



SITE COMPATIBILITY CERTIFICATE

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

118 and 118A Soldiers Point Road, Soldiers Point, NSW, 2317 (LOT 1 and 2, DP 627638)

Prepared by Perception Planning Pty Ltd on behalf of Soldiers Point Bowling Club (SPBC)



Above: 3D model of proposed Seniors Housing

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1.0 INTRODUCTION

This report accompanies the Site Compatibility Certificate (SCC) application for seniors housing accommodation located at 118 and 118A Soldiers Point Road, Soldiers Point, NSW, 2317 (the site).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors Living SEPP) requires 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. The subject land is zoned RE2 Private Recreation and is adjoined by land on the western, eastern and southern boundaries, zoned for urban purposes, being R2 Low Density Residential. The site permits 'health services facilities' (hospitals) and has historical use as a registered club, known as Soldiers Point Bowling Club. To this extent, the development satisfies the requirements of Chapter 1 Clause 4 and lodgement of this SCC is permitted. It is also noted that a SCC has been previously issued over the land on 15 November 2013 (13/15940).

Port Stephens Council (PSC) or the Hunter and Central Coast Joint Regional Planning Panel (JRPP) will be the consent authority for the proposed development (subject to lodgement of a future DA), depending on the value of work. On 9 August 2019, the proposed concept was presented to PSC staff. In response, it was confirmed that the proposed development was supported in principle, however, would need a new SCC to support the DA, to confirm permissibility as the previous SCC dated 15 November 2013 has expired. Legal advice was obtained to confirm this matter and is provided at **(ATTACHMENT 2)**.

A pre-lodgement meeting with the PSC Urban Design Consultative Group was held on 12 December 2019 to review the architectural design proposed and associated feedback prior to lodgement of the DA. The minutes of the UDCG meeting are provided at **(ATTACHMENT 10)**. Following the meeting, the architectural plans were updated to respond to the matters raised, with a response provided at **(ATTACHMENT 11)**.

This report contains details of the proposal and information in accordance with the SCC Application Form (Part C – Site Compatibility). 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.

2.0 CONTEXT

The site is located at 118 and 118A Soldiers Point Road, Soldiers Point **(FIGURE 1)**, which is situated within the Port Stephens Local Government Area (LGA). It comprises of two Lots, which are legally identified as Lot 1 and 2, DP 627638. Lot 1 contains registered club, Soldiers Point Bowling Club, and Lot 2 contains Block A and

B of approved Seniors Housing Development under DA 16-2013-757-1. Lot 2 is the parcel of land subject of this application for a SCC and associated development.

The site (Lot 2) measures 1.61 ha in size and is irregular in shape, taking into consideration the access arrangement. It gains direct vehicular access from Soldiers Point Road via a 20m wide and 153m long right of carriageway.

Soldiers Point Road turns into Salamander Way, both with a speed limit of 50km/hr which connects Soldiers Point to Salamander Bay. It provides one lane of travel in each direction with kerb/gutter, and footpaths along the site frontage and south western side of Soldiers Point Road. The site is identified as bushfire prone land, vegetation category 1, 2 and buffer. However, the land is clear of vegetation, as approved under DA 16-2013-757-1. The land slopes up to the north western corner of the site.

The site is currently zoned RE2 – Private Recreation under the Port Stephens Local Environmental Plan 2014 (the LEP). The northern, southern and western boundaries of the site directly adjoin land zoned and utilised for urban purposes. It is zoned R2 – Low Density Residential and mostly contains single and two storey dwellings and ancillary residential structures.

The site is located within close proximity to the centre and business precinct of Salamander Bay, accessible from Salamander Way. This centre is located 5.5km from the site and consists of a large number of large and smaller speciality shops and facilities, including banks, post office, supermarkets, doctors and health practitioners, convenience stores, restaurants and entertainment.

2.1 DESCRIPTION OF SURROUNDING ENVIRONMENT

2.1.1 BUILT FORM

Soldiers Point is a coastal suburb that is situated within the north-western peninsular of the Port Stephens Local Government Area, that experiences steady residential growth, reflective of the ageing population of the area. As detailed within the Port Stephens Planning Strategy (2011), the increasing car ownership, increasing affluence and the creation of high-speed roads has changed development patterns. As a result, low density residential development has become the predominant development pattern and some separate villages and towns have merged into continuous residential areas, such as from Soldiers Point to Salamander Bay.

Most housing in this locality comprises of single and double storey detached dwellings. Earlier coastal cottages are lightweight timber frame construction on piers and more recent dwellings are typically brick veneer and/or rendered brick construction on a concrete slab. A number of tourist accommodation units (detached and multi-storey), holiday parks, restaurants and recreation areas (inclusive of a bowling club), characteristic of the tourist use and drive of the locality.

It is expected that the locality will continue this built form character given the coastal location and tourism point of interest. The proposed development is respectful of this built form and offers an improved outcome on-site with regard to site coverage and bulk and scale. Whilst the development is multi-storey in nature, it is limited to the north-eastern most section of the site, to respond to the lowest portion of the site, respectful of the topography and impacts development of this land would involve. Further analysis of the built form of the area is contained within section 6.5 of this report.

Figure 1 – Locality Map (Source: NearMap, 2019)



2.1.2 POTENTIAL LAND USE CONFLICT

The locality of Soldiers Point remains as both a tourism destination and ageing community due to its coastal location. The Soldiers Point Bowling Club located on the land has been in existence for over 40 years, with Seniors Housing complimenting the use to ensure its survival in the future. The proposed development on the site compliments the surrounding development and uses and respects the existing topography of the land. Reducing the scale of the development will increase the opportunity for further landscaping of the site and recreational use. The development of the site and request for new SCC is consistent with the existing use of the site for seniors housing. There is minimal to no opportunity for land use conflict.

2.1.3 NATURAL ENVIRONMENT

Prior to DA approval under DA 16-2013-757-1, a significant portion of vegetation was located on the site, whereby the most significant flora being the *Corybas dowlingii* (Red Helmet Orchid) which are Endangered and Vulnerable Species under the *Threatened Species Conservation Act 1995*, Coastal Sand Apple / Swamp Open Forest and Smooth-barked Apple. The site was also highly disturbed by weed invasion, introduced species and bushfire APZ disturbance. The understory had been replaced with introduced grasses, maintained by the Bowling Club. As part of the DA approval, the majority of the vegetation was removed from the site.

This is confirmed by the ecology letter provided at **(ATTACHMENT 5)**. Anderson Environment and Planning (AEP) completed a survey of the site on Tuesday 13 August 2019, with reference to OEH (2016) guidelines pertaining to surveying for threatened plants. The results confirmed that there was no sign of *C. dowlingii* on-site, and no other orchids were encountered. Further analysis of the natural environment is contained within section 2.1.7 of this report.

