
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 474 Phoenix Park Road, Largs, which is legally identified as Lot 3 DP 807949 and has an area of approximately 9.5ha. The site is approximately 6km north-east of the Maitland town centre (Figure 1, below).

A site inspection was undertaken by officers from the Department of Planning, Industry and Environment's Central Coast and Hunter regional team on 9 August 2019.

The site is approximately 7km from the Green Hills regional shopping centre. The site of the proposed new Maitland Hospital is approximately 6km south.



Figure 1: Site location.

The site is irregular in shape and has a 200m frontage to Phoenix Park Road, with direct vehicle access available from this road connecting Largs to Maitland and Hinton (Figure 2, below).

The eastern part of the site is identified as flood-prone land. This land does not form part of the SCC application. An area is to be retained above the flood-prone land as a suitable refuge for farming equipment and livestock during a flood event.

The site is zoned RU1 Primary Production under the Maitland Local Environmental Plan (LEP) 2011. The southern boundary of the site directly adjoins land zoned and used for urban purposes. It is zoned R1 General Residential and mostly contains dwellings.

The site is located on the fringe of the village of Largs. The village centre consists of a small number of shops, including a newsagent/general store, a pub and hairdresser, and is located 650m from the site.



Figure 2: Subject site.

APPLICANT: Perception Planning Pty Ltd on behalf of Ms Wendy Franklin.

PROPOSAL: The application proposes 46 single-storey, serviced self-care housing units, comprising a mix of two and three bedrooms, a community hall, a BBQ and communal area and visitor car parking (Figure 3, below).

The development will consist of internal roads with primary access from Phoenix Park Road. A separate access will be retained for the existing dwelling, which will continue to be associated with the existing farm buildings and low-lying agricultural land on the eastern part of the site.

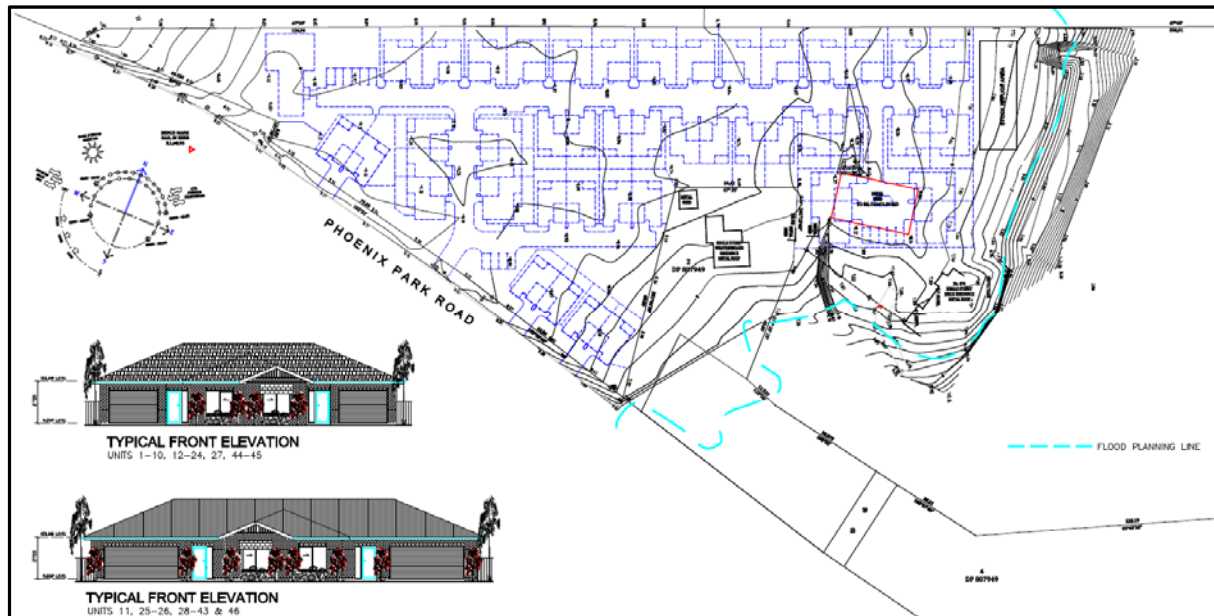


Figure 3: Concept plan.

LGA: Maitland City

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 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 RU1 Primary Production under the Maitland LEP 2011 as shown in Figure 4 (next page);
- dwelling houses and dual occupancies are permissible with consent within the RU1 Primary Production zone;
- 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)).

