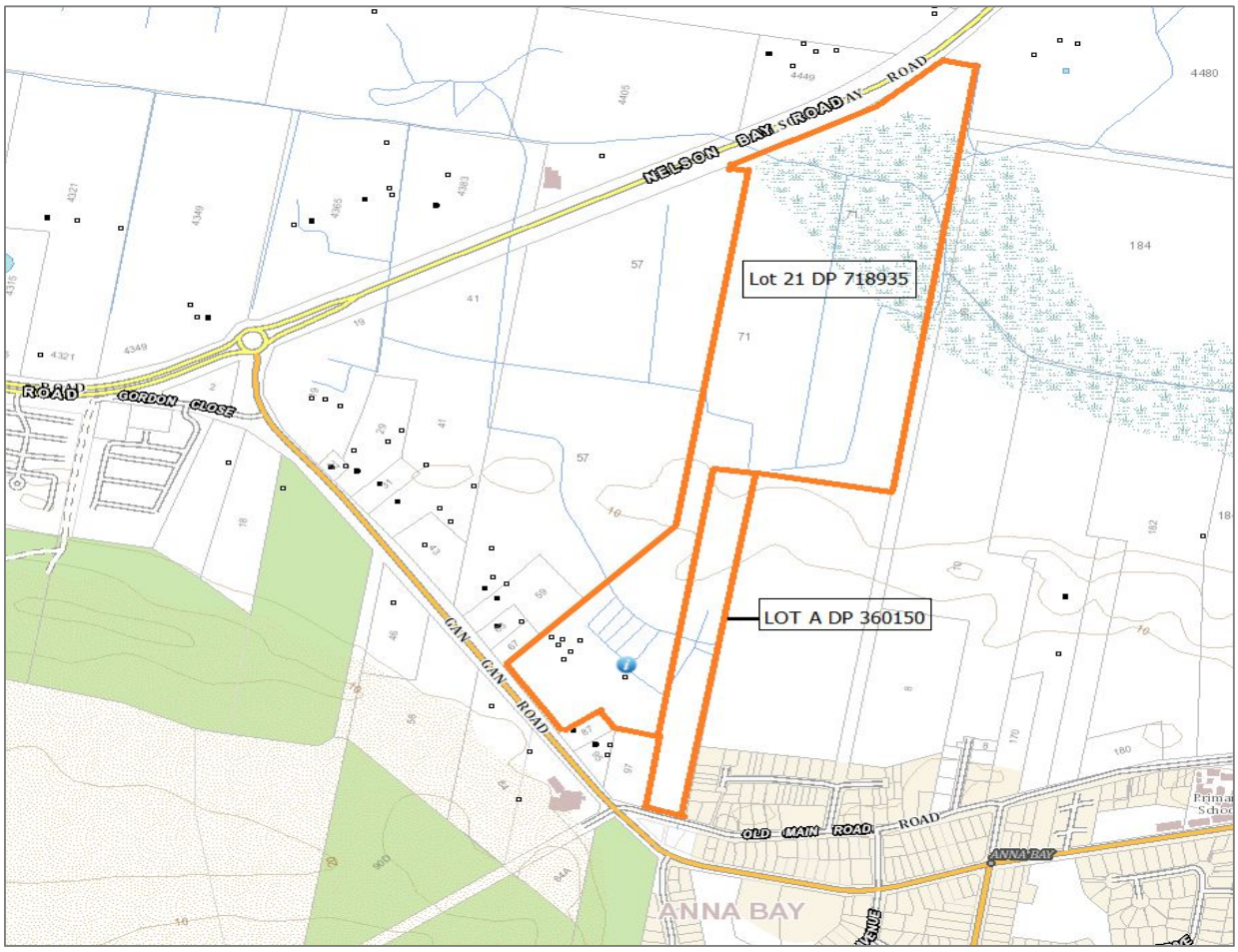
The site comprises the following land uses:

- 12.4 hectares of disturbed remnant native vegetation;
- 16.3 hectares of managed and disturbed areas associated with agricultural activities; and
- 2.4 hectares associated with rural residences, gardens, planted exotic trees and associated agricultural infrastructure.

The site is currently accessed via two existing vehicular driveways, one on Gan Gan Road and one on Old Main Road. Gan Gan Road is an urban collector road which operates under the posted speed limit of 80km/hr passing the site, with the speed limit dropping to 50km/hr to the south of the existing site access. In the vicinity of the proposed development, it provides one lane of travel in each direction, with no kerb or guttering present and no footpaths.

Nelson Bay Road is a State Classified Road forming part of the B63 route from Nelson Bay, through to the Pacific Highway at Adamstown Heights. It operates under the posted speed limit of 80km/hr passing Gan Gan Road.