2.1.4 ACCESS TO SERVICES AND FACILITIES (CLAUSE 26)

The site is located within a 5.5km or a 9 minute drive from the centre and business precinct of Salamander Bay, accessible from Salamander Way and consists of community facilities and services and large and smaller speciality shops and facilities, including;

- Banks and post office;
- Tomaree Library and Community Centre;
- Supermarkets, including Coles, Target, Woolworths, Kmart;
- Doctors and health practitioners, including: Salamander Medical Centre, Port Stephens Medical Centre, Lavery Pathology, OPSM Optical, Port Stephens Massage Therapy, Bay Dental and Pacific Smiles Dental;
- Pharmacies, including Amcal Chemist, Priceline and Cincotta Discount Chemist;
- Restaurants, cafés and entertainment **(FIGURE 2)**.

A number of general convenience stores and medical practitioners / facilities are located within close proximity to the site, within both Soldiers Point and Salamander Bay, located on the corner of Randall Drive and Soldiers Point Road to the south and along Resthaven Avenue and Soldiers Point Road to the north which includes:

- Wanda Beach Pharmacy;
- Friendly Grocer and butcher;
- Soldiers Point Road Medical Centre, Wanda Beach Denture Clinic and Cheeky Smiles Dental;
- Newsagency, florist, banks, cafes and restaurants; and
- The Point General Store.

These stores and facilities are located a 2 minute drive or 17 minute walk from the subject site.

Further along Salamander Way, incorporates Tomaree Aquatic Centre and Sports Facility for remedial therapy and exercise, required by the residents of the development. This is located a 10-minute drive from the subject site.

The Bowling Club and existing Seniors Housing Development located on the site provides two shuttle buses transporting residents to and from their accommodation to the Salamander Bay centre and other relevant places, with daily shuttles to enable access to local points of interest. The NSW Transport Buses run five daily bus trips from the closest bus stop on Bagnall Avenue, being the '132 Route' from Soldiers Point to Fingal Bay, via Soldiers Point Road and Salamander Way. This bus connects the site to the Salamander Bay commercial centre and other facilities along Soldiers Point Road / Salamander Way as described above. Port Stephens Coaches operates a local bus service and provides residents transport to local and wider areas, incorporating access to train stations and the airport including the following:

- Soldiers Point to Shoal Bay (via Vantage & Seabreeze Estates (and return) (Route 132)
- Soldiers Point to Fingal Bay (and return) (via Galoola Drive) (Route 133)
- Soldiers Point to Boat Harbour (and return) (Route 134)
- Newcastle to Soldiers Point (and return)

The main location for all NSW Transport and Port Stephens Coaches bus trips is on the corner of Bagnall Beach Road and Soldiers Point Road, approximately 200m from the site frontage, accessible via the footpath provided fronting the site to this location. A number of other bus stops are provided within this area, also easily accessible via the footpaths provided.

Figure 2 – Location of services in proximity to site (Source: Nearmaps)



2.1.5 OPEN SPACE AND SPECIAL USE PROVISIONS

As identified in **(FIGURE 2)** above, many public recreation areas / reserves are available along the peninsula, adjoining the coast for recreational use. Horizons Golf Resort is a 7 minute drive from the site, providing additional recreational activities for residents of the site. The site itself provides ample private open space for the residents within private courtyards and outdoor areas, as shown within the architectural plans and landscape masterplan provided as attachments to this report.

Refer to further assessment under Section 6.4 of this report.

2.1.6 AGRICULTURAL CAPABILITY OF THE SITE AND ADJOINING LAND IF THE PROPOSAL AFFECTS LAND ZONED PRIMARILY FOR URBAN PURPOSES

The site is zoned RE2 – Private Recreation. Adjoining land is zoned R2 Low Density Residential. There is no agricultural capability of the site or adjoining land.

2.1.7 TYPE, VALUES AND SIGNIFICANT OF NATIVE VEGETATION ON SITE, IF LAND IS NOT LOCATED IN AN URBAN LGA OR URBAN ZONE LISTED UNDER SCHEDULE 1 OF THE NATIVE VEGETATION ACT 2003

Port Stephens Local Government Area (LGA) is a contrast between an urban LGA and rural LGA. The site is neither zoned for urban or rural purposes. As detailed within the ecology letter provided at **(ATTACHMENT 5)**, the site has been cleared of native vegetation under previous approvals. Due to this, the potential for location of native vegetation onsite is low and it is considered unlikely that any remaining vegetation is of any significance given that the property has been extensively cleared and is extremely sparse and degraded. The site does not contain any mapped Endangered Ecological Communities (EEC).

In conclusion, the proposed development does not significantly impact threatened entities listed under the BC Act or EP&A Act.

3.0 PROPOSED DEVELOPMENT

3.1 DESCRIPTION OF THE PROPOSAL

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

The proposed development incorporates the construction of a single building consisting of six storeys or seven levels, comprising 68 self-contained units (**FIGURE 3 and 4**) being a mix of one, two and three bedrooms, with up to three bathrooms, open plan kitchen, dining and living area and courtyard and/or balcony. The building will be constructed over three stages, including:

- (a) Stage 2A: 26 units
- (b) Stage 2B: 21 units
- (c) Stage 2C: 21 units

A car parking area will be provided, incorporating 86 car parking spaces. The architectural plans are provided at (**ATTACHMENT 1**), a detailed stormwater drainage plan is provided at (**ATTACHMENT 3**) and detailed landscape masterplan is provided at (**ATTACHMENT 4**). These plans will be lodged with the DA over the site, following issue of the SCC.

