



SITE COMPATIBILITY CERTIFICATE

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

SERVICED SELF-CARE HOUSING (180 SINGLE STOREY DWELLINGS)

127 High Street, Wallalong, NSW, 2320 (LOT: 91, DP: 1167540)

Prepared by Perception Planning Pty Ltd on behalf of Mr. John Woods and Mrs. Chris Woods



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EXECUTIVE SUMMARY

This report accompanies the Site Compatibility Certificate ('**SCC**') application for seniors housing accommodation located at 127 High Street, Wallalong, NSW, 2320 ('**the site**').

This SCC Application Report seeks the issue of a SCC for the following:

Development of 180 single storey serviced self-care dwellings, comprising a mix of two and three bedrooms, with one bathroom and ensuite, open plan kitchen, dining and living area, single or double lock up garage and patio. A community hall, BBQ and communal area, swimming pool and visitor car parking is also incorporated into the design.

The site is located within the Port Stephens Local Government Area ('**LGA**') and comprises of one lot, which is legally identified as Lot 91, DP 1167540. The site is irregular in shape and comprises 10.22ha of land. It has a 182m frontage to High Street, with direct vehicle access available from this road. The site currently comprises a two-storey dwelling, two storey brick garage and small shed.

The site is currently zoned RU1 – Primary Production under the Port Stephens Local Environmental Plan 2013 ('**the LEP**'). The southern and eastern boundaries of the site directly adjoin land zoned and utilised for urban purposes. To the south is zoned R2 – Low Density Residential and to the east is zoned R5 – Large Lot Residential and mostly contains single storey dwellings.

The site is located within close proximity to the Maitland Town Centre, Stockland Greenhills, and the Raymond Terrace Town Centre, which each consist of supermarkets, small speciality stores, medical practitioners, diagnostic and pathology services, banks and post offices.

Under Subclauses 4(1) and 4(4) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ('**SEPP Seniors**'), the site is identified as 'land adjoining land zoned primarily for urban purposes', as dwelling houses are permitted in the adjoining R2 Zone. SEPP Seniors Housing therefore allows a consent authority to consent to Seniors Housing development where an SCC has been issued.

This report contains details of the proposal and information in accordance with the. The purpose of this report is to address the planning issues associated with the proposal and to provide a response to the SCC Assessment Criteria.

TABLE OF CONTENTS

| | |
|---|----|
| EXECUTIVE SUMMARY | 3 |
| ABBREVIATIONS | 5 |
| FIGURES, IMAGES AND TABLES..... | 5 |
| ATTACHMENTS | 6 |
| 1.0 SITE AND LOCALITY ANALYSIS..... | 7 |
| 1.1 SITE DESCRIPTION | 7 |
| 1.2 LAND CONSTRAINTS AND ATTRIBUTES | 10 |
| 1.3 LOCAL CONTEXT..... | 13 |
| 1.4 ACCESS TO SERVICES AND FACILITIES | 15 |
| 2.0 CONSULTATION WITH RELEVANT AUTHORITIES | 20 |
| 3.0 PROPOSED DEVELOPMENT..... | 20 |
| 3.1 DESCRIPTION OF THE PROPOSAL | 20 |
| 3.2 BUILDING ENVELOPE..... | 21 |
| 3.3 POTENTIAL LAND USE CONFLICT..... | 23 |
| 3.4 CONSISTENCY WITH COMPATIBILITY PLANNING PRINCIPLE | 23 |
| 4.0 STRATEGIC JUSTIFICATION | 26 |
| 4.1 SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 | 26 |
| 4.2 SEPP NO. 55 – REMEDIATION OF LAND | 27 |
| 4.3 GREATER NEWCASTLE METROPOLITAN PLAN 2018..... | 28 |
| 4.4 HUNTER REGIONAL PLAN 2036 | 29 |
| 4.5 PORT STEPHENS LOCAL HOUSING STRATEGY 2020 | 30 |
| 4.6 PORT STEPHENS COMMUNITY STRATEGIC PLAN 2018-2028..... | 32 |
| 4.7 PORT STEPHENS LOCAL STRATEGIC PLANNING STATEMENT..... | 33 |
| 4.8 PORT STEPHENS LEP | 33 |
| 4.9 PORT STEPHENS DCP | 36 |
| 5.0 STATEMENT ADDRESSING SEPP SITE COMPABILITY CRITERIA..... | 36 |
| 5.1 CLAUSE 24 CRITERIA (SEPP SENIORS) | 37 |
| 5.2 CLAUSE 25 CRITERIA (SEPP SENIORS) | 37 |
| 5.3 CLAUSE 26 CRITERIA (SEPP SENIORS) | 43 |
| 5.4 CLAUSE 27 CRITERIA (SEPP SENIORS) | 45 |
| 5.5 CLAUSE 28 CRITERIA (SEPP SENIORS) | 45 |
| 6.0 CONCLUSION | 46 |

ABBREVIATIONS

| | |
|---------------------|--|
| CSP | Community Strategic Plan |
| DA | Development Application |
| DCP | Port Stephens Development Control Plan |
| GNMP | Greater Newcastle Metropolitan Plan |
| HRP | Hunter Regional Plan |
| LEP | Port Stephens Local Environmental Plan |
| LGA | Local Government Area |
| LHS | Port Stephens Local Housing Strategy |
| LSPS | Local Strategic Planning Statement |
| SCC | Site Compatibility Certificate |
| SEPP | State Environmental Planning Policy |
| SEPP Seniors | State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 |
| URA | Urban Release Area |

FIGURES, IMAGES AND TABLES

Figures

| | |
|---|----|
| Figure 1 – Locality Plan (Source: NearMaps) | 8 |
| Figure 2 - Extent of flood prone land (Source: PS Flood Mapping) | 10 |
| Figure 3 - NSW Vegetation mapping (Source: NSW Office of Environment & Heritage, 2019) | 12 |
| Figure 4 - Proximity to centres (Source: NearMaps) | 19 |
| Figure 5 - Proposed layout (Source: Toner Design, 2020) | 22 |
| Figure 6 - Population Projections (Source: HRP, 2036) | 29 |
| Figure 7 - Acid sulfate soils affectation (Source: NSW Planning Portal) | 35 |
| Figure 8 - Flood prone land affectation (Source: NSW Planning Portal) | 36 |
| Figure 9 - 400m & 800m Catchments from proposed Zone B2 – Local Centre within the Wallalong Urban Release Area | 40 |

Images

Image 1 – Existing easement for extension of Clarence Street (Source: Google Maps). 9

Image 2 – Existing cul-de-sac for extension of Scott Street (Source: Google Maps).... 9

Image 3 - Existing property access via High Street (Source: Google Maps). 9

Tables

Table 1 - Essential services summary..... 17

Table 2 - Compatibility element review 25

Table 3 - LHS Housing Criteria assessment..... 30

Table 4 - LHS Locational Criteria assessment 31

Table 5 - Assessment of Clause 25 criteria (SEPP Seniors) 37

Table 6 - Clause 26 criteria (SEPP Seniors) assessment 43

ATTACHMENTS

This SCC is supported by the following plans and documentation:

- **ATTACHMENT 1** – Proposed Architectural Plans (Toner Design)
- **ATTACHMENT 2** – Survey Plan (Delfs Lascelles Consulting Surveyors)
- **ATTACHMENT 3** – Ecology Letter (Anderson Environment and Planning)
- **ATTACHMENT 4** – Pre-Lodgement Meeting Minutes
- **ATTACHMENT 5** – DBYD Search Results
- **ATTACHMENT 6** – Council Letter to the Department (25 October 2019)
- **ATTACHMENT 7** – Perception Planning response to Council Letter (15 November 2019)
- **ATTACHMENT 8** – Council Letter to the Department (2 December 2019)
- **ATTACHMENT 9** – Council Letter to Perception Planning (14 April 2019)
- **ATTACHMENT 10** – Wastewater Letter
- **ATTACHMENT 11** – Traffic Report
- **ATTACHMENT 12** – AHIMS Search Results
- **ATTACHMENT 13** – Visual Impact Assessment (Perception Planning)
- **ATTACHMENT 14** – Landowner Permission

1.0 SITE AND LOCALITY ANALYSIS

1.1 SITE DESCRIPTION

| | |
|------------------------------|--|
| Property Address | 127 High Street, Wallalong, NSW, 2320 (FIGURE 1) |
| Lot and DP | LOT: 91 DP: 1167540 |
| Current Use | Two storey dwelling |
| Zoning | RU1 – Primary Production |
| Site Constraints | Bushfire prone land – vegetation category 1 and buffer; Flood prone land – subject to further investigation; Acid Sulfate Soils – Class 5. |
| DP and 88B instrument | Nothing within the deposited plan or 88B instrument restricts the proposed development. |

The site particulars are summarised in the table above, with site constraints obtained from the NSW Planning Portal. The site is irregular in shape and measures approximately 10ha in size. Access to the site is direct from High Street, Wallalong, with a frontage of approximately 182m. Photos of the site are provided within **(IMAGE 1 – 3)** below.

The site is located on the northern side of the rural town / village of Wallalong, on the western side of High Street. The land comprises primarily of cleared land and pasture with some scattered mature trees, two storey dwelling, two storey brick garage and small shed. The site primarily slopes towards the north east property boundary. A site survey is provided at **(ATTACHMENT 2)** which identifies the features of the site, including the existing buildings and topography. The site has historic rural use for cattle grazing.

