

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	Friday, 26 June 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Andrew Sloan and Mark Honey
APOLOGIES	Tim Fletcher
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

2019STH012 – The Council of the Municipality of Kiama – SCC_2019_KIAMA_001_00 at 2 Caliope Street, Kiama (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 issue the Site Compatibility Certificate and notify the applicant, Council and the Department of Planning and Environment of the Panel's decision.

The decision was unanimous.

REASONS FOR THE DECISION

1. The site described in Schedule 1 adjoins land that is zoned for urban purposes and dwelling houses are permissible under the RU2 Rural Landscape zone;
2. In undertaking its deliberation on this matter, the Panel identified two key areas of concern with respect to the submitted concept plan for future development on the site:
 - The inclusion of the State and Commonwealth listed *Zieria granulata* plants within the proposed asset protection zone and their future management and conservation within a managed APZ given their size and number. The Panel agreed that a requirement be placed on the determination to require that the *Zieria granulata* plants be excluded from the APZ




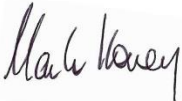
Planning Panels Secretariat

area. This would facilitate a revision to the concept layout of the site to move the APZ area to the west of its current location and enable the *Zieria granulata* plants to be managed contiguously with the native vegetation in the adjoining E2 Environmental Conservation zoned area; The visual impact of the proposed screening fence along the southern and part western boundary of the site as part of the proposed bushfire protection measures. The Panel was of the view that the proposed fence, which is required to be of solid “colourbond” type construction would have an unacceptable visual impact when viewed from Old Saddleback Road and would have the effect of reducing the visibility and setting of the local heritage listed dry stone walls along the southern boundary of the site. The Panel agreed that a requirement be imposed on the determination to require that the proposed bushfire protection measures be revised in this location to remove the need for the proposed screen fencing. This may involve increasing the setback of dwellings from the southern boundary of the site.

3. The Panel also noted the importance of adequate setbacks along Old Saddleback Road to avoid the creation of dangerous traffic conditions.
4. Subject to the requirements to be imposed on this determination, the development described in Schedule 1 is generally compatible with the surrounding environment having regard to the criteria specified in clause 25(5)(b) of the SEPP;
5. The site is considered suitable for more intensive development given the proposed provision of, or transportation to, a range of community, retail, commercial, recreational, health and educational facilities.
6. the Panel has carefully considered the submission made by Kiama Municipal Council and believes the issues raised by Council are valid and have been addressed through the requirements to be imposed on this determination or are capable of being addressed in the assessment of a future development application.

REQUIREMENTS TO BE IMPOSED ON DETERMINATION

- A future development application for seniors living on the site shall include the following revisions to the concept plan and development layout for the site to facilitate the following:
 1. The amendment of the APZ on the eastern boundary of the development area such that the identified *Zieria granulata* plants are excluded.
 2. Removal of the proposed screening fence along the southern and part western boundary of the site to maintain visibility of the local heritage listed dry stone walls and reduce the visual impact of the development. This will require an alternative bushfire management solution or amendment to the development footprint on this part of the site.
 3. Demonstration of adequate setbacks along Old Saddleback Road to maintain visibility for vehicles approaching the intersection of Old Saddleback Road and Caliope Street.
- The consent authority for a future development application being satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in Clause 18 of SEPP (Housing for Seniors or People with a Disability) 2004.
- The consent authority for a future development application being satisfied that appropriate service agreements are in place as part of any consent to ensure the on-going provision of, or transportation for residents to, community, retail, commercial, recreational, health and educational facilities.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Andrew Sloan	 Mark Honey

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	2019STH012 – The Council of the Municipality of Kiama – SCC_2019_KIAMA_001_00
2	SITE DESCRIPTION	2 Caliope Street, Kiama
3	DEVELOPMENT DESCRIPTION	The application proposes the development of the site as a retirement village, comprising 21 single storey serviced self-care houses.
4	APPLICATION MADE BY	Saddleback Mountain Estates No. 2 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: Thursday, 11 June 2020 Panel member in attendance: Renata Brooks and Andrew Sloan Briefing with Department of Planning, Industry and Environment: Thursday 11 June 2020, 10:30am <ul style="list-style-type: none"> Panel members in attendance: Gordon Kirkby (Chair), Renata Brooks, Andrew Sloan and Mark Honey Department of Planning, Industry and Environment staff in attendance: Lisa Kennedy and Graham Towers Papers were circulated electronically between: Tuesday, 24 June 2020 and Friday, 26 June 2020