

**Report to the Hunter and Central Coast Regional Planning Panel on an application for a site compatibility certificate.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

SITE: The land subject to the proposed seniors housing development is located at 40-54 McFarlanes Road, Berry Park (Lots 13 and 14 DP 1122688 and Lot 1 DP 797227) and has an area of approximately 32,000m² (32ha) (Figure 1). The site is located within the rural area of Maitland to the north of the suburbs of Thornton and Woodberry and south of the Hunter River (Figure 2, next page).

A site inspection was undertaken by officers from the Department's Hunter Region team on 15 June 2018.

The site is approximately 2.6km from Thornton shopping centre, 2.2km from Chisholm shopping centre (under construction), 5.8km from Greenhills regional shopping centre, 4.8km from the Maitland (Lower Hunter) Hospital and approximately 4km from the south-east of Morpeth village.



Figure 1: Allotment map (site outlined in red).



Figure 2: Location map.

The site is surrounded by rural land, with land use to the south and west transitioning from rural use to urban, with low-density residential development expanding the neighbouring suburbs of Chisholm to the west and Thornton to the south (which is part of an urban release area shown in Figure 3).

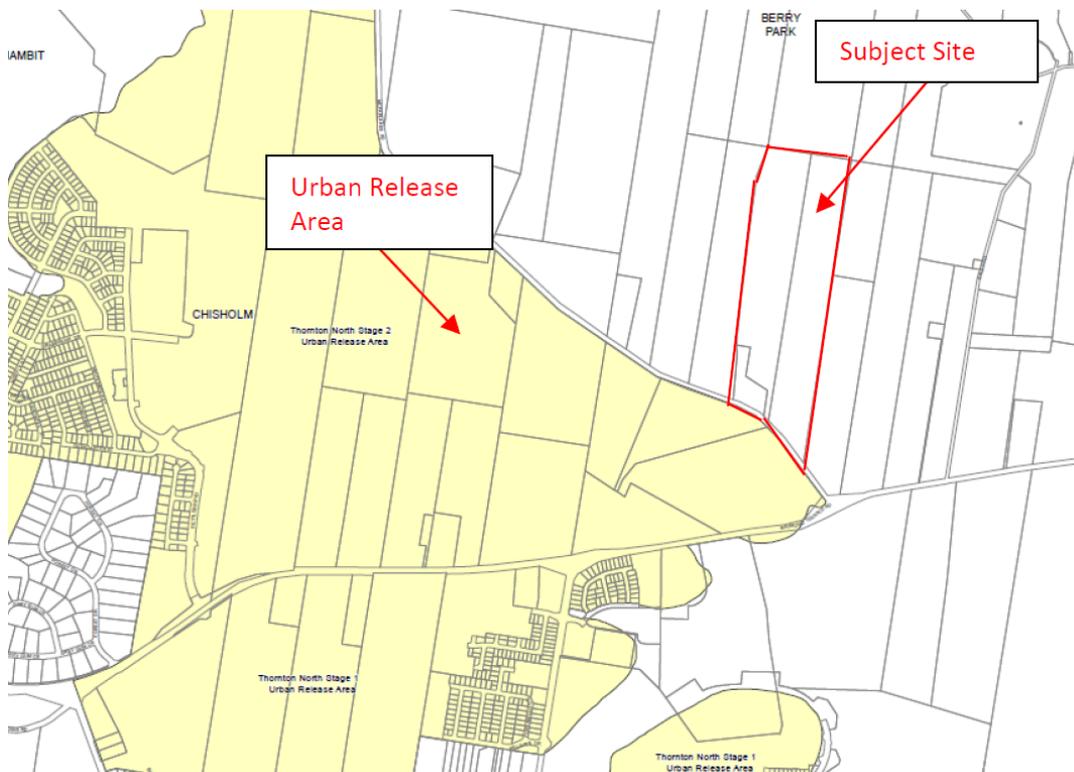


Figure 3: Subject site and neighbouring urban release area.

