

**Report to the Hunter and Central Coast Regional Planning Panel on an application for a site compatibility certificate under 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 Wilton Drive, East Maitland, being part Lot 141 DP 1225076, and has an area of approximately 10ha. The site is located south of East Maitland, at the edge of the urban area, as shown in **Figures 1 and 2**.

A site inspection was undertaken by officers from the Department of Planning and Environment's Hunter Region team on 22 November 2018.

The site is approximately 1.5km from Greenhills regional shopping centre, 2.5km from East Maitland shopping centre and 8 km from the existing Maitland (Lower Hunter) Hospital. The site of the proposed new Maitland Hospital is approximately 4km east.



**Figure 1:** Site location

The site slopes down from Wilton Drive with low ridgelines, to a series of low lying wetlands and grasslands used for grazing and which forms part of the floodplain.

The site is surrounded by rural land to the south and west, with rural residential development at Louth Park also located to the south west. The site adjoins existing low-density residential and large lot residential development to the north, being part of the urban area of East Maitland known as Rathluba Ridge. Council's Mount



Vincent Waste Management Centre is located to the south east of the site, approximately 600 m distant.



**Figure 2:** Subject site

**APPLICANT:** ACM Landmark Pty Ltd

**PROPOSAL:** The total development proposal is for 134 serviced self care units on Lot 8 and part Lot 141 as shown in **Figure 2**.

The land to which the SCC application applies (Part Lot 141 – zoned RU2 Rural Landscape) will contain 122 serviced self care units, being a mix of 2 and 3 bedroom units, a community centre and associated parking facilities as shown in red on **Figure 3**.

Lot 8 is zoned R1 General Residential, where seniors housing is a use permissible with development consent in Maitland Local Environmental Plan 2011.



**Figure 3:** Concept plan

**LGA: Maitland**

## **PERMISSIBILITY STATEMENT**

The State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP) applies to land that adjoins land zoned primarily for urban purposes, where it satisfies the requirements of clauses 4 and 24. An assessment against the requirements of the clauses is provided below, which confirms that the SEPP applies to the subject land.

Assessment of clauses 4 and 24:

- the subject land is zoned RU2 Rural Landscape under Maitland Local Environmental Plan 2011 (the LEP) as shown in **Figure 4**;
- dwelling houses are permissible with consent within the RU2 Rural Landscape zone (clause 4(1));
- the subject land adjoins land zoned primarily for urban purposes, being land zoned R1 General Residential (clause 4(1) and clause 24(1)); and
- the land is not excluded from the application of the SEPP, as it does not contain land defined under Schedule 1 (clause 4(6)).



**Figure 4:** Zoning map

Consequently, the provisions of clauses 4 and 24 of the SEPP provide that a Site Compatibility Certificate (SCC) could be issued.

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.

## **PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND**

A previous Site Compatibility Certificate was issued on 25 November 2016 (**Attachment G**) for the site (then Lot 42 DP 846326) on the basis that it adjoins land zoned primarily for urban purposes. This certificate has lapsed. Two development applications (DA) for seniors housing were lodged with Maitland City Council for the site of the proposed development, one applying to Lot 8 and one applying to part Lot

141 (formerly Lot 42). The application relating to part Lot 141 has been withdrawn due to the previous SCC expiring. To enable a DA over the subject site to be determined, a current SCC must be in place.

The seniors housing proposal is the same as the previous 2016 application, albeit with additional studies undertaken as part of satisfying the previous SCC requirements to support the submitted DAs to Council. These additional studies include:

- Aboriginal archaeology;
- riparian drainage and landscape plan;
- geotechnical summation report;
- ecological report;
- vegetation management plan (draft); and
- visual impact assessment.

In relation to the requirements of clause 25(5)(c) of the SEPP, the subject land continues to adjoin land zoned primarily for urban purposes and does not include any additional land to that included in the previously issued Site Compatibility Certificate.

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

There are no other site compatibility certificates in this area.

