

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

NORTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	5 November 2020
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, David Wright and Sharon Cadwallader
APOLOGIES	None
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

PPSNTH-48– Ballina Shire Council – SCC2020BALLI-2 at 120 North Creek Road, Ballina (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, Industry and Environment of the Panel's decision to refuse the application.


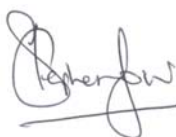

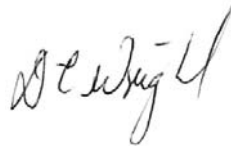

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel notes that the application satisfies cl 4.1 of the Seniors Housing SEPP because dwelling houses are permitted in the RU2 zone in which the subject site is located and the site adjoins land zoned primarily for urban purposes being an R3 medium density residential zone. The Panel also notes that the site has been identified as having future development potential under cl 7.8 of the Ballina LEP 2012.
- Notwithstanding, the Panel declines to grant the SCC for the following reasons:

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- 2.1 The application does not include all the land which is proposed to be developed. Areas not covered include: the new driveway to North Creek Road, the proposed road and bridge connecting to the existing Palm Lake Resort and all land proposed to be filled or used for Asset Protection Zones.
- 2.2 The application is deficient because it does not include all essential information; that not provided includes: concept intersection designs with North Creek Road and of upgrades to North Creek Road itself, any land acquisition necessary for road and other infrastructure upgrades.
- 2.3 The proposal is not compatible with the environment of the site and its surrounds. It is bushfire prone, has high mosquito risk, is subject to high to medium flood risk, contains high conservation value vegetation and adjoins a priority oyster aquaculture area.
- 2.4 The site is partially affected by aircraft noise (ie within the 20 ANEF zone) and subject to potential changes to aircraft numbers and flight paths. Such changes would change the areas affected by noise and no consideration has been given to the impacts of this potential future activity.
- 2.5 The proposal envisages infrastructure works within the North Creek Road reserve. This is an important local road, and it adjoins a priority oyster aquaculture area. The potential impacts of these infrastructure works have not been properly assessed thus it is not certain that the required infrastructure services could be provided to the proposed development.
- 2.6 The proposal includes importation of substantial volumes of fill. The application does not provide a sufficiently detailed assessment of the impacts of these earthworks on neighbouring uses, the local road network, the groundwater regime and nearby wetlands.
- 2.7 Certain potential impacts of the operation of the proposed development have not been properly considered, particularly the impacts of traffic on residences adjoining the main access driveway.
- 2.8 The site is in a flood prone area meaning effective evacuation measures are needed for future residents of the new facility. The proposed development relies on “shelter in place” rather than evacuation. However, it is unlikely that such an approach would be effective, especially for a development for seniors housing, because of uncertainty about the availability of electricity, potable water, flushing toilets and medical and other emergency services during large flood events.
- 2.9 Overall, the Panel finds that the application is deficient in key respects, that the site is not suitable for more intensive development, that the proposal is not compatible with the local environment nor some surrounding land uses (particularly neighbours and oyster production) and that granting the SCC would not be in the public interest.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Stephen Gow
 Penny Holloway	 David Wright
 Sharon Cadwallader	

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SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	PPSNTH-48– Ballina Shire Council – SCC2020BALLI-2
2	SITE DESCRIPTION	120 North Creek Road, Ballina
3	DEVELOPMENT DESCRIPTION	Development for the purposes of 77 serviced, self-care seniors dwellings under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This is an extension of the existing Palm Lake Resort, Ballina , which is located on the same lot. The proposed development will also involve vegetation removal, land modification and environmental protection works, an internal road network including connections to the external road network and stormwater management.
4	APPLICATION MADE BY	Planning Ingenuity on behalf of Palm Lake 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"> • Briefing with Department of Planning, Industry and Environment: 5 November 2020 <ul style="list-style-type: none"> ○ Panel members in attendance: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, David Wright and Sharon Cadwallader ○ Department of Planning, Industry and Environment staff in attendance: Gina Davis and Renee Trezise • Papers were circulated electronically between on 22 October 2020