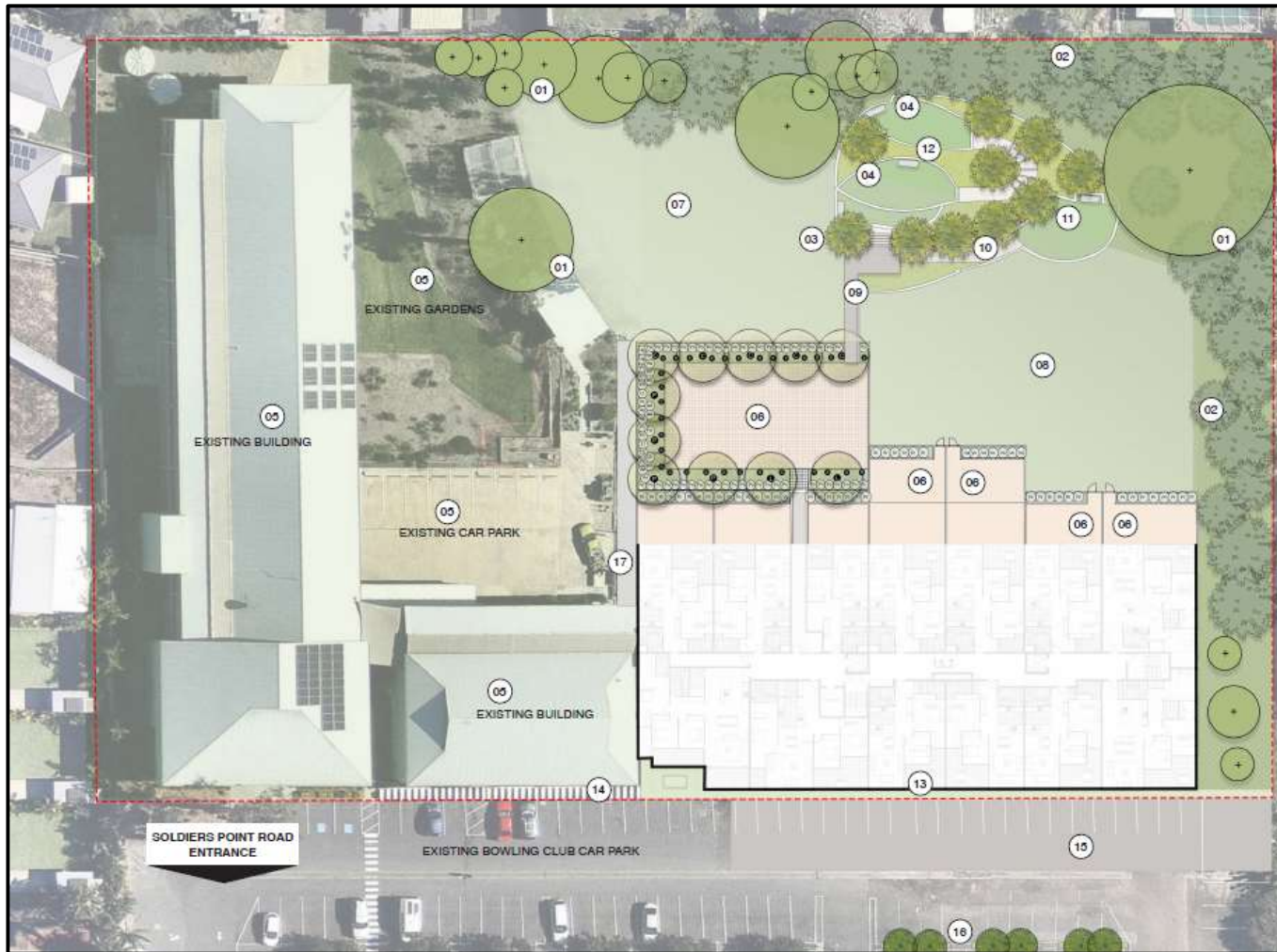
The area proposed for location of the development is unconstrained and of generally flat topography, which means that the building can be placed very efficiently and effectively to achieve the most ideal urban design outcomes. Further, the Class 4 and 5 Acid Sulfate Soils affecting the site can be addressed through the Port Stephens Local Environmental Plan 2013 (Clause 7.1 – Acid Sulfate Soils).

The proposal will extend the existing services contained within the Seniors Living Development on-site, including on-site activities, cleaning and personal/nursing care. Meals are also available from the existing bowling club.



Figure 3: Proposed development

Figure 4 – Landscape Masterplan (Source: GSP, ref: GSP190146)



3.2 SITE DESCRIPTION

Site Characteristics	
Lot/DP	Lot 1 DP 627638 and Lot 2 DP 627638
Address	118 and 118A Soldiers Point Road, Soldiers Point, NSW, 2304
Area	Approximately 3.4 ha (combined).
Slope	Site slopes upwards to the northwest corner on the property.
Consent Authority	Port Stephens Council
Current Use	Soldiers Point Bowling Club (Lot 1) and Stage 1 of Seniors Living Development (Lot 2).
Approvals	<ul style="list-style-type: none"> • DA 16-2013-757-1 (15 April 2014): Seniors living village (100 units) • DA 16-2013-757-2 (14 June 2016): Modification to Seniors living village (100 units) – modifications to development staging, external elevations and building layouts. <p>Construction of the approved seniors living development is over 118A Soldiers Point Road (Lot 2 DP 627638).</p>

The site particulars are summarised in the table above, with site constraints obtained from the NSW Planning Portal. Access to the site is direct from Soldiers Point Road, via a battle-axe handle 20m wide and of approximately 153m in length. A site inspection was undertaken in September 2019, with photos of the site provided below.

The site currently consists of the Soldiers Point Bowling Club (Lot 1) and partially constructed Seniors Housing Development (Lot 2) approved under DA 16-2013-757-1 (as modified). Lot 2 is the subject site of the seniors housing development (**'the site'**). The front most portion of the site is relatively flat, with a dramatic slope and increase in topography up to the south-western portion of the site. A site survey is provided at **(ATTACHMENT 8)** which identifies the features of the site, including the adjoining development and topography. The site has historic use for seniors living development. The site is generally clear of vegetation, due clearing which was approved under DA 16-2013-757-1. The site is located within a Coastal Environment Area and Coastal Use Area under the SEPP (Coastal Management) 2018, which captures the area within and adjoining the Karuah River.

Most housing in this locality comprises of single and double storey detached dwellings. Earlier coastal cottages are lightweight timber frame construction on piers and more recent dwellings are typically brick veneer and/or rendered brick construction on a concrete slab. A number of tourist accommodation units

(detached and multi-storey), holiday parks, restaurants and recreation areas (inclusive of a bowling club), characteristic of the tourist use and drive of the locality.

The local character of Soldiers Point consists of density clustered along the coastal portions of the peninsular not affected by significant vegetation, consisting of single and two storey dwellings of contemporary nature.

Under the Port Stephens Local Environmental Plan (LEP) 2013, the site is not subject to a maximum height of building or floor space ratio limitation.



Photo 1 – Photo of existing site and seniors housing development in the south-eastern corner of the site.



Photo 2: Photo of existing Seniors Housing Development on-site.



Photo 3 – Photo of the area proposed for development, showing adjoining land.



Photo 4 – Photo of constructed existing seniors housing development.



Photo 5 – Photo showing topography of the land, and area proposed for development.

3.3 SITE HISTORY

A SCC was issued for the site on 15 November 2013, relating to 100 serviced self-care housing units provided as a retirement village under the Seniors Housing SEPP. A DA was lodged with PSC for this use under DA 16-2013-757-1, with development consent granted on 15 April 2014 (**'the consent'**). The consent was modified on 14 June 2016, changing the mix of units from 19 one-bedroom, 65 two-bedroom and 16 three-bedroom units to 0 one-bedroom, 83 two-bedroom and 17 three-bedroom units, amongst staging and other minor changes.

The development as approved has been partially constructed. The parts constructed consist of the buildings known as Block A and Block B in the plans approved by the consent (i.e. 26 units). Construction of Blocks C, D, E and F has not occurred due to land constraints relating to hard rock located on the site, which would render the development unfeasible should excavation occur to construct the development. 3D images of the existing approval with the extent constructed outlined in red is provided in **(FIGURE 5)** below.



Figure 5: Existing approval (extent constructed highlighted in red).