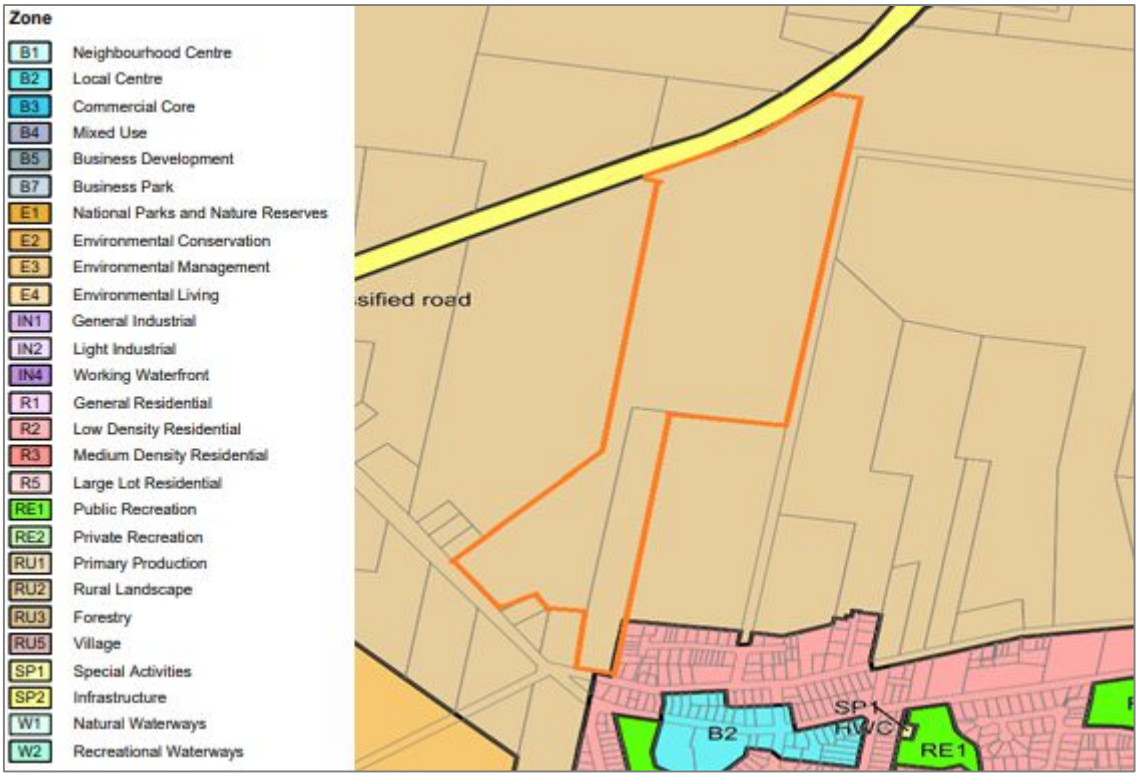
Figure 2 - Cadastral Plan



Two drainage channels run across the site - the Anna Bay Main Drain in the northern portion, and the tributary drain, Ferntree Drain, in the southern portion. A ridge-line with a peak elevation of 14.7m crosses the central portion of the site.

The site is currently zoned RU2 Rural Landscape under Port Stephens Local Environmental Plan (LEP) 2013, as shown in Figure 3.

Figure 3 – Zoning Map Extract



The Land Use Table for the RU2 zone is provided below:

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

2 Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

3 Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Tourist and visitor accommodation; Turf farming; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

It is noted that a portion of the site's eastern boundary immediately adjoins land zoned (and utilised) primarily for urban purposes (R2 Low Density Residential) as shown in Figure 3.

The site is located in close proximity to the town centre of Anna Bay which lines both sides of Gan Gan Road approximately 350-450m to the southeast of the site. It is also located approximately 1km to Birubi Beach which is located at the northern end of a huge expanse of sandy beach extending over 30km.

2.2 Description of Surrounding Environment

2.2.1 Built Form

Anna Bay has experienced incremental growth, and a variety of residential and commercial building types are evident within the vicinity of the southern access point(s) to the site. Gan Gan Road contains semi rural land uses west of the site with neighbouring setbacks varying between 10-20m. Further east along Gan Gan Road is the town centre containing buildings relatively small in scale, generally simple slab on ground construction of one and sometimes two storeys. Use of face brickwork, rendered masonry, timber, tile and metal sheeting is common. Pitched gables and hipped roofs tend to predominate, with some use of skillion and curved roof forms. The streetscape is not well defined due to the fragmented built form.

Most housing in Anna Bay comprises single detached dwellings. Earlier cottages are lightweight timber frame construction on piers and more recent dwellings are typically brick veneer construction on a concrete slab. More recent medium density development is generally two storey townhouses or duplexes with rendered masonry finishes.

2.2.2 Potential Land Use Conflicts

Although the scale of the proposal will significantly contribute to population growth within Anna Bay, there will be minimal impact on the surrounding residential, commercial and agricultural land uses from the proposal and adequate buffers will be provided to the environmentally sensitive lands both within and surrounding the site.

2.2.3 Natural Environment

Regional Vegetation Mapping shows the site as containing a mix of Swampland communities in land below 10mASL and Coastal Sand Apple – Blackbutt Forest in areas above 10mASL.

A working preliminary Vegetation Map has been produced for the site by consultant ecologists Anderson Environment and Planning and is included at Appendix E of this report. In accordance with LCCREMS Map Unit Classification, the approximate areas of vegetation across the site are as follows:

- MU40 – Swamp Oak Rushland Forest (SORF) – 1.8ha,
- MU37 – Swamp Mahogany - Paperbark Forest (SMPF) – 5.4ha,
- MU33 – Coastal Sand Apple – Blackbutt Forest (CSABF) – 5.2ha.

SORF and SMPBF are identified as Endangered Ecological Communities (EEC) within the Biodiversity Conservation Act 2016 (BC Act).

Remnant native vegetation areas within the site support vegetation which is classified as "Preferred Koala Habitat", "Preferred Koala Habitat Buffer" and "Supplementary Koala Habitat" under the *Port Stephens Comprehensive Koala Plan of Management* (CKPoM). In addition, remnant vegetation areas contain Eucalyptus species listed as "Preferred Koala Feed Tree" in *State Environmental Planning Policy 44 – Koala Habitat Protection* (SEPP 44) and the CKPoM. Further, the SMPF in the north of the site is likely to be considered as part of a Council mapped Koala habitat corridor.

Examination of Rural Fire Service on-line mapping (2017) confirms that the site is within a designated bushfire prone area. As the proposed development would eventuate in subdivision for Seniors Living purposes, it is classed as 'Integrated Development' under Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). In combination with Section 100B of the Rural Fires Act 1997, a Bushfire Safety Authority (BSA) would be required from the NSW Rural Fire Service (RFS) to enable the development to proceed.

The site is inundated by flooding during the 5% AEP, 1% AEP and PMF flood events. Due to the consistent flood level, it is apparent from flood patterns that the majority of the site effected by flooding is floodplain. There is a ridge that runs approximately through the middle of the site in an east west direction that is not inundated by flood water during any of these events.

