

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DECISION	Wednesday, 12 June 2019
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, Kara Krason, Cr. Peter Garnham and Cr. Sally Halliday
APOLOGIES	None
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

2019HCC022 – Maitland City Council – SCC_2018_MAITL_003_00 at Part Lot 141/1225076, Wilton Drive, East Maitland (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

By circulation of papers the Panel considered: the material listed at item 5 of Schedule 1 and the matters raised and/or observed at briefings and site inspections listed at item 6 in Schedule 1.

Based on this information, the Panel determined:

- ☐ to issue a site compatibility certificate subject to satisfaction of certain requirements (as listed below), because the application has demonstrated that the site is suitable for more intensive development and it is compatible with the surrounding environment.
- ☒ to refuse to issue a site compatibility certificate, because the application:
 - ☐ has not demonstrated that the site is suitable for more intensive development
 - ☒ has not demonstrated the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP (Housing for Seniors or People with a Disability) 2004.

The Panel authorises the Chair to notify the applicant, Council and the Department of Planning and Environment of the Panel's decision to refuse the application.






The decision was unanimous.

REASONS FOR THE DECISION

- The Panel was conceptually supportive of the development of the site for Serviced Self Care Seniors Housing, and development of the site in a more intensive form than is currently permitted. However, while the Panel saw strategic merit in developing the site for Seniors Housing and suitability of the site for such a use, there were a number of concerns with the associated development concept, upon which the quantum of seniors housing and environmental impacts were derived. These issues and concerns warranted revision of the underlying concept, to a degree that would constitute a different proposal, and for which it

was not appropriate to “condition” the Site Compatibility Certificate (SCC), due to the nature and scope of these concerns.

2. The proximity and intensity of development to the rear of properties fronting Wilton Drive was inconsistent with the character of the area, specifically at the eastern portion of the site. This may be mitigated by provision of a road access to the rear of these properties, to provide separation and alternative access to those properties, although this would require revision of the concept. Additionally, further spacing between dwellings along the eastern boundary would result in a development more in keeping with the character of adjoining properties and would provide further opportunity for landscaping.
3. There was a lack of private communal open space for the future community. This was important as the proposed housing lots lacked any meaningful private open space and the slope of the land was such that the riparian areas were unlikely to act as passive open space for the future community. Additionally, there was little effort to retain hollow-bearing and significant trees, and there appeared reasonable opportunity to retain some trees including hollow bearing trees and clusters of trees, together with providing landscaped open space , which may also augment the proposed community centre, retain some of the landscape character of the land and mitigate the visual impact of the development. Additionally, an updated ecological assessment was needed, given recent and important changes in assessment and methodology, especially relating to BDAR and BAMs. The Panel was sceptical the proposed removal of trees and EECs did not trigger a BDAR and offset requirement.
4. The intensity of development around the community centre was inappropriate and warranted review. The use and enjoyment of communal facilities and any associated open space should not be compromised by the private domain of dwellings immediately adjoining it. The rural setting and character of the area was such that open space and communal facilities in an open environment was important, to be compatible with the surrounding environment.
5. The provision of the road and caravan parking area was not supported. The concept of having a separate screened area was understood and had some merit, although the proposed provision at the eastern end involved too much impact on EECs and trees, and compromised the natural environmental benefits of a restorative riparian area to the east of the site. It would also lead to adverse visual impacts, which together outweighed the benefit in its provision.
6. Details of road widths to ensure some street parking for visitors, and access for emergency and garbage vehicles should be included in any future application.
7. It is appropriate that the seniors housing exclude flood-affected land, and a condition was recommended to this effect. However, there was potential legal ambiguity about whether the site was exempt from the ability to issue a Site Compatibility Certificate (SCC) under the SEPP (Housing for Seniors and People with a Disability) 2004, due to flooding affectation in the LEP and references in Schedule 1 of the SEPP. This was not clear or certain due to differences in wording of the flood affectation in the LEP and the SEPP. However, given a number of changes need to be made if another SCC is to be lodged, as outlined above, it would be prudent and appropriate in the circumstances for any future SCC to exclude such flood-affected land, including any ancillary access or works.

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Kara Krason	 Cr. Peter Graham
 Cr. Sally Halliday	

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	2019HCC022 – Maitland City Council – SCC_2018_MAITL_003_00
2	SITE DESCRIPTION	Part Lot 141/1225076, Wilton Drive, East Maitland
3	DEVELOPMENT DESCRIPTION	122 Seniors Self care housing within a retirement village comprising 122 dwellings
4	APPLICATION MADE BY	ACM Landmark Pty Ltd
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Site compatibility certificate application documentation • Assessment report from Department of Planning and Environment <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
6	BRIEFINGS, SITE INSPECTIONS & CIRCULATION OF PAPERS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: Wednesday, 12 June 2019 <ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Michael Leavey, Kara Krason, Peter Graham and Sally Halliday ○ Department of Planning and Environment (DPE) staff in attendance: James Shelton and Caitlin Elliott • Briefing with Department of Planning and Environment (DPE): Wednesday, 12 June 2019 at 12:15pm <ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Michael Leavey, Kara Krason, Peter Garnham and Sally Halliday ○ DPE staff in attendance: James Shelton, Caitlin Elliott • Papers were circulated electronically between: Thursday, 13 June 2019 and Tuesday, 18 June 2019.