3.4 BUILDING ENVELOPE

The medium density, multi-storey nature of the proposed future built form is the appropriate bulk and scale, which is consistent with the existing development of the land and reflective of the site's topography. Measures that would allow the development to further integrated with the existing setting could include:

- Provision of landscaping within the open space area to the rear of the building and within communal and private courtyards;
- 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 limiting the development to respond to the topography of the land and lower most portion of the site;
- 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;
- Treatment of the existing Bowling Club carpark as a street frontage, setting back the ground floor wall by 4.5m to create a pedestrian friendly space and landscape planting;
- Incorporation of clearly defined pedestrian entries and secure lobbies;
- At Level 1, residential dwellings face the frontage, and additional parking nestling into the slope behind;
- At Level 2, dwellings are located on both sides, with the garden units being provided with substantial courtyards over the carpark below; and
- Reduced overhang of to maximise sunlight penetration during midwinter.

3.5 EXTENT OF NATIVE VEGETATION CLEARING

No clearing of 'native' vegetation is required to achieve the development.

4.0 STRATEGIC JUSTIFICATION

4.1 STRATEGIC PLANS

4.1.1 HUNTER REGIONAL PLAN 2036

The Hunter Regional Plan (the Plan) states that it will guide the NSW Government's land use planning policies and decisions over the next 20 years (p.4). The Plan does not identify 'Soldiers Point' 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.

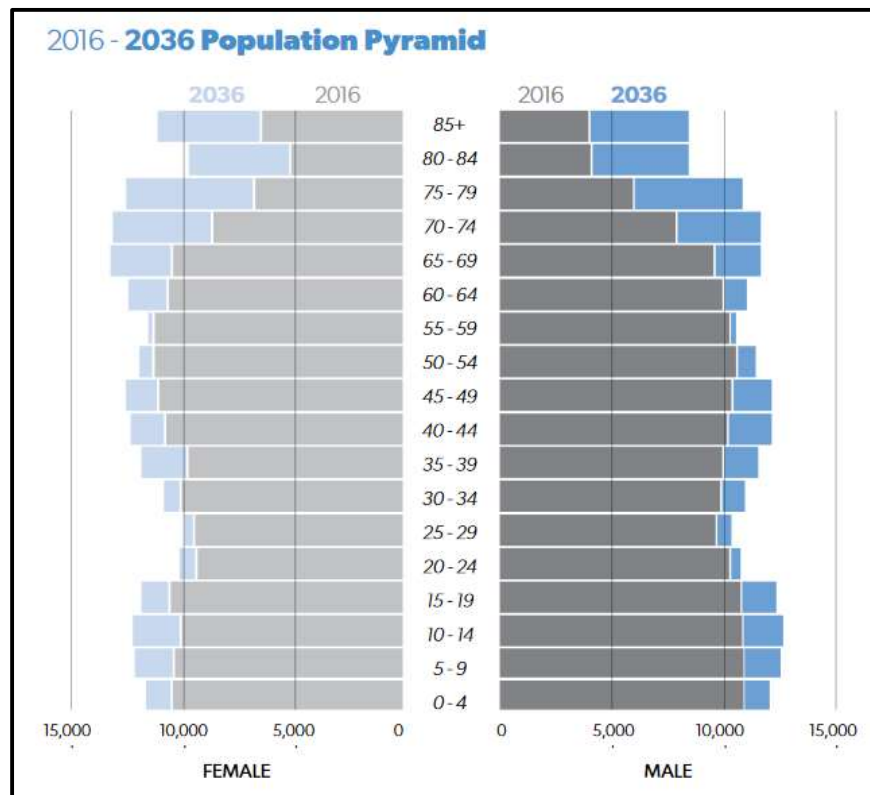


Figure 6: Population projections (Source: Hunter Regional Plan 2036)

Direction 22 of the plan includes the 'promotion of housing diversity', whereby the Plan recognizes the pressures of an aging population and the need for increased dwelling diversity. The Plan 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 Plan in that it proposes to concentrate new, multi-storey and low maintenance housing within the periphery the established strategic centre; being Nelson Bay (14 mins), consistent with the existing approval and development on-site. Continued 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 Plan.

4.1.2 GREATER NEWCASTLE METROPOLITAN PLAN 2018

The Greater Newcastle Metropolitan Plan (the Plan) 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).

Dwelling projections within the Port Stephens LGA are 11,050 by 2036. The Plan 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).

Despite Soldiers Point 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 Plan.

4.1.3 PORT STEPHENS PLANNING STRATEGY 2011

The Port Stephens Planning Strategy (the Strategy) states that it is one of a suite of high-level strategic documents produced by Council to guide the operations of the council, and the future growth and sustainability of the Local Government Area (p.1). The Strategy identifies Soldiers Point as a ‘smaller village centre’ (p. 69) as shown in **(FIGURE 7)** below.

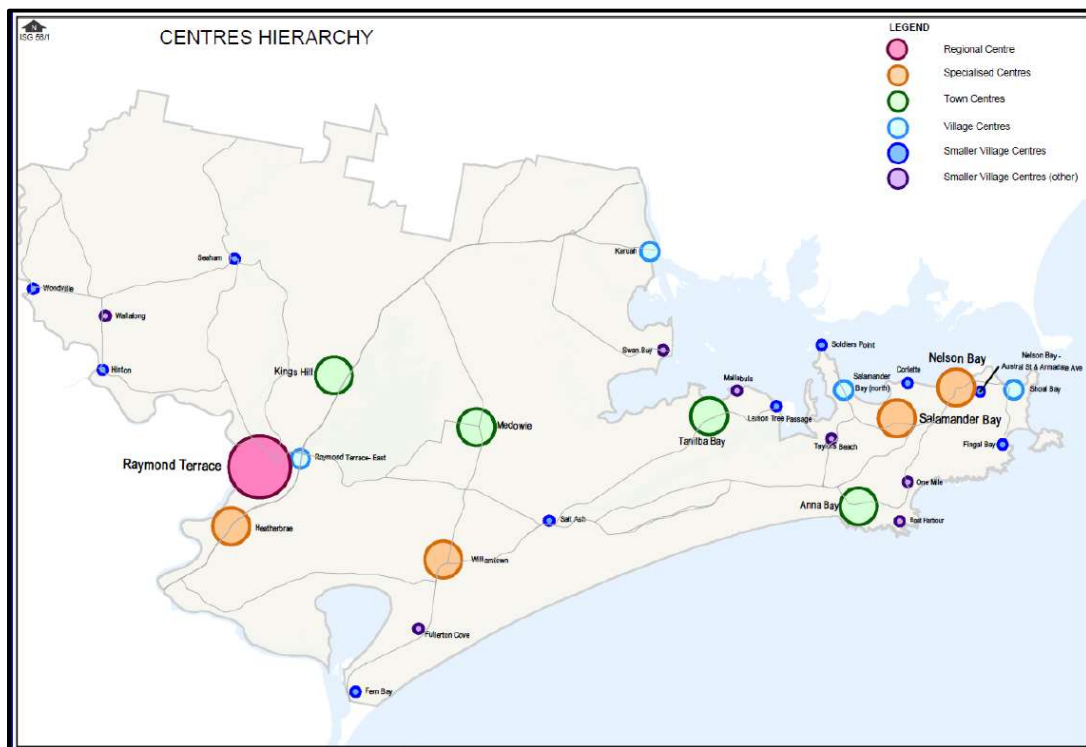


Figure 7: Soldiers Point as a smaller village centre (Extract from the Strategy).

