

SITE COMPATIBILITY

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

| CLAUSE | COMMENTS |
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| <i>Clause 24 Site Compatibility Certificates required for certain development applications</i> | |
| (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if: | |
| (a) the development is proposed to be carried out on any of the following land to which this Policy applies: | The subject proposal is on land that adjoins urban zoned land which is used primarily for urban purposes. |
| (i) land that adjoins land zoned primarily for urban purposes, | |
| (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted), | The land is zoned RU2 - Rural Landscape and is not special uses land. |
| (iii) land that is used for the purposes of an existing registered club, or | The land is not used for a registered club. |
| (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45. | |
| (1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument. | N/A |
| (2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion: | |
| (a) the site of the proposed development is suitable for more intensive development, and | The subject site is suitable for the proposed use by the existing provision of services to the land both physical and commercial. |
| (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b). | The subject proposal is consistent in size and scale to adjoining urban development with consistent lot size, consistent dwelling footprints etc. Such that the proposal would occupy approximately 1 dwelling per 750m ² to 800m ² . |

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| Note. Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate. | |
| (3) Nothing in this clause | |
| (a) prevents a consent authority from: | |
| (i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or | The proposal seeks the approval of a Site Compatibility Certificate for that part of the site containing cleared RU2 zoned land. |
| (ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or | Noted |
| (b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies. | |
| Note. Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50. | |
| CLAUSE 25 - Application for Site Compatibility Certificate (5)(B) | |
| (i) 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, (ii) the impact that the proposed development is likely to have on the uses. | Surrounding land to the north, north west and north east is urban land fully developed. Land to the south is developed with the RFS regional bushfire facility. Land to the west and south is rural land generally undeveloped. Natural vegetation provides a bushfire hazard however the site complies with the Planning for Bushfire Protection 2006 and provides required access, services and APZ for the proposal. |
| (ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land, | The future uses of the land are proposed to be urban land uses as contained within Maitland Councils MUSS 2012. The land is subject to a Planning Proposal before Council consistent with the MUSS categorization of the land and therefore the proposed use will not adversely impact on that future use of the land but be a compatible land use. |
| (iii) 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, | The land is within 1.6km from the commercial precinct of Green Hills which provides full medical services, retail and commercial support. Access to those services is available by pedestrian pathway links, public transport or private vehicle. Bus transport is available within 400m of the site. |

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| (iv) 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, | The land is not zoned open space or special uses and accordingly there will be no impact on the existing open space provision by the proposal. |
| (v) 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, | The proposal comprises single storey residences which is consistent with surrounding land uses in terms of size and bulk. The site has an area of 26.73ha and only approximately 10ha of the site is proposed for development with 134 dwellings on the site equates to 1 dwelling per 750m ² developed area and accordingly has less density than a normal adjoining residential subdivision of lot areas 450m ² to 600m ² . |
| (vi) 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. | There will be clearing of minimal vegetation within the site comprising isolated/scattered trees. The bulk of the vegetation in the east is to be retained, being outside of the development area. The vegetation, whilst forming part of an EEC, is in a degraded state with minimal understorey due to previous and current grazing. |
| CLAUSE 26 - Location and Access to Facilities | |
| (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: | |
| (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and | (a) Green Hills commercial precinct provides access to all medical, commercial and retail services within 1.6km from the site. The site is also in proximity to existing passive and active open spaces. |
| (b) community services and recreation facilities, and | (b) Community services are available within 1.6km and 2km of the site comprising banks, public library, golf and bowling clubs, open space trails and walks. |
| (c) the practice of a general medical practitioner | (c) There are two major medical practices in Green Hills which are expanding to cater for the proposal. Also Private Hospital and general health services at Green Hills with community health services etc. Additional regional hospital is also proposed at East Maitland. |
| (2) Access complies with this clause if: | The proposal being within 1.6km of Green Hills is accessible by constructed concrete footpath links through existing subdivisions to the site. A bus stop is located 400m north of the site on Mt Vincent Road. The pedestrian pathways pass through undulating to flat country meeting the objectives of required pathways. |
| (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable: | (a) Pathways can comply with the specifications and as the road slopes within the vicinity are less than 7% and more accurately 5% complying in general with the nominated specifications. Additional public transport bus stop will be provided with the proposal. |
| (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time, | |
| (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time, | |
| (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or | |

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| (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development: | (b) Not applicable. |
| (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and | Public transport route passes the site with an existing bus stop available on Mt Vincent Road approximately 400m from the site. An additional bush stop is proposed fronting the site. |
| (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and | |
| (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), | |
| and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or | |
| (c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development: | |
| (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and | (i) Public transport is available to residents along Mt Vincent Road with an existing bus stop located 400m north of the site. Access pathways exist to the bus stop and can be extended to the site. |
| (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and | (ii) Additionally there will be a community bus available to residents within the site which will provide alternative access directly to services at Green Hills. |
| (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3). | (iii) The bus route operates through the nominated hours of 6am to 10.30pm and provide services in that timeframe. Additional access arrangements are available by the proposed community bus with the village. Access to the bus stop located 350m to the north of the site will have compliant gradients. An additional bus stop is proposed fronting the site in Wilton Drive and reduces the distance to public transport to less than 100m. |
| (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable: (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time, (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time, (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time. | All pathways within the site and to available public transport will be compliant to the standards specified. Existing road gradients within the locality are within the gradient range of 1% to 7%. For example a pathway slope of 1 in 14 is approximately 7% whilst a slope of 1 in 8 is approximately 12%. These gradients provide access for wheelchair and motorized cart and pedestrian use. |

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| (4) For the purposes of subclause (2): | |
| (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and | |
| (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway. | |