As a result of the preliminary ecological, flooding and bushfire investigations undertaken to date, various environmental issues have been identified. There is a need for appropriate Asset Protection Zones (APZs) to limit bushfire threat; retention of areas of vegetation owing to the ecological values including Koala habitat and EECs; and there is a need to locate development above the flood planning level.

2.2.4 Access to services and facilities (Clause 26)

- Accessibility & interrelationships with the surrounding area

- *transport infrastructure and services, accessible pedestrian routes*

The site is located within close proximity to a number of retail, commercial, community and recreational services and facilities both within Anna Bay and the greater Port Stephens Area. Anna Bays commercial centre is located approximately 350-450m southeast of the site on the northern and southern sides of Gan Gan Road. This includes a medical centre, post office, supermarket, pharmacy, newsagent, service station (with ATM facilities), liquor store and local tavern.

For higher order retail and services, Salamander Bay Shopping Centre is located within 10km of the site and contains a variety of supermarkets, Discount Department Stores (DDS), banks, food retailers, medical centre, travel agent, dry cleaners, optometrist, pharmacy, beauticians, clothing stores, jewelers, mobile phone providers, butcher, liquor store, cafes, take away food outlets and more.

Construction work has also begun on a future commercial hub located outside Salamander Bay Shopping Centre containing a standalone Aldi, Woolworths petrol station and medical centre amongst other uses further enhancing the services and facilities within the immediate area.

Newcastle and Raymond Terrace are also located within a one hour drive from Anna Bay and offer all the retail and convenience services typical of larger towns/ cities.

Tomaree Community Hospital is located 11.5km to the east of the site in the suburb of Nelson Bay and is opened 24 hours a day, 7 days a week. Newcastle Airport is located approximately 25km west of the site. It offers both domestic and international travel and is easily accessible by private vehicle or bus.

The closest bus stop located approximately 300m (east) of the site along Gan Gan Road in front of the IGA supermarket. Port Stephens Coaches operate a regular bus service within Port Stephens and the Newcastle Area. Bus routes 130, 135 and 134 all pass directly in front of the site along Gan Gan Road providing (at a minimum) a daily bus service, 7 days to Salamander Bay Shopping Centre, Nelson Bay and other areas of Port Stephens as well as further abroad to Raymond Terrace and Newcastle.

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. As detailed above, several services and facilities likely to be required by the residents of the future Seniors Living development are located within 400m of the site within the commercial area of Anna Bay. In addition, access to a larger range of retail and commercial services, community and recreational facilities is available through regular bus transportation to Salamander Bay Shopping precinct, other parts of Port Stephens and the wider Newcastle area.

Furthermore, a private bus service is proposed to be provided within the proposed seniors housing development, transporting residents to and from their accommodation to Salamander Bay Shopping Centre and other relevant places, with regular daily shuttles.

- Location & description of available shops, banks and other retail and commercial services, community services and recreation facilities, medical facilities

- *available shops, banks and other retail and commercial services, community services and recreational facilities, medical facilities.*

There is a wide range of local shops, banks and other retail and commercial services as well as community services and recreation and medical facilities within proximity to the site, some within a 400m walk and others accessible through public and private bus transport. A detailed list of some of the services and facilities located within the area is provided at Appendix B.

It should also be noted that some facilities and services are proposed to be integrated into the development, such as a multi-purpose hall offering a variety of prearranged activities for residents on a daily basis, recreation areas for outdoor use and enjoyment, shared BBQ facilities or similar, and a small shop/café offering daily conveniences.

2.2.5 Open Space and Special Use Provisions:

The development is not proposed within Open Space or Special Uses zones.

2.2.6 Agricultural capability of the site and adjoining land if the proposal affects land not zoned primarily for urban purposes.

As previously stated, the site is zoned RU2 Rural Landscape and is approximately 31 hectares, however the capacity of the site in terms of primary production is questionable due to a number of factors including bushfire threat, flooding, and the presence of EEC and Koala habitat.

Furthermore, parts of the site are not ideally suitable for agricultural purposes given proximity to residential lands to the east and urban development beyond.

2.2.7 Type, values and significance of native vegetation on site, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003. (nb: separate Guideline available for further information)

The Native Vegetation Act 2003 has recently been repealed and essentially replaced with the newly implemented *Biodiversity Conservation Act 2016 (BC Act)*. Under the BC Act, an assessment utilising the Biodiversity Assessment Method (BAM) will be required for the Seniors Living development, with associated offsetting. Under the BC Act, preliminary desktop BAM investigations have been undertaken by Anderson Environment and Planning to establish the approximate context of development impacts and conservation opportunities within the framework of the proposed development configuration. This is further discussed in Section 5.2.2 of this report.

3 Proposed Development

3.1 Description of the Proposal

A Site Compatibility Constraints Analysis has been prepared by Anthony Vavayis + Associates which maps various environmental factors, namely bushfire, flooding and ecology, which have been taken into account to derive the resultant 'potential developable areas' (refer to Appendix A). Based on this analysis, two main areas for future Seniors Living housing and associated buildings have been identified. A smaller area located in the southern portion of the site could potentially contain community buildings, the residential aged care facility, staff/ management buildings, and general car parking. The larger area extending to approximately 13.4 hectares located in the northern portion of the site would accommodate the future self-contained dwellings (serviced self-care housing).

The dwellings are proposed to be predominantly single storey, comprising a range of one, two and three bedroom units. Proposed building typologies are indicated on SC2000 at Appendix A. It is noted that the plans prepared for this application are preliminary only as detail design will evolve as environmental factors and potential constraints are examined and further quantified.