The population within Salamander Bay - Soldiers Point - Taylors Beach area, is expected to increase from 6,318 people in 2009 to 7,833 people in 2031, (an increase of 1,515 people) and will also have an impact on demand for services in Nelson Bay.

The Strategy identifies intensification of development (medium density and multi-unit development) within infill areas and established urban areas. This redevelopment may take the form of an increase in residential density, such as the development of villas, townhouses, senior living or residential flat buildings. Soldiers Point is identified as an infill area with potential for future growth **(FIGURE 8)**. The proposed development will provide a form of residential accommodation consistent with this desired scale and location of such development to support the Strategic Centre of Nelson Bay. The proposed development will reinforce and further enhance the current connection of the site to Salamander Bay and Nelson Bay.

A set of planning controls that override these documents that describe 'strategic merit' is the Seniors SEPP. Under this SEPP, a proponent can seek a Site Compatibility Certificate from the NSW Government. This process bypasses the need to demonstrate 'strategic merit'. To this effect, this application is for a Site Compatibility Certificate under the SEPP.

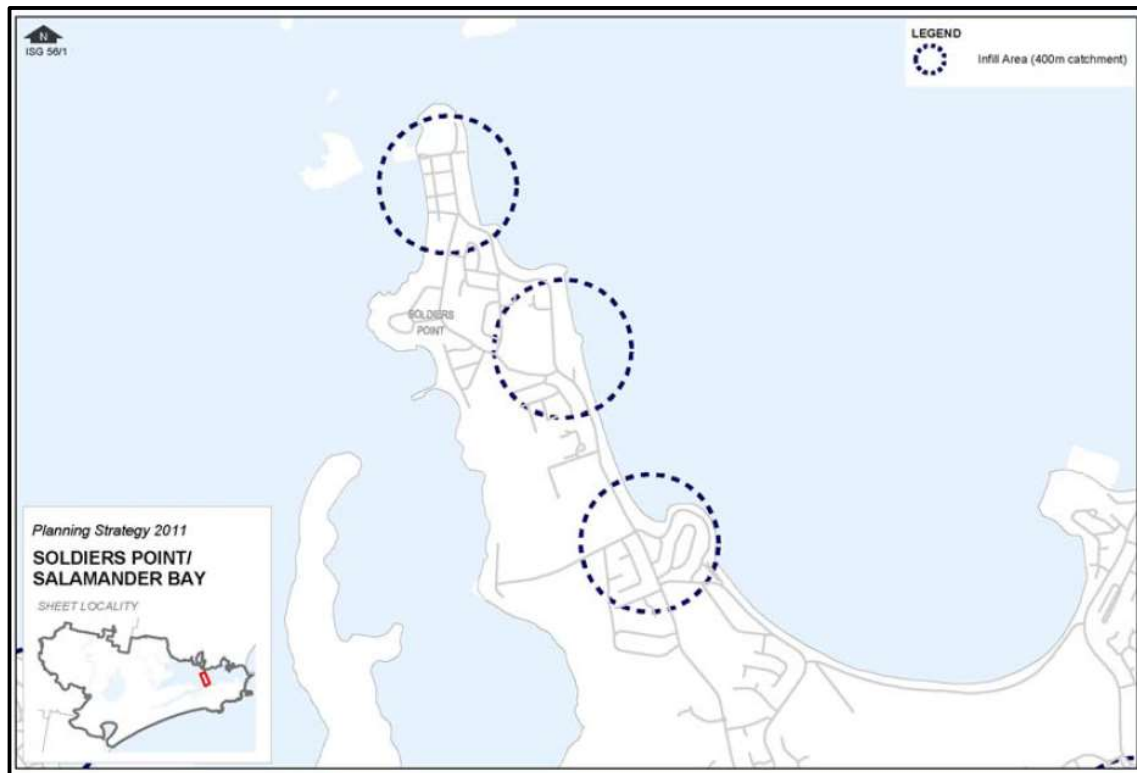


Figure 8: Soldiers Point locality (extract from The Strategy, p.113)

4.2 PUBLIC INTEREST REASON FOR APPLYING FOR SENIORS HOUSING

The development for seniors living accommodation and associated facilities will help to meet the increasing demand for this type of residential accommodation in the Port Stephens Local Government Area (LGA). It is acknowledged that the average household size is declining and predicted to continue to decline over time within the Port Stephens LGA. This trend is expected to continue across the majority of the country as the baby boomer generation ages.

The proposal will include 68 units within a multi-storey building that will be designed to cater for the over 55 market where the occupants are generally independent, mobile and active. This should be considered in the context of the majority of persons of this age bracket looking to downsize their accommodation but retaining their standard of living. The development will provide this opportunity within an attractive setting that is close to services. The proposed development is consistent with the existing use of the land and desired future use of this portion of the site.

4.3 ADEQUACY OF SERVICES AND INFRASTRUCTURE TO MEET DEMAND

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.

The LEP (c7.6) 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.

A Dial Before You Dig (DBYD) request was completed with the results provided at **(ATTACHMENT 7)**. Essential services including sewage, water and electricity connection are already connected to the site and will be extended to service the proposed development. A stormwater strategy has been designed to reflect the development and is provided at **(ATTACHMENT 3)**.

Formal access to the site from Soldiers Point Road is available and will not require upgrades as part of the development.

5.0 PRE-LODGE MENT CONSULTATION WITH THE CONSENT AUTHORITY

On 9 August 2019, the proposed concept was presented to PSC staff. In response, it was confirmed that the proposed development was supported in principle, however, would need a new SCC to support the DA, to confirm permissibility as the previous SCC dated 15 November 2013 has expired. Legal advice was obtained to confirm this matter and is provided at **(ATTACHMENT 2)**.

A pre-lodgement meeting with the PSC Urban Design Consultative Group was held on 12 December 2019 to review the architectural design proposed and associated feedback prior to lodgement of the DA. The minutes of the UDCG meeting are provided at **(ATTACHMENT 10)**. Following the meeting, the architectural plans were updated to respond to the matters raised, with a response provided at **(ATTACHMENT 11)**.