#### **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 has not been prepared as no other site compatibility certificates exist in this area.

#### **COUNCIL COMMENTS**

Council provided comments on the application on 17 December 2018 (**Attachment C**). The comments are consistent with those provided in December 2016 for the previous SCC application (now lapsed) and generally reflect the updated studies and information that have been provided with the application.

Council advises that they do not object to the issue of a site compatibility certificate for seniors housing over the site and note the outstanding matters can be addressed at DA stage. The main issues raised by Council include:



- the site is subject to mine subsidence. Council identifies the need for further geotechnical investigations over the land to inform construction requirements over the shallow mine workings identified in the July 2016 Douglas Partners report;
- the traffic assessment recommends a bus stop on Wilton Drive or the provision of a private bus service to meet the access requirements of the SEPP regarding public transport (bus) and footpath gradients;
- the site is subject to flooding. Council provided minimum AHD levels for building floor levels and road levels to address flood constraints;
- advised of implications of the existing approval requirements and constraints (based on the EIS) associated with Council's waste management facility, including:
  - odour – the eastern part of the site is within the 2 Odour Unit (OU) zone, which is the acceptable standard for odour in urban populations. Council also note that odour impacts will be significantly less when landfill operations cease in 2029,
  - air quality – the site is well clear of the identified air quality issue areas associated with the facility,
  - noise and vibration – the development footprint of the SCC is outside the 30dB(A) Noise contour (the standard), and there are not adverse vibration impacts beyond the waste facilities site boundaries, and
  - water quality and quantity – no impacts on the site; and
- notes the additional biodiversity studies over native vegetation include mitigation measures and a level of detail to enable Council to form an opinion on the proposal at DA stage.

These matters are considered in the following sections of this report.

### **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 due to its consistency with regional and local strategies. Site specific issues affecting the land are able to be resolved.

The site is a 10ha portion of Lot 141 DP 1225076 (total area 22ha). It is zoned RU2 Rural Landscape under the Maitland Local Environmental Plan 2011 and is currently used for low intensity cattle grazing. It adjoins an existing residential area, is near to public transport, and is 2.5km to the East Maitland town centre and 1.5km to Green Hills Shopping Centre. A site, locality and zoning map is included in **Attachment A**.

The Hunter Regional Plan (HRP) and Greater Newcastle Metropolitan Plan (GNMP) do not identify a need for additional residential land in this location. However, they note that the region has a growing aging population and that there is a need to improve housing diversity, grow centres and renewal corridors, and create a more compact settlement pattern. This proposal is consistent with these objectives.

Council's settlement strategy identifies all of Lot 141 as an urban investigation area, suggesting a residential outcome could result if site environmental issues and the scope of future operations of the waste management facility are resolved **(Attachment H)**. The proposal is consistent with Council's settlement strategy.

A Planning proposal (PP\_2017\_MAITL\_003\_00) was lodged with the Department in June 2017 to rezone part of Lot 141 DP 1225076 for residential purposes consistent with Council's local strategy. A Gateway determination was issued on 1 September 2017 **(Attachment K)** over the whole of Lot 141 which supports the view that the site is suitable for more intensive development.

The Gateway determination requires Council to review the proposed zone and associated development standards to achieve a balance of residential yield and biodiversity conservation, be responsive to the features of the site and impacts associated with the Waste Disposal Management Facility. This Gateway condition recognises the potential for the site to provide residential development, but also the constraints associated with the adjoining land to the east of the site which makes up the balance of Lot 141.

The assessment of the 2016 SCC application noted that further studies would be necessary at the DA stage in response to the site constraints relating to flooding, mine subsidence, ecology and bushfire. The additional supporting reports included with this application provide evidence that the site specific issues are able to be resolved.

## **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))**

#### Agricultural Value

The land is not mapped as Biophysical Strategic Agricultural Lands (Figure 5). BSAL is located to the south of the site (within the balance of Lot 141) and further west. BSAL is considered to be land with high quality soil and water resources capable of sustaining high levels of productivity. Aerial photography suggests that the land has been used for grazing over the last five years.



