

11.2 DA 17-2593 SENIORS LIVING DEVELOPMENT COMPRISING 156 SELF-CONTAINED UNITS AND ASSOCIATED COMMUNITY FACILITIES - LOT 2 DP1145348, 107 HAUSSMAN DRIVE THORNTON
CONSENT AUTHORITY: HUNTER AND CENTRAL COAST JRPP

FILE NO:	DA 17-2593
ATTACHMENTS:	1. Council JRPP Assessment Report (under separate cover)
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle David Simm - Manager Development & Environment Leanne Harris - Development Assessment Coordinator
AUTHOR:	Robyn Hawes - Urban Release Area Coordinator
APPLICANT:	McCloy Group C/- Barr Property and Planning
OWNER:	McCloy Thornton Pty Ltd
PROPOSAL:	Seniors Living Development (156 serviced self-contained dwellings and associated community facilities)
LOCATION:	Lot 2 DP1145348 – 107 Haussman Drive Thornton
ZONE:	RU2 Rural Landscape

EXECUTIVE SUMMARY

Application is made to Council seeking development consent for a seniors living development comprising 156 serviced self-contained dwellings and community facilities including a community centre, pool, bowling green, playground, community garden and men's shed on Lot 2 DP1145348 known as 107 Haussman Drive, Thornton.

The site is the former CSR quarry (Housing Commission Clay Mine) which ceased operation in 2006 and has road frontage to both Raymond Terrace Road and Haussman Drive, Thornton. Vehicular access is proposed off Haussman Drive as access off Raymond Terrace Road will not be supported by NSW Roads and Maritime Services (RMS).

Council will recall granting a 'deferred commencement' consent (DA18-1431) over the same site at its meeting on 12 March 2019 for bulk earthworks associated with this development. The bulk earthworks consent will become operational only if development consent is granted to this application.

The subject site is wholly within Zone RU2 Rural Landscape under the Maitland Local Environmental Plan 2011 (MLEP). The subject site is located within the Thornton North Urban Release Area and is identified in the related DCP chapter as Stage 3 lands.

The proposed development is defined as 'seniors housing' under the MLEP and is not permissible in this zone under the MLEP. However, SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) makes provision for the issue of a Site Compatibility

Certificate (SCC) to permit seniors housing on certain lands. The application is supported by a SCC issued by the NSW Department of Planning and Environment that permits the use of this land for seniors housing, subject to a number of requirements that must be considered to be satisfied before development consent can be granted to the proposal.

The development is captured under section 4.5 of the Environmental Planning and Assessment Act (EPAA) and Schedule 7 – SEPP (State and Regional Development) 2011 which confers the consent authority functions of Council to the Hunter and Central Coast Joint Regional Planning Panel (HCCJRPP) as the capital investment value (CIV) exceeds the threshold at time of lodgement.

While the determination of the application lies with the HCCJRPP, processing and assessment of the application falls to Council in the first instance.

The application is ‘integrated development’ under section 4.46 of the EPAA requiring a Bushfire Safety Authority under the Rural Fires Act 1997 for a ‘special fire protection purpose’. General Terms of Approval have been issued by NSW Rural Fire Service dated 21 June 2019. Council has also consulted with RMS and Ausgrid under the relevant provisions in SEPP (Infrastructure) 2007. No objection is raised by either authority. Matters raised for consideration have been addressed in the assessment report.

The application was placed on public exhibition and notification over two periods: 06-20 December 2017 and 16 April – 15 May 2018. An objection was lodged by Mindaribba Local Aboriginal Land Council but was withdrawn following the preparation of a Due Diligence Assessment on Aboriginal archaeology.

The development has been assessed against the relevant provisions in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and found to be satisfactory as outlined in the assessment report.

Key site constraints to be considered by the HCCJRPP include:

- the requirement in the SCC for the consent authority to be satisfied that the proposed development achieves a balance between the need for bushfire mitigation on site against the need to maintain the ecological values of the identified EEC; and*
- the appropriate treatment for management of underground mine workings for land not within a designated Mine Subsidence District;*

The application has been assessed under the relevant heads of consideration under section 4.15 in the Environmental Planning and Assessment Act 1979 and found to be satisfactory subject to compliance with the recommended schedule of conditions. Savings and transitional provisions are relevant to the assessment of the application under both the EPAA and the Biodiversity Conservation Act 2016.

*The application will be presented to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) with a recommendation for approval. The Assessment Report and associated attachments are included in this report at **Attachment 1**.*

OFFICER'S RECOMMENDATION

THAT

1. The report be noted; and
2. Council indicates whether the application is supported in accordance with the recommendation included in the attached assessment report.

COUNCIL RESOLUTION

THAT

1. Council note the report and referral to JRPP; and
2. The proposal not be supported in its current form.

Moved Cr B Whiting, Seconded Cr R Aitchison

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 9 for and 1 against, as follows:

For:	Cr R Aitchison	Against:	Cr P Penfold
	Cr L Baker		
	Cr D Ferris		
	Cr H Meskauskas		
	Cr B Mitchell		
	Cr N Penfold		
	Cr K Ranadive		
	Cr B Whiting		
	Cr M Yarrington		

Cr M Griffin and Cr S Halliday returned to the Chambers at 5.53pm.