APPLICANT: Hunter Land Pty Ltd on behalf of Teakmill Pty Ltd.

PROPOSAL: The proposed development is for serviced self-care dwellings (233 dwellings in the form of demountable dwellings), a community centre, community facilities and associated site infrastructure. The development will be located on the southern part of the site, fronting McFarlanes Road (Figure 4).



Figure 4: Development layout aerial.

LGA: Maitland

PERMISSIBILITY STATEMENT

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) applies to land that adjoins land zoned primarily for urban purposes, where it meets the requirements of clause 4. In accordance with clause 4, the Seniors Housing SEPP applies to the site as:

- the land is separated by McFarlanes Road from land zoned primarily for urban purposes (clause 4(1)), being land zoned R1 General Residential (Figure 5). The R1 zone permits a range of urban uses;
- the land is zoned RU1 Primary Production which permits dwelling houses with development consent (clause 4(1)); and
- the land to which the site compatibility certificate (SCC) applies is not covered by any of the exclusions listed in schedule 1 (clause 4(5)) of the SEPP.

In terms of the type of seniors housing development that can be approved on land adjoining urban land, the proposal is for serviced self-care housing provided as a retirement village within the meaning of the *Retirement Villages Act 1999*. It therefore satisfies clause 17 of the SEPP.

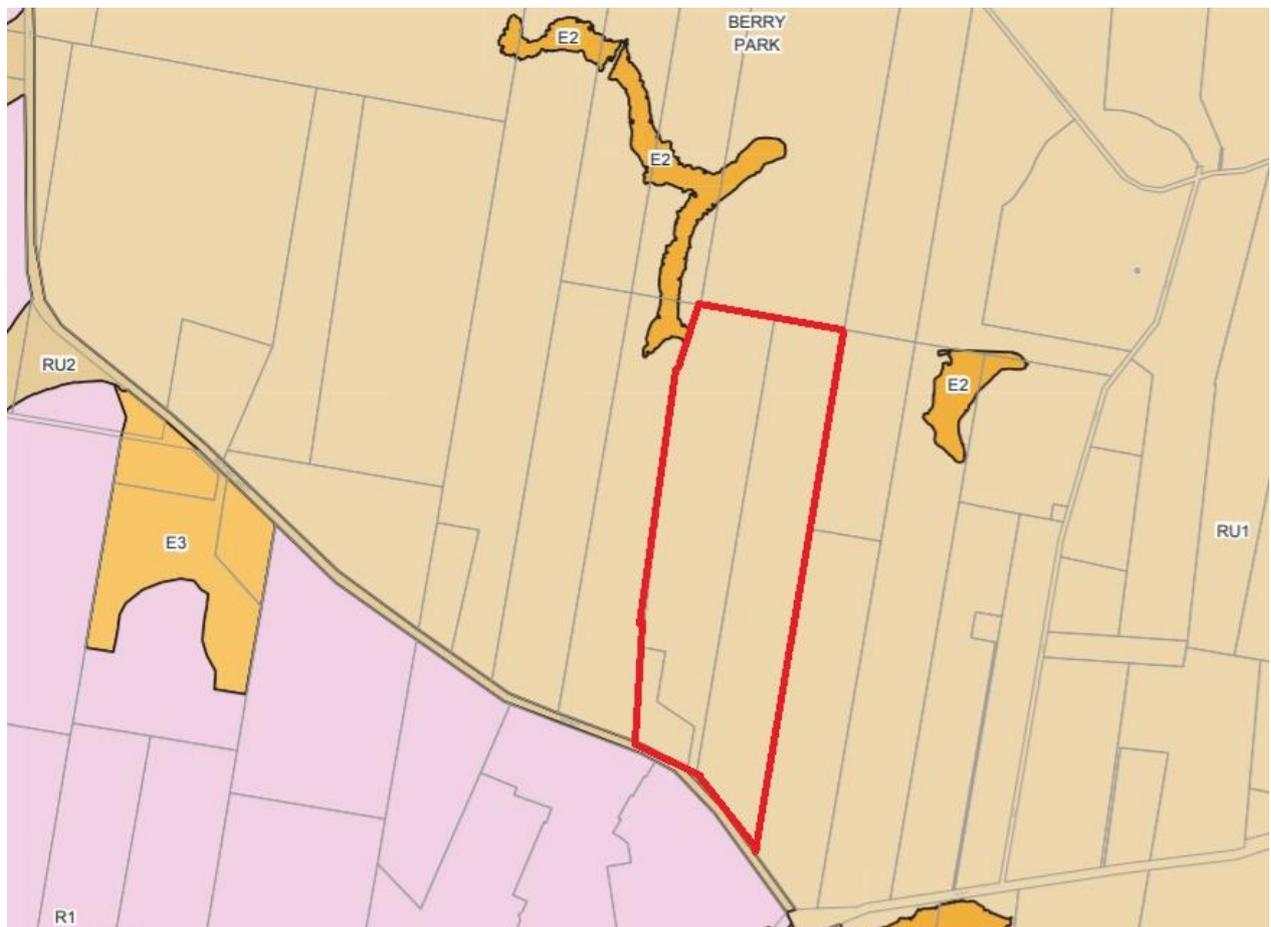


Figure 5: LEP zoning map.

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

There are no previously issued Site Compatibility Certificates on the land.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

The subject site is not 'next to proximate site land' under the terms of clause 25(2A).

However, the site is around 300m from land with a current site compatibility certificate for seniors housing which has received development approval for two stages providing 162 single-storey self-care seniors living units (DA2015/2670 and DA2016/1858). Figure 6 also identifies the proximity of the site to the approved seniors housing site and other residential subdivision approvals.

A cumulative impact study as described in clause 25(2C) has not been provided or requested.