**Figure 5:** Biophysical Strategic Agricultural Lands

Given the site is not identified as BSAL and its limited size (10ha), its agricultural productivity is limited. The impact of the loss of this site for agricultural purposes would be minor. While the site adjoins other BSAL, this proposal will not fragment the BSAL to the south as it will remain connected to the larger area of BSAL.

The use of the site for seniors housing is considered compatible with the grazing activities that occur in these parts of Maitland. As is evident in Figure 5, urban development in these parts of the Maitland area commonly adjoins the fringe of BSAL areas. The Maitland LGA is characterised by 'islands' of urban settlements above flood prone lands with agricultural lands comprising lower lands near these settlements. The extension of the urban boundary in this location for seniors housing is consistent with the existing settlement pattern and Council's approach to managing agricultural land close to urban boundaries.

The proposed development for the purposes of seniors housing is therefore considered compatible with the surrounding agricultural uses.

#### Biodiversity Value

A biodiversity impact report (Eco Logical 2017) notes impacts associated with the development would be the loss of eight hollow bearing trees and 0.15ha of good condition Lower Hunter Spotted Gum – Ironbark Forest EEC (**Attachment B - Ecological Report**). The EEC to be removed adjoins a larger portion of EEC (approximately 12ha) located on the balance of Lot 141. The EEC that would be lost is approximately 1% of the EEC located on Lot 141.

A draft Vegetation Management Plan (2018) prepared for the withdrawn DA recommends actions to reduce and offset environmental impacts (**Attachment J**). Among other actions, this includes compensatory planting and the use of nesting boxes to offset impacts of the loss of eight hollow bearing trees.

Given this, and noting that the site is substantially cleared, the proposal is considered compatible with the biodiversity values of the site and the surrounding environment.

#### Mining Resource Value

The site and adjoining land to the east which makes up the balance of Lot 141 contained a coal resource and was underground mined from 1920 to the early 1960s. This site is recognised as an historic mining area but is not mapped as a coal or mineral resource area on the NSW Department of Planning and Environment (Resources and Geoscience) MinView website. As such, the proposed development is not considered to adversely affect mining resources.

#### Mine Subsidence Hazard

The site is located within the East Maitland mine subsidence district. Subsidence Advisory NSW (SA NSW) has provided a plan that indicates Lot 8 and Lot 141 are partially undermined by old shallow mine workings in the Rathluba Seam. A geotechnical summation report (EP Risk 2018, **Attachment B – Geotechnical Summation Report**) is provided which confirms the presence of shallow mine workings on the central and eastern parts of the site. Former mine workings do not extend across the western part of the site.

The assessment concludes that ‘there are no geotechnical constraints that are considered prohibitive to development of the site as proposed where remediation of the mine workings is undertaken’. The report recommends remediation through grout injection into mine workings of a depth less than 20m in depth which will be confirmed when the Council seeks the approval of SA NSW before development consent may be issued. Additional recommendations are made regarding development infrastructure such as footpaths and stormwater.

Given the findings of the mine subsidence assessment, it is considered that a site with this potential hazard would not preclude this form of development. Council’s comments regarding the need for additional geotechnical investigation are noted. The focus of these comments is an earlier report (Douglas Partners 2016, **Attachment B – Mine Subsidence Investigation**) which appears to have been superseded by the 2018 report. Council’s submission requests additional geotechnical investigation occurs. However, it is considered that this is a matter that can be resolved at the DA stage. A SCC requirement requiring Council to be satisfied regarding subsidence remediation is proposed.

