

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

NORTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	19 October 2020
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway and Heather Warton
APOLOGIES	None
DECLARATIONS OF INTEREST	Stephen Gow, Denise Knight and George Cecato were members of the Panel that refused a Site Compatibility Certificate for the same site in 2019. To avoid any perceptions of conflicts of interest, Mr Gow, Cr Knight and Cr Cecato did not participate in the consideration of this application.

SITE COMPATIBILITY CERTIFICATE APPLICATION

PPSNTH-53 – Coffs Harbour City Council – SCC2020COFFS-1 at 31 Whitton Place, 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 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 declines to grant the certificate for the following reasons:

1. The site is not suitable for more intensive development. The site has high bushfire risk making it unsuitable for seniors residential development and is not in a nominated urban growth area

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under the North Coast REP, the Mullaway/Arararra village area or a growth investigation area under the Coffs Harbour Local Growth Management Strategy. Thus, the application does not satisfy clause 24(2)(a) of the Seniors Housing SEPP.

2. The proposed development is not compatible with the site's natural environment. At least three hectares of open forest would need to be cleared to enable the development to occur and this forest is secondary Koala habitat. It is also possible that more extensive clearing will be required to provide the necessary protection from bushfires. Moreover, insufficient evidence has been provided to be certain that the likely required biodiversity offsets could be provided in the locality and that Aboriginal cultural heritage objects would not be disturbed. Therefore, the application does not satisfy cl 24(2)(b)(i) of the Seniors Housing SEPP.
3. The proposed development proposes access onto Mullaway Drive. The suitability of this access point has not been adequately investigated and this aspect of the application is unsatisfactory.
4. The financial and other arrangements needed to implement the necessary water supply and sewerage works are unknown. For this and the preceding reason the application fails to satisfy cl 25(5)(b)(iii) of the Seniors Housing SEPP.
5. The bulk of the proposed buildings in Blocks A and B is greater than and inconsistent with the predominant bulk of buildings in Mullaway/Arararra and with the desired future character of the village. The proposal is thus unsatisfactory with respect to cl 25(5)(b)(v) of the Seniors Housing SEPP.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Heather Warton	

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	PPSNTH-53 – Coffs Harbour City Council – SCC2020COFFS-1
2	SITE DESCRIPTION	31 Whitton Place, Mullaway
3	DEVELOPMENT DESCRIPTION	64 bedroom RACF with central administration facility, 32 bedroom independent care studio villas, health and medical facilities for doctors and allied health care services, pool, gym and laundry for on-site resident use, on-site bus service and associated car parking and landscaping
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"> • Briefing with Department of Planning, Industry and Environment: 15 October 2020 <ul style="list-style-type: none"> ○ Panel members in attendance: Paul Mitchell (Chair), Penny Holloway and Heather Warton ○ Department of Planning, Industry and Environment staff in attendance: Rebecca Carpenter and Craig Diss • Papers were circulated electronically on 9 October 2020