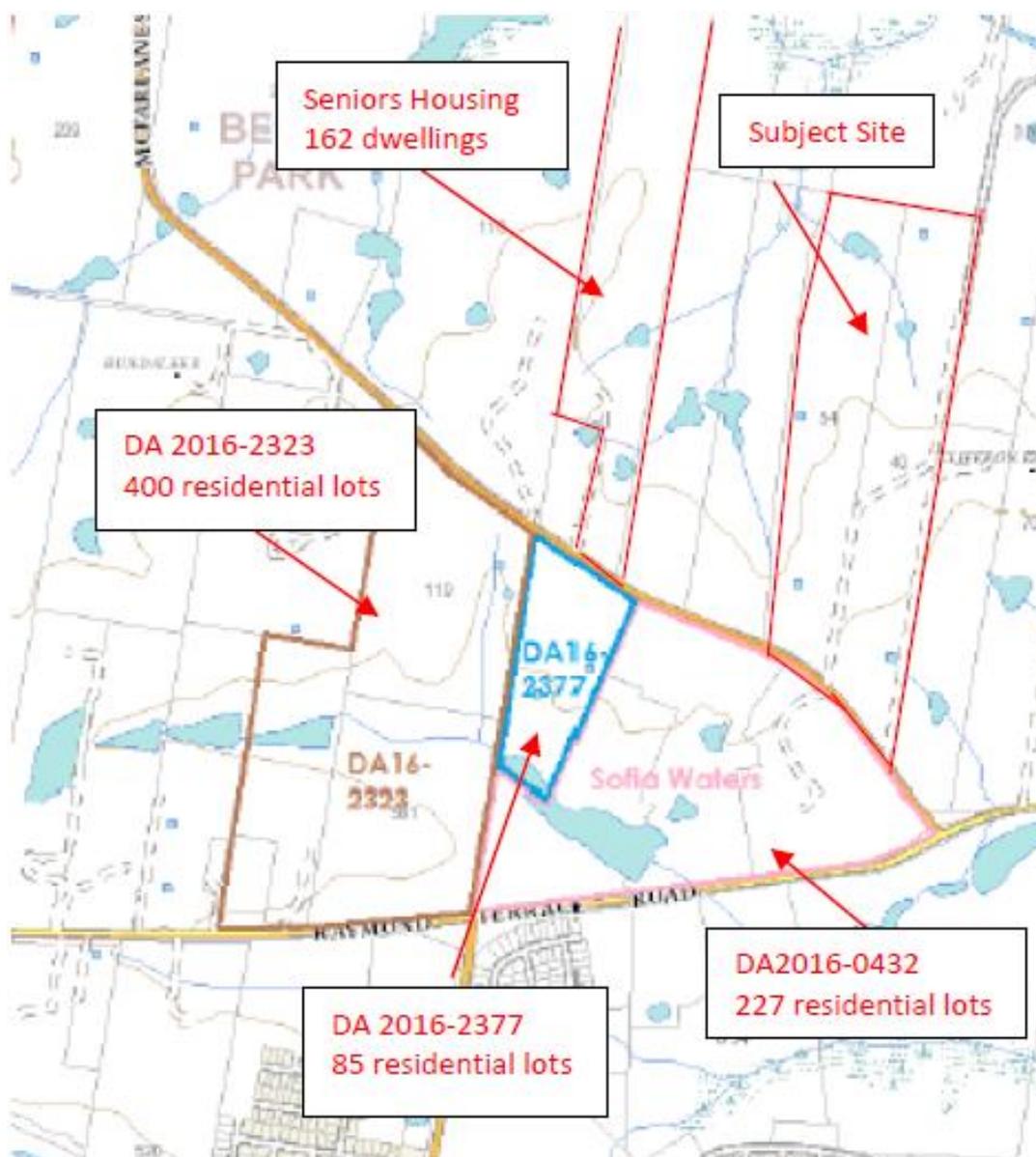


Figure 6: Surrounding development approvals.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made; and
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

CLAUSE 25(2)(C)

A cumulative impact study as described in clause 25(2C) has not been provided or requested because the application is not for land that is next to proximate site land. Nor has a study been requested by the Regional Planning Panel.

COUNCIL COMMENTS

Maitland City Council has provided two responses to the application. Initial comments on 22 June 2018 raised various concerns about the seniors housing development (**Attachment C1**).

A final response provided on 28 September 2018 (**Attachment C2**) advised that Council had reconsider its position based on the additional information provided by the applicant, and consideration of the Hunter Regional Plan and Greater Newcastle Metropolitan Plan. Council now considers that the initial concerns raised (**Attachment C1**) can be adequately addressed through the development application process.

Council's initial comments on 22 June 2018 (**Attachment C1**) included specific matters in relation to the SCC application, being:

- does not adequately address infrastructure requirements for a cumulative increase in development on the eastern side of McFarlanes Road;
- does not adequately address traffic impacts and infrastructure requirements, which should be addressed through an integrated planning approach for the land on the eastern side of McFarlanes Road and not in a piecemeal manner through individual SCC applications;
- does not adequately address the loss of, or impact on, viable agricultural land;
- does not provide sufficient detail of site design and building layout to demonstrate the achievement of required accessible grades across sloping parts of the site;
- provides an inadequate landscape and visual impact assessment, as there is no information about building heights or detailed built form;
- has not considered the potential for odour impacts from adjoining poultry farming sheds and activities approximately 500m to the north of the seniors housing development footprint; and

- does not address the previous use of the subject land for poultry sheds, potential contamination issues and the suitability for residential purposes.

Notwithstanding Council's final advice on the application, these matters are discussed in the following assessment sections.

This assessment concludes that, excluding poultry related matters, no issues within the development footprint would preclude the proposal from being considered in further detail and determining the appropriateness of the proposal proceeding at the development application stage. This conclusion has since been supported by Council.

The matters of potential site contamination from previous use of the site for poultry sheds, and potential odour from existing poultry sheds to the north of the site, need to be carefully considered by council in assessing any future development application. If the SCC is issued, the letter to Council will identify the issues it should consider in assessing and determining any development application

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is considered suitable for more intensive development. It adjoins the eastern edge of the Thornton North urban release area and is part of the Maitland LGA, which is transitioning from rural to urban land uses.