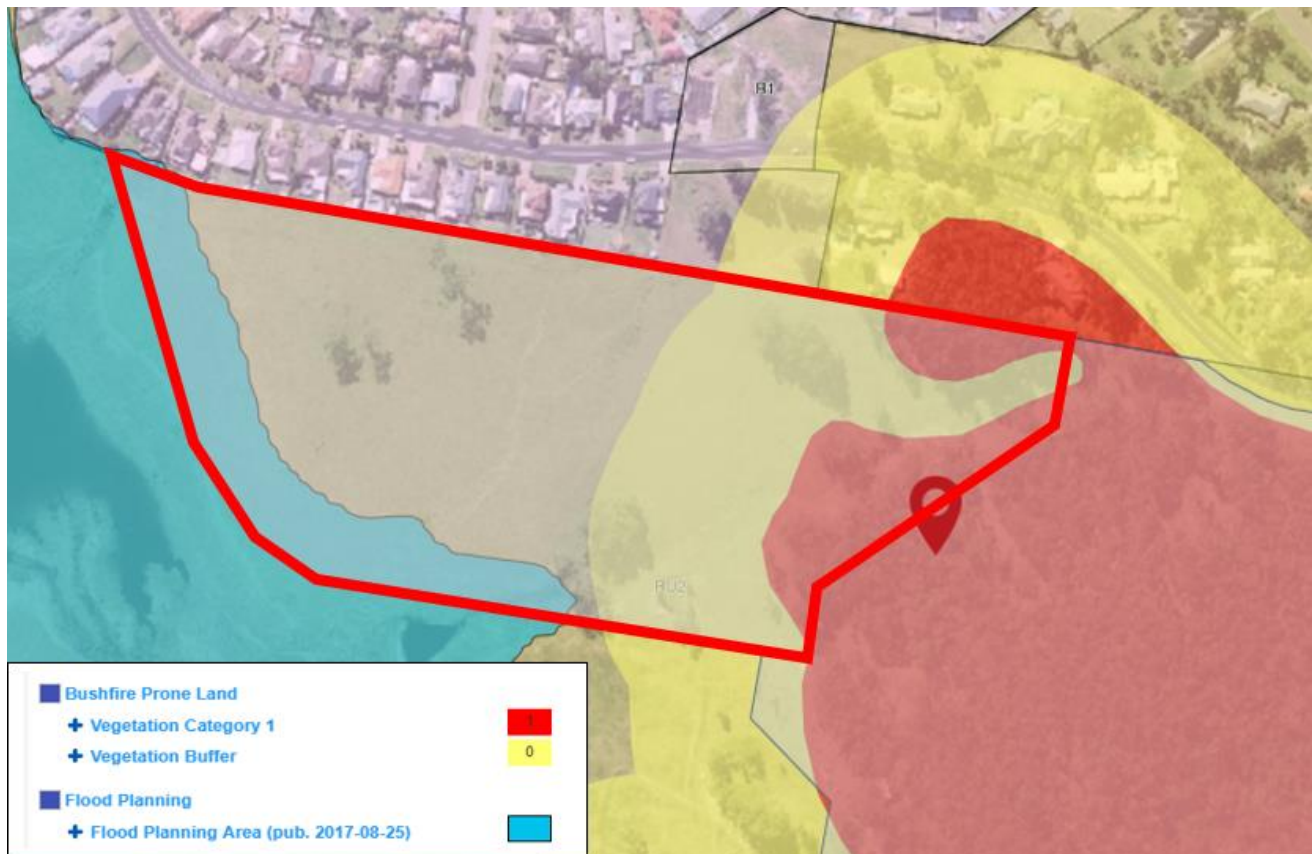
#### Bushfire Hazard

The eastern part of the site is mapped as being bushfire prone, both category 1 and 2 as shown in **Figure 6**. The site forms part of a larger area of bushfire prone land extending to the east.



A bushfire assessment (**Attachment B – Bushfire Assessment**) has considered the proposed layout and bushfire management options relating to setbacks and asset protection zones, water supply, access and building construction standards.

The assessment concludes that bushfire risk can be adequately managed through the recommendations from the bushfire report. NSW Rural Fire Service will be consulted as part of the DA process. The proposal is considered compatible with bushfire hazard.