Wallalong is a developing township located approximately 9.5km north of the Maitland Central Business District and 11.5km north-west of Raymond Terrace. The site immediately adjoins land zoned R2 Low Density Residential (located to the south) and land zoned R5 Large Lot Residential (to the west) used for urban purposes. Existing allotments in Wallalong within the R2 zone are larger than the typical urban zone for various reasons, including, but not limited to; historical lot layout and the lack of sewer services in the area.

A small rural-residential development is located to the south of the site along Morpeth Views (R2 Low Density Residential) and along Clarence Street (RU1 Primary Production). The large rural-residential estate “Rosebank” is located on the opposite, eastern side of High Street (R5 Large Lot Residential). Under the Port Stephens LEP 2013, the site is not subject to a maximum height of building or floor space ratio limitation.

Figure 1 – Locality Plan (Source: NearMap)

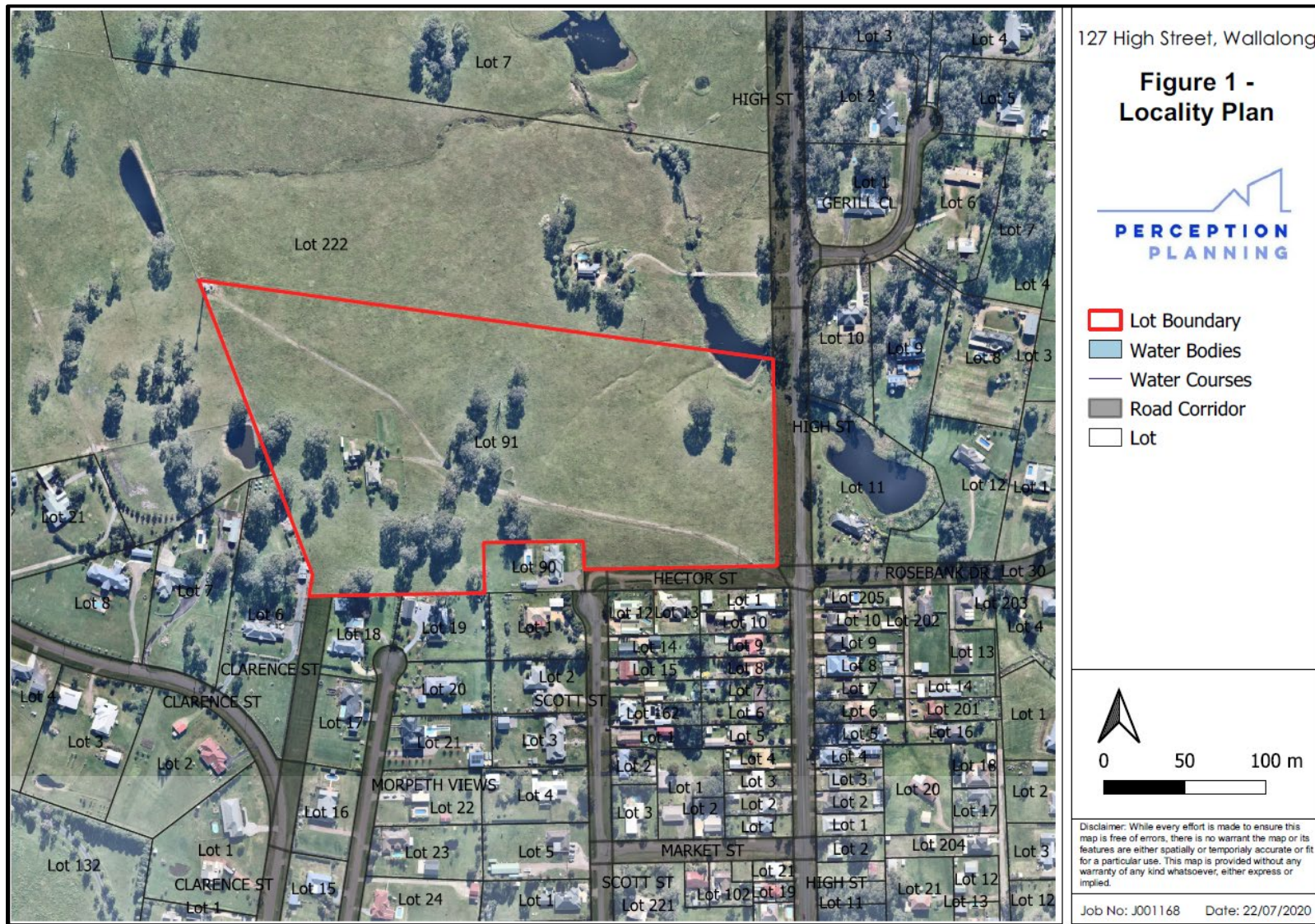




Image 1 – Existing easement for extension of Clarence Street (Source: Google Maps).



Image 2 – Existing cul-de-sac for extension of Scott Street (Source: Google Maps).



Image 3 - Existing property access via High Street (Source: Google Maps).

1.2 LAND CONSTRAINTS AND ATTRIBUTES

Flood prone land

The extent of flood mapping in proximity to the site is identified in **(FIGURE 2)** below. Port Stephens Council have stated the following regarding the natural environment **(ATTACHMENT 6)**:

'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.'

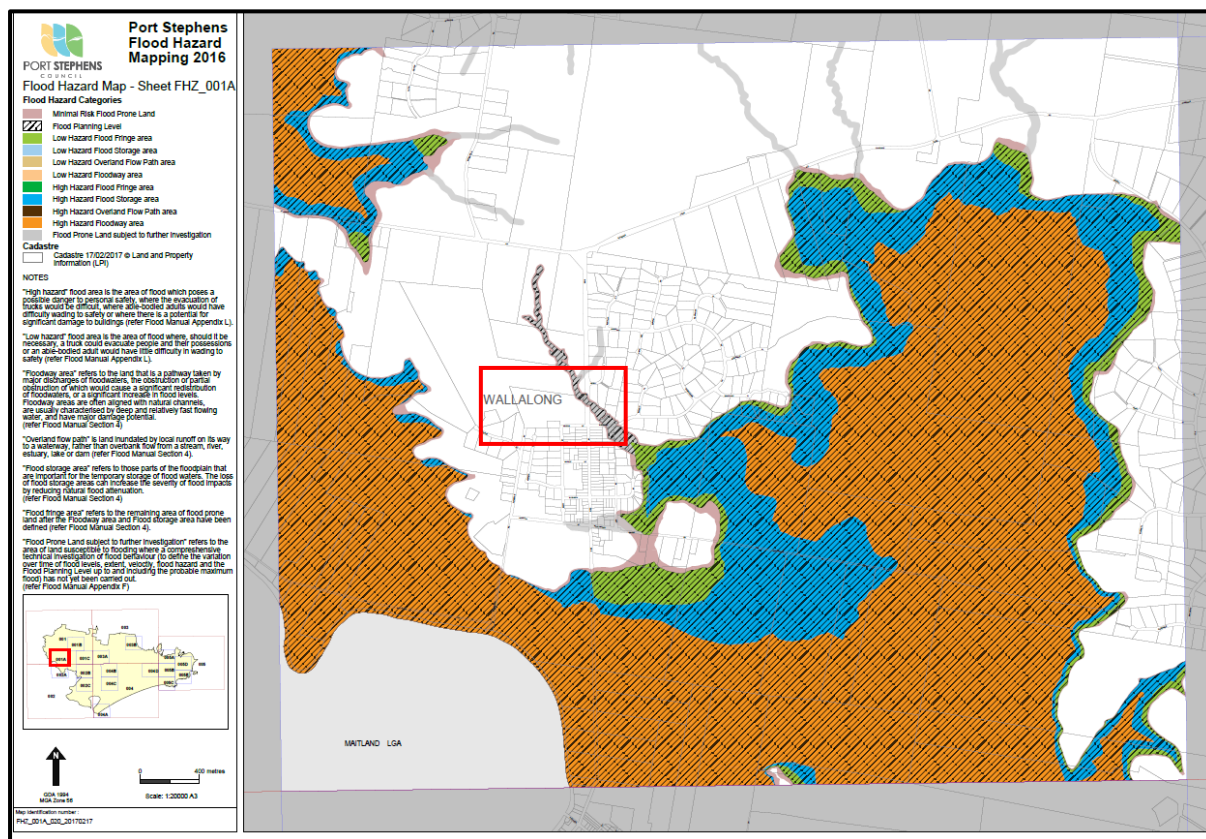


Figure 2 - Extent of flood prone land (Source: PS Flood Mapping)

The following is provided in response to these comments from Council.

'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'. A 'self-contained dwelling' is defined under SEPP Seniors 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 several 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)'.

The client and owner of the subject site 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.

Council has acknowledged this approach in their letter dated 14 April 2020:

'To respond to this issue, the recommendation in the report to prepare a Flood Free Access Report and Flood Emergency Management Plan to assist in assessing the compatibility of the site and the proposed development against flood risk is supported' (p.1) (ATTACHMENT 9).

Ecological constraints and natural environment

Vegetation mapping for NSW (Keith and Christopher, 2004) does not identify any significant vegetation located on the site or in the surrounding locality of Wallalong (**FIGURE 3**). This is the result of the locality being cleared for housing or agricultural pursuits.

