

MINUTES OF THE HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT CESSNOCK CITY COUNCIL ON THURSDAY, 21 JUNE 2012 AT 3.00 PM

PRESENT:

Garry Fielding	Chairperson
Kara Krason	Panel Member
Jason Perica	Panel Member
Bob Pynsent	Panel Member
Neil Gorman	Panel Member

COUNCIL STAFF IN ATTENDANCE

Gareth Curtis	Group Leader Built and Natural Environment
Janine McCarthy	Development Services Manager
Richard Forbes	Team Leader, Development Services
Craig Maher	Consultant Development Engineer (on behalf of Council)
Carly Thompson	Cemetery And Administration Coordinator (Minute Taker)

APOLOGY:

1. The meeting commenced at 3.02pm

2. **Declarations of Interest -**

NIL

3. **Business Items**

ITEM 1 - 2011HCC034 – Cessnock Council, 8/2011/415/1, Seniors Housing Residential Care Facility and Associated Community Facilities, Lot 1 DP 549647 (28 Marrowbone Road, Pokolbin), Lot 15 DP 1031577 (69 Oakey Creek Road, Pokolbin), and Lot 19 DP 251809 (Oakey Creek Road, Pokolbin)

4. **Public Submission –**

Matthew Cowley addressed the Panel **against** the item

Karlle Cowley addressed the Panel **against** the item

Michael Deluliis on behalf of Hunter valley Wine Industry addressed the Panel **against** the item

Seonaid Sargent addressed the Panel **against** the item

Alan Saxon addressed the Panel **against** the item

Ron Spackman addressed the Panel **against** the item

Colin Wilson addressed the Panel **against** the item

John Drayton on behalf of The Parrish Pokolbin addressed the Panel **against** the item

Daryll Hull addressed the Panel **against** the item

Patrick Sean Martin addressed the Panel **against** the item

Greg West addressed the Panel **against** the item

John Tulloch addressed the Panel **against** the item

Tony Horton addressed the Panel **against** the item
Roger Lilliott addressed the Panel **against** the item
Max Drayton addressed the Panel **against** the item
Maggie Polling addressed the Panel **against** the item
Ken Jolliffe addressed the Panel **against** the item
Councillor Rachel Main addressed the Panel **against** the item
Phil Ryan addressed the Panel **against** the item
Stephen Leathley addressed the Panel **on behalf of the applicant**
Phillip Cater addressed the Panel **on behalf of the applicant**

5. Business Item Recommendations

2011HCC034 – Cessnock Council, 8/2011/415/1, Seniors Housing Residential Care Facility and Associated Community Facilities, Lot 1 DP 549647 (28 Marrowbone Road, Pokolbin), Lot 15 DP 1031577 (69 Oakey Creek Road, Pokolbin), and Lot 19 DP 251809 (Oakey Creek Road, Pokolbin)

Moved Kara Krason. Seconded by Bob Pynsent

That development consent be refused to the proposed development, principally on the grounds that the proposed development is not seen as being compatible with the surrounding environment for the reasons discussed by the Panel members.

As the Council Officers' Report did not include draft reasons for refusal the detailed reasons for refusal would be drafted after the meeting and determined electronically.

The Panel Chair requested that reasons be drafted by Council staff and those drafted reasons be provided to the Panel members for consideration electronically, so there could be a final determination of those reasons by the Panel.

MOTION CARRIED 3-2 (Kara Krason, Bob Pynsent and Neil Gorman in favour; Garry Fielding and Jason Perica against)

The meeting concluded at 6.07pm

[Note: upon conclusion of the meeting Council's Group Leader Built and Natural Environment expressed concern over the drafting of reasons for refusal by the Council officers on the basis that the officers had recommended approval of the application. Accordingly, Kara Krason offered to draft the reasons of refusal to cover the matters raised by the Panel and circulate to all Panel Members the following morning.]

The following reasons for refusal were subsequently agreed by email exchange between Panel members and finalised on 25 June 2012:

1. The site does not comply with Clause 4(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004) as the site does not adjoin land that is zoned primarily for urban purposes.
2. Notwithstanding the Site Compatibility Certificate issued by the Director General of the Department of Planning and Infrastructure, the Panel considers that the proposed development is not compatible with the surrounding environment and that the proposal does not comply with the site compatibility criteria contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004).
3. The proposed development is inconsistent with the objectives of the 1(v) Rural (Vineyards) zone under Cessnock Local Environmental Plan 1989 and the RU4 (Small Holdings Zone) under Draft Cessnock 2011 and accordingly is considered to be incompatible with the existing and future desired character of the area.

4. The design and siting of the proposed development in relation to its immediate and wider visual context will detract from the rural character of this rural vineyards district and will have an unacceptable visual impact on rural views from surrounding properties.
5. The Panel considers that the site is not well located in terms of access to facilities and services and is not convinced that adequate availability to such facilities and services can be achieved.
6. The application includes insufficient details to satisfactorily demonstrate that the full range of services required by Clause 26 and Clauses 42 to 44 of State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004) could be provided. In particular, the application contains insufficient information to satisfactorily demonstrate that the proposed 'independent living units' will comprise serviced self-care housing in accordance with the permissible uses listed under Clause 17 (1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004).
7. The proposed built form does not satisfactorily address the design principles listed in Part 3 Division 2 of State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004).
8. The site is not considered suitable for this development having regard to Cessnock City Council's City Wide Settlement Strategy.
9. The proposed development will conflict with existing, approved and future uses of land in the vicinity of the development, particularly in relation to vineyard practices and is not compatible with land uses in the vicinity of the proposed development.
10. The application includes insufficient details to satisfactorily demonstrate that future residents of the development would achieve a satisfactory level of amenity in relation to noise, vibration, air quality and odour impacts from surrounding vineyard enterprises.

Endorsed by



Garry Fielding
Chair
Hunter & Central Coast Joint Regional Planning Panel
Date: 3 July 2012