Encompassed within this development will be all internal roads including primary access from Gan Gan Road and an emergency exit to Nelson Bay Road. A perimeter road is likely to be established around the dwellings to separate the future buildings and adjacent bushfire hazards. The internal road network will be carefully located to minimise impacts on nearby EEC vegetation, any hollow trees or other specific habitat features, and also to minimise any impacts on vegetation connectivity / fauna movement.

The inclusion of an emergency access point to Nelson Bay Road is for bushfire safety purposes and not to be used in the event of a flood emergency. As the developable area is proposed to be filled above the flood planning level, evacuation in the case of a flood is no likely to be required. The internal road connecting to Nelson Bay Road therefore does not need to be raised.

It is emphasized that all buildings are to be sited clear of the flood affected areas, land reserved for bushfire protection zones, and ecologically sensitive areas. The proposal aims to integrate development with the natural environment by maintaining large tracts of native vegetation for ecological preservation benefits. In addition, new trees and landscaping will be interspersed between the built form enhancing visual appeal and amenity at the site.

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)* in conjunction with a *residential care facility* as per the relevant definitions from SEPP Seniors Living extracted below.

> ***residential care facility*** *is residential accommodation for seniors or people with a disability that includes:*
>
> *(a) meals and cleaning services, and*
>
> *(b) personal care or nursing care, or both, and*
>
> *(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*
>
> *not being a dwelling, hostel, hospital or psychiatric facility.*
>
> *Note. The Aged Care Act 1997 of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.*

Self-contained dwellings

(1) ***General term: "self-contained dwelling"*** *In this Policy, a* ***self-contained dwelling*** *is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

(2) ***Example: "in-fill self-care housing"*** *In this Policy,* ***in-fill self-care housing*** *is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

(3) ***Example: "serviced self-care housing"*** *In this Policy,* ***serviced self-care housing*** *is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

3.2 Site Description

- *– natural elements of the site (including known hazards and constraints)*

Refer to Section 2.2.3 of this report.

3.3 Building Envelope

- *footprint and height relative to adjoining development/uses and indicative layout of proposed uses in relation to adjoining development/uses.*

As detailed in Section 3.1, two general areas within the site have been identified for the location of future built form. Given the setbacks proposed to building envelopes and retention of a large amount of existing vegetation, the proposal will not be dominant from either road frontage, nor will it significantly impact on adjoining parcels of land. The low density, single/two storey nature of the future built form is considered appropriate in bulk and scale and consistent with existing adjoining development in Anna Bay.

3.4 Proposed Extent of Native Vegetation Clearing, if Land is Not Located in an Urban LGA or Urban Zone Listed under Schedule 1 of the Native Vegetation Act 2003

As stated above, the *Native Vegetation Act 2003* has recently been repealed. Vegetation clearing is discussed in Section 5.2.2 of this report.

4 Strategic Justification

4.1 Relationship with Regional and Local Strategies

- Hunter Regional Plan 2036

The Hunter Regional Plan 2036 is a 20 year blueprint for the future of the Hunter. The Plan recognises that an additional 70,000 dwellings will be needed in the region by 2036 and that providing the land and the infrastructure to meet this demand is central to the Plan. The Plan states:

> *Housing supply will be influenced by growth and change in the population across the region, and by the community's desire for greater housing choice. By 2036, the percentage of people aged over 65 years is projected to increase from 19 per cent to 25 per cent.*

Specifically, the proposal meets *Direction 22: Promote Housing Diversity* by responding to the recognised demand for housing of the aging community.

- The Anna Bay Strategy and Town Plan 2008

This plan guides the management of future population growth and the building of neighbourhoods in Anna Bay. It details planning and policy context, constraints to development, strategic direction and urban capacity and contains a series of environmental maps.

The southern portion of the site falls within the *Town Centre neighbourhood* which supports future medium density development of villas and townhouses on large sites. The plan anticipates that buildings will be a maximum of 2-3 storeys. The southern portion of the site is within easy access and walking distance from the town centre and beach.

The proposal is generally consistent with the strategic direction as detailed within this plan, and will provide well located, medium density development to assist with the growing housing needs of the Port Stephens aging population.

- Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy recognises the region's ageing population and its declining supply of land with urban potential. It responds to these challenges by focusing urban growth around centres and directing urban expansion to suitable areas near existing centres and services.

The site is located within close proximity to Anna Bay town centre and is close to kilometers of sandy beaches offering quality recreational opportunities.

Similar to the Anna Bay Strategy and Town Plan, this strategy identifies the southern portions of the site for future residential growth and development.

4.2 Public interest reason for applying for seniors housing in this locality

The proposed development for Seniors Living accommodation and associated facilities will help to meet the increasing demand for this type of residential accommodation in Port Stephens. It is acknowledged that the average household size is declining and predicted to continue to decline over time with the Port Stephens LGA. This trend emphasizes a need to cater for a variety of dwelling types in the area.

The proposal will include single and two-storey 1, 2, and 3-bedroom dwellings and will be designed to cater for the over 55 market where the occupants are generally independent, mobile and active. This should be considered in the context of the majority of recently retired over 55's looking to downsize their accommodation but wishing to retain a high standard of living. The proposed Seniors Living facility will provide this in an

attractive setting with architecturally designed buildings along with community facilities provided and maintained to a high standard.

4.3 Adequacy of services and infrastructure to meet demand

The site currently contains an existing dwelling and is serviced by essential infrastructure for a development of this nature. The applicant will be responsible for funding any augmentation of infrastructure services within the site to facilitate the proposal.

The impact on existing services provided within the community to the aged will be minimal. Provision of specialised services (such as meal deliveries, cleaning assistance, etc) will be facilitated in house and therefore the burden of support for the future residents of the proposed development will not be passed onto existing providers.

The proposed development will establish serviced, self-care housing for senior persons or people with a disability providing a quality lifestyle including recreational activities and transport services. It will assist the ageing population demographic without impacting on existing services such as meals on wheels or home and community care.

