

15 November 2019

Mr. Wayne Wallis
General Manager - Port Stephens Council
PO Box 42
Raymond Terrace
NSW 2324
council@portstephens.nsw.gov.au

Attention: Mr. William Oxley, Principal Planner
William.oxley@portstephens.nsw.gov.au

Dear Mr. Oxley,

Re: Application for a site compatibility certificate (SCC_2019_PORTS_002_00)
127 High Street, Wallalong

I write in regard to your letter dated 25 October 2019 (**ATTACHMENT 1**), which provided comment to the NSW Department of Planning, Industry and Environment on the Site Compatibility Certificate for 127 High Street, Wallalong.

This letter follows on from our meeting on 12 November 2019, which it was discussed how Perception Planning would provide comment on the matters raised in Council's letter. These matters and an appropriate comment are provided below.

(i) Natural Environment

Council:

During flood events, Wallalong can become isolated and part of the proposed development site is identified as minimal risk flood prone land and part of the flood planning area. It is noted however that this area is excluded from the proposed development footprint.

Notwithstanding, as per Part B5 Flood of the Port Stephens Development Control Plan 2014, consideration should be given to the location of vulnerable development types, such as aged care facilities, including the location of critical response and recovery facilities, such as evacuation centres.

Response:

Aged care facilities are not a defined land-use term, however, the closest land-use term may be considered as 'residential care facility', which is defined as follows:

'means 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,*

But does not include a dwelling, hostel, hospital or psychiatric facility'.

The development is not for 'aged care facilities', but rather seniors living 'self-contained dwellings' as described under Part 3.1 – Description of the Proposal (p.12).

A 'self-contained dwelling' is defined under the SEPP as follows:

'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'.

From this, it can be understood that the development is to cater for people who are self-sufficient and therefore less vulnerable when compared to other seniors housing, such as residential care facility or a hostel. Because the future residents will be self-sufficient, they are as equipped as any other housing type to deal with natural disasters, such as flood isolation.

Further to this, it is recognised that under major flood conditions, such as the 1% AEP, all significant routes from Wallalong would be subject to road closure for a number of days. The Council position to address this matter is outlined in the Planning Proposal Council submitted to the NSW Government for the Wallalong Urban Release Area in 2013, which states:

'The Planning Proposal will address any inconsistency with this Direction (Direction 4.3 – Flood Prone Land) following Stage 2, through the Preparation of a River and Stormwater Flooding Strategy' (p.31).

Our client has been living at Wallalong for 39 years and has never been completely isolated by flood waters. They have advised that they have always been able to get out of Wallalong via Seaham across the Williams River Bridge to Italia Road and existing at Pacific Highway north of Raymond Terrace.

The above identifies that future residents will be self-sufficient and therefore less vulnerable than the other types of seniors housing. It also identifies that the previous Council position on flood isolation at Wallalong was the preparation of a River and Stormwater Flooding Strategy.

In order to address Council's concerns about flooding isolation, Council could request that the applicant prepare a River and Stormwater Flooding Strategy and/or an Emergency Management Plan. If the land is identified for residential under the Port Stephens Planning Strategy, then the approach should be to put in place measures to address constraints.

(ii) Likely future uses of the land

Council:

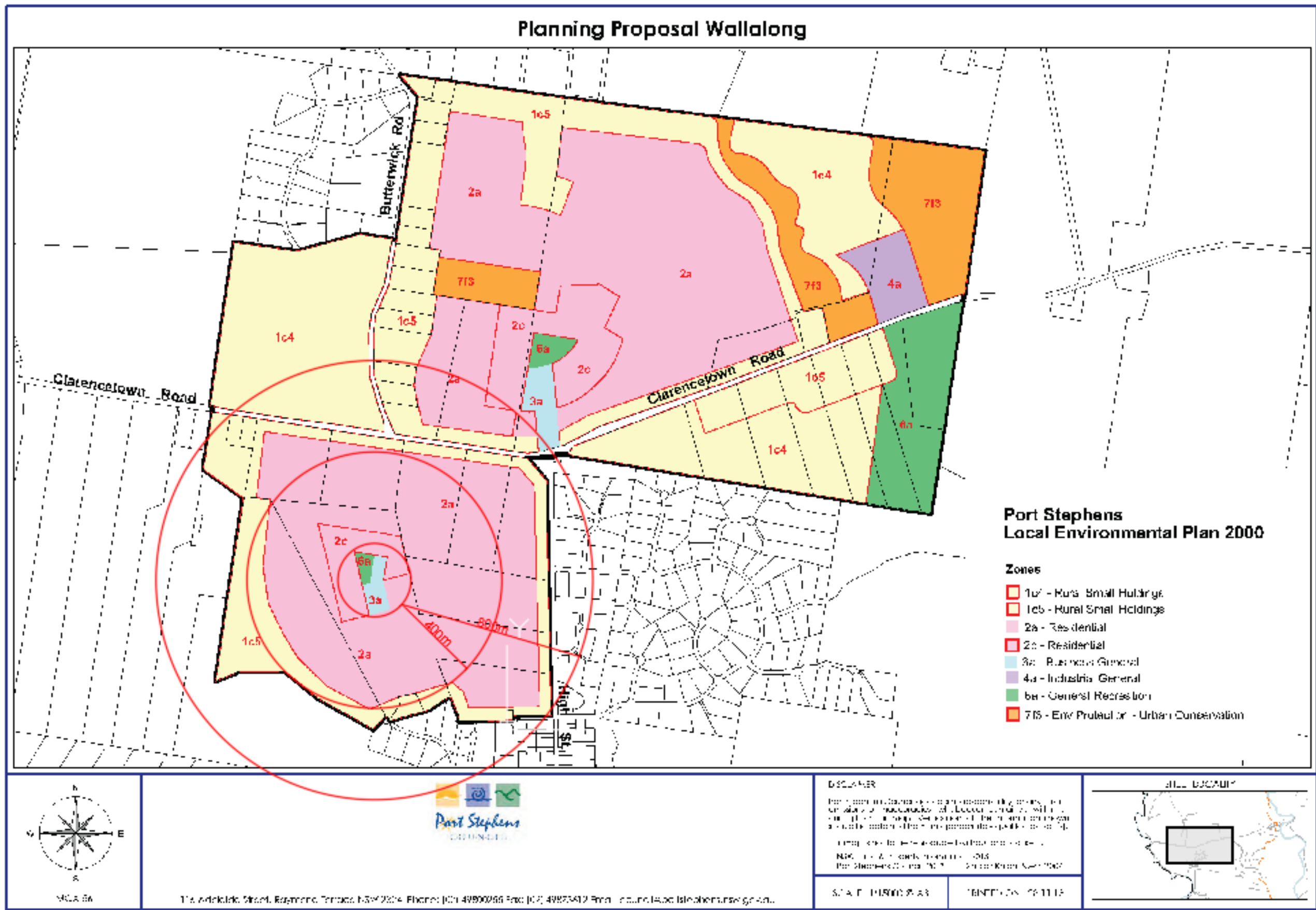
The Port Stephens Planning Strategy 2011 (PSPS) identifies Wallalong as a potential Urban Release Area (URA) subject to resolution of infrastructure delivery. The PSPS notes that premature development should not occur within the potential URA. The proposed development does not provide adequate consideration of the potential URA or assessment of the potential to impede the orderly and proper future use of the land.

Response:

In relation to Wallalong, the Port Stephens Planning Strategy (PSPS) states:

'It is critical that premature development, such as large lot or rural residential development does not occur at Wallalong in the interim' (p.81

FIGURE 1 – 400m & 800m Catchments from proposed Zone B2 – Local Centre within the Wallalong Urban Release Area



The development is not proposing rural residential or large lot residential development, which would undermine the long-term potential of the URA. It is proposing low-density residential development within a walkable catchment to the future town centre, which would make it consistent with the identification of Wallalong as Urban Release Area by the PSPS.

The development is proposing low-density residential on a site that is within 400m of the B2 – Local Centre under the previous Wallalong Urban Release Area Proposal (**FIGURE 1**). This is consistent with the 'New Urbanist' goal to be within 400m walking distance of a neighbourhood centre.