**Figure 6:** Bushfire and Flooding

### Flooding Hazard

The south and western edges of the site of the proposed development are flood affected (1% AEP) and mapped in Council's DCP as high hazard flood storage.

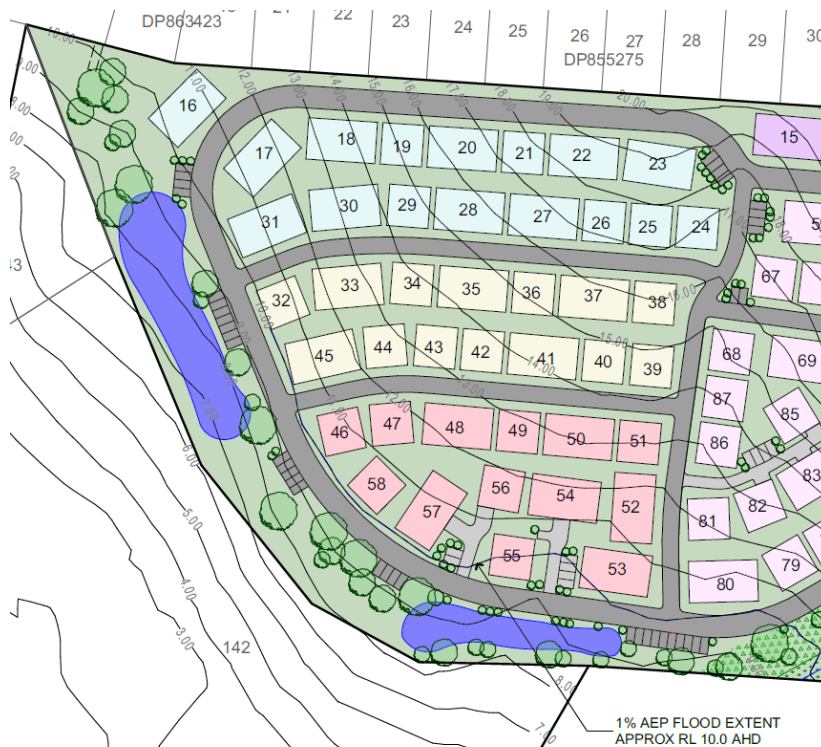
**Figure 7** shows the general location of the flood affected land.

At least three buildings (units 16, 53 and 55) on the southern and western fringes of the site would be flood affected, either directly by flood waters or indirectly by flooding of road access. Council considers that all dwellings and the associated access road could be constructed to levels that would avoid impacts.

The land adjoining the site to the west and south-west is flood prone, forming part of high hazard flood storage area which extends further west. These floodwaters do not serve to isolate the site. Site access is proposed to be via the higher ground to the north (Lot 8) which connects the site to the broader East Maitland/Green Hills road network.

As the majority of the site is not flood affected and has flood free access, the development is considered suitable for more intensive development and compatible with the flood hazard on the adjoining land. The matters identified by Council may be adequately addressed at the DA stage.

As the SEPP (Schedule 1) does not allow seniors development on land identified as high flooding hazard, a condition requiring the development to be situated above the high flooding hazard level is recommended. The development concept plan identifies units 16, 53 and 55 as being partly below the 1% flood event (see Figure 7 under). Council will need to assess if this land is high flood hazard.



**Figure 7:** – Flood impacts for units 53 and 55

### Water Catchment

The site drains to the south, into the Wallis Creek Catchment. Stormwater from the development may affect the catchment water quality which the Maitland Urban Settlement Strategy notes to be poor. The Riparian Drainage Landscape Plan (**Attachment B**) outlines the proposed water sensitive urban design treatment of the riparian lands. Council has not raised concerns with catchment impacts. It identifies the need for stormwater management to be examined at the DA stage.

It is considered that the development is compatible with the water catchment.

### Existing and Approved Uses

The site and balance of Lot 141 is currently used for cattle grazing. The applicant has not indicated whether this activity would cease on the balance of the lot should the proposal proceed although it is suggested in the draft VMP. Irrespective of this, the remainder of the lot is relatively small (12 ha) and is substantially vegetated so the intensity of any cattle grazing activity would be limited. Given this, the proposed seniors housing is considered to be compatible.

