

Our Ref: 103/153 (1373703)

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Ms Katrine O'Flaherty
Team Leader
Department of Planning and Environment
PO Box 1226
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Dear Ms O'Flaherty

**RE: APPLICATION FOR SITE COMPATIBILITY CERTIFICATE FOR SENIORS LIVING -
LOTS 13 & 14 DP 1122688 & LOT 1 DP 797227 McFARLANES ROAD BERRY PARK**

I refer to your letter to Council received 23 May 2018 requesting comments, in accordance with clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP), on an application for a Site Compatibility Certificate for seniors housing on land described above.

Council has viewed the material supporting the application. The following comments are provided for your consideration in determining the consistency of the proposal with clauses 24(2) and 25(5)(b) of the SEPP.

Strategic Context

The identification of this site for seniors housing raises a number of issues in terms of compatibility with adjoining land uses, which are predominantly rural, and consistency with Council's long term strategic planning for the locality.

The subject lands are located on the eastern side of McFarlanes Road dominated by agricultural land uses within an RU1 Primary Production zone. Contrary to the supporting documentation, the locality is not a "semi-rural setting" where remaining agricultural pursuits are slowly being replaced by rural living development. The subject locality is characterised by long narrow allotments protruding into an established, productive agricultural environment. Land on the eastern side of McFarlanes Road is unable to be further developed for "rural living" type development because:

- The minimum lot size for subdivision under the Maitland LEP 2011 is 40ha; and

- The majority of the area is flood liable. Those more elevated portions of properties are generally suitable and available for stock refuge and for farm storage during flood events and also support existing dwellings which are ancillary to the use of the land for rural pursuits.

Only one (1) significant non-rural land use has been proposed for the eastern side of McFarlanes Road being a 'SEPP seniors self-care village' which was the subject of a site compatibility certificate issued in May 2015 and then followed by subsequent development consents (DA 15-2670 and DA 16-1858) which will facilitate the erection of around 160 self-care dwellings.

The total perimeter of the subject site is approximately 2.7km with the actual frontage of the site adjoining 'lands zoned for urban purposes' being around 350m. The predominant land use adjoining the subject lands is rural in character. An operational poultry shed immediately adjoins the subject lands to the north and is approximately 500m from the proposed seniors housing development footprint.

Maitland City Council, through its development of the Maitland Urban Settlement Strategy, has been very intentional regarding those areas of the City which are appropriate to be transitioned over time from rural to future urban purposes. The identification of the Thornton North Urban Release Area and the preparation, exhibition and adoption of the Thornton North Area Plan DCP and Section 94 Plan demonstrate the planning that has been done in this area at a strategic level commencing in around 2004. The Maitland Local Environmental Plan 2011 and supporting Council policy clearly identify the eastern limit of urban development in this eastern sector of the LGA as being McFarlanes Road. Figure 1 shows the subject site in its strategic locational context.

The seniors residential proposal the subject of the current 'site compatibility certificate' application represents the second such development to be located on the eastern side of McFarlane's Road. These sites are around 300m apart with the intervening land being used for rural purposes. This piecemeal approach to what is essentially a form of urban development does not contribute to a well co-ordinated long term planning outcome for the area. For example, the upgrading of McFarlane's Road and its intersection with Raymond Terrace Road has been provided for via the Thornton North DCP and associated Section 94 Plan which takes into consideration traffic generation projections from within the Thornton North URA. Residential development (albeit for seniors accommodation under the SEPP) on the eastern side of McFarlanes Road has not been taken into consideration in the preparation of the DCP and Section 94 Plan for Thornton North. Construction will soon commence on the McFarlane's Road/Raymond Terrace Road intersection via a works-in-kind agreement with Allam, the company developing around 230 lots on the western side of McFarlanes Road within the Thornton North URA boundary. No assessment has been provided by the proponent on the potential infrastructure implications of the proposal, particularly when taken in the context of the existing approved SEPP seniors development further to the north on McFarlanes Road.



Figure 1. Locational/Strategic Context

The Maitland Urban Settlement Strategy 2012 does not identify the site for any future intended urban purpose. There is a very real concern that the eastern side of McFarlanes Road could develop into a significant urban residential form via the SEPP seniors process without having the benefit of more holistic planning which properly considers and balances the various land constraints and opportunities of the area and weighs the interests of the community. The issue of a site compatibility certificate in this instance would give momentum to a planning process which would see the proposal progress to a DA without a broader strategic context. The proposal would not form a logical or direct extension to land zoned for urban purposes. Instead it would intrude into the rural landscape with only a minor connection point fronting McFarlanes Road.