6.0 STATEMENT ADDRESSING SEPP SITE COMPABILITY CRITERIA

6.1 THE NATURAL ENVIRONMENT (INCLUDING KNOWN SIGNIFICANT ENVIRONMENTAL VALUES, RESOURCES OR HAZARDS) AND THE EXISTING USES AND APPROVED USES OF LAND IN THE VICINITY OF THE PROPOSED DEVELOPMENT

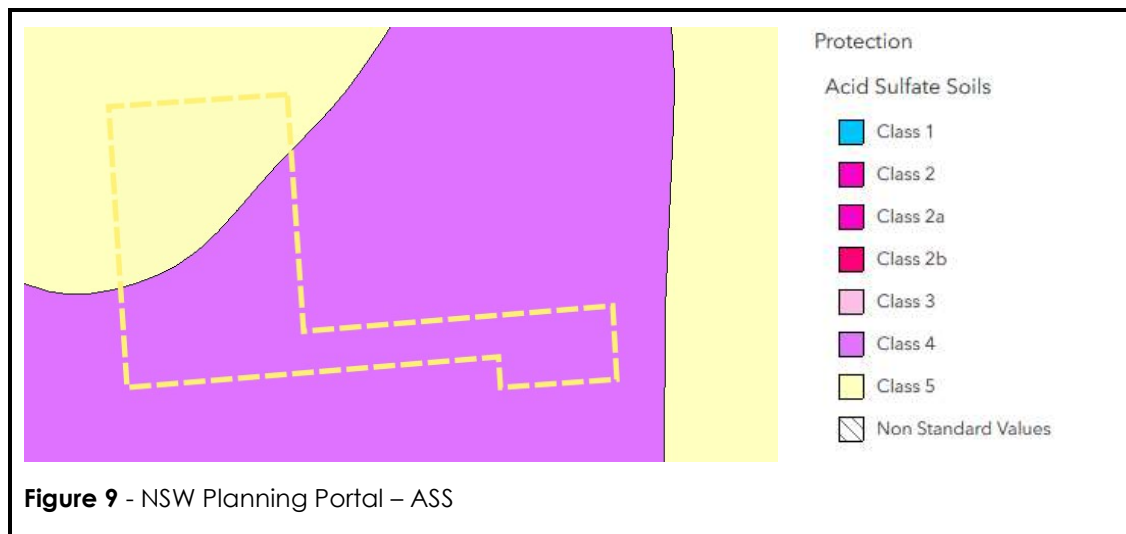
The site has limited site constraints, being Bushfire Prone Land, Acid Sulfate Soils, Koala Habitat (SEPP) and Coastal Use area (SEPP), with assessment of these constraints provided below.

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). A Bushfire Assessment Report (BAR) has been prepared and is provided at **(ATTACHMENT 15)** to enable referral to the NSW Rural Fire Service as 'integrated development' as part of any development application process. In summary, no classified vegetation is located within 100m of the site and therefore no Bushfire Protection Measures are recommended.

Acid sulfate soils

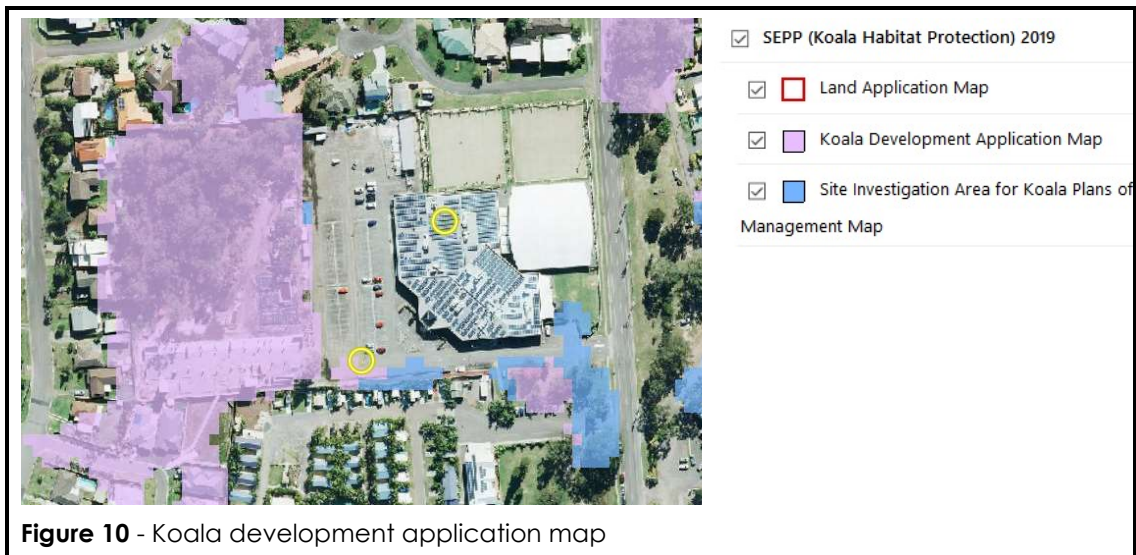
The site is identified to contain Class 4 and 5 Acid Sulfate Soils (ASS) as can be seen in **(FIGURE 9)** below. The area proposed for the development construction is generally flat, however will incorporate earthworks to establish a level building platform through the use of balanced cut and fill. Any cut associated with the development will be limited and shall not exceed 2 metres below the natural ground surface and will not result in the water table being lowered more than 2 metres below the natural ground surface. To this extent, an ASS Management Plan is not required to be prepared for the proposed development.



- **SEPP (Koala Habitat Protection) 2019**

This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The SEPP mapping viewer indicates the subject site is identified as being located within a "Koala Development Area" on the NSW Planning Webmaps. Vegetation in proximity to the subject site is identified as "Investigation for Koala Plan of Management Area" (**FIGURE 10**).

The SEPP applies to the Port Stephens Local Government Area (LGA). In accordance with Clause 8(2), the council's determination of the development application must be consistent with the approved koala plan of management that applies to the land. A number of small mature trees will be removed as a result of the proposed development however will be compensated with a large number of trees to revegetate the cleared site (approved under historic DA). No further assessment is required against the Port Stephens Koala Plan of Management is required given the cleared nature of the site and revegetation proposed in accordance with Council's requirements. Accordingly, no further provisions of the SEPP apply, and Council will not be prevented, because of this Policy, from granting consent to the development application.



- **SEPP (Coastal Management) 2018**

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by—

- (a) *managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The site is located within a Coastal Environment Area and Coastal Use Area under the SEPP (Coastal Management) 2018, which captures the area within and adjoining the Karuah River (see **FIGURE 11** and **12** below) and must comply with the requirements of Clause 11 and 14 of the SEPP. The stormwater quality modelling and associated stormwater drainage plan provided with the application confirms that water quality requirements of the site have been met and will have a neutral or beneficial effect on the current land. To this extent, the development will not significantly impact on the biophysical, hydrological or ecological integrity of the coast and will not significantly impact on the quantity and quality of surface and ground water flows to and from the coast. The requirements of Clause 11 have been met in this regard.

The proposed development has been sited to ensure the development does not have an adverse impact on the visual amenity of the coast, Aboriginal cultural heritage, practices and places and cultural and built environment and heritage. The proposed development results in an improved outcome on the site and aims improve the management of the land and current site condition through

landscaping and revegetation to better respect and support the environmental attributes of the land. The requirements of Clause 14 have been met in this regard.



Visual Impact and Amenity

Surrounding residential land uses will not be greatly affected by the proposed development. A visual impact assessment (VIA) has been prepared to demonstrate the impact of the proposed development and is provided at **(ATTACHMENT 14)**. It is considered that the proposed development would have a low to medium visual effect on the existing visual catchment surrounding the subject site. Soldiers Point Road has a low – medium traffic volume, which lead the site to have medium visibility when in transit. Visibility of the development is most prominent from the immediate streets and residential properties; however, visibility quickly decreases when stepping away from the site due to the sloping ridgeline in all directions, which in turn screens the site with vegetation or existing structures and dwellings.

