

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

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| DATE OF DECISION | Wednesday, 11 September 2019 |
| PANEL MEMBERS | Jason Perica (Chair), Cr. Chris Burke and Cr. Kyle MacGregor |
| APOLOGIES | Kara Krason, Michael Leavey |
| DECLARATIONS OF INTEREST | None |

SITE COMPATIBILITY CERTIFICATE APPLICATION

2019HCC029 – Central Coast Council – SCC_2018_CCOAS_003_00 at 125-135 Johns Road and 95 Murrawal Road, Wadalba (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.

The panel authorises the Chair to issue the Site Compatibility Certificate (SCC) and notify the applicant, Council and the Department of Planning, Industry and Environment of the Panel's decision.

The decision was unanimous.

REASONS FOR THE DECISION

The panel generally agreed with the assessment of the merits of the proposal within the report to the panel by the NSW Department of Planning, Industry and Environment.

The panel was satisfied based on the information submitted (despite its shortcomings), analysis and site observations that the site is suitable for a more intense form of development for serviced self care housing, having regard to the existing and likely future use of surrounding land and other matters outlined in SEPP (Housing for Seniors or People with a Disability) 2004.

The Panel received advice that the site is not precluded from the application of SEPP (Housing for Seniors or People with a Disability) 2004, as various sensitive affectations listed in Schedule 1 of that SEPP are not identified in an environmental planning instrument.

However, while the site is technically not precluded from application of the SEPP, the site is clearly sensitive in terms of flooding, biodiversity, bushfire affectation and landform/slope. These matters require a sensitive design and site-specific response. The proposed Concept Plan developed to support the application for a SCC is not sensitive to such site considerations. It is crude and under-developed. The Panel contemplated refusing the SCC due to this serious concern, although ultimately deemed it appropriate to heavily condition the terms of the issued SCC determination so the applicant has no misunderstanding that the underlying concept plan for redevelopment of the site needs substantial refinement and change. This will likely affect the development footprint, yield of the development and may affect its viability (the latter consideration not being a matter for the panel to consider and resolve, though may represent a risk to the applicant if proceeding).

There was also a lack of information regarding biodiversity impacts submitted by the applicant. This is a significant potential limitation to development of the site and a shortfall with the application for the SCC. Again, while the Panel contemplated refusal, it was considered the matter could be addressed in the terms of the determination and at the detailed design stage.

A suitable development of the site must address and reconcile a number of site-specific and use-specific constraints (which can also be viewed as opportunities, especially in terms of water management). These constraints include biodiversity access, flooding, bushfire, land slope, stormwater management, infrastructure/sewer connections and servicing details. These matters are addressed in the detail within the requirements below.




REQUIREMENTS TO BE IMPOSED ON DETERMINATION

The applicant be advised that while the Panel was satisfied about the suitability and compatibility of the site to be used for serviced self-care seniors housing, the concept plan for the layout of the proposed housing will need substantial revision to address various site-specific environmental constraints. In no way shall the issuing of a Site Compatibility Certificate for the site be deemed to either authorise the concept of the development for the site part of the SCC application, nor the density of housing proposed, given the various factors and constraints that need to be resolved.

Specifically, the following requirements are imposed on the issuing of a Site Compatibility Certificate for the site:

1. Biodiversity impacts shall be minimised by sensitive siting of the development that considers and avoids high value vegetation, habitat and hollow-bearing trees. A full and detailed Biodiversity Assessment Report shall be undertaken. Particular concern is held regarding potential impacts upon the eastern portion of the development and it is anticipated the development footprint will need to be reduced.
2. The road and access layout (and likely density) shall be meaningfully reviewed and revised to ensure:
 - a. The road access better respects and reflects the topography;
 - b. Details of cut and fill shall be provided. The design and development should aim to achieve nil nett importation or exportation of soil, also noting the site is within a flood-affected area;
 - c. Flood constraints are considered and embraced in the access framework (which may entail creating smaller linker “pods” of development);
 - d. Ensuring appropriate bushfire planning is embedded in the site circulation. This favours the provision of a perimeter road system, to both provide a buffer to fires and assist in bushfire management, consistent with common and usual good practice.
 - e. Future linkages to adjoining developed, approved and undeveloped adjoining land be considered, to allow a rational road system;

- f. Compliant access along the road frontage (i.e. footpaths) as reasonably related to the development, and to allow access to and from the site and to/from public transport options;
 - g. Appropriate roadworks as may be needed to address traffic and access impacts;
 - h. Details of accessibility requirements and gradients meet the requirements of SEPP (Housing for Seniors or People with a Disability) 2004.
3. The development shall detail impacts from flooding on the site and upon flooding downstream, including appropriate modelling. The proposal should not increase downstream flooding impacts to other properties.
4. The development shall achieve leading water sensitive urban design and ensure the quantity and quality of stormwater leaving the site is equivalent or better than the pre-developed situation, with appropriate supporting modelling (which may entail creating smaller linker “pods” of development).
5. Bushfire considerations cannot assume adjoining approved development, yet to commence, will commence and be finalised, as financial and market considerations affecting other land are beyond the control of the proponent and the determining authority. Any bushfire planning solution which assumes an approved development will be developed must include a staging plan that can proceed if such adjoining development does not proceed.
6. Sewer connections details, including clear responsibilities of payment and timing must be provided (including any necessary third party approvals). As the development cannot rely on the development or delivery of infrastructure on other private land, the sewer solution must also include a fully funded solution and linkages through public land, in case other arrangements are not able to proceed.
7. Detail of the provision of communal services to meet the definition of serviced self-care housing, including:
 - a. An Operational Plan of Management;
 - b. Ongoing management responsibility;
 - c. Capacity, frequency and routes of the provided bus service;
 - d. Details of staging including provision at the first stage. If all of the services are not provided in the first stage, appropriate temporary facilities (including location and management) shall be detailed and in any event the staging of the provision of full communal services facilities shall not extend beyond the second stage of the development.

| PANEL MEMBERS | |
|---|---|
|  Jason Perica (Chair) |  Cr. Chris Burke |
|  Cr. Kyle MacGregor | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DEPT REF. | 2019HCC029 – Central Coast Council – SCC_2018_CCOAS_003_00 |
| 2 | SITE DESCRIPTION | 125-135 Johns Road and 95 Murrawal Road, Wadalba |
| 3 | DEVELOPMENT DESCRIPTION | Seniors Housing Development comprising of 202 serviced self care housing dwellings (Site Compatibility Certificate). |
| 4 | APPLICATION MADE BY | Johns Road 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 • <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, 11 September 2019 <ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Cr. Chris Burke and Cr. Kyle MacGregor ○ Department of Planning, Industry and Environment staff in attendance: Glenn Hornal • Briefing with Department of Planning, Industry and Environment: Wednesday, 11 September 2019, 1:15pm <ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Cr. Chris Burke and Cr. Kyle MacGregor ○ Department of Planning, Industry and Environment staff in attendance: Glenn Hornal |