The proposal is defined as low-density residential because it is proposing units with a typical floor area of 200sqm, which would therefore take place on a land area of 300sqm. The Port Stephens Local Environmental Plan 2013 (Clause 4.1C) encourages attached dwellings on lots that have a minimum lot size of 200sqm or detached dwellings that have a minimum lot size of 250sqm within the Zone R2 – Low Density Residential. The proposal can therefore be seen to be consistent with the latest plans for Wallalong for low density in this location. In preparing the proposal, we spoke to other landowners about their area, who raised no concern that our proposal would impede their orderly or proper future use of land.

In order to address Council's concerns about the providing adequate consideration of the potential URA or assessment of the potential to impede the orderly and proper future use of land, Council could request that we address the Port Stephens Local Environmental Plan 2013 (Part 6 – Urban Release Areas) to ensure the proposal considers staging, overall transport hierarchy, recreation areas, amelioration of nature and environment hazards, etc.

(iii) Services and infrastructure provision

Council:

There is currently limited existing services and infrastructure, including retail, health, community and recreation facilities in Wallalong or within close proximity to the site. Future residents would likely need to access services in Raymond Terrace or Maitland (15km) or Greenhills Shopping Centre (10km). Further, the site is not serviced by reticulated sewerage the management of wastewater onsite should be considered and reflected in the proposal.

The coordinated planning and delivery of services and infrastructure to the area may also be considered in any planning related to the potential URA identified in the PSPS.

Response:

In terms of services, the site is currently 11.5km or a 12-minute drive to Greenhills Shopping Centre and 8.4km or a 10-minute drive from the New Maitland Hospital, which is currently under construction. Lower order services are provided by the Morpeth, which is 5.5km or a 5-minute drive and provides medical centres, shops, cafes restaurants, supermarket, newsagency, post office, churches, schools, butchers, bakery, deli, hotels and mechanics.

As described above, if the Wallalong Urban Release Area proceeds, the development will be within walking distance of the land zoned B2 – Local Centre. In the meantime, the development incorporates a Community Hall, Communal Area and Pool. From this, it can be seen that the site is adequately serviced now and will be within walking distance of the future Zone B2 – Local Centre (i.e. town centre) for the Wallalong Urban Release Area.

In terms of infrastructure, the following table is an extract from the SCC:

No	Service	Summary	Response	Solution
1	Sewerage	No sewerage currently services Wallalong. It is identified that \$6M is required to service 700 lots and then an additional \$10.4M to	The proposal for seniors housing development would not be more than 700 lots (or dwellings)	Yes

		service up to 4,000 lots.	and therefore would not trigger the need for sewer upgrades.	
2	Water	Water currently services Wallalong. It is identified that an additional 500 lots can be serviced without upgrades and then \$4.2M would be required to service up to 1,700 lots. An additional \$4.2M would then be required to service up to 4,000 lots.	The proposal for seniors housing development would not be more than 500 lots (or dwellings) and therefore would not trigger the need for water upgrades.	Yes
3	Roads	The site is serviced by High Street. It is identified that new bridges would be required around the release of 2,400 lots at a cost of \$30M.	The proposal for seniors housing development would not be more than 2,400 lots (or dwellings) and therefore would not trigger the need for road upgrades.	Yes
4	Electricity	The site is serviced by Electricity. It is identified that there is current capacity to service 700 additional lots and after that a 11kVa service would be required.	The proposal for seniors housing development would not be more than 700 lots (or dwellings) and therefore would not trigger the need for electricity upgrades.	Yes

From the above, it can understand that water, roads and electricity capacity exists for the development. An on-site solution will be provided to sewer, which is a typical approach taken for developments in one ownership that do not yet have access to reticulated sewer.

In order to order to address Council's concerns about services, it could request an independent review of the servicing information provided above or rely on Port Stephens Local Environmental Plan 2013 (Clause 7.6 – Essential Services), which legally states that Council cannot grant consent until adequate arrangements for services are in place.

(iv) Likely impact of the proposed development on the provision of land for open space and special uses

Council:

The proposed development site is zoned RU1 – Primary Production and unlikely to impact on the provision of land for open space or special uses.