Existing uses occurring in the vicinity of the development consist of pasture land (grazing), residential (both low density and rural lifestyle) and a Rural Fire Service training station. Seniors housing is considered compatible with these uses, noting that the training station is 280 m away.

The Mount Vincent Waste Management Centre land is located to the south and south-west of the site, the facility is located on the eastern side of Mount Vincent Road approximately 600 m away. A DA to expand the existing facility was approved in June 2018. Council advises that it has considered the seniors housing proposal in the context of the predicted impacts from an expanded facility (odour, air quality, water quality and noise) and is satisfied that adverse impacts are unlikely.

It is considered that the proposal is compatible with the existing and approved uses of land in the vicinity of the proposed development.

**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 HRP does not identify this site as an urban release area. The proposal is on the fringe of East Maitland, an identified strategic centre, and is a logical expansion of the urban boundary. The development of the site for urban development is consistent with Goal 4 – ‘Greater housing choice and jobs’ and these specific Directions:

- Direction 21 – Create a compact settlement
- Direction 22 – Promote housing diversity
- Direction 23 – Grow centres and renewal corridors

It is also consistent with the Local Government Narratives of the HRP for East Maitland. They identify East Maitland and Green Hills as areas for providing additional housing. Developing the site for seniors housing helps achieve this outcome.

Greater Newcastle Metropolitan Plan 2036

The proposal is also consistent with the GNMP, specifically Outcome 3 which is to deliver housing close to jobs and services. Similar to the HRP, East Maitland is identified as a location for increased residential growth.

The GNMP also identifies East Maitland as a catalyst area which will support the growth of a new health precinct (new Maitland Hospital) and to provide a range of complementary health and housing types in surround areas. The seniors housing proposal aligns with these outcomes.

Maitland Urban Settlement Strategy

The land has been identified in Council's local land use strategy as being a future residential area, reflecting the site's limited agricultural value and the removal of the mining resource. The site has also been substantially cleared and provides flood free land and flood free access. The land is also well located in terms of services and it adjoins an existing residential area.



### Maitland Local Environmental Plan 2011

The site is zoned RU2 Rural Landscape under Maitland Local Environmental Plan 2011. This zone supports agricultural activities while allowing for other land uses which are considered generally compatible with agriculture, including bed and breakfast accommodation, dwelling houses and eco-tourist facilities. A 40ha minimum lot size applies which limits the intensity of development.

If the land was not developed for seniors housing, then it is likely that the site would continue to be used for low intensity cattle grazing or environmental management unless it was rezoned. A Gateway determination to rezone part of the site to a residential zone was issued in 2017 and is being progressed by Council.

Given the above, the proposed seniors housing is considered compatible with the likely future uses of the land.

### **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))**

The applicant has indicated that services and infrastructure are available to meet the demand generated from the proposed development.

#### Access to infrastructure

##### *Utility Services*

The site adjoins existing serviced urban land. The applicant advises that water, gas, telecommunications are available and that a sewer servicing strategy was prepared for the proposal concurrently with adjoining land to the east which confirmed serviceability of the subject land.

##### *Drainage*

The supporting studies identified a Riparian Drainage Landscape Plan (**Attachment B - Riparian Drainage Landscape Plan**) to manage water quality and quantity impacts.

##### *Transport*

The traffic report identified that the current local road network has capacity to accommodate the development. Additional pedestrian and cycleway works may be required which can be addressed through DA conditions. The report recommends that a bus stop be provided on Wilton Drive.

Public transport connects the site to these areas and an existing bus stop is located within 400 m of the site. As Council notes, suitable pathways to the bus stops are not currently provided and alternative options for addressing access exist. This matter may be addressed at the DA stage as required by clause 26 of the SEPP.