5 Pre-lodgement Consultation with the Consent Authority (Council)

5.1 Evidence of Consultation

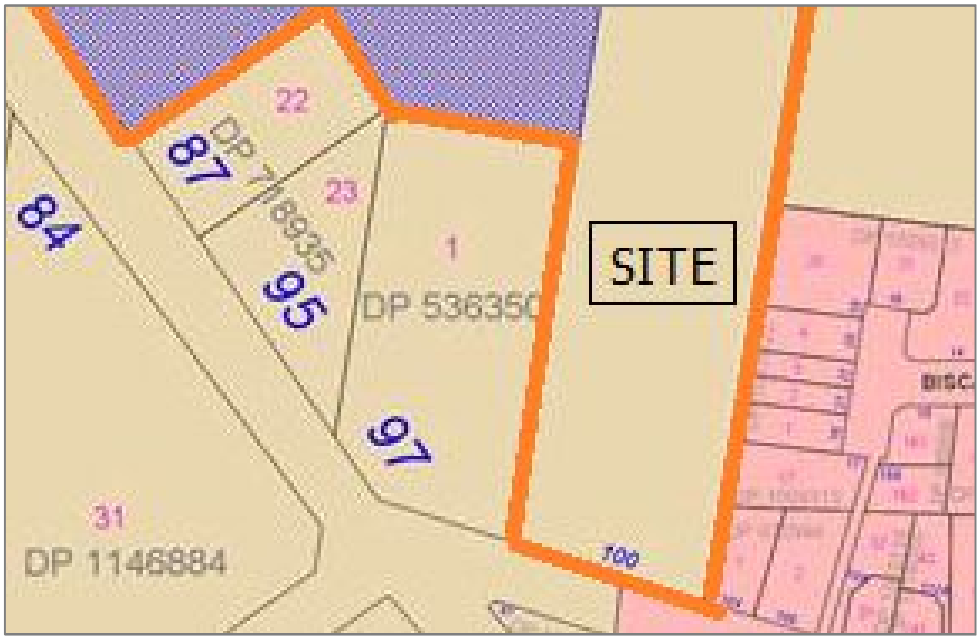
A meeting was held with Council on 17th October 2017 to discuss the proposed Seniors Living development. Whilst formal minutes of the meeting were not taken, a follow up email from Council was received outlining the main issues Council raised in the meeting including zoning, ecology, flooding, bushfire, traffic and access and watercourses. These are discussed in more detail in this chapter.

5.2 Description of and response to issues raised in consultation

5.2.1 Zoning

Council questioned exactly how the proposal would qualify for a SCC under Part 1A of SEPP Seniors Living. As detailed within this report, the site is zoned RU2 under Port Stephens LEP 2013. As can be seen in Figure 4, the eastern boundary of Lot 100 adjoins land zoned R2 under the LEP.

Figure 4 – Site Adjoining Urban Zoned Land



Clause 17 of SEPP Seniors Living states the following:

> ***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).

The proposed development will include serviced self-care housing as per the definitions provided within the SEPP (as extracted in Section 3 of this report). In conjunction with the serviced self-care housing, a residential care facility will also be provided on site which will provide residential accommodation in addition to meals and cleaning services and personal/ nursing care. Therefore, the proposal satisfies Clause 17(1) and (2) through the type of seniors accommodation proposed as well as the site location immediately adjoining urban zoned land.

In regards 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 Stephens 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). In terms of bushfire threat, the proposal is able to comply with the requirements of Planning for Bushfire Protection 2006 and the recently released Draft Planning for Bushfire Protection 2017 and takes into consideration the relevant matters for consideration under Clause 27 of SEPP Seniors Living.

5.2.2 Ecology

Preliminary advice from Council's Natural Resources section identified that the northern eastern corner of the site (adjacent to Nelson Bay Road) is identified as Preferred Koala Habitat, while the land through the centre and southern extent of the site was identified as Supplementary Habitat.

A Preliminary Ecological Investigation has been undertaken by Anderson Environment and Planning and is included at Appendix E. The investigation takes into consideration ecological attributes of the site including Koala habitat vegetation as well as threatened species and EECs. It is emphasised that the ecological report has been written with reference to the initial development scheme which included a much larger yield covering the majority of the site. The preliminary reworked architectural plans included at Appendix A include a significantly smaller scheme based on the findings and recommendations of the ecological, bushfire and flooding reports.

Recent changes to biodiversity legislation within NSW has fundamentally changed the approvals pathway for development seeking to remove native vegetation above a certain threshold (which in this instance would be 0.25 – 0.5ha; a threshold that is exceeded under the revised scheme). Under the BC Act 2016, clearing above the threshold requires the production of a Biodiversity Development Assessment Report (BDAR) via application of the Biodiversity Assessment Method (BAM).

It is recognised that the BDAR process will need to consider concepts such as "Avoid / Minimise" and that due to potential impacts on EECs, Koala habitat and koala linkages, sterilisation of some areas of the site will result. Furthermore, the BDAR may lead to an approval that requires the provision / retiring of biodiversity credits to enable the development to proceed.

Notwithstanding the above, it is considered that a viable Seniors Housing development is achievable given the ecological investigations and findings undertaken.

A detailed Ecological Report including mapping will be prepared and submitted with any future DA to Council for Seniors Living and will address the development's potential effect on populations, ecological communities, or habitats of threatened flora and fauna. It will also include specific ecological survey results over a set seasonal period.

5.2.3 Flooding

It is acknowledged that the majority of the site is located within a Flood Investigation Area. The land is identified as High Hazard Storage under the Port Stephens DCP provisions. Reference is made to the recently adopted Anna Bay and Tilligerry Creek Flood Study 2017.

It is noted that Council's requirements for development in flood prone areas are generally as follows:

- All lots to be located above the 1% AEP flood level.
- All buildings to be built above the 1% AEP flood level + 500mm freeboard (Flood Planning Level).
- Land locked development areas to have a safe storage area above the PMF.