The subject land is zoned RU1 Primary Production. The application does not adequately address the loss of, or impact on viable agricultural land. In relation to the areas of Berry Park, Duckenfield and Millers forest, the Maitland Rural Strategy 2005 states *".....should be retained for intensive agricultural and compatible rural land uses. There does not appear to be any significant opportunities for urban development that would be sympathetic with the surrounding rural activities."* (MRS 2005:86-87).

It is of concern there is a proposal for seniors housing on RU1 Primary Production zoned land when there is significant area of R1 Residential zoned land in the locality.

Thornton North URA supports approximately 540ha of residential land with approximately 340ha undeveloped. Similarly, the Maitland LGA has approximately 1000ha of undeveloped residentially zoned land to accommodate seniors housing for an aging population.

Environmental and Built Form Considerations

Land Slope. While the application states that the proposal complies with the requirements of clause 26 of the SEPP, it does not address the internal gradients of the site. A preliminary review by Council indicates a difference in height of approximately 13m from the northern accommodation units to the community centre approximately 135m away. This would suggest that compliance with required accessible grades under the Australian Standards would be difficult to achieve. Further details on site design and building layout consistent with the SEPP should be required to ensure that DPE are satisfied on the issue of topographical suitability.

Visual Analysis. A landscape and visual impact assessment has been provided with the application. The assessment fails to include any visual assessment from view point analysis locations along Eales Road, and is limited to only one location in the vicinity of the subject land on Mcfarlanes Road and one location on Raymond Terrace Road from the eastern approach. The visual impact assessment provides discussions on the viewpoint analysis locations chosen and concludes that the proposal will have an impact on the visual rural amenity of the locality. Recommendations within the assessment suggest that these impacts can be managed through appropriate landscaping and building design, treatments and location. Specifically, the recommendations have included:

- *Controls on the built form such as limited two storey development or designated ridge top open space areas.*

The proposed area of open space however shown on the development layout supplied with the application seems to be misaligned in relation to the ridgeline on the site. In addition, the application is not clear as to whether the dwellings proposed contain any two storey building elements. Based on the information provided the Council cannot be confident that the planning done for the site to date responds appropriately to the recommendations of the visual and landscape assessment.

Odour Impacts. The application has not considered the potential for odour impacts from adjoining poultry farming activities (approximately 500m to the north of the SEPP village footprint) on the proposed future SEPP housing.

Contamination. The subject land itself has supported poultry sheds in the past and the application provides no discussion or supporting preliminary site contamination analysis for this past land use. This is particularly important given that the land is proposed to be used for a residential purpose.

Traffic. The implications of having multiple intersections serving developments of this type along the eastern side of McFarlane's Road needs to be understood. As stated, piecemeal development along the eastern side of McFarlane's Road will not deliver the more integrated approach to road layout and infrastructure servicing that a more holistic planned approach would achieve. The SCC application should include a preliminary traffic assessment which addresses not only the traffic generating implications of the proposal itself on McFarlane's Road but also the broader cumulative impacts taking into account the approved 160 dwelling SEPP seniors village to the north.

Conclusion

While SEPP Seniors 2004 does provide opportunity for the development of self-care seniors housing on land which adjoins an existing urban zone, it would seem not to be the intent of the SEPP to facilitate a larger scale expansion of an urban area by accommodating multiple SEPP housing developments in close proximity. Council has concern about how the eastern side of McFarlane's Road might develop over time in the absence of a strategic planning approach for growth and infrastructure provision. That being said, the current forward supply of zoned residential land within the Maitland LGA is around 15 years and there is no imperative for the Council to consider the establishment of an expanded Thornton North URA on the eastern side of McFarlane's Road in the short to medium term.

Clause 24(2) of the SEPP requires that the Director General must be satisfied that the site is suitable for more intensive development and that the development is compatible with the surrounding environment. Council have identified a number of matters which have not been adequately addressed in the proponent's application and therefore requests that the Department of Planning and Environment not issue a Site Compatibility Certificate for the subject proposal at this stage. Additional information as contained in this submission is considered necessary to properly inform the Director-General's determination of the SCC application under SEPP Seniors 2004.

Yours sincerely



David Evans PSM
General Manager