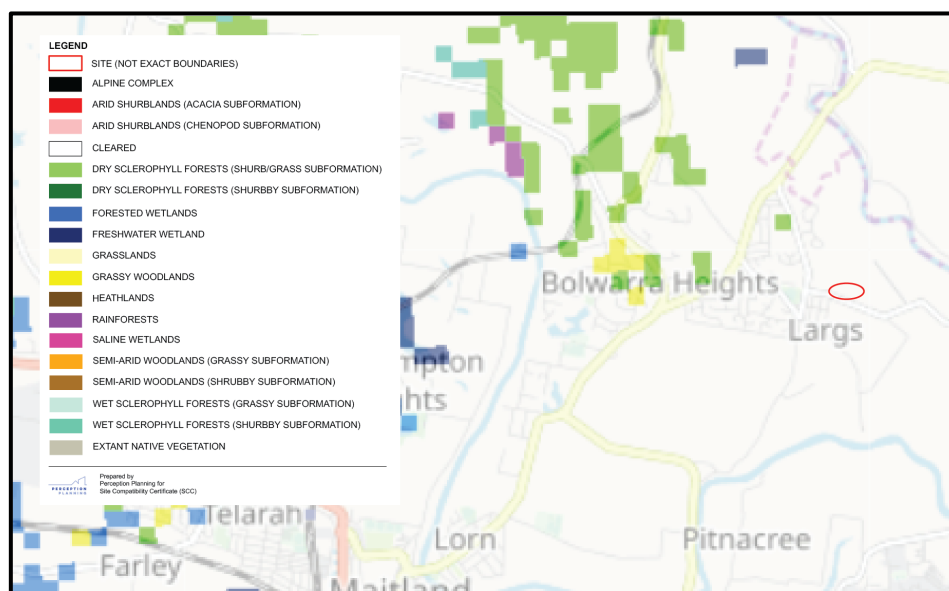


Figure 3 - NSW Vegetation mapping (Source: NSW Office of Environment & Heritage, 2019)

Acid sulfate soils

The site is identified as containing Class 5 Acid Sulfate Soils.

The objective of Clause 7.1 of the Port Stephens LEP is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The area proposed for the development construction is generally flat, however will incorporate earthworks to establish a level building platform through the use of balanced cut and fill. Any cut associated with the development will be limited and will not include works lower than 5m AHD within 500 metres of adjacent Class 1, 2, 3 or 4 or works by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. To this extent, an ASS Management Plan is not required to be prepared for the proposed development.

Bushfire prone land

The subject site is identified as bushfire prone, vegetation category 1 and buffer. The development defined as Seniors Housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, and therefore constitutes a Special Fire Protection Purpose (SFPP) under RFS, 2019, 'Planning for Bushfire Protection' (PBP).

Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:

- (a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
- (b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

A Bushfire Assessment Report (BAR) will be prepared and provided with any DA to enable referral to the NSW Rural Fire Service as 'integrated development'.

1.3 LOCAL CONTEXT**Built form and character**

Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels and differentiates an area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere and their emotional response to that place (NSW Gov, 2019). Desired future character refers to an agreed vision of how an area will change over time, including an identification of characteristics to be retained or enhanced. Visual character is formed by patterns created by the relationship of all elements within an area, including both the public and private domain.

Port Stephens Council have stated the following regarding bulk, scale, built form and character of the land **(ATTACHMENT 6)**:

'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'.

In response to these comments from Council, the following is noted:

1. 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.
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.
3. 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.

In their letter dated 14 April 2020, Council acknowledge that:

'A future development proposal should give careful consideration to site planning, design and landscaping measures to manage any potential impacts in the locality and to ensure compatibility with the existing surrounding uses, noting the proposed measures outlined in the report (p.2) (ATTACHMENT 9).

1.4 ACCESS TO SERVICES AND FACILITIES

Public transport and accessible pedestrian routes

The closest bus stop is located on the corner of Paterson Road and Clarence Town Road (Woodville Shops), which is less than a 4-minute drive from the site. 'Transport Buses' run two daily bus trips from this bus stop, being the '185 Route' from Largs, via Bolwarra to Lorn to Maitland Train Station. From the Train Station, connecting services are available to Stockland Greenhills, Newcastle, or Sydney.

Furthermore, a private bus service is proposed to be provided within the seniors housing development, transporting residents to and from their accommodation to the Woodville General Store and bus stop and other relevant places, with daily shuttles. To this extent, there is no nexus to request additional public transport services and infrastructure as part of the proposed development.

Retail, community, medical and recreational facilities

The following centres (**FIGURE 4**) are located within proximity to the subject site:

| Location from proposed site | Distance as crow flies (km) | Distance by road (km) | Travel time (minutes) |
|-----------------------------|-----------------------------|-----------------------|---------------------------|
| Woodville | 4 | 5 | Less than 4 (actual time) |
| Morpeth | 4.3 | 5.5 | Less than 5 (actual time) |
| New Maitland Hospital | 8.4 | 10 | 11 (estimate) |
| Green Hills Precinct | 9.2 | 11 | 11.5 (estimate) |
| Stockland Green Hills | 9.5 | 11.4 | 12 (actual time) |
| Maitland Town Centre | 9.8 | 13 | 15 (estimate) |
| Raymond Terrace Town Centre | 11.8 | 16 | 13 (estimate) |

These centres incorporate the following:

- **Woodville**

The 'Woodville General Store' contains everyday essentials, such as milk, bread, newspapers, fuel, and postal services.

- **Morpeth**

Morpeth is a historical heritage tourist town (second oldest port in Australia), and consists of medical centres, cafes, shops, restaurants, local supermarket / newsagency, post office, butcher, bakery, deli and hotels.

- **Maitland Town Centre and New Maitland Hospital**

The Maitland Town Centre incorporates large supermarkets, medical practitioner, diagnostic and pathology services, major hospital, banks, post office, Maitland City Council, the Library and Regional Museum.

Construction work has begun on the new Maitland Regional Hospital, which is a \$470 million, state-of-the-art facility to meet the growing needs for the surrounding communities of the Hunter Valley now and into the future. The new hospital will offer a wide range of services with significantly more beds and treatment spaces. The new hospital will provide the following services relating to seniors; emergency care, chemotherapy chairs, surgical services, critical care, cardiac catheterization, inpatient beds, mental health, rehabilitation services, palliative care, and outpatient clinics. Onsite works commenced in early 2019 and is on track to open in early 2022.

- **Stockland Green Hills**

Stockland Greenhills contains higher order commercial and retail goods for the wider Hunter Region, such as a Coles, Woolworths, David Jones, and several other smaller specialty shops. In March 2018, a \$414 million renovation of Stockland Greenhills finished and is now considered to be a premier shopping, dining, leisure, and entertainment destination on par with any leading metro-city shopping centre in the country. Stockland Greenhills is located 10km or a 16-minute drive to the south-east of the site. A large medical precinct area is also located within Greenhills, containing the East Maitland Private Hospital, medical, dental, diagnostic and pathology services.

- **Raymond Terrace**

The Raymond Terrace Town Centre incorporates large supermarkets, medical practitioner, diagnostic and pathology services, banks, post office, Port Stephens Council, State Government Offices (e.g. Roads and Maritime Services), the Library and small retail stores inclusive of hairdressers, food and drink premises clothing stores.

Utility services

The development will establish self-care housing for senior persons, providing a quality lifestyle, including activities and transport services. The development will provide housing to assist the ageing population demographic without impacting on existing services within the locality.

A Dial Before You Dig (DBYD) request was completed, however the best source of information is provided by the planning proposal (i.e. rezoning) submitted to Council in 2014. The details contained in this proposal relating to infrastructure is best summarised as follows:

Table 1 - Essential services summary

| No | Infrastructure | Summary | Response |
|----|----------------|--|--|
| 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 service up to 4,000 lots. | <p>The proposal for seniors housing development would not be more than 700 lots (or dwellings) and therefore would not trigger the need for sewer upgrades. Despite this, an on-site solution is proposed, and it is acknowledged by Council in their letter dated 14 April 2020 (p.2) (ATTACHMENT 9).</p> <p>A Wastewater Letter is providing as (ATTACHMENT 10). This Letter identifies a number of options to address wastewater. One of these options would be presented to Council at the Development Application stage in a Wastewater Report that is consistent with the Port Stephens Development Assessment Framework for Onsite Wastewater Management.</p> |
| 2 | Water | Water currently services Wallalong. It is identified that an additional 500 lots can be | The proposal for seniors housing development would not be more than 500 |

| | | | |
|---|-------------|---|--|
| | | 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. | lots (or dwellings) and therefore would not trigger the need for water upgrades. |
| 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. |
| 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. |

The LEP (Clause 7.6) states that development consent must not be granted to development unless the consent authority is satisfied that the listed essential services have been provided, which includes: 1) Water; 2) Electricity; 3) Sewage; 4) Stormwater; and 5) Vehicular Access.

From the above, it can be understood that on-site effluent disposal is required because the site is not connected to reticulated sewerage. The provision of reticulated sewer without a coordinated approach with other adjoining landowners appears to be unfeasible. Hence, the proposed development will provide for on-site effluent disposal and a detailed design will be prepared and provided with any DA. It is however noted that the site is within proximity to / adjoins High Street, which allows for the site to connect to reticulated sewer, should it become available in the future.

Port Stephens Council have raised some matters around existing services and infrastructure (**ATTACHMENT 6**). A direct response to these matters is provided as (**ATTACHMENT 7**), which is a summary of the matters listed above.

Figure 4 - Proximity to centres (Source: NearMap)



2.0 CONSULTATION WITH RELEVANT AUTHORITIES

Consultation has been carried out with Port Stephens Council over the past twelve months. This consultation commenced on 3 April 2019. A summary of this meeting is provided below. The minutes for the meeting are provided at **(ATTACHMENT 4)**. The meeting discussed options for the land, being:

1. Development application for Seniors Living (under the existing zoning using the SEPP Seniors Living);
2. Planning proposal for urban development (rezone to R2 Low Density Residential and 500m² minimum lot size);
3. Planning proposal for rural residential development (rezone to R5 Large Lot Residential and 4,000m² minimum lot size).