These parameters can be met within the development, noting that it is proposed to fill the site in the developable areas as shown on the Plan at Appendix A.

BMT have undertaken a flood impact assessment for the proposal including the determination of the peak flood levels and flood behaviour at the site for the 1% Annual Exceedance Probability (AEP) design event, and a preliminary assessment of the impact of the proposed development on existing design flood behavior. The study found that a significant portion of both the northern and southern portions of the site are inundated in a 1% AEP event under existing catchment conditions.

The relative impact of the proposed development has been considered in terms of potential adverse impacts on existing 1% AEP flood levels. The TUFLOW models were altered to include a preliminary representation of post-development site conditions. The post-development site conditions were modelled using a fill polygon, elevated above the 1% AEP flood level. Under Scenario 1, the fill polygon is primarily limited to areas of low hazard flood fringe. Under Scenario 2, the fill polygon in the northern portion of the site is extended further north to encompass areas of low and high hazard flood storage.

The modelled impacts on simulated peak flood levels for the 1% AEP event found that there are negligible impacts in the northern portion of the site under both raised fills scenarios simulated. There are however some minor increases (~0.02–0.03 m) in peak flood levels on the neighbouring property to the east and west of the southern portion of the site. These impacts are driven by:

(1) the blockage of floodplain flowpaths that link in to Ferntree Drain; and

(2) the restriction of flows to the modelled drainage corridor along Ferntree Drain.

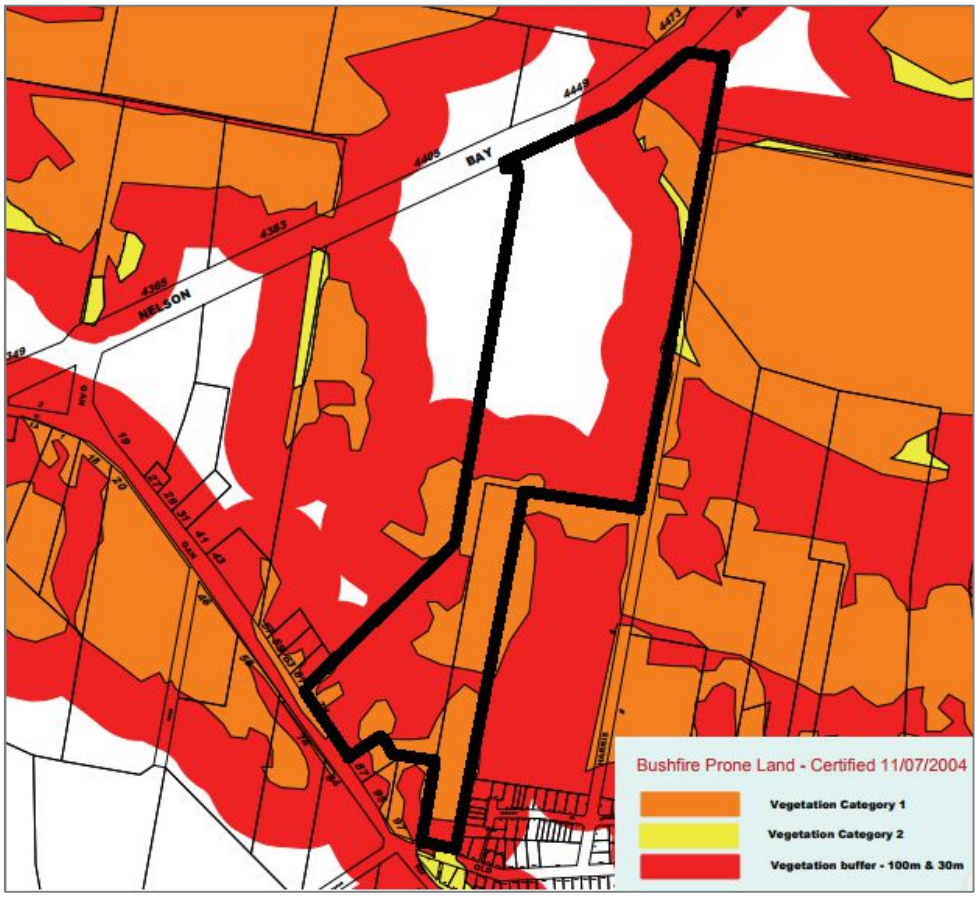
These impacts can likely be mitigated by making minor alterations to the fill polygon and/or the inclusion of some drainage infrastructure at a later stage in the development process.

Detailed flood investigations will be carried out during the preparation of a DA to Council including further flood modeling where necessary to ensure flood impacts from the proposal are properly mitigated.

5.2.4 Bushfire

The majority of the site is located within bushfire prone land (refer to Figure 5). The proposal would trigger 'Integrated Development' under Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and a Bushfire Safety Authority (BSA) would be required from the NSW Rural Fire Service (RFS) to enable the development to proceed (in accordance with Section 100B of the *Rural Fires Act 1997*). The proposed development is also classified as Special Fire Protection Purposes (SFPP) pursuant to the *Rural Fires Act 1997,* therefore heightened requirements apply.

Figure 5 – Bushfire Prone Land Map Extract



Preliminary Bushfire Investigations have been undertaken and are included in the combined Ecological and Bushfire advice at Appendix E. Again, it is re-iterated that this advice was formed on the basis of an earlier development layout which included a much higher yielding scheme with potential buildings across the majority of the site. The plans included at Appendix A of this report have been revised taking into account the ecological, bushfire and flooding constraints and have reduced the area to be built upon.

Bushfire setback requirements in the form of Asset Protection Zones (APZs) will be most prominent along the eastern boundary where intact vegetation sits immediately adjacent. The setback to the west is not considered to be of issue given the extent of clearing associated with grazing activities on these lands. The fire zone setbacks have been incorporated into the constraints analysis so that appropriate land is set aside for setbacks from fire hazards.