The provisions of clauses 4 and 24 of the SEPP provide that an SCC could be issued.

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

No SCC has been issued for this land and therefore the requirements of clause 25(5)(c) do not apply.

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 SCCs in this area.

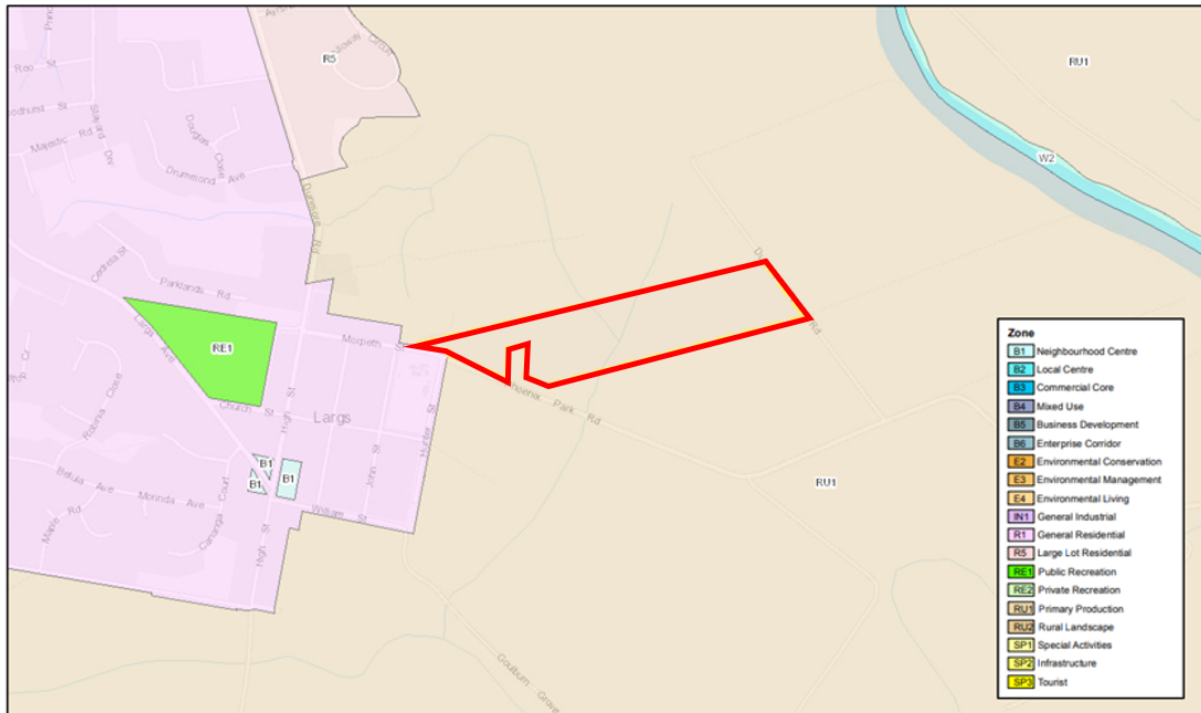


Figure 4: Zoning map.

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 there are no other SCCs in this area.

COUNCIL COMMENTS

Council provided comments on the application on 16 September 2019 (**Attachment C**). Council raised significant concerns about the application as follows:

- the subject land is located within the agricultural corridor of the Hunter River, between the villages of Morpeth and Largs. The site extends into the Hunter and Paterson River flood plain;
- suitably zoned vacant residential land is available in growth areas to accommodate seniors housing development;
- the Greater Newcastle Metropolitan Plan 2036 and Maitland Urban Settlement Strategy do not support growth for the proposed site;
- the proposal does not form a logical or direct extension to land zoned for urban purposes, instead intruding into the rural landscape;
- no formed or designated pedestrian linkages exist to meet the required access standards identified in clause 26 of the Seniors Housing SEPP;
- the proposed concept plan includes six dwellings gaining access directly from Phoenix Park Road, which is not supported. A detailed traffic impact assessment is required;
- the application does not demonstrate sufficient capacity of water and sewer infrastructure; and
- the proposal does not adequately address the context of the wider rural environment or potential land use conflicts.

In conclusion, Council is concerned with the inappropriateness of such development on productive agricultural land achieved merely through the site being near a residential area. These concerns extend to the suitability of Largs as a supportive commercial centre given the limited services and poor public transport connectivity to other areas.