While land on the eastern side of McFarlanes Road in the vicinity of the site is rural, the amount of flood-free and otherwise unconstrained land available for more intensive urban purposes is relatively limited. Therefore, the cumulative impact of more intensive development on this site, the site to the north with an existing SCC and development application approvals for seniors housing and the potentially developable areas on adjoining lots is not considered unreasonable or unmanageable given current residential subdivision development on the opposite side of McFarlanes Road and the augmentation of infrastructure that is occurring to support that development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

Bushfire management

The SCC application report notes that the north-west portion of the site is bushfire prone due to the presence of vegetation shown on Council's bushfire-prone land mapping (Figure 7). The proposed seniors living development will not occur on the

bushfire-prone part of the site and the applicant notes that a bushfire study will be prepared, and an asset protection zone implemented for the final development concept at the development application stage.



Figure 7: Bushfire-prone land map.

Vegetation

Most of the subject site has been cleared of vegetation. However, there is some vegetation at the north-western corner of the site. Its retention value is unknown. The SCC application report notes that the development area will not extend to the northern part of the site and will not impact or clear any vegetation.

The vegetation is located on flood-prone land and any future development will not be located close to it.

Flooding

The Hunter River is to the north of the site and much of the land to the north is Hunter River floodplain. The northern part of the site is identified as flood prone on the Maitland LEP 2011 flood maps (Figure 8).

Development and access to it is proposed on the elevated, southern part of the site adjacent to McFarlanes Road, which is above the 1% AEP flood planning line. To be consistent with the seniors housing SCC issued for 216 Duckenfield Road 300m north of the subject site, it is considered that any SCC issued should exclude the land identified as flood prone on the Maitland LEP 2011 flood maps.

Council have noted that rural zoned flood prone land in Maitland LGA is typically used for flood refuge for stock and equipment.

None of the site is identified on the relevant watercourse map in the Maitland LEP 2011.

