



12 September 2019

Ref number: IRF19/2498

Mr Shaun Lawer
Principal
GHD Pty Ltd
Level 1/ 230 Harbour Drive
COFF HARBOUR NSW 2450

Dear Mr Lawer

Determination of application for a site compatibility certificate for part of Lot 1 DP 1128964, Mullaway Drive, Mullaway – State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

I refer to your application of 13 December 2018 for a site compatibility certificate under clause 25(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) in relation to part of Lot 1 DP 1128964, Mullaway Drive, Mullaway.

The Northern Regional Planning Panel considered the application and supporting documents, the comments provided by the local council, and the Department of Planning, Industry and Environment's assessment and has refused the application as it does not satisfy the criteria of the Seniors Housing SEPP.

The reasons for the Panel decision are detailed in the enclosed Record of Decision. These reasons include environmental concerns, heritage concerns and concerns about scale and character.

If you have any questions in relation to this matter, please contact Mr Jon Stone in the Department's Northern office on 5778 1488.

Yours sincerely

**Pamela Westing
Acting Chair
Northern Regional Planning Panel**

Encl: Record of Decision



SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

NORTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	27 August 2019
PANEL MEMBERS	Pamela Westing (Chair), Stephen Gow, John Griffin, Denise Knight and George Cecato
APOLOGIES	Garry West
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

2019NTH018 – Coffs Harbour City Council – SCC_2019_COFFS_001_00 at Lot 1 DP 1128964, Mullaway Drive, Mullaway (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

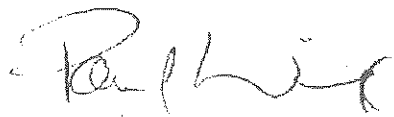
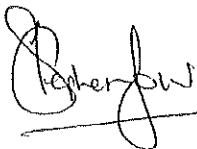


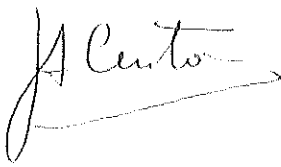
The proposed development is not compatible with the natural environment on the land, as it would require extensive clearing and modification of the existing vegetation, which includes mature trees and identified secondary koala habitat. The land has significant environmental value, being mapped as "high environmental value" land in the North Coast Regional Plan 2036. The Coffs Harbour Koala Plan of Management objective is to minimise further loss, fragmentation or isolation of secondary koala habitat and the creation of barriers to koala movement.

The land is adjoined by other mapped “high environmental value” land. The likely impact of the proposed loss of vegetation on koala usage of the land and other high environmental value land in the vicinity, particularly the adjoining Lot 1 DP382303, was not addressed.

The potential impact of the proposal on Aboriginal heritage significance was not adequately addressed, noting the previous Aboriginal heritage study did not relate to this proposal.

The scale and character of the proposed development is potentially incompatible with the village character and existing community of Mullaway.

The possible need for financial arrangements toward provision of Council services and infrastructure was not addressed and none was proposed.

PANEL MEMBERS	
 Pamela Westing (Chair)	 Stephen Gow
 John Griffin	 Denise Knight
 George Cecato	

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	2019NTH018 – Coffs Harbour City Council – SCC_2019_COFFS_001_00
2	SITE DESCRIPTION	Lot 1 DP 1128964, Mullaway Drive, Mullaway
3	DEVELOPMENT DESCRIPTION	Application for an SCC under clause 25(2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 for a seniors living development comprising a 64-room residential care facility and serviced self-care housing comprising 32 self-contained dwellings (independent apartments) and 12 three-bedroom self-contained dwellings (independent villas) on land adjoining the village of Mullaway
4	APPLICATION MADE BY	GHD Pty Ltd, on behalf of Solitary Islands Village 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: 22 August 2019 <ul style="list-style-type: none"> Panel members in attendance: Pamela Westing (Chair), Stephen Gow, John Griffin, Denise Knight and George Cecato Department of Planning, Industry and Environment staff in attendance: Jon Stone and Gina Davis Briefing with Department of Planning, Industry and Environment: 22 August 2019, 10:07 am <ul style="list-style-type: none"> Panel members in attendance: Pamela Westing (Chair), Stephen Gow, John Griffin, Denise Knight and George Cecato Department of Planning, Industry and Environment staff in attendance: Jon Stone and Gina Davis Papers were circulated electronically between: 23 August 2019 and 27 August 2019