The history of the subject site was discussed within the meeting, confirming that DPIE refused a rezoning application which incorporated the subject site in 2014. In the event a planning proposal were to be considered for rezoning the subject site, a key matter to consider is the strategic planning justification for rural residential development within Wallalong and its consistency with Local and State plans and policies, and the consideration of alternative options. The option for Seniors Housing on the subject site was discussed, noting that it may have good merit or be achievable, and that this avoids the need to consider rezoning of the land. To this extent, a SCC is proposed, rather than a planning proposal to rezone the land to enable residential use.

Significant verbal and written correspondence have occurred with Council following this meeting, as detailed within the attachments provided with this SCC.

3.0 PROPOSED DEVELOPMENT

3.1 DESCRIPTION OF THE PROPOSAL

The proposed development is defined as self-contained dwellings (serviced self-care housing) under the SEPP Seniors.

The proposed development incorporates 180 single storey units, comprising a mix of two and three bedrooms, with one bathroom and ensuite, open plan kitchen, dining and living area, single or double lock up garage and patio. A community hall, BBQ and communal area, swimming pool and visitor car parking is also incorporated into the design.

FIGURE 5 below sets out the proposed developable land footprint which is proposed to be subject to a future DA at the site for Seniors Housing. Should the SCC be issued by DPIE, completion of detailed stormwater, hydraulic and electricity designs will occur to support DA. Further, a detailed on-site waste management report will be prepared to support a DA, as no reticulated sewer is available or planned for

Wallalong. It is noted that the number of units and layout may be modified as a result of these designs and conclusions made.

The development will consist of formalised internal roads with primary access from High Street and Scott Street. An associated extension of Scott Street will occur as part of the development in accordance with Council's standard design and construction requirements. High quality landscaping will be implemented within the development to increase the visual appeal of the site within the locality.

The proposal will include specific services, such as the option for the provision of meals, cleaning, and personal/nursing care. These services will be predominately offered to future residents in their homes and will be based on site in the area identified for community hall.

3.2 BUILDING ENVELOPE

The part of the site to be used for seniors living is located above the identified Flood Prone Land. The low density, single storey, detached dwelling nature of the proposed future built form is the appropriate bulk and scale, which is consistent with the existing development within Wallalong. Measures that would allow the development to further integrated with the existing setting could include:

- Provision of landscape buffers at the interface of the floodplain and proposed development areas with the provision of landscape vegetation within open space areas and along higher more visible parts of the site;
- Structural landscaping (street tree planting) along perimeter roads and internal streets;
- The incorporation of vegetation endemic to the area will provide visual integration with surrounding bushland or pockets of native vegetation, the large canopies which will have a positive impact in the broader view;
- Locally sourced native plant species, especially trees, should be utilised throughout the development;
- Controls on the built form such as limited single storey development or designated ridge top open space areas;
- Potential larger Lots adjoining the interface of surrounding rural land;
- Consideration should be given to controlling the type and colour of building materials used especially with the use of light, highly reflective cladding, brick and tile materials which contrast dramatically with the surrounding landscape; and
- Rural style perimeter fencing such as post and rail at the interface with rural land assists in providing a sensitive transition and integration with the rural character of the area.

Figure 5 - Proposed layout (Source: Toner Design, 2020)



3.3 POTENTIAL LAND USE CONFLICT

The suburb of Wallalong and the surrounding locality has transitioned into a residential, or rural residential use on the periphery of the major regional city of Newcastle. Much of the land surrounding the residential zones is flood affected and consists of land more suitable for agricultural pursuits, and therefore urban development is limited to the land above the flood planning level.

The proposal for seniors housing on the site is consistent with the historic and future urban growth within the locality, on land that is only marginally constrained by flooding within the north-eastern corner of the site. Minimal potential for land use conflict exists in this regard.

Should the land used for agricultural purposes surrounding the site remain, land use conflicts are unlikely given that future residents will choose the area with surrounding agricultural uses in mind. It is noted that these uses, and the surrounding rural character of the area will attract residents to this location.

3.4 CONSISTENCY WITH COMPATIBILITY PLANNING PRINCIPLE

A key component of the SCC Application and subsequent future DA is to demonstrate compatibility of the proposed Seniors Housing development with the site and its surrounds. In *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191, an appeal against the refusal by Pittwater Council established the planning principle of 'compatibility' in the urban environment.

A planning principle is a statement of a desirable outcome from a chain of reasoning aimed at reaching, or a list of appropriate matters to be considered in making, a planning decision. While planning principles are stated in general terms, they may be applied to particular cases to promote consistency. Planning principles assist when making a planning decision, including:

- where there is a void in policy
- where policies expressed in qualitative terms allow for more than one interpretation
- where policies lack clarity.

Key elements of the 'compatibility' planning principle established in the *Project Venture Developments v Pittwater Council* case are as follows:

- *There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*

- Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:
 - Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
 - Is the proposal's appearance in harmony with the buildings around it and the character of the street?
- For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks, and landscaping**. In special areas, such as conservation areas, **architectural style** and **materials** are also contributors to character.
- Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.
- Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.
- **Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in other buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.

Based on the planning principles detailed above, the proposed Seniors Housing development is considered to be compatible with the key elements as outlined in **(TABLE 2)** below.

Table 2 - Compatibility element review

| Key element | Proposed development comment |
|--------------------|--|
| Built form | <p>The proposed Seniors Housing has been designed with respect to the surrounding land uses. The proposed buildings will be sufficiently setback from the High Street and adjoining property boundaries to minimise the impact on and maintain consistency with surrounding land uses. The proposed building envelope / siting of the development has been designed to respond to the site's constraints and to deliver the best urban outcome for both future residents of the site and surrounding properties. Landscaping would further serve to soften the perceived height and bulk form around the scale of the proposed Seniors Housing development. Further assessment of the 'visual impacts' of the proposed development is provided within (ATTACHMENT 13).</p> |
| Traffic | <p>In terms of traffic impacts, the NSW RTS, 2002, 'A Guide to Traffic Generating Developments' does not provide an expected volume for seniors housing. As such, we have taken the rates for a residential dwelling, which is 9 daily trips.</p> <p>Given that there are 180 dwellings proposed, the development could generate a maximum of 1,620 daily trips. The daily trips are expected to be significantly less than this, given the services that will be provided on site, access to public transport and private bus that will provide daily trips.</p> <p>Nonetheless, a traffic impact assessment has been prepared (ATTACHMENT 11) and an updated assessment will be submitted with any DA for seniors housing, to ensure impacts on surrounding land uses and infrastructure are minimized and mitigated.</p> <p>Each dwelling has been provided with a single lock up garage and associated visitor car parking is provided on-site to mitigate impacts associated with on-street parking.</p> |
| Height | <p>The proposed building height (single storey) has been designed to respond to the topography of the site and its surrounds, being low density in nature. The proposed height also responds to existing mature tree canopy heights within the site and surrounds and is therefore considered to be a suitable urban design response to the site's existing natural features.</p> |
| Landscaping | <p>The proposed Seniors Housing development will be extensively landscaped, utilising native species consistent with the surrounding established landscaping within the immediate sites and broader locality.</p> |

4.0 STRATEGIC JUSTIFICATION

The key planning policies and legislation relevant to the assessment of the proposed Seniors Housing development include:

State Planning Context

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
- State Environmental Planning Policy No. 55 – Remediation of Land.

Regional Planning Context

- Greater Newcastle Metropolitan Plan 2036,
- Hunter Regional Plan 2016.

Local Planning Context

- Port Stephens Local Housing Strategy 2018 – 2028
- Port Stephens Community Strategic Plan
- Port Stephens Local Strategic Planning Statement
- Port Stephens Local Environmental Plan 2011
- Port Stephens Development Control Plan 2011.

This planning framework is considered in detail in the following sections.

4.1 SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

Chapter 1 – Preliminary and Chapter 2 – Key Concepts

Clause 2

The aim of this SEPP, the Seniors Housing SEPP is to encourage the provision of housing (including residential care facilities) that will:

- increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- make efficient use of existing infrastructure and services, and
- be of good design.

Clause 4

In accordance with Clause 4, 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—

- development for the purpose of any of the following is permitted on the land—
 - dwelling-houses,
 - residential flat buildings,
 - 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*
- 2. *the land is being used for the purposes of an existing registered club.*

As discussed elsewhere in this report, a SCC to accompany a development application (DA) for certain proposals, including seniors housing adjoining land zoned primarily for urban purposes, but only if certain development under Chapter 1 Clause 4 of the Seniors Living SEPP is permitted on the land. In accordance with Subclause 4(1)(b) of SEPP Seniors, the site is identified as being Land Adjoining Land Zoned Primarily for Urban Purposes as dwelling houses and seniors housing are permitted in the adjoining R2 Low Density Residential Zone to the south of the site under the Port Stephens LEP. Seniors Living is prohibited under the current RU1 Primary Production zoning under the Port Stephens LEP.