Generally, the duration of time that a person may view the development from Soldiers Point Road or surrounding roads is low – moderate, given that they are in transit along the local or main roads. Those low-density residences positioned within the closest proximity to the development that would have a permanent view of the development are not considered to be highly affected due to the inclusion of appropriate setbacks, landscaping, materials, colours and articulation to soften the appearance of the building.

The proposed development will be associated with the existing Seniors Housing and Registered Bowling Club on the site, which are larger than existing low-density residential buildings on land adjoining. However, it is noted that many tourism developments of multi-storey nature exist within the locality and therefore the development is not out of character, rather better reflects the design outcomes of the coastal location.

The proposed development will enhance the subject site and locality by improving the landscape and natural environment, bulk and scale, site coverage, streetscape and pedestrian amenity, see further detail under Section 6.5 below. Soldiers Point Road will remain the main road within the neighbourhood, connecting the site to the Salamander Bay town centre. The building will be higher than the existing building on the site (by 4m, or an additional storey), however in context, does not detract from or impact on the existing area due to the topography of the land. It is considered that the proposed development is appropriate for the existing and future character of the neighbourhood.

6.2 THE IMPACT THAT THE PROPOSED DEVELOPMENT IS LIKELY TO HAVE ON THE USES THAT ARE LIKELY TO BE THE FUTURE USES OF LAND IN THE VICINITY OF THE DEVELOPMENT.

Amenity impacts relate to the surrounding 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. Please refer to VIA assessment for further detail and assessment of the impact of the development on the adjoining residential properties.

It is noted that the Soldiers Point Bowling Club met with board members and held information and discussion sessions with members of the Club and surrounding residents to discuss the proposed development. As a result, they were supportive of the changes and were of the opinion that this outcome better reflected the current landform and reduced the impacts to surrounding neighbours. The proposed development has been designed to minimize overshadowing, with impacts largely confined to the site itself.

The proposed design provides substantial setbacks and building separation from the northern property boundary (i.e. 9m) that exceeds the Apartment Design Guide requirements. The proposal also orientates all units to either the 'street' frontage for water views, or to the rear garden and away from neighbours and the existing Greenside dwellings to maximize privacy and amenity. For visual purposes to qualify these statements, visual analysis images are provided at **(ATTACHMENT 12)** and within the VIA. Further assessment of these elements is provided under Section 6.5 below.

A landscape masterplan is provided at **(ATTACHMENT 4)** which further details the use and for the remainder of the site in conjunction with the proposal.

Traffic

In terms of traffic impacts, the NSW RTS, 2002, 'A Guide to Traffic Generating Developments' provides potential rates and outcomes for traffic generation associated with "Housing for aged and disabled".

A Traffic Assessment Report (TAR) was prepared for the site, supporting the 100 dwellings as originally approved, provided at **(ATTACHMENT 13)**. The assessment included rates for the proposed development as follows:

- Daily vehicle trips = 1 - 2 per dwelling
- Evening peak hour vehicle trips = 0.1 - 0.2 per dwelling

The potential traffic generation for the proposed development, based on the 68 dwellings proposed includes:

- 68 to 136 daily trips
- 6.8 to 13.6 peak hour 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.

The location of the site dictates that the predominant trip paths will be right out and left into the site to/ from Soldiers Point Road. As detailed within the TAR, the potential daily and peak hour trips generated by the development will not be significant and will not have adverse impact on the site traffic flow. Further, the additional traffic generated by the development in any one hour will not be above 20vhp; this level of increase will not impact on the mid-block capacity of Soldiers Point Road. Given there will be a reduction in units, to 94 overall on the site, the trips will be less than originally assessed. These trips represent a reduced impact to that generated by the previous approval due to the decrease in unit numbers. Nonetheless, a detailed traffic impact assessment will be prepared and submitted with any DA for seniors housing, to ensure impacts on surrounding land uses and infrastructure are minimized and mitigated.

6.3 THE SERVICES AND INFRASTRUCTURE THAT ARE OR WILL BE AVAILABLE TO MEET THE DEMANDS ARISING FROM THE DEVELOPMENT (PARTICULARLY RETAIL, COMMUNITY, MEDICAL AND TRANSPORT SERVICES HAVING REGARD TO THE LOCATION AND ACCESS REQUIREMENTS SET OUT IN CLAUSE 26 OF THE SEPP) AND ANY PROPOSED FINANCIAL ARRANGEMENTS FOR INFRASTRUCTURE PROVISION.

Services have been discussed throughout this Report which meets the requirements set out under the SEPP (Clause 26 and Part 5). The site (inclusive of the bowling club) already incorporate two private on-site shuttle bus services, meeting the requirements of Clause 26(2)(c).

The site has been described as having access to essential services (i.e. water, sewer and power) that are located in Soldiers Point Road (**ATTACHMENT 7**).

6.4 IN THE CASE OF APPLICATIONS IN RELATION TO LAND THAT IS ZONED OPEN SPACE OR SPECIAL USES – THE IMPACT THAT THE PROPOSED DEVELOPEMNT IS LIKELY TO HAVE ON THE PROVISION OF LAND FOR OPEN SPACE OR SPECIAL USES IN THE VICINITY OF THE DEVELOPMENT

The site is zoned as RE2 – Private Recreation under the Port Stephens Local Environmental Plan 2013 (LEP). The objectives of the RE2 zone include:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Other areas zoned as RE2 within the locality include the adjoining BIG 4 Holiday Park to the south-east and Soldiers Point Bowling Club to the east of the site. The proposed development will not impact upon the operations of either of these developments, remaining as both tourism and recreation facilities, acting as a community hub and place for accommodation. It is considered that sufficient land is zoned for these uses within this area. Land adjoining the coast zoned RE1 Public Recreation will not be impacted by the proposed development, rather will encourage use of these areas by the residents for recreational activities.

As identified in (**FIGURE 2**) of this report, many public recreation areas / reserves are available along the peninsula, adjoining the coast for recreational use. Horizons Golf Resort is a 7 minute drive from the site, providing additional recreational activities for residents of the site. The site itself provides ample private open space for the

residents within private courtyards and outdoor areas, as shown within the architectural plans and landscape masterplan.

The proposed development has been designed and located to avoid and minimise the impact on the natural environment to protect the values associated. No conflict of land use is envisaged to the amenity and character of the neighbouring properties. To this extent, the proposed development is consistent with the objectives and aims of each zone.

6.5 WITHOUT LIMITING ANY OTHER CRITERIA, THE IMPACT THAT THE BULK, SCALE, BUILT FORM AND CHARACTER OF THE PROPOSED DEVELOPEMNT IS LIKELY TO HAVE ON THE EXISTING USES, APPROVED USES AND FUTURE USES OF LAND IN THE VICINITY OF THE DEVELOPMENT.