Response:

Noted.

(v) Bulk, scale, built form and character

Council:

Typical housing in the surrounding locality comprises single storey detached dwellings on residential land to the south east and agricultural land to the north and west. The character of the surrounding residential land includes allotments ranging from approximately 500sqm to 1,500sqm with generous front setbacks resulting in low and horizontal building form.

The proposed development incorporates single storey detached dwellings, however, the scale and density of the development, including allotment sizes of approximately 300sqm for each dwelling, is not considered to conform to the established scale and character of the surrounding locality, being a village atmosphere within a rural setting.

Further consideration of appropriate dwelling densities, response to, and integration with, existing character and the location of non-residential uses, including a potential town centre, may occur should the planning for the potential URA proceed. The proposed development may pre-empt these broader considerations and has not considered any impacts on the outcomes for the URA.

Response:

Council has identified Wallalong as an URA within the Port Stephens Planning Strategy, which at its lowest density will be zoned R2 – Low Density Residential. Further to this, the immediately adjoining southern land is currently zoned R2 – Low Density Residential (**FIGURE 2**).

As described above, Council is encouraging attached dwellings on lots that have a minimum lot size of 200sqm or detached dwellings that have a minimum lot size of 250sqm within the Zone R2 – Low Density Residential under the Port Stephens Local Environmental Plan 2013 (Clause 4.1C). From this, Council's vision for this locality can clearly be understood to be dwellings on lots as low as 200sqm, not the existing character, which is described as between 500sqm to 1,500sqm. At 300sqm lots, the proposal can be seen to be slightly greater than the minimum desired character of 200sqm and the existing minimum character of 500sqm.

In order to address Council's concerns about character, a character analysis in accordance with the NSW Government, 2019, 'Local Character and Place Guideline'. This may identify the need for larger lots along the eastern boundary in order to form a transition from the land currently zoned R5 – Large Lot Residential and therefore located on larger existing lots.

(vi) Native vegetation

Council:

Further assessment of the environmental significance of the land is required in order for Council to comment on the appropriateness of any potential vegetation removal.

Response:

The Ecology Letter that accompanied the SCC concluded that:

'Providing the Site Compatibility Certificate can be obtained; it is anticipated that a 5 Part Test would likely conclude no significant impact to threatened entities listed under the BC Act or the EPBC Act. If more than 1ha of vegetation was to be cleared than entry into the Biodiversity Offsets Scheme would be required and a BDAR undertaken' (p.2).

In order to address Council's concerns about ecology, they could request that a Five Part Test be completed at the Development Application Stage.