Clause 10 and 13

In accordance with Clause 10, *seniors housing* is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of—

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

For the purpose of this application, the development incorporates 180 single storey self-contained dwellings. In accordance with Clause 13, 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.”*

4.2 SEPP NO. 55 – REMEDIATION OF LAND

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

A review of the Environment Protection Authority (EPA) contamination register confirms that no contamination, the subject of regulation by the EPA, is identified on the site. Despite this however, it is noted that the subject site has a history of

residential use and there is no evidence that contaminating activities have historically occurred on site. No known contaminating rural / agriculture use of the land has occurred. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

4.3 GREATER NEWCASTLE METROPOLITAN PLAN 2018

The Greater Newcastle Metropolitan Plan (GNMP) responds to changing global economic trends, such as new smart technology, creative and sharing economies, the ageing population and global connectedness. It states how Greater Newcastle's ageing population will be supported through improvements to aged care facilities, community-based health services and the introduction of private providers of care and wellness for older residents. The GNMP states that it will set out strategies and actions that will drive sustainable growth across Cessnock City, Maitland City, Lake Macquarie City, Newcastle City and Port Stephens communities (p.5).

The GNMP identifies how, in 2016, the population of the Hunter Region aged 65 and over was 102,800, representing 17.9% of the population. It predicts that by 2036, this demographic will increase to 163,100 or 23.5% of the Region's population. Furthermore, it states that providing housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size. A 60% target for new dwellings in the existing urban area by 2016 is therefore set. The GNMP explains how this may be achieved through a variety of housing types, including secondary dwellings, apartments, townhouses, and villas. Dwelling projections within the Port Stephens LGA are 11,050 by 2036. The GNMP notes that:

“providing housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size” (p.44). The strategic plans prepared by Local Councils must consider a range of housing choices “including retirement villages, nursing homes and opportunities to modify existing dwellings to enable occupants to age in place” (p. 44).

Local Strategies are required to consider local housing needs based on household and demographic changes. It is recommended that these Local Strategies plan for a range of housing choices, including retirement villages, nursing homes, and opportunities to modify existing dwellings to enable occupants to age in place. Local Strategies should identify the infrastructure necessary to support local communities and provide access to transport and community services and facilities. The strategic direction established through Local Strategies would then be implemented through local planning controls to provide housing choice and diversity, and liveable homes that are responsive to the changing needs of households.

Despite Wallalong being located outside of the Metropolitan boundary, the housing targets for Port Stephens relates to the LGA as a whole. To this extent, any form of housing within the Port Stephens LGA could be considered as consistent with the GNMP. The proposed Seniors Housing, being for Serviced Self-Care Housing, allows individuals to downsize to a form of residential accommodation that provides Seniors Living assistance whilst also providing the amenity and independence of regular apartment accommodation. This would allow current residents of the Port Stephens area to age in place, particularly in the case of couples and individuals who do not yet require a high-level of aged care. The proposed Seniors Housing would therefore help meet the strategic need for more diverse housing in order to meet the needs of an ageing population as recognised in the GNMP.

4.4 HUNTER REGIONAL PLAN 2036

The Hunter Regional Plan (HRP) states that it will guide the NSW Government's land use planning policies and decisions over the next 20 years (p.4). The HRP does not identify Wallalong in any of the text or on the Strategy Map (p. 41).

Goal 3 within the Plan shows the ageing population expectations (**FIGURE 6**) of the region, with significant increases in aged persons leading out to 2036.

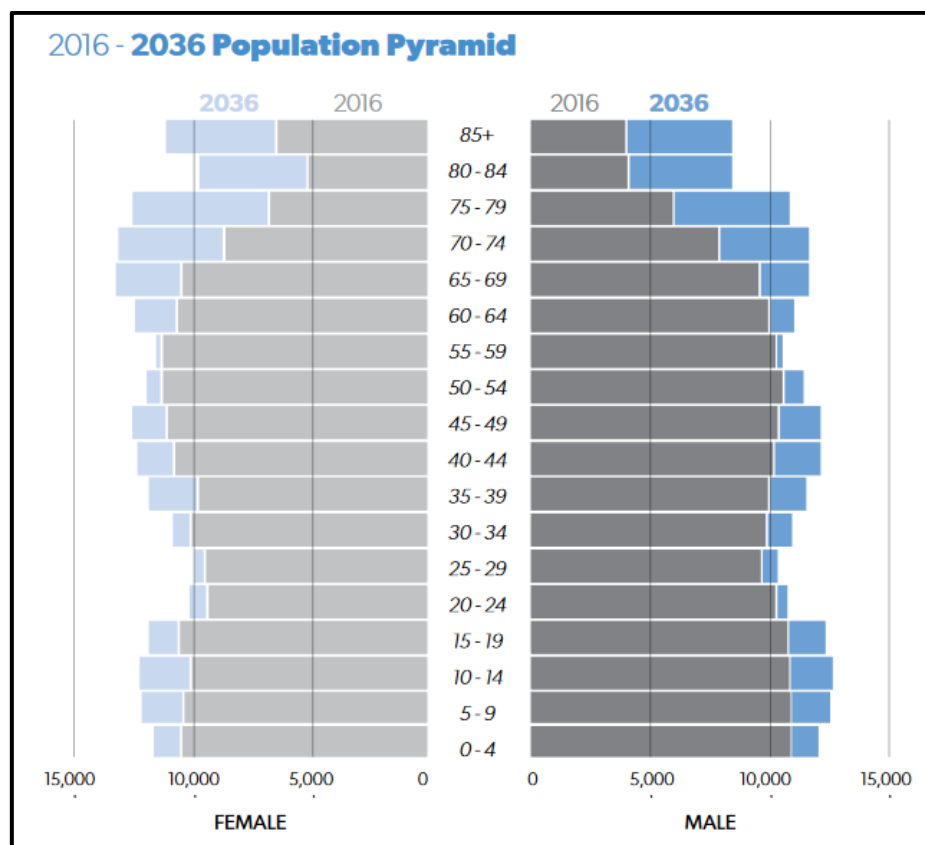


Figure 6 - Population Projections (Source: HRP, 2036)

Direction 22 of the HRP includes the 'promotion of housing diversity', recognising the pressures of an aging population and the need for increased dwelling diversity. The

HRP states that “by 2026, the Hunter is expected to be home to around 69,500 more people aged over 65 years” (p. 56). The proposed seniors housing is consistent with the objectives and goals of the HRP in that it proposes to concentrate new, single storey and low maintenance housing within the periphery of two established strategic centres; being Raymond Terrace and Maitland.

Development of this land for the purpose of seniors housing also provides a housing type to enable downsizing and ‘release’ or ‘freeing up’ of land within the urban centers for further residential development to meet the housing targets identified within the HRP.

4.5 PORT STEPHENS LOCAL HOUSING STRATEGY 2020

The Port Stephens Local Housing Strategy – Live Port Stephens (LHS) lists four desired outcomes, such as Outcome 1: Ensure suitable land supply.

The LHS does identify the current proportions of greenfield and infill housing across the different areas of the LGA. It does not identify locations to provide this housing, which contains a list of criteria by which locations can be deemed to be suitable.

The site is consistent with the Urban Housing Criteria (Appendix 1) and therefore is consistent with the LHS. The Criteria and an appropriate response are provided within **(TABLE 2)**:

Table 3 - LHS Housing Criteria assessment

| No | Criteria | Response |
|----|-------------------------|--|
| 1 | Aircraft Noise | ANEF Contours are in the eastern part of the LGA. |
| 2 | Bushfire | Bushfire Protection Measures can be incorporated into Subdivision Design, which will be informed by a Bushfire Assessment Report. |
| 3 | Flooding | Land identified to be within the Flood Planning Area (1 in 100 AEP) will not be rezoned residential and so has been excluded from the proposal. |
| 4 | Land Slope | The site is flat. No part of the site extends 18 degrees. |
| 5 | Biodiversity | The site is generally absent of vegetation. The Preliminary Ecological Investigation that has been prepared identified that if a 5 Part Test was requested it is likely to come to a conclusion of no significant impact on threatened entities listed under the BC Act or the EPBC Act. |
| 6 | Non-Aboriginal Heritage | No heritage items listed under the Port Stephens Local Environmental Plan are in proximity to the site. |
| 7 | Aboriginal Heritage | An AHMIS identified no aboriginal sites in the locality. |

| | | |
|---|-----------------------------|--|
| 8 | Infrastructure and Services | <p>A Preliminary Servicing Strategy can be provided at the DA Stage. However, due to the significant investigations that have taken place for Wallalong in the past and it is therefore understand that road, water, and electrical capacity exists for this proposal, which is detailed in this document. No sewer is available and hence why we propose an on-site system, which can address the forecast loads. The irrigation area identified on the Plans submitted with the proposal have been sized appropriately.</p> <p>A Wastewater Letter is providing as (ATTACHMENT 10). This Letter identifies a number of options to address wastewater. One of these options would be presented to Council at the Development Application stage in a Wastewater Report that is consistent with the Port Stephens Development Assessment Framework for Onsite Wastewater Management.</p> |
|---|-----------------------------|--|

Council in their letter dated 14 April stated:

'The report should also include consideration of the location criteria for proposed lifestyle villages and communities with shared facilities under Priority 3.3 – Enable better planning for diverse lifestyles' (p.2) (ATTACHMENT 9).