Council noted that if the SCC is supported then the following will need to be submitted with any development application for the site:

- traffic impact assessment;
- stormwater management plan;
- contamination report;
- site and building design details addressing compliance with the design criteria of the Seniors Housing SEPP;
- visual impact assessment;
- servicing strategy; and
- land use conflict analysis.

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 9.5ha in size and identified as Lot 3 DP 807949. It is zoned RU1 Primary Production under the Maitland LEP 2011 and contains a dwelling house and ancillary structures (metal sheds). Access to the site is from Phoenix Park Road, with a frontage of approximately 200m.

The site is relatively flat within the area proposed for development, with a gradual fall to the rear, affected by flooding. The site has a historic rural use for cattle grazing and is generally clear of vegetation, with approximately 10 mature trees and sparse shrubs due to its cattle grazing and flood-affected nature.

Immediately surrounding the site are rural properties of similar size and scale to the north, west and east. Adjoining the site to the south is land zoned R1 General Residential used for urban purposes, including dwelling houses and a school.

The local character of Largs consists of low-density development clustered around the village centre, consisting of mainly single-storey dwellings of contemporary nature. Largs does not contain an appropriate level of services to support seniors housing, such as medical facilities and convenience stores.

The Hunter Regional Plan and Greater Newcastle Metropolitan Plan do not identify a need for additional residential land in this location. However, they note that the region has a growing ageing population and there is a need to improve housing diversity, grow centres and renewal corridors, and create a more compact settlement pattern. The regional plan also includes objectives to protect productive agricultural land.

The Maitland Urban Settlement Strategy indicates preferences for residential growth as being elsewhere.

The site is considered unsuitable for more intensive development due to its inconsistencies with the relevant regional and local strategies. The proposal does not balance the growth in housing against the natural constraints of flooding, lack of services and the agricultural value of the floodplain and other rural lands.

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))

Biodiversity value

A desktop review was undertaken by AEP, including a regional vegetation mapping search for threatened species, Atlas records and biodiversity values mapping (**Attachment D**). The site contains approximately 10 semi-mature and mature trees, and regrowth is considered unlikely to have occurred or to occur.

The site does not contain any areas mapped on the biodiversity values map; however, it is likely that the trees and shrubs present may be classified as native vegetation. Despite this, it is considered unlikely that the vegetation is of any significance given the property has been extensively grazed and is sparse and degraded. The site does not contain any mapped endangered ecological communities.

In conclusion, the proposed development does not significantly impact threatened entities listed under the *Biodiversity Conservation Act 2016* or the *Environmental Planning and Assessment Act 1979*.

Agricultural value

The land is mapped as being biophysical strategic agricultural lands (BSAL), being land with high-quality soil and water resources capable of sustaining high levels of productivity (Figure 5, below). Aerial photography suggests the land has been used for grazing for many years. The land's proximity to residential areas and a school will limit the agricultural practices of the land closest to the village of Largs.