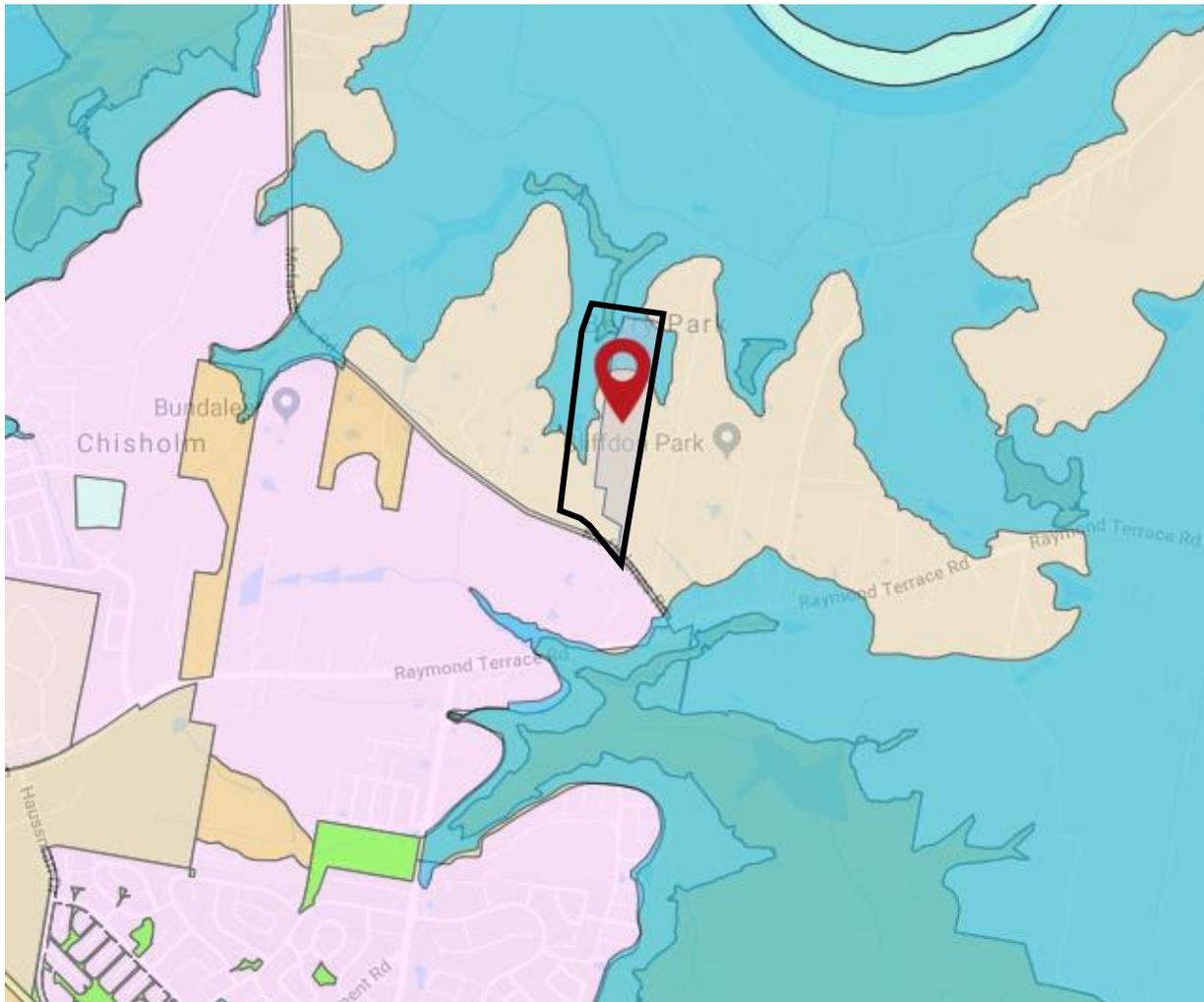


Figure 8: Flood map from the Department's planning portal (flood-prone land shown in blue).

Site contamination

The report accompanying the SCC application does not address potential site contamination from previous uses. Council advises that the land was previously used for poultry sheds and may be contaminated. This matter can be addressed at the development application stage. Should the SCC be issued, the letter to Council should raise this as a matter for detailed consideration in assessing any development application for the site.

Acid sulfate soils

The report accompanying the SCC application does not address acid sulfate soils. However, the Maitland LEP 2011 mapping identifies most of the land as Class 5 Acid Sulfate Soils and the north-western corner of the land as exhibiting Class 2 soils. This matter can be assessed at the development application stage and should an SCC be issued, the letter to Council can identify this as a matter for detailed consideration in assessing any development application for the site.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

Hunter Regional Plan 2036

The overarching strategic planning framework in the Maitland LGA is derived from the Hunter Regional Plan 2036. The plan recognises that the Hunter region population is ageing, and housing delivery remains an important objective throughout the region. The plan notes the need to “cater to the housing needs of ‘tree changers’ and the ageing population”.

The plan identifies the Maitland LGA as a growth area. Greenfield development contributes to the delivery of housing in the area. The land to the south and west of the proposed seniors housing site is an identified urban release area being developed for urban purposes. The seniors housing site will not be isolated from urban land uses and will contribute to meeting the housing needs of the LGA.

The proposal for seniors housing is consistent with the regional plan and contributes to the delivery of a required housing typology within the Hunter region.

Greater Newcastle Metropolitan Plan 2036

The subject site is within the Greater Newcastle Metropolitan Plan area. Development of seniors housing in this locality, on the edge of a significant urban release area, is considered consistent with the strategies and actions in outcome 3 of the plan, *Deliver housing close to jobs and services*.

Maitland LEP 2011

The site is zoned RU1 Primary Production under the Maitland LEP 2011.

The site’s current land-use zone permits a mix of activities including dwelling houses, rural industries and recreation areas. The broader area is undergoing a transition from predominantly agricultural uses to residential development.