#### Access to services / facilities

Retail, community, medical and transport services are available in the locality. The site is located near to Green Hills (1.5 km) which is a major shopping centre, and

provides government, medical, community and recreational services. Further afield is the East Maitland centre (2.5 km).

As the proposal is for serviced self-contained dwellings in association with a retirement village, certain services would need to be made available to residents, such as home delivered meals (SEPP clause 42). Any site compatibility certificate issued for the site should include a requirement requiring a future DA to include evidence of compliance with clause 42. This is typically a servicing management plan and draft contracts with relevant service providers.

The applicant has indicated that on-site services and facilities would be available, including a therapy centre, medical consulting rooms, swimming pool and community hall.

Subject to the recommended requirement relating to clause 42, the proposed development is considered compatible in terms of access to services and infrastructure provision.

**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))**

The land is not zoned for open space or special uses.

**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))**

The bulk, scale, built form and character of the proposed development will have an impact on the existing dwellings that adjoin the site. Notwithstanding, the proposed development is considered to be consistent with the character of the landscape in this locality and its likely future use.

The proposal includes 122 seniors self-care single story units within a retirement village as shown in **Figure 8** outlined in red. The twelve units fronting Wilton Drive (not outlined in red) are not part of this SCC application.

The land surrounding the site, as shown in **Figures 1 and 2**, consists of existing low density residential and some large lot residential sites. The existing residential development fronting Wilton Drive consists of modern one and two storey brick dwellings. The proposal includes single storey houses at a density and floor space ratio similar to the adjoining existing low density residential development, albeit spread across the site in smaller houses on smaller lots.



**Figure 8:** Concept plan

**Figure 8** enables comparison between the 12 existing low density residential lots (with houses) along the Wilton Drive frontage and the seniors houses proposed at their rear boundary length. The large lot residential house that fronts Wilton Drive (Lot 9 DP 855275) and borders the site to the north would be adjoined by seven seniors buildings (being buildings 88-94). A further three houses (buildings 1-3) would also adjoin this existing dwelling but are located on land that does not form part of the SCC application.

In addition to the above, the large lot residential suburb of Louth Park (developed) is situated 600 metres to the south west. Refer to the aerial maps attached **(Attachment A)**. At least three dwellings in Louth Park have a view of the existing urban development in this area, including a dominant treed ridgeline. The proposed seniors housing will continue the urban landscape down the slope towards Louth Park. Uses associated with nearby pasture and vegetated lands are unlikely to be affected.

A Visual Impact Assessment (VIA) **(Attachment I)** was undertaken for the site. It concludes that while there would be impacts on the adjoining properties (loss of foreground rural views), overall the proposal would be consistent with the character of the locality and visual impacts would not be significant. It recommends measures to reduce impacts further such as landscaping, fencing type and materials selection.

The findings of the VIA are supported. Overall the proposal is not considered to have a significant visual impact on the locality because it is consistent with the character of the area. Low density residential development commonly extends into the rural areas that are above the floodplain in this locality, with no transition between the urban and rural land. This proposal would do the same by extending the existing urban boundary further to the south at Wilton Drive.

Notwithstanding this, impacts are likely for those residents adjoining the site due to the bulk, scale, built form and character of the proposal. The development would



result in buildings where there is currently none and change the character of the site from rural to urban. Rural foreground views would be lost. However, as the land is identified as a future residential area in Council's planning strategy and a planning proposal is being progressed to rezone the site, it is likely that the character of this land may change to an urban (residential) character in the future.

Given the above, and noting the site attributes (substantially cleared, adjoins an existing urban area, close to a strategic centre), it is concluded that the seniors housing proposal is compatible with the surrounding environment and surrounding land uses in terms of its bulk, scale, built form and character. Mitigation measures need to be considered at the DA stage and a SCC requirement is proposed accordingly.

**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 *Native Vegetation Act 2003* has been repealed and replaced by the *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013*.