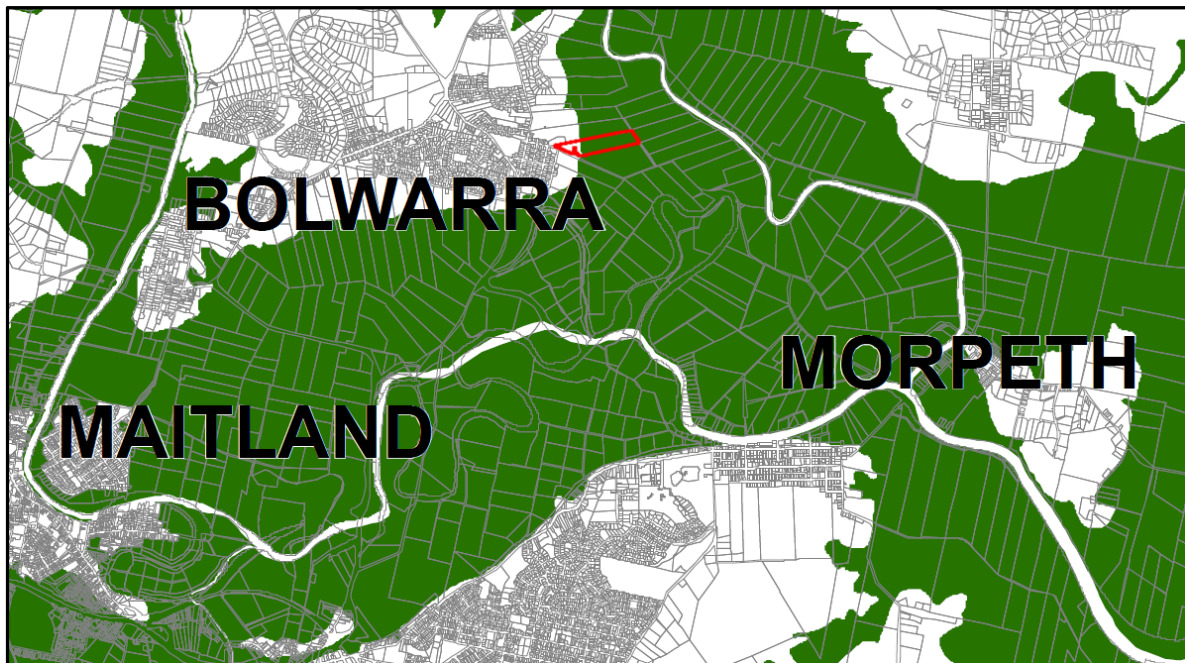


Figure 5: Biophysical strategic agricultural lands (site outlined in red).

Bushfire hazard

The risk of bushfire is low on the south-east side of Largs between the settlement and the Paterson River, as shown in Figure 6 (below). The site is considered suitable for the proposed development in respect of bushfire hazard and evacuation.

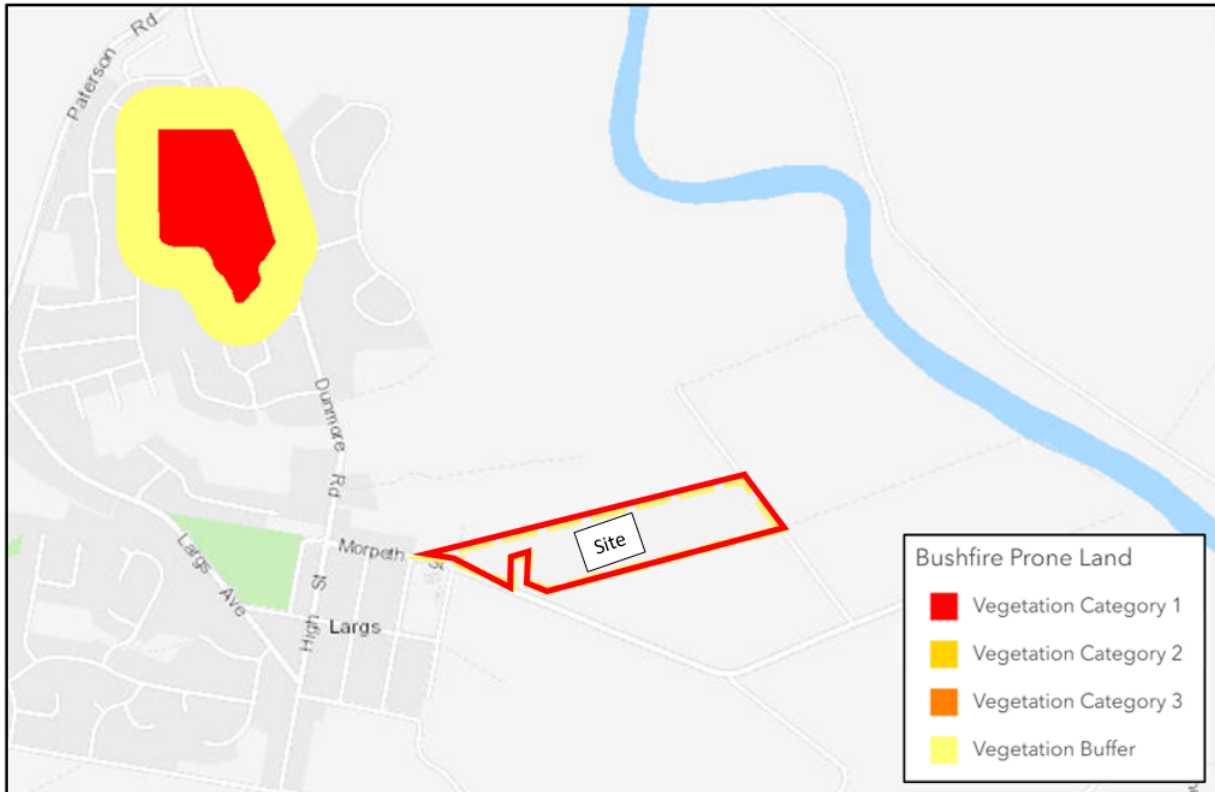


Figure 6: Bush fire hazard for site and surrounding land

Mining resource value and subsidence

No information or reference has been made by the applicant in relation to the mining resource value of the site and any mine subsidence hazard. However, the NSW Planning Portal advises that the site is not within a mine subsidence district.