Overall, the bushfire report did not identify any issues that would preclude a Seniors Living proposal achieving compliance with Planning for Bushfire Protection (PBP) and the subsequent issue of a BSA from the RFS. Appropriate APZs would need to be established and maintained as well as meeting building construction standards and Building Code of Australia (BCA) Standard 3959-2009 (AS 3959) for *Construction of buildings in bushfire-prone areas*.

5.2.5 Traffic and Access

It is noted that Seniors Living Developments are not typically high traffic generators, notwithstanding, as with all large-scale development proposals, it is acknowledged that the proposal has potential to impact on the existing road network within the vicinity of the site. A preliminary Traffic Assessment has been prepared by SECA Solution traffic engineers which utilises the *RMS Guide to Traffic Generating Developments* to assess the

operation of the existing road network and provide advice on the capacity of the road network to cater for the proposed development (refer to Appendix C).

The traffic assessment demonstrated that the existing road network, in the vicinity of the site, has the capacity to accommodate a further 500 vehicle movements southbound per hour in the PM peak. The evening peak has been assessed as it reflects the associated peak for a Senior Living development. Therefore, based on the current RMS Guide traffic rates of 0.4vph, the surrounding road network has capacity to accept the traffic generated by the proposal.

The layout of the road network, including sight distances on Gan Gan Road, were found adequate to allow safe access to be provided for the proposed development. It is noted that the Traffic Report was prepared based on the earlier scheme which showed vehicular access from Nelson Bay Road as well as Gan Gan Road. This has been revised with only emergency access to Nelson Bay Road proposed under the new scheme.

5.2.6 Watercourses

Council raised the fact that Six Maps (maps.six.nsw.gov.au) show a number of streams on the site. They recommended that NSW Water be consulted prior to the lodgement of a DA with Council to ascertain whether these can be classified as watercourses.

The Flooding Study noted that two drainage channels run across the site – the Anna Bay Main Drain in the northern portion, and the tributary drain, Ferntree Drain, in the southern portion. Whilst full environmental studies have yet to be undertaken, it is acknowledged that appropriate buffers will need to be provided to any watercourses/ riparian lands in accordance with legislative requirements and the Water Management Act 2000.

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6 Statement Addressing SEPP Site Compatibility Criteria

6.1 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

As detailed in Section 5, the main environmental constraints to development are bushfire, ecological & flooding. The level of affection associated with each of these varies across the site. Details can be found in the respective preliminary specialist reports contained in the annexures to this report.

It has been established that none of these constraints impact on the viability or the operation of the proposed development, they do however have a large impact of the development footprint and in the case of bushfire, heightened building construction standards.

Further detailed studies will be undertaken at DA stage to fully address all relevant Commonwealth and State legislation as well as relevant Council plans and policies.

The proposed use is not inconsistent with surrounding zonings and land uses (existing and/ or approved).

6.2 The Impact that the Proposed Development is Likely to have on the uses that are likely to be The Future Uses of the Land in the Vicinity of the Development

Amenity related impacts from the proposal will be minimal on the surrounding RU2 zoned land making the site ideally suited for housing for seniors and people with a disability. Residentially zoned land adjoining the site to the east is already developed containing single storey dwellings whose rear boundary face the site. The level of impact on the closest residential neighbours will be appropriately managed through the provision of APZs in addition to proposed and retained vegetation in this location.

The site is located approximately 400m to the west of the Anna Bay town centre, which provides a range of services and is directly connected to the site via local roads. It is unlikely that the proposal will have a detrimental impact on the envisaged future development of this B2 zoned area.

6.3 The Services and Infrastructure that are or will be available to meet the demands arising from the Development (Particularly, Retail, Community, Medical, and Transport Services having regard to the Location and Access Requirements set out in clause 26 of the SEPP) and any Proposed Financial Arrangements for Infrastructure Provision.

Services provision is considered to meet the requirements as set out in Clause 26 and Part 5 of SEPP Seniors Living as detailed in Section 2.2.4 and 4.3 of this report.

The site is already serviced with essential infrastructure and any costs associated with augmentation will be borne by the applicant.

6.4 In the case of Applications in Relation to land that is Zoned Open Space or Special Uses—The impact that the Proposed Development is likely to have on the Provision of Land for Open Space or Special uses in the Vicinity of the Development.

Not applicable (N/A)

6.5 Without Limiting any other Criteria, the Impact that the Bulk, Scale, Built Form and Character of the Proposed Development is likely to have on the existing uses, Approved uses and Future uses of land in the Vicinity of the Development.

Future development of the site would be subject to the height, density and scale, landscape and parking controls of SEPP Seniors Living. Whilst the preliminary layout is not detailed enough to make an informed assessment with regards to these controls, it can be assumed that the building will be under the 8m height limit and the Floor Space Ratio (FSR) will be less than 0.5:1. Furthermore, all buildings will be significantly setback from both Gan Gan Road and Nelson Bay Road behind existing vegetation which will preserve the existing streetscape in these locations. The bulk and scale of the built form is of low proportions consistent with the scale of buildings on surrounding properties in Anna Bay.

Given the existing built pattern of Anna Bay and strategic direction provided in the Anna Bay Strategy and Town Centre Plan, future uses of land within the vicinity of the development will continue to be relatively small in scale, reflective of its beachside village character. The proposal is therefore unlikely to have a negative impact on future uses of land in the vicinity of the site.

6.6 If the Development may involve the Clearing of Native Vegetation that is subject to the Requirements of Section 12 of the Native Vegetation Act 2003 - the impact that the Proposed Development is likely to have on the Conservation and Management of Native Vegetation

This is no longer applicable due to the Native Vegetation Act recently being repealed. Impact from clearing of vegetation is discussed in Section 5.2.2 of this report and the enclosed preliminary Ecological Investigations (Appendix E) with reference to the BC Act 2016.