It is considered that the proposed seniors housing on the subject site will not limit or hinder the mix of appropriate land uses in the area. The proposal is not likely to impact on existing or future rural and rural-residential land uses in this area.

Existing and approved uses in the vicinity of the site

The existing character of the surrounding area is rural, comprising large lots zoned RU1 Primary Production. The adjoining suburbs of Thornton and Chisholm are expanding, with greenfield development taking place to the west and south of the site. Directly adjoining the site’s southern boundary is land zoned R1, which is being developed for residential purposes.

The immediate area is undergoing a transition from agricultural land uses to residential uses, with several residential subdivision development applications recently approved or subject to approval, outlined as follows and shown in Figure 6 (page 5):

- SCC issued for a site north of the subject site at 216 Duckenfield Road, which has received development approval for two stages providing 162 single-storey self-care seniors living units (DA2015/2670 and DA2016/1858);

- DA 2016/0432 – Lots 1 and 2 DP 797020 and Lot 1 DP 1144068 Raymond Terrace Road; an approved 227-lot staged residential subdivision;
- DA 2016/2377 – Lot 18 DP 999725, 93 McFarlanes Road, Chisholm; approval pending for an 85-lot residential subdivision; and
- DA 2016/2323 – Lots 20 and 21 DP 832786, Lot 1 DP 1032753 and Lot 1 DP 198776, Raymond Terrace Road, Thornton; approval pending for a 400-lot residential subdivision.

3. 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 (clause 25(5)(b)(iii))

Access to infrastructure

Water

The applicant has consulted with Hunter Water in preparing the application. Hunter Water is in the process of approving water main extensions along Raymond Terrace Road, which can be extended onto McFarlanes Road.

Sewerage

Hunter Water has advised that a connection to the sewer network can be established, and that treatment capacity (Thornton 3 WWPS) can be augmented if required to serve growth in the vicinity.

Drainage and stormwater

The applicant states that drainage and stormwater facilities can be accommodated on the site. This matter can be considered at the development application stage.

Electricity

The site is connected to electricity and telecommunications.

Other utilities

The application states that it is anticipated that gas and recycled water connection will be available to the site when the adjoining R1 land to the south is developed.

Road network and traffic

The application report notes that McFarlanes Road can accommodate the additional traffic the development will generate. With the development of the R1-zoned land to the south of the site, the report notes that McFarlanes Road will be upgraded to create additional capacity and safety.

While a detailed traffic and transport investigation does not accompany the SCC application, requirements for road upgrades and/or contributions towards such upgrades will be considered at the development application stage.

Access to services and facilities

The application states that a private bus service will be provided to seniors development residents to transport them to the local centres of Thornton, Greenhills, Maitland and Morpeth, and to Maitland, East Maitland, Metford and Thornton railway stations for transport access to centres further afield. These centres contain the required services residents must have access to under clause 26(1) of the Seniors Housing SEPP, including retail, commercial, community, medical and transport services.

The site does not have access to public transport as the site is adjacent to an urban release area currently being subdivided and developed, and the nearest bus stop exceeds 400m distance from the site of the proposed development. The SCC application report states that a private bus service will be provided to the door of each serviced self-care dwelling, thereby meeting the access requirements set out in section 26(2)(c) of the Seniors Housing SEPP for development sites outside the Greater Sydney (Greater Capital City Statistical Area). This matter will need to be addressed in council's assessment of any future development application and appropriate conditions applied should consent be granted.

4. 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 (clause 25(5)(b)(iv))

Not applicable.

5. 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 (clause 25(5)(b)(v))

It is considered that the bulk and scale of the proposed seniors housing development is consistent with the current and future land uses in the vicinity, particularly as it is in keeping with the low-density development anticipated in the adjoining R1 zone.

The SCC application states that the proposed 233 dwellings are to comprise a range of one, two and three-bedroom dwellings. All dwellings will be single storey and could comprise demountable dwellings/mobile homes. The dwellings would be designed and placed within the site to ensure minimal impacts associated with bulk and scale when observed from within and outside the site.