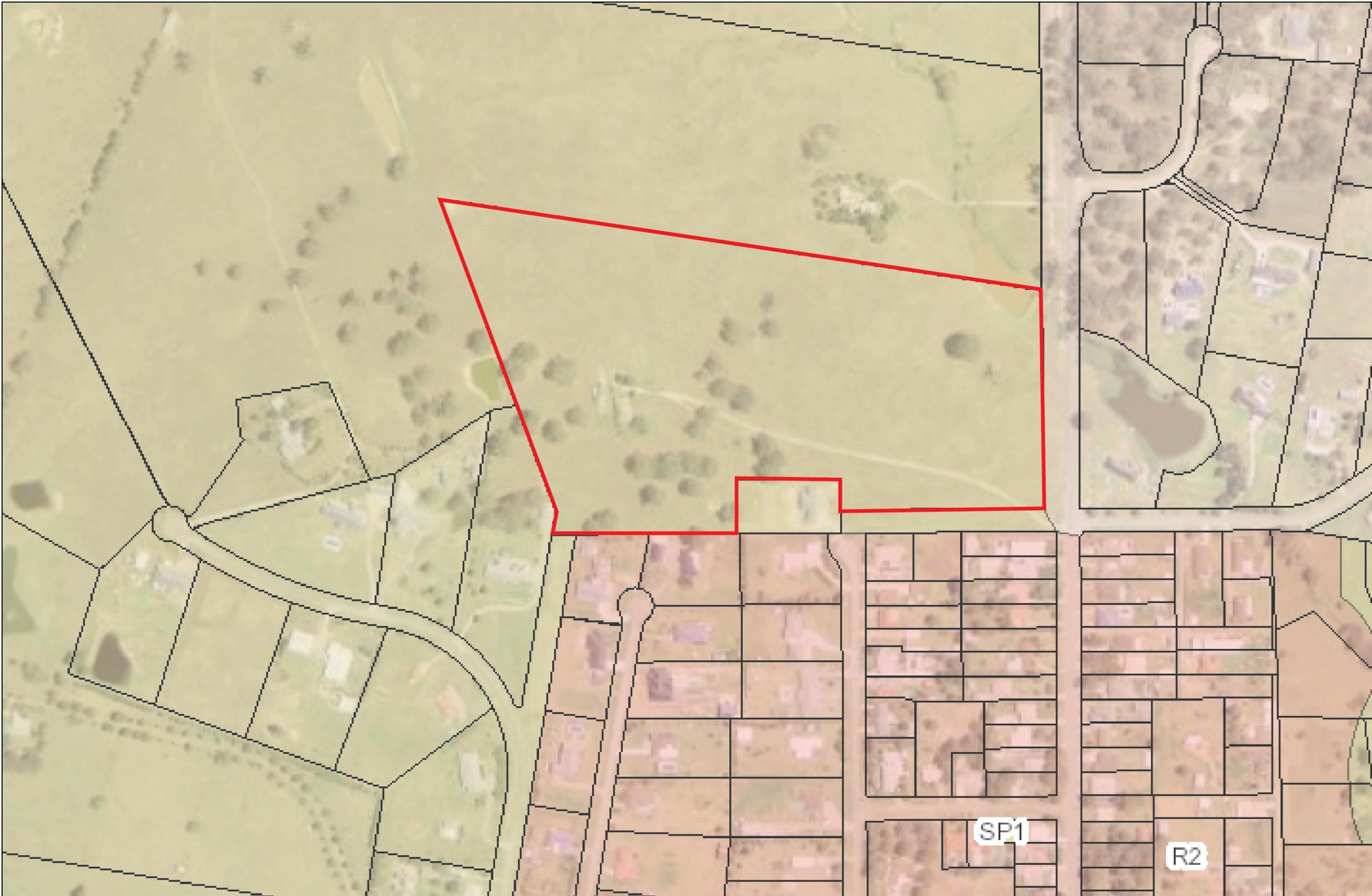
Cumulative impacts

Council:

A cumulative impact study has not been completed for the site. Council is not aware of any other developments being undertaken under the Seniors Housing SEPP.

Response:

FIGURE 2 – Existing Zone R2 – Low Density Residential, which encourages lots of 200sqm to the immediate south of the Site



Although no concerns have been raised, Council could request that a cumulative impact study (i.e. review of SCC Applications in the locality) to confirm this position.

Conclusion

Council:

The application has not demonstrated compatibility with the existing character of Wallalong and has not addressed any impacts on the likely future use of the land in context of the identification of the potential URA in the PSPS. The proposed development is also likely to require a greater demand for infrastructure and services that are not currently catered for within proximity to the development site.

Response:

The development has demonstrated consistency with Council's desired future character for Wallalong as is currently encouraged by the Port Stephens Local Environmental Plan 2013 (Clause 4.1C) and has demonstrated that it will be within walking distance of the future land to be zoned B2 – Local Centre under the most recent planning proposal for Wallalong.

The development will draw on the existing capacity that is available for water, electricity and the road network. Existing lower order services are located at Wallalong and higher order services are located at Greenhills. Services will be provided on-site and the development will be within walking distance of the future Zone B2 – Local Centre for the Wallalong URA.

If the information provided has not addressed Council's concerns, then they could request the following:

1. River and Stormwater Flooding Strategy and/or an Emergency Management Plan;
2. Address Port Stephens Local Environmental Plan 2013 (Part 6 – Urban Release Areas);
3. Independent review of the servicing information;
4. Character Analysis in accordance with the Local Character and Place Guideline;
5. Five Part Test; and
6. Cumulative Impact Study.