6.7 Additional Considerations

Demographic trends and shifts in population (growth or decline) have obvious impacts on future demand for housing, infrastructure and services within a region.

The Lower Hunter is characterised by a population that is older than, and continuing to age at a rate faster than, the NSW average. Projections suggest that a much greater proportion of the population will be aged 65 and over in the future. This trend is consistent with national and global trends.

The Port Stephens LGA has traditionally attracted older age groups (retirees). The 2016 census indicates that 36.8% of the Port Stephens population was aged over 55 years. This is significantly higher than the NSW State average of 28.1% and national average of 27.6%.

Furthermore, Council's strategic policies indicate that over the next 15 - 20 years, population and employment are expected to continue to grow in the Port Stephens LGA resulting in even more people in the older age categories. Port Stephens continuing aging population profile suggests a demand for ongoing housing and social infrastructure designed to meet the needs of a population aged over 55 years (ie smaller and easier to maintain dwellings). In this regard, the proposed Seniors Living facility will provide significant benefits to the local community.

From a national, State and regional policy context, a trend also worth highlighting is 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 Port Stephens LGA.

7 Conclusion

This report has been prepared to accompany an application to the Secretary of the Department of Planning and Environment for a Site Compatibility Certificate under Clause 24 and 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The site is zoned RU2 Rural Landscape under *Port Stephens LEP 2013* and immediately adjoins land zoned primarily for urban purposes on its eastern boundary (R2 Low Density Residential). Furthermore, the proposal includes 'serviced self-care housing' which, consistent with the requirements of the SEPP, is proposed in combination with an on-site residential care facility that will provide meals and cleaning services, personal and nursing care and appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care.

As detailed within this report, the proposed seniors 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 Koala vegetation; flooding and bushfire. In this regard, significant tracts of vegetation are proposed to be preserved for ecological reasons and low lying flood areas avoided resulting in potential building envelopes extending to less than half of the overall site. Bushfire is able to be addressed via the establishment of appropriate APZs and appropriate building construction standards. The proposed density of development is resultantly low, and commensurate with the adjoining pattern of development.

The site is located within close proximity to relevant local services, facilities and amenities with access to regular bus services (both private and public) to Salamander Bay Shopping Centre. The proposal will not place a burden on existing aged services in the area as specialized aged care services will be facilitated in-house.

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. It will therefore result in a positive contribution to the township of Anna Bay as well as the wider Port Stephens LGA.

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Appendix A – Architectural Drawings

Anthony Vavayis + Associates

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Appendix B – Table of local Services and Facilities

KDC Pty Ltd

Type	Distance from site	Location
Medical Centre containing numerous GP's, nurses as well as allied health professionals	350m	125 Gan Gan Road, Anna Bay
Anna Bay IGA (Supermarket)	300m	118 Gan Gan Road, Anna Bay
Anna Bay Tavern Bistro	370m	124 Gan Gan Road, Anna Bay
Post Office	400m	Anna Bay
Pharmacy	400m	129 Gan Gan Road, Anna Bay
Newsagent	300m	118 Gan Gan Road, Anna Bay
Liquor shop	450m	136 Gan Gan Road, Anna Bay
BP petrol station (with ATM)	450m	133 Gan Gan Road, Anna Bay
Anna Bay PS	1km	191 Gan Gan Road, Anna Bay
Anna Bay Rural Fire Station	650m	Fishermans Bay Road
Birubi Point Surf Life Saving Club	1km	James Paterson St, Anna Bay
Salamander Bay Shopping Centre containing various supermarkets, DDS's, banks, food retailers, medical centre, travel agent, dry cleaners, optometrist, pharmacy, beauticians, clothing stores, jewelers, mobile phone providers, butcher, liquor store, cafes, take away food outlets etc	8km	2 Town Centre Circuit, Salamander Bay
Laundry and clothing services	2.4km	304 Gan Gan Road, Anna Bay
Nelson Bay Taxis	N/A	Based in Salamander Bay
Port Stephens Coaches	N/A	Based in Anna Bay
Dental Prosthetics (Home Visits)	N/A	Port Stephens
Mobile Travel Consultant	N/A	Port Stephens
Veterinary Clinic	7.5km	168 Salamander Way, Salamander Bay
Pet Shop and Food Supplies	4km	9 Shearwater Drive, Taylors Beach
Pet care and grooming (mobile)	N/A	Port Stephens

Pet walking service (mobile)	N/A	Based in Salamander Bay
Massage Therapist	1.2km	43 Campbell Ave Anna Bay
Massage Therapy (mobile)	N/A	Covering all of Port Stephens
Optometrist	8km	Salamander Bay
Physiotherapist	various	Salamander Bay, Corlette, Nelson Bay
Podiatrist	various	Nelson Bay, Salamander Bay
Tomaree Community Hospital	11.5km	Trevally Street, Nelson Bay
Churches	various	Taylors Beach, Anna Bay, Nelson Bay, Salamander Bay.
Probus Club of Tomaree	10km	Nelson Bay Bowling & Recreation Club
Wests Nelson Bay Diggers Club	11.5km	Nelson Bay
Bowling Clubs	various	Fingal Bay, Soldiers Point, Nelson Bay,
Tomaree Library and Community Centre	8km	Town Centre Circuit Nelson Bay
Nelson Bay Community Health	11.5km	Nelson Bay
Police Station	10km	Nelson Bay
Gold Driving Range	1.2km	Anna Bay
Horizons Golf Resort	7.5km	Salamander Bay
Cinemas	10km	Nelson Bay
Tomaree Aquatic Centre	7km	Anna Bay
Nelson Bay Tennis Club	10km	Nelson Bay
Sandy Beaches	1.2km	Anna Bay

Appendix C – Traffic Technical Design Note

SECA Solution

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Appendix D – Flooding

Lindsay Dynan Consulting Engineers

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Appendix E – Preliminary Ecological and Bushfire Investigations

Anderson Environment and Planning

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