The locational criteria and an appropriate response are provided below:

Table 4 - LHS Locational Criteria assessment

| No | Criteria | Response |
|----|---|--|
| 1 | 5-minute walk (400m) of a town or neighborhood centre zoned B1 Neighborhood Centre, B2 Local Centre, B3 Commercial Core or B4 Mixed Use, or | The proposal is partly within 400m and wholly within 800m of the future Wallalong local centre as proposed by the previous planning proposal (See Figure 5, p.32). In the immediate and short term, the facility will provide for at least one car space per unit and have a joint community bus. |
| 2 | 5-minute walk (400m) of bus stops with frequent services to local centres, or | The closest bus stop is located on the corner of Paterson Road and Clarence Town Road (Woodville Shops), which is less than a 4-minute drive from the site and so is greater than a 5-minute walk. 'Transport Buses' run two daily bus trips from this bus stop, being the '185 Route' from Largs, via Bolwarra to Lorn to Maitland Train Station. From the Train Station, connecting services are available to Stockland Greenhills, Newcastle or Sydney. |
| 3 | 10-minute walk (800m) of local centres. | It is not unexpected that this criterion is not met because the proposal is seeking to place houses next to a future town centre and so the density is not yet present for bus services to operate at consistent |

| | | |
|---|---|--|
| | | intervals. This proposal will contribute to and facilitate future density for public bus services to be provided. In the meantime, a community bus and private cars provide the transport means which is representative of the demographic buying into these lifestyle villages. |
| 2 | Reticulated water and sewer | The site has access to reticulated water and Wallalong is likely to be provided with reticulated sewer at a future point in time. In the meantime, the proposal offers an on-site solution to meet the criteria within the legislated Local Environmental Plan (Clause 7.6), which means it caters for 'the disposal and management of sewage'. This is a common approach for site's where the extension of sewer is not an effective use of resources and simply not required given that safe on-site solutions exist. |
| 3 | Indoor and outdoor recreation facilitates adequate for the number of proposed residents such as bowling greens, tennis courts, golf course, swimming pool, or off leash park. | The proposal suggests a community hall and communal area. The final proposal is subject to a development application which will propose facilities based on the demand. This proposal is about demonstrating if the site is compatible for housing for seniors. It is also worth noting that seniors housing is still required to pay 50% of the development contributions fee under the Port Stephens Local Infrastructure Contributions Plan (p.4) with these funds going towards public open space, sports and leisure facilities, bus facilities, shared paths, etc. (p.iv). If the proposal achieves, 180 units, then it will contribute \$1.6M to these public facilities, which the residents will have access too. |
| 4 | Community facilities that promote gathering and social connections such as a restaurant, community hall or community garden. | |
| 5 | Access to bus services providing frequent trips to local centres and shops. | The proposal is partly within 400m and wholly within 800m of the future Wallalong local centre as proposed by the previous planning proposal (See Figure 5, p.32). In the immediate and short term, the facility will provide for at least one car space per unit and have a joint community bus. |

It must be noted that while the above criteria have good intentions, SEPP Seniors already provides a solid foundation in relation to determining the location of these seniors housing facilities. It is therefore unclear what weight the above criteria hold when a SEPP and LEP (the disposal and management of sewage) provides consideration for these matters.

4.6 PORT STEPHENS COMMUNITY STRATEGIC PLAN 2018-2028

The Port Stephens Community Strategic Plan (CSP) sets out the community's long-term vision. It:

- identifies community aspirations and priorities over the next 10 years
- outlines Council's role in delivering these priorities
- sets out how Council will work with other governments and agencies to achieve their community's priorities
- provides for community participation in decision making
- provides a basis of accountability and consistency in reporting.

The CSP is broken into four areas including 1) Our Community; 2) Our Place; 3) Our Environment; and 4) Our Council. The most relevant category is: 2) Place. Within this category, the actions relate to coordinating infrastructure to support the community and provide a thriving and safe place to live. The proposal is consistent with these actions by seeking to draw on existing infrastructure within High Street, while providing dwelling sizes that contribute to the diversity of housing in this locality.

4.7 PORT STEPHENS LOCAL STRATEGIC PLANNING STATEMENT (LSPS)

The Port Stephens Local Strategic Planning Statement (LSPS) is a 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered. The LSPS is the tool that gives local-level effect to State government regional plans by informing local statutory plan making and development controls. It also provides the link between the CSP and land use planning.

Planning priority number five relates to increasing diversity of housing choice, meaning *'a range of housing types, sizes, tenures and price points are available to meet demand in the right locations'* (p. 25).

The proposed development aims to provide new, single storey and low maintenance housing within the periphery of two established strategic centres; being Raymond Terrace and Maitland. Development of this land for the purpose of seniors housing also provides a housing type to enable downsizing and 'release' or 'freeing up' of land within the urban centers for further residential development to meet the housing targets identified within the LSPS.

4.8 PORT STEPHENS LEP

The Port Stephens LEP 2013 is the primary Environmental Planning Instrument guiding sustainable development. The relevant Clauses applicable to the proposed Seniors Housing development are detailed below.

- **Clause 2.3 – Zone objectives and Land Use Table**

The site is zoned RU1 – Primary Production, with the objectives of the zone including:

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

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Seniors Housing is an innominate use prohibited in the RU1 Zone. The proposed development for Seniors Housing is therefore prohibited on the site pursuant to the Port Stephens LEP. However, as described in Section 4 of this Report, SEPP Seniors provided for Seniors Housing as a permissible land use at this site, despite the RU1 Zoning. The site adjoins land zoned R2 for residential purposes to the south. The proposed Seniors Housing is consistent with the intended character of the area as it provides for a housing product that meets the needs of a growing demographic in the local community, being elderly and people with a disability. The built form of the proposed Seniors Housing has been designed to respond to existing and future characteristics of the locality.

As detailed within the VIA provided with this application, the location and density of the proposed development is respectful of the existing character of the site and locality and does not create conflict between the land use zones / adjoining zones. Should the development be located further to the north or west of the site, conflict would arise due to being located in the 'transitional' area between the rural and residential zones / character. As part of the DA design phase, post Site Compatibility Certificate (SCC) issue, the development has scope to be amended to incorporate larger lots adjoining the northern, western and portion of the southern property boundaries (adjoining 21 Scott Street), to better integrate the development in with the existing large and small Lot residential properties and rural-residential character. This will reinforce the mixed rural-residential nature of the locality and allows for a respected transition from the residential to rural zone character and density in both the local and wider community.

- **Clause 4.3 – Height of Buildings**

The objective of Clause 4.3 is to ensure that the height of buildings is appropriate for the context and character of the area. The subject site is not affected by a maximum height of buildings standard. Despite this however, it is considered that the proposed development is of an acceptable height for the location, providing single storey dwellings consistent with the site surrounds and therefore will not detrimentally affect the values of the site or adjoining sites.

- **Clause 5.10 – Heritage Conservation**

The objective of this clause is to conserve the environmental heritage of Port Stephens, including heritage items and heritage conservation areas, associated fabric, settings and views, to conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

A AHIMs search (27 August 2020) contained at **(ATTACHMENT 12)** was undertaken in respect of the subject site which determined that one Aboriginal site or place of significance are recorded in or near the subject site. As part of DA preparation and extension AHIMs Search will be carried out to determine whether any additional Archaeology Report is required to be prepared to support the development construction, along with any associated mitigation measures if required. Further, the site is not identified to be located within a heritage conservation area and does not contain a heritage item specified under Schedule 5. To this extent, no further assessment against the objectives of clause 5.10 is required.

- **Clause 7.1 - Acid Sulfate Soils**

The site is identified as containing Class 5 Acid Sulfate Soils **(FIGURE 7)**.

The objective of Clause 7.1 of the Port Stephens LEP is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The area proposed for the development construction is generally flat, however will incorporate earthworks to establish a level building platform through the use of balanced cut and fill. Any cut associated with the development will be limited and will not include works lower than 5m AHD within 500 metres of adjacent Class 1, 2, 3 or 4 or works by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. To this extent, an ASS Management Plan is not required to be prepared for the proposed development.

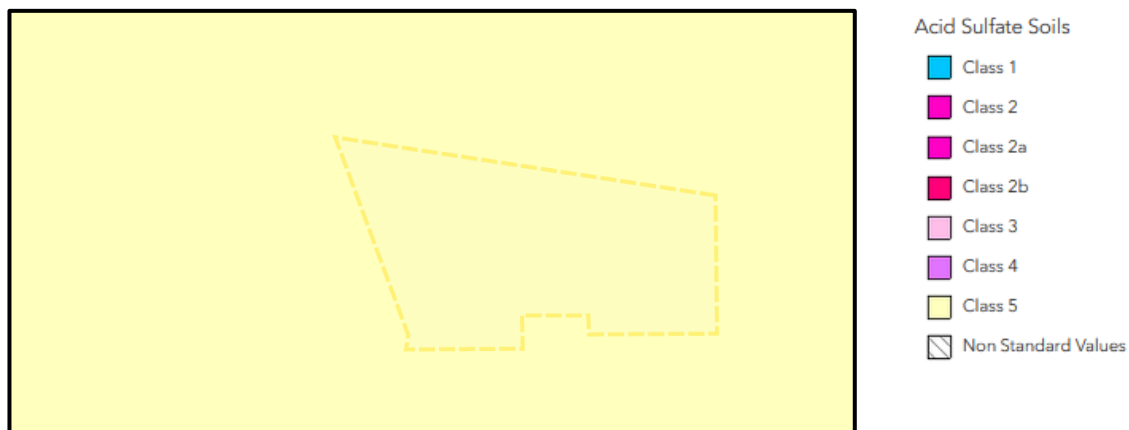


Figure 7 - Acid sulfate soils affectation (Source: NSW Planning Portal)

- **Clause 7.3 – Flood planning**

The site is not identified as flood prone **(FIGURE 8)**, however is subject to investigation as detailed elsewhere within this report. The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

- (c) to avoid significant adverse impacts on flood behaviour and the environment.