A biodiversity study (**Attachment B – Ecological Report**) has been undertaken which notes that the proposal would impact an endangered ecological community (EEC). A 0.15ha portion of Lower Hunter Spotted Gum – Ironbark Forest EEC of good condition would be removed. It forms part of a larger fragment of the EEC (approximately 12ha) located on the balance of Lot 141. The proposal would also result in the loss of eight hollow bearing trees.

The study concludes that biodiversity impacts are not of a scale to warrant further assessment in terms of offsetting under the Biobanking Assessment Methodology (BAM). Further, the mitigation and offset measures proposed are sufficient to address impacts. Measures are detailed in a draft Vegetation Management Plan (VMP) (**Attachment J**) including weeding, compensatory planting, and nesting boxes, and monitoring/performance standards.

As it is evident that adverse impacts are unlikely, it is considered that the seniors housing proposal is compatible in terms of the conservation and management of native vegetation. It is noted that potential impacts are proposed to be offset through the measures proposed in the VMP. Council's comments also support this conclusion, however additional advice is provided regarding the Whistling Kite.

The VMP notes that the nesting tree of the Whistling Kite would be removed outside of breeding season. While this may be appropriate, tree removal, and the suitability of the VMP more broadly, is a matter that can be resolved by Council at the DA stage.

**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.

## 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. The proposal is consistent with the outcomes of both regional and local planning strategies. 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 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 Greater Newcastle Metropolitan 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 northern elevated part of the site, which is free from natural hazards and vegetation.

The Department's assessment of the proposal has not identified any issues within the development footprint that would preclude the proposal from being considered in further detail 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 require that the Council consider the following matters in determining the development application.

- Council is to be satisfied that mine workings will be satisfactorily remediated where relevant prior to construction;
- biodiversity impacts resulting from the proposed development are to be offset to the satisfaction of Council such that an "improve or maintain" biodiversity outcome would be achieved;
- visual impact mitigation measures are to be applied to the satisfaction of Council;
- the proposed development is not to be located on land identified as high flood hazard; and
- any development application for the proposed development must include evidence of compliance with clause 42 of the SEPP.

## RECOMMENDATION

It is recommended that the Hunter and Central Coast Planning Panel:

- **note** the above report;
- **consider** the written comments from Maitland City Council (**Attachment C**);

- **form the opinion** that the site of the proposed development is suitable for more intensive development;
- **form the opinion** that the proposed development is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b);
- **determine** the application for site compatibility by issuing a certificate for 122 serviced self care units for Part Lot 141 DP 1225076, Wilton Drive, East Maitland; and
- **sign** the letters to the applicant and Council advising of this determination (**Attachments E & F**).

## ATTACHMENTS

Attachment A – Locality and zoning map

Attachment B – SCC Application package

- SCC Application form
- SCC Application
- Appendix
  - A – Onsite services
  - B – Site locality
  - C – Green Hills
  - D – Bus routes
  - E – Water and Sewer servicing
  - F – Ausgrid (energy)
  - G – Gas
  - H – Telstra
  - I – Local open space
  - J – Mine subsidence classification map
  - K – Concept plan
  - L – Site analysis
  - M – seniors housing floor plans
  - N – Regional seniors housing village locations
  - O – local map of seniors housing village locations
  - P – Mine subsidence map
  - Q – Assessment against SEPP criteria in clause 24, 25 & 26
- B – Social impact assessment
- B – Archaeological Report
- B – Traffic Impact Assessment
- B – SOE East Maitland
- B – Riparian drainage landscape plan
- B – Mine subsidence investigation
- B – Geotechnical summation report
- B – Ecological report
- B – Bushfire Assessment

Attachment C – Council comments

Attachment D – Draft Site Compatibility Certificate

Attachment E – Draft letter to Council



Attachment F – Draft letter to applicant  
Attachment G – 2016 Site Compatibility Certificate  
Attachment H – Maitland Urban Settlement Strategy extract  
Attachment I – Visual Impact Assessment  
Attachment J – Draft Vegetation Management Plan  
Attachment K – 2017 Gateway determination  
Attachment L – Letter to Panel advising of application

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