Flooding hazard

The lower portion of the lot, which is not proposed for development, has an estimated probable maximum flood level of 8.7m AHD (Hunter River). The portion of the site proposed for development is approximately 10m AHD, which is above the 1% flood level and freeboard (Figure 7, below).

Paterson Road provides a historically flood-free evacuation route, as well as access to medical facilities in Lorn, East Maitland and Maitland, including the existing district hospital in Maitland.

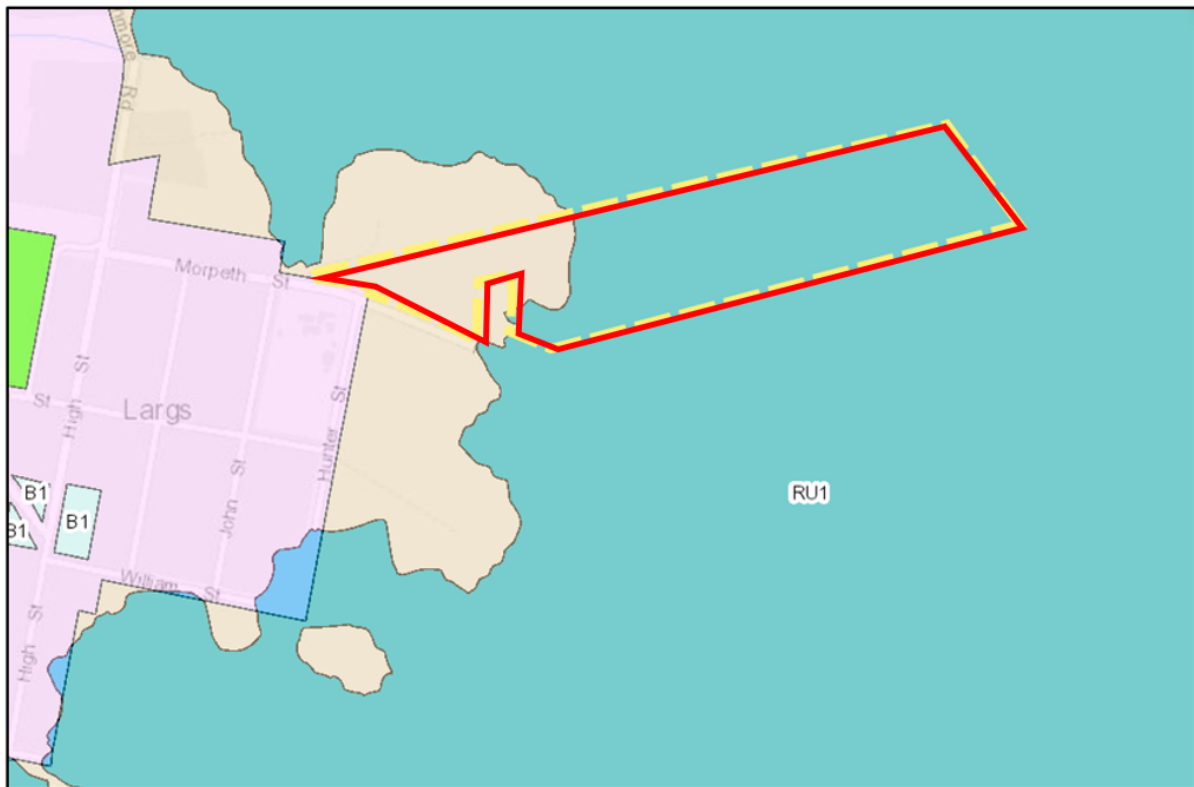


Figure 7: Flooding hazard for site and surrounding land

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 regional plan does not identify the site as an urban release area. The proposal is on the fringe of the village of Largs and is potentially inconsistent with the following Directions due to the lack of access to a reasonable level of urban services for urban expansion:

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

It is also inconsistent with the local government narratives of the regional plan, which identify East Maitland and Green Hills as areas for providing additional housing.

Greater Newcastle Metropolitan Plan 2036

The proposal is inconsistent with the metropolitan plan, specifically Outcome 3, which is to deliver housing close to jobs and services. East Maitland is identified as a location for increased residential growth. The flood-prone or flood-isolated settlements such as Largs and Hinton, which have limited services, are not considered suitable for seniors housing.