The Soldiers Point Bowling Club has been operating for over 40 years. The bulk and scale of this building is larger than existing dwellings surrounding it, and likewise, the proposed development will also be larger than the existing dwellings by virtue of its nature. A number of multi-unit developments exist in the locality, including Salamander Shores, located on the opposite side of Soldiers Point Road to the development site and residential flat buildings further to the north of the peninsular close to the Marina.

Bulk and scale

The bulk and scale of the development is suitable in that it will be associated with the existing Bowling Club building and Seniors Housing development on the land. The site is not affected by a maximum height limit requirement and therefore a merit assessment is required to be undertaken, taking into consideration the surrounding land uses, topography and site orientation. The scale of the development shows a greater understanding and appreciation of the site's topography and impact of the development on the natural state of the land and surrounding dwellings. The design strategy incorporated the following:

- Setback of the ground floor and creation of more identifiable 'entry' locations and lobbies for pedestrian movements.
- Locate carparking at ground level where residential amenity is compromised by existing parking.
- Provide an apartment building style development which through a more efficient building footprint minimises overall site coverage and disturbance of existing ground levels, which would otherwise require extensive earthworks. The design has been carried out in accordance with the Apartment Design Guide.
- Provide a smaller building footprint to really maximise the area available for landscaping and deep soil zones.
- Maximise visual separation between existing stage 1 Seniors Housing residents and new dwellings.

- Connect the stages at appropriate locations to allow social interaction and sharing of communal facilities.
- Locate the building only in the 'lower' portion of the site to further minimise disruption to natural ground levels and impacts of excavation into rock.
- Locate the building only in the 'lower' portion of the site to minimize any impact of the proposed building height (i.e.: less impact than a shorter building located at the highest part of site).
- Providing a simple double-sided building form with substantial setbacks to all surrounding development maximises privacy for neighbours and minimizes impact on their 'view-cone' when compared to a more proximate development option.
- The double sided layout also ensures every unit has a 'view' either garden side or lake side.
- Orientate units living areas away from neighbouring dwellings.
- An apartment style building allows for high quality all weather shared amenities such as the communal room on the top floor.
- Materials and colours are used to both relate to the existing stage but add further texture and interest.
- Materials, colours and balustrade treatments reduce the building into a series of smaller scale elements.
- Articulate the roof form to minimize overall height, allow for clerestory windows and to reduce scale of roof and fascia elements.

It is noted that detailed assessment at DA stage, subject to review by Council and the Urban Design Panel may request additional measures and/or amendments to reflect their desired design outcomes. However, at this stage it is considered that the proposed development respects the scale, form and context of the locality and contributes to the preferred character of the neighbourhood and can be supported from a strategic perspective. The proposed development will reinforce the mixed residential – recreational nature of the locality and is characteristic of other larger scale 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.

Height

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 and will not detrimentally affect the values of the site or adjoining sites.

The height of the building (HOB) at its highest point is 25m, however this varies (as shown in the section plans) due to the slope of the site. While the height (HOB measured at any point) is increased substantially from the approved design, the actual finished roof (FL) level AHD is only 5.6m above the approved max ridge level

(also shown on the section plans). This is because where the new proposal is located at the lowest point of the site away from neighbours, the approved design continued to step up and follow the slope of the site. No overshadowing and minimal privacy issues are posed by the proposed development onto adjoining property owners to the north and west. Shadow impacts on the existing seniors housing development located on the southern portion of the site maintains sunlight for the minimum requirements stipulated by state and local development controls.

Overall, it is considered that the proposed design achieves sympathy to the surrounding properties and is appropriate for the context and character of the area. Through consultation with the adjoining property owners and board members, support was provided for the proposed design.

Solar access

The development has been designed to minimize overshadowing and impacts are largely confined to the site itself. This is evidenced within the architectural plans and visual analysis images provided with this application. With regard to overshadowing, the existing Seniors Housing Development on-site will continue to receive adequate solar access during mid-winter, as required by Objective 3B-2 and 4A of the Apartment Design Guide.

The existing unit's on-site incorporate balconies that face towards the centre of the site. As evidenced by the shadow diagrams submitted with the SCC, on 21 June (worst case scenario), all existing units within Block A on-site (large rectangular block adjoining southern boundary) will receive 6 hours of sunlight between 9am and 3pm. Block B (adjoining eastern boundary) will receive a minimum 3 hours of sunlight in the morning, between 9am and 12pm. At least 70% of existing and proposed apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm midwinter, capitalizing on the orientation of the site and inclusion of balconies, windows and roof skylights. The communal courtyard and courtyards of Level 2 will be open to the sky and the courtyards of the remaining units are orientated to the north-east to obtain the required light and ventilation requirements.

Privacy

The proposed development is setback 6.2m from existing Block B on-site. No balconies are incorporated on the northern boundary of the existing Block B, and therefore the windows and corner balconies incorporated into the proposed development do not impact upon these existing units (**FIGURE 13**). The communal courtyard incorporates adequate vegetation to screen the area, which further assists to increase visual and acoustic privacy afforded by the existing units on-site.



Figure 13 – Existing Block B and associated blank northern elevation.

6.6 IF THE DEVELOPEMENT 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 CONSEVATION AND MANAHEMENT OF NATIVE VEGETATION

The development does not require the removal of any native vegetation as defined by the *Native Vegetation Act 2003*. A number of small mature trees (not native) will be removed as a result of the proposed development however will be compensated with a large number of trees to revegetate the cleared site (approved under historic DA).

7.0 CONCLUSION

The site adjoins existing residential development and is relatively clear of constraints. It is within proximity to major services, such as the centre of Salamander Bay and supports the growth of the Strategic Centre; Nelson Bay. The development is characteristic of the existing development on-site and aims to provide seniors housing in a more appropriate form which responds to the topography of the land and natural environment.

A SCC will enable permissibility to lodge a new Development Application for the development for assessment by Port Stephens Council. The proposed development will have minimal impact on surrounding land uses and represents an appropriate use of the recreational zoned land. The proposed development will provide housing diversity necessary to support a growing, aging demographic within the Port Stephens LGA. It 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.

The following attachments are provided under separate cover:

- **ATTACHMENT 1** – Architectural Plans
- **ATTACHMENT 2** – Legal Advice
- **ATTACHMENT 3** – Stormwater Management Plan
- **ATTACHMENT 4** – Landscape Masterplan
- **ATTACHMENT 5** – Ecology Letter
- **ATTACHMENT 6** – Deposited Plan
- **ATTACHMENT 7** – Dial Before You Dig Results
- **ATTACHMENT 8** – Site Survey
- **ATTACHMENT 9** – ADG Assessment
- **ATTACHMENT 10** – UDCG Minutes
- **ATTACHMENT 11** – UDCG Architect Response
- **ATTACHMENT 12** – Visual Impact Analysis Images
- **ATTACHMENT 13** – Traffic Assessment Report
- **ATTACHMENT 14** – Visual Impact Assessment
- **ATTACHMENT 15** – Bushfire Assessment Report



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