Please contact me at jeff@perceptionplanning.com.au or on 04 1155 1433 should you have any questions regarding this matter.

Regards,



JEFF BRETAG
Principal Planner
GradDipBfire (WSU), MPlan (UNSW), BEnvMgt (UoN), BPAD (Level 2)

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ATTACHMENT 1 – COUNCIL LETTER

Mr Greg Sullivan
Acting Director, Central Coast and Hunter Region Planning and Assessment
Department of Planning, Industry and Environment
PO Box 1226
Newcastle NSW 2300

Dear Mr Sullivan,

**Re: Application for a site compatibility certificate – SCC_2019_PORTS_002_00
at 127 High Street, Wallalong**

Reference is made to the abovementioned application for a Site Compatibility Certificate in accordance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) and the notice received from the NSW Department of Planning, Industry and Environment (DPIE) on 2 October 2019.

Comments addressing the relevant criteria in clause 25(5)(b) of the Seniors Housing SEPP are set out below:

(i) Natural environment and known uses in the vicinity of the proposed development

During flood events, Wallalong can become isolated and part of the proposed development site is identified as minimal risk flood prone land and part of the flood planning area. It is noted however that this area is excluded from the proposed development footprint. Notwithstanding, as per Part B5 Flooding of the Port Stephens Development Control Plan 2014, consideration should be given to location of vulnerable development types, such as aged care facilities, including the location of critical emergency response and recovery facilities, such as evacuation centres.

(ii) Likely future uses of the land

The Port Stephens Planning Strategy 2011 (PSPS) identifies Wallalong as a potential Urban Release Area (URA) subject to resolution of infrastructure delivery. The PSPS notes that premature development should not occur within the potential URA. The proposed development does not provide adequate consideration of the potential URA or assessment of the potential to impede the orderly and proper future use of the land.

(iii) Services and infrastructure provision

There is currently limited existing services and infrastructure, including retail, health, community and recreation facilities in Wallalong or within close proximity to the site. Future residents would likely need to access services in Raymond Terrace or Maitland (15kms) or Greenhills Shopping Centre (10km). Further, the site is not serviced by reticulated sewerage and the management of wastewater onsite should be considered and reflected in the proposal.

The coordinated planning and delivery of services and infrastructure to the area may also be considered in any planning related to the potential URA identified in the PSPS.

(iv) Likely impact of the proposed development on the provision of land for open space and special uses

The proposed development site is zoned RU1 Primary Production and unlikely to impact on the provision of land for open space or special uses.

(v) Bulk, scale, built form and character

Typical housing in the surrounding locality comprises single storey detached dwellings on residential land to the south and east and agricultural land to the north and west. The character of the surrounding residential land includes allotments ranging from approximately 500m² to 1,500m² with generous front setbacks resulting in a low and horizontal built form.

The proposed development incorporates single storey detached dwellings, however, the scale and density of the development, including allotment sizes of approximately 300m² for each dwelling, is not considered to conform to the established scale and character of the surrounding locality, being a village atmosphere within a rural setting.

Further consideration of appropriate dwelling densities, response to, and integration with, existing character and the location of non-residential uses, including a potential town centre, may occur should the planning for the potential URA proceed. The proposed development may pre-empt these broader considerations and has not considered any impacts on the outcomes for the URA.

(vi) Native vegetation

Further assessment of the environmental significance of the land is required in order for Council to comment on the appropriateness of any potential vegetation removal.


(vii) Cumulative impacts

A cumulative impact study has not been completed for the site. Council is not aware of any other developments being undertaken in the area under the Seniors Housing SEPP.

The application has not demonstrated compatibility with the existing character of Wallalong and has not assessed any impacts on the likely future use of the land in the context of the identification of the the potential URA in the PSPS 2011. The proposed development is also likely to require a greater demand for infrastructure and services that are not currently catered for within proximity to the development site.

Should you have any questions in relation to the above please contact Elsa Berger, Strategic Planner, on 4988 0544.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. Oxley', written in a cursive style.

William Oxley
Principal Strategic Planner

25 October 2019

Telephone enquiries
(02) 4988 0251

Please quote file no: PSC2015-01647