The metropolitan plan also identifies East Maitland as a catalyst area that will support the growth of a new health precinct (the new Maitland Regional Hospital) and provide a range of complementary health and housing types in areas surrounding the health cluster. These locations are preferable to Largs for housing targeted at the demographic of the Seniors Housing SEPP.

Maitland Urban Settlement Strategy

The site is not identified in Council's local land use strategy as being a future residential area, reflecting the site's high agricultural value and limited community support infrastructure. While the site has also been substantially cleared, there can be limited flood-free access. The land is also poorly located in terms of services and it adjoins a village without any footpath network or pedestrian facilities or routes.

Maitland Local Environmental Plan 2011

The site is zoned RU1 Primary Production under the Maitland LEP 2011. This zone supports agricultural activities while limiting other land uses that are considered generally incompatible with agriculture. A 40ha minimum lot size applies, which limits the intensity of surrounding development to maintain the agricultural viability of the floodplain and limit incompatible neighbouring uses that may seek to limit the scope and operation of primary production activities.

Summary

Given the limited level of urban services, fringe location and the site not being identified in any strategic document for intensification, the likely future use of the land is the continuation of rural uses. It is considered that the proposed seniors housing is incompatible 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))

Retail, community and medical services

The applicant states the site is within walking distance of the town centre of Largs, which contains a small neighbourhood shop and no medical facilities, noting few footpaths are provided in the village as required by the Seniors Housing SEPP. Green Hills Shopping Centre contains higher-order commercial and retail goods and is approximately 8km south of the site, or an 11-minute drive.

The site is approximately 7.5km to the existing Maitland hospital (a 10-minute drive) and 10km from the new Maitland Regional Hospital site to the south, which is expected to open in 2022.

Infrastructure

The site contains a dwelling. Essential infrastructure, such as water, sewer and power, are located within the road reserve of Phoenix Park Road and can be extended to service the site. No information is provided on the capacity of these services to support the seniors housing.

Accessibility and public transport

The proposed development is incompatible with the location and access to facilities required by clause 26 of the Seniors Housing SEPP.

The closest bus stop is on Dunmore Road, which is a 230m walk along level topography but with no footpath. Buses operate five daily trips from this bus stop from Gresford via Dunmore Road to Maitland Station. From the station, connecting services are available to Green Hills Shopping Centre, Newcastle or Sydney.

The applicant has proposed a private bus service to be provided within the seniors housing development, transporting residents to and from their accommodation to the Largs centre and other relevant places, with daily shuttles.

It is uncertain if the proposed development is compatible with the Seniors Housing SEPP in relation to location and access to facilities and infrastructure as it fails to investigate infrastructure capacity.

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 application has not adequately addressed the impact of the bulk, scale and built form of the proposal on the local character of Largs and the immediately surrounding area, both urban and rural contexts. Under the Maitland LEP 2011, the site is not subject to a maximum height of building or floor space ratio limitation. The adjoining urban area has no maximum building height or floor space ratio, and has a minimum lot size of 450m².

Little supporting information was provided with the application to enable a thorough assessment of the proposal against these criteria. A montage has been prepared by DPIE staff to outline the proposed density and built form against the Largs urban area (Figure 8, next page). It is estimated that the proposal is twice or two and a half times as dense (scale) as the nearby residential areas.

The local character of Largs includes dwelling diversity in style, size, setbacks and building materials. The proposal has not demonstrated that it has considered any of these elements in its homogenous design.

A more detailed visual and adjoining land use analysis is required, which is reiterated by Council's comments on the application.



Figure 8: Comparison of density and built form (not to scale).

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.

RECOMMENDATION

It is recommended that an SCC not be issued for the following reasons:

- the proposal is not compatible with the likely future uses of the land;
- the subject land does not align with local and state strategies to direct future urban growth towards a more compact sustainable development outcome;
- the proposal does not meet the requirements of the Seniors Housing SEPP for the level of services available in the locality, footpath networks and where public transport is limited;
- the proposal does not provide sufficient information for increased capacity of water and sewer infrastructure; and

- the supporting information does not adequately address the impacts on local character (bulk, scale and built form) and the context of the proposal in the wider rural environment or potential land use conflicts.

ATTACHMENTS

Attachment A – SCC application package

Attachment B – Site map

Attachment C – Maitland City Council comments

Attachment D – Ecology considerations for SCC

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