The proposed development has been consciously sited outside of the areas identified as flood prone to ensure the objectives of this clause are met. Please refer to Section 1.2 of this report for further assessment relating to flood affectation.

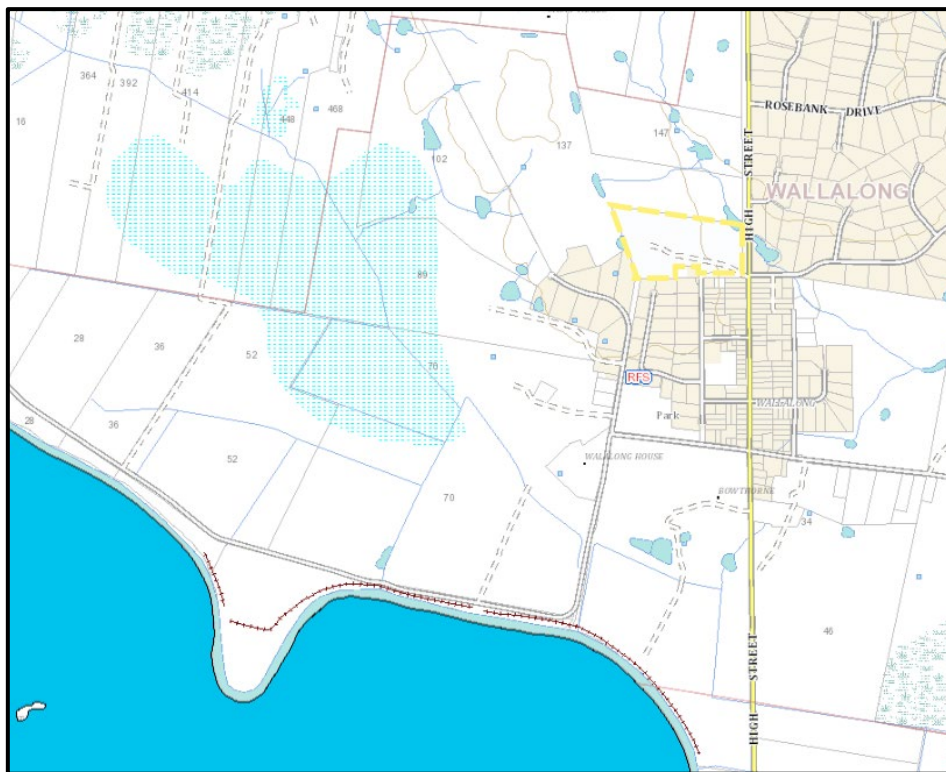


Figure 8 - Flood prone land affectation (Source: NSW Planning Portal)

4.9 PORT STEPHENS DCP

The Port Stephens Development Control Plan 2014 (DCP) is the primary and comprehensive DCP that applies to the entire Port Stephens LGA. The DCP provides guidelines and controls for specific types of development. It is however noted that SEPP Seniors prevails to the extent of any inconsistency.

Whilst there are no specific development controls relating to Seniors Housing, the general provisions under the DCP identify relevant controls for rural land and development for consideration relating to design and environmental constraints.

5.0 STATEMENT ADDRESSING SEPP SITE COMPABILITY CRITERIA

This part of the SCC report provides a Statement of Compatibility demonstrating the sites suitability and compatibility for the intended use, having regard to the matters for consideration in Clause 25 and Clause 26 of SEPP Seniors.

5.1 CLAUSE 24 CRITERIA (SEPP SENIORS)

Clause 24(2) of SEPP Seniors provides that a consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion:

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

With respect to these matters, it is considered that the proposed Seniors Housing development:

- Can be undertaken without significant traffic or acoustic impacts,
- Can meet the accessible site servicing requirements set out in Clause 26 of SEPP Seniors,
- Can be undertaken with minimal visual impact to the surrounding area / locality,
- Is well sited to ensure compatibility with the flood prone constraints of the land and topography to allow the proposed built form to transition into the existing neighbourhood.

The particular matters set out in Clause 25(5)(b) are considered in further detail within Section 6.2 below.

5.2 CLAUSE 25 CRITERIA (SEPP SENIORS)

Clause 25(5)(b) of SEPP Seniors provides that the relevant panel must not issue a site compatibility certificate unless the relevant panel is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the criteria outlined in **(TABLE 5)** below. The assessment provided below demonstrates that the proposed Seniors Housing development is consistent with the prescribed requirements of Clause 25(5).

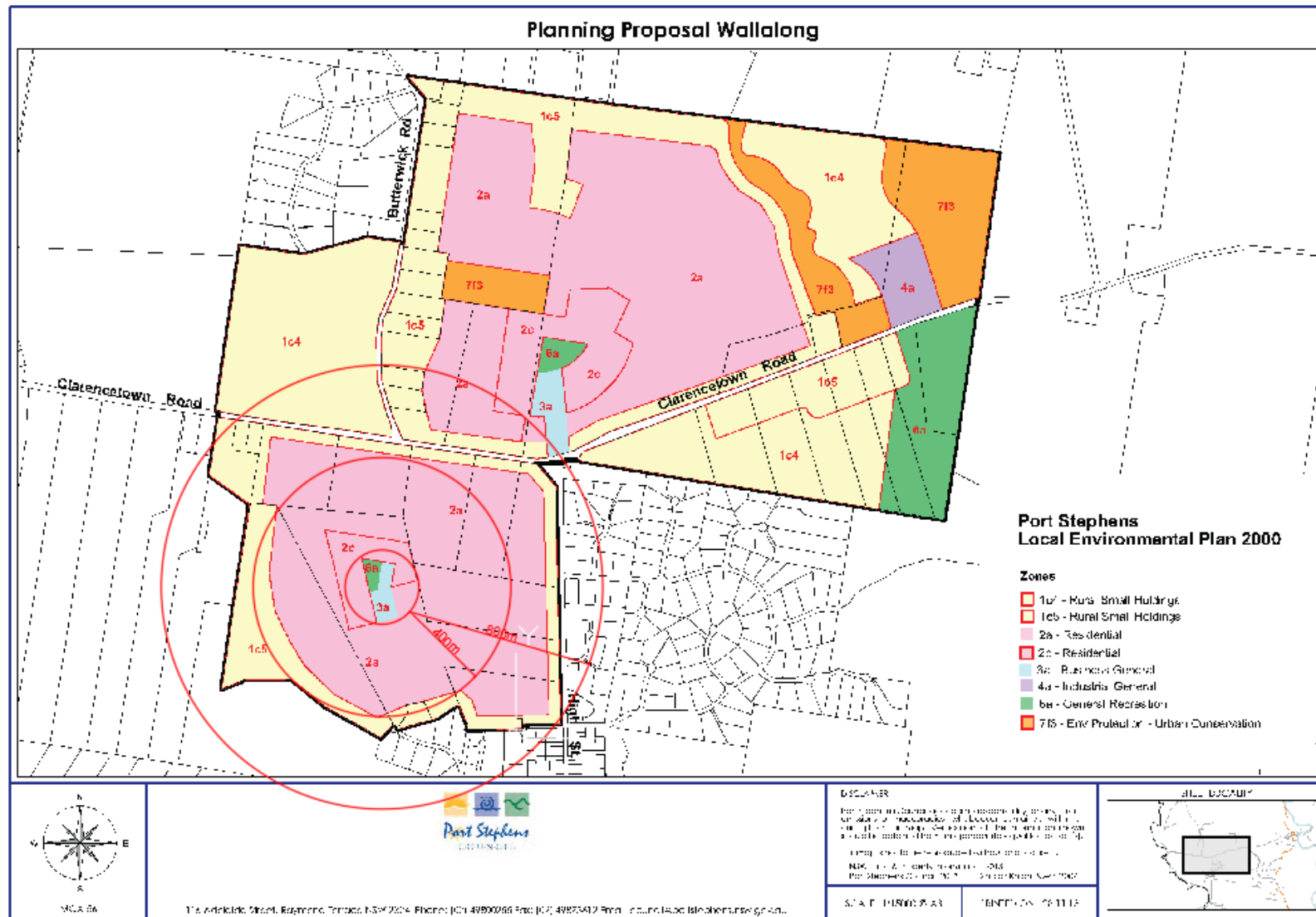
Table 5 - Assessment of Clause 25 criteria (SEPP Seniors)

| Clause 25(5)(b) | Assessment of proposed concept |
|--|--|
| (i) the natural environment (including known significant environmental values, resources, or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development. | The site has limited site constraints, being limited to flood prone land, bushfire prone land and acid sulfate soils. By limiting the development to land that is not Flood Prone, the site is suitable for the development. It is understood that Wallalong can be 'cut-off' or isolated from surrounding centres during major flooding events. To this extent, the preparation of a Flood Free Access Report and |

| | |
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| | <p>appropriate Flood Emergency Management Plan at DA stage will identify strategies for people to 'stay in place' or 'evacuate' at appropriate periods of time. A bushfire assessment report will also be prepared at DA stage to guide the design and construction of the proposed development.</p> <p>The proposed use is not inconsistent with surrounding zonings and land-uses, nor is the proposed built form inconsistent with the surrounding built form. Surrounding residential and rural land uses will not be greatly affected by the proposed development. Due to its topography, the site does not contain any significant external views and as such, visual impacts of the proposed development will be minimal.</p> <p>The proposed development will increase traffic to the local and regional road network and will increase patronage to local bus stations, shopping centres and other community infrastructure. It is however noted that there is no indication of this infrastructure having reached maximum capacity.</p> |
| <p>(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land.</p> | <p>Amenity impacts relate to the surrounding rural and residential zoned land. The residential zoned land surrounding the site and existing uses are consistent with the seniors housing that will make up this development. The locality has seen and will continue to see the construction of new dwellings. As discussed within this report, measures can be implemented within the design of the development to further integrate into the existing character of the locality. A visual impact assessment is provided at (ATTACHMENT 9) to qualify these statements. Port Stephens Council have stated the following regarding likely future uses of the land (ATTACHMENT 6):</p> <p><i>'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'.</i></p> |