A landscape and visual impact assessment report accompanies the SCC application. It acknowledges that development of seniors housing on rural land will have a moderate visual impact from certain viewing points. It recommends a range of mitigation measures, including the use of endemic species in landscaped buffers at the interface of the development and rural/floodplain areas, and the protection of designated ridgeline areas.

Council notes in its comments that the concept plan provided does not align open space around the proposed community facilities with the ridge top on the site. The visual impact of the development could be reduced by relocating those dwelling sites (approximately 6-7 dwellings) shown on the concept plan at the top of the ridgeline to less visible locations, and by locating the proposed community facilities and manager's residence below the ridgeline. This matter can be considered at the development application stage, and should the SCC be issued, the letter to Council can identify this as an issue for detailed consideration in assessing any development application for the site.

Council also notes that the only non-rural development permitted on the north-eastern side of McFarlanes Road is an SCC approval for 162 seniors housing self-care dwellings 300m north of the subject site. That site (known as 216 Duckenfield Road, Berry Park) is subject to similar constraints as the subject land – vegetation and associated bush-fire risk, and flooding.

While initially objecting to issuing of a SCC for that site, Maitland Council subsequently withdrew its objection, stating that it felt that issues relating to development of the site would “not result in insurmountable conflict” and would need to be addressed in any future development application. It is noted that two development applications on that site have subsequently been approved by Maitland Council (DA2015/2760 and DA2016/1858) for a total of 162 single-storey self-care dwellings. While a further seniors housing development on the north-eastern side of McFarlanes Road will further change the character of the vicinity, it is considered that the change is:

- consistent with the changing character of the locality, which is transitioning from rural character to urban and urban-fringe character; and
- limited in scale by the natural hazards to the north of the subject land and adjoining lots in this section of McFarlanes Road, where flooding and bushfire hazard provide ‘hard’ barriers to further encroachment of urban uses into the rural landscape.

6. 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 (clause 25(5)(b)(vi))

The proposed seniors living development will not involve clearing native vegetation from the site, therefore the relevant legislation governing the management of native vegetation is not relevant.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

Not applicable. The application is not for land that is next to proximate site land. A study has not been requested by the Regional Planning Panel.

CONCLUSION

The site is considered suitable for more intensive use for the purposes of serviced self-care dwellings for seniors, having regard to the criteria set out in clause 25(5)(b) of the Seniors Housing SEPP.

The proposal will contribute to meeting the housing diversity needs for senior residents in Maitland. There are no significant constraints for more intensive development to occur on the portion of the subject site where development is proposed.

The application for an SCC is consistent with clause 25 of the Seniors Housing SEPP and it is considered that housing for seniors or people with a disability is a suitable use of the site and compatible with the surrounding land use as:

- it will contribute to meeting the growing needs for seniors housing in the Lower Hunter region;
- there are adequate and suitable services available in neighbouring town centres;
- connections to essential services can be established;
- environmental constraints do not inhibit the site’s development potential; and
- development will be contained to the southern, elevated part of the site, which is free from natural hazards and vegetation.

While the northern portion of the site is constrained by flooding, and the north-western corner also constrained by vegetation and associated bush-fire risk, the proposed development footprint does not encroach on these areas.

The assessment of the proposal has not identified any issues within the development footprint that would preclude the proposal from being considered in further detail and determining the appropriateness of the proposal proceeding at the development application stage.

If the SCC is issued, it is recommended the letters to the applicant and Council identify those issues to which careful consideration should be given in the preparation and determination of any development application for the site.

It is recommended that the SCC exclude any land mapped as flood-prone land in the Maitland LEP 2011. This is consistent with the seniors housing SCC issued for 216 Duckenfield Road, approximately 300m north of the site and subject to similar environmental constraints.

ATTACHMENTS

Attachment C1 and C2 – Council comments

Contact officer: Monica Gibson
Director Regions, Hunter
Contact: 0402 968834