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| | <p>Our response to these comments from Council is as follows: In relation to Wallalong, the Port Stephens Planning Strategy (PSPS) states:</p> <p><i>'It is critical that premature development, such as large lot or rural residential development does not occur at Wallalong in the interim' (p.81).</i></p> <p>The development is not proposing rural residential or large lot residential development, which may 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 9). This is consistent with the 'New Urbanist' goal to be within 400m walking distance of a neighbourhood centre.</p> <p>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.</p> <p>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 LEP (Part 6 – Urban Release Areas) to ensure the proposal considers staging, overall transport hierarchy, recreation areas, amelioration of nature and environment hazards, etc.</p> |
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Figure 9 - 400m & 800m Catchments from proposed Zone B2 – Local Centre within the Wallalong Urban Release Area



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| <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision.</p> | <p>Services have been discussed throughout this Report which meets the requirements set out under the SEPP (Clause 26 and Part 5). Access to these services will need to be upgraded via pedestrian pathways to comply with the required continuous accessible path of travel. The incorporation of a private on-site shuttle bus service is intended as part of the development, meeting the requirements of Clause 26(2)(c).</p> <p>The site has been described as having access to essential service (i.e. water and electricity) that are located within High Street.</p> |
| <p>(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development.</p> | <p>Not Applicable – The site is not zoned for open space or special uses.</p> <p>Council in their letter dated 14 April 2020 state that 'The proposed development of the site is unlikely to impact on the provision of land for open space or special uses in the area' (p.2) (ATTACHMENT 9).</p> |
| <p>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p> | <p>The subject site is adjacent to the dense urban development area within Wallalong. The location of the site is not isolated, in comparison to the rural properties located further away from the Wallalong neighbourhood centre.</p> <p>The pattern of development of the Wallalong neighbourhood constitutes mostly single storey dwellings on allotments measuring approximately 500m² in size, with generous front setbacks which results in a low and horizontal built form. This design is reflective of the greater environment consisting of generally flat or low-lying topography of the land. The style of buildings is contemporary in nature, varying between weatherboard and brick veneer. The informality of the street layout is emphasized by the lack of footpaths and front fences and the existence of grassy verges.</p> <p>The subject site and proposed development are reflective of this character and overall pattern of development, through the incorporation of single storey contemporary dwellings, as shown within the architectural plans provided at (ATTACHMENT 1). The proposed development is setback generously from the front property boundary in accordance with other dwellings in the area. The proposed development respects the low scale nature of the</p> |

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| | <p>built form within the locality and uses a variety of material and finishes without the dominance of fences or carparking. A mix of vegetation will be incorporated to ensure the natural environment and topography of adjoining lands is maintained and softened visually.</p> <p>In this regard, the proposed development respects the scale, form and context of the locality and contributes to the preferred character of the neighbourhood. The proposed development will reinforce the mixed rural-residential nature of the locality and is characteristic of other developments in both the local and wider community. The proposal addresses the street and provides logical and convenient connections to the road network and pedestrian facilities in the locality. There are no anticipated adverse impacts on the built environment as a result of the proposed development.</p> |
| <p>(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.</p> | <p>The <i>Native Vegetation Act 2003</i> has been repealed and replaced with the <i>Biodiversity Conservation Act 2016</i> (BC Act). Under the BC Act, an assessment utilising the Biodiversity Assessment Method (BAM) would be required for the development, if native vegetation was proposed to be removed. With reference to the <i>Biodiversity Conservation Regulation 2017</i>, up to 1ha of native vegetation can be cleared without exceeding the threshold. It is noted that no vegetation is required to be removed as part of the proposal.</p> <p>Minor removal of vegetation is required to facilitate the proposed seniors housing development. With reference to the BC Act, up to 1ha of native vegetation can be cleared without exceeding the threshold. A detailed ecology and arborist report will be prepared with any DA for seniors housing.</p> <p>Port Stephens Council have stated the following regarding native vegetation (ATTACHMENT 6):</p> <p><i>‘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’</i></p> <p>Our response to these comments from Council is as follows:</p> |

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| | <p>The Ecology Letter that accompanied the SCC concluded that:</p> <p><i>'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).</i></p> <p>In order to address Council's concerns about ecology, they could request that a Five Part Test be completed at the Development Application Stage.</p> <p>Council in their letter dated 14 April 2020 state that:</p> <p><i>'The report adequately addresses the previous advice in relation to the provision of information for further assessment of any potential vegetation removal' (p.2) (ATTACHMENT 9)'</i></p> <p>In conclusion, the proposed development does not significantly impact threatened entities listed under the BC Act or EP&A Act.</p> |
| (vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate. | No cumulative impact study is required to be provided in relation to the proposed development. |

5.3 CLAUSE 26 CRITERIA (SEPP SENIORS)

Clause 26 of SEPP Seniors requires that a consent authority not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2). An assessment of compliance with Clause 26(2) of the proposed Seniors Housing development concept is provided in **(TABLE 5)** below.

Table 6 - Clause 26 criteria (SEPP Seniors) assessment

| Clause 26 criteria | Assessment of proposed concept |
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| <p>(1) Consent must not be granted unless evidence is provided that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> | <p>Access to essential services and facilities is discussed elsewhere within this report.</p> <p>Moreover, it is proposed to provide a range of every-day services and facilities to the future Seniors Housing residents onsite. The provision of these specific services would be finalised at the DA lodgement stage.</p> <p>However, at this time it is proposed to provide</p> |

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| <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> | <p>a range of services and facilities and social activities. This will create an integrated community which encourage physical wellbeing, activity and social engagement.</p> |
| <p>(2) Access complies with this clause if—</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> | <p>The site cannot demonstrate compliance with Clause 26(2)(a) as the site is located more than 400m from such services.</p> |
| <p>(b) relates to land within the Greater Sydney (Greater Capital City Statistical Area).</p> | <p>Does not apply, as the site is located outside of this area.</p> |
| <p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> | <p>It is noted that, as the site is located outside of Greater Sydney, there is no requirement under SEPP Seniors for the site to be located within 400m of accessible public transport. Whilst this is a requirement for Seniors Housing developments within the Greater Sydney area to be located within 400m of accessible public transport (as per Subclause 26(2)(b), the requirement for sites outside of Greater Sydney is rather that they be accessible <u>by transport</u>, which is not specified as comprising public transport (refer to Subclause 26(2)(c) of SEPP Seniors).</p> <p>It is therefore considered that the proposed Shuttle Bus service would meet these requirements under Subclause 26(2)(c) of SEPP Seniors to provide accessible transport to residents, linking them to the relevant facilities and services specified in Subclause 26(1).</p> |

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| and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3). | At this stage, this Shuttle Bus service is intended to operate three times daily from Monday to Friday (inclusive). These details would be confirmed at the DA lodgement stage. |
| (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable— (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time, (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time, (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time. | Noted, upgrades to footpaths may occur as a result of DA assessment. |

5.4 CLAUSE 27 CRITERIA (SEPP SENIORS)

Clause 27 provides that a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map, unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection.

The subject site is identified as bushfire prone, vegetation category 1 and buffer. The development defined as Seniors Housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, and therefore constitutes a Special Fire Protection Purpose (SFPP) under RFS, 2019, 'Planning for Bushfire Protection' (PBP). A Bushfire Assessment Report (BAR) will be prepared and provided with any DA to enable referral to the NSW Rural Fire Service as 'integrated development'.

5.5 CLAUSE 28 CRITERIA (SEPP SENIORS)

Clause 28 provides that a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

On-site effluent disposal is required because the site is not connected to reticulated sewerage. The provision of reticulated sewer without a coordinated approach with other adjoining landowners appears to be unfeasible. Hence, the proposed development will provide for on-site effluent disposal and a detailed design will be prepared and provided with any DA. It is however noted that the site is within proximity to / adjoins High Street, which allows for the site to connect to reticulated sewer, should it become available in the future.

Port Stephens Council have raised some matters around existing services and infrastructure (**ATTACHMENT 6**). A direct response to these matters is provided as (**ATTACHMENT 7**), which is a summary of the matters listed above.

The impact on existing services provided within the community to this senior living development 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 future residents of the development will onto be passed onto existing providers.

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

6.0 CONCLUSION

The site adjoins existing residential development and is relatively clear of constraints. It is within proximity to major services, such as the city centres of Morpeth, Maitland, Raymond Terrace and Stockland Greenhills. This locality is already experiencing significant low-density residential growth due to its proximity to these services.

The site presents an opportunity to provide seniors housing in an appropriate location. A SCC would enable more detailed plans to be developed through the Development Application phase, which would then lead to construction and payment of any applicable development contributions.

The proposed development will have minimal impact on surrounding land uses and represents an appropriate re-use of agricultural land. The proposed development will provide housing diversity necessary to support a growing, aging demographic within the Port Stephens LGA and the Lower Hunter.

The proposed development is considered to be consistent with the public interest, the strategic context of the site and the identified capability of the site and surrounding areas to support further residential development.

To this extent, we recommend SCC application for approval.



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