



MAITLAND CITY COUNCIL



Our Ref. P47035 (883261)

Your Ref.

Phone Enquiries: 4934 9700

12 July 2012

NSW Department Of Planning & Infrastructure
PO Box 1226
NEWCASTLE NSW 2300
Attn: Ms Katrine O'Flaherty



Dear Ms O'Flaherty

**RE: APPLICATION FOR SITE COMPATIBILITY CERTIFICATE – LOT 20
DP1155452 (No. 216) DUCKENFIELD ROAD, BERRY PARK – SEPP
(HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004**

I refer to your request for Council to provide comments regarding the abovementioned Site Compatibility Certificate (SCC), in accordance with Clause 25 of SEPP (Housing for Seniors or People with a Disability) 2004, herein referred to as SEPP Seniors.

It should be noted that significant concern is raised regarding this proposal. The identification of this site for Seniors Living raises a number of issues in terms of compatibility with adjoining land uses which are largely rural, and integration with Council's long term strategic planning. This proposal for a Seniors Living development is speculative and is contrary to Council's strategic planning direction for this locality.

The subject site is characterised by long and narrow dimensions (approximately 80 metres at its narrowest point), which would result in a gun-barrel type development that significantly intrudes into the rural landscape. Furthermore, it is considered that there is insufficient detail contained within the application to allow determination of the SCC in accordance with Clause 25 of SEPP Seniors.

The following comments are provided in regards to the proposal.

Planning Matters

Several planning issues are raised for attention, which are provided below.

- The application fails to address issues relating to the topography of the site and the proposed location of the development which, overall, is unsuitable for the provision of housing for aged or disabled persons.

- While the application states that the proposal complies with the requirements of Clause 26 of SEPP Seniors, it does not address the internal gradients within the proposal. Furthermore, there is no provision of bus lay-bys or turning circles for such vehicles within the proposal, thus the developer's intent to provide bus services is questioned. The proposal does not appear to be adequately designed and sited to meet the needs of the community.
- While the application notes that the site forms adjoining land zoned for urban purposes, it is noted that the total perimeter of the site approximates 6.2km, with the actual frontage of the site that fronts land zoned for urban purposes comprising only approximately 100m. This represents just over 1.5% of the perimeter of the site. The predominant land use adjoining the site is rural in character. Council has no plans to alter this rural character, and the proposal is therefore not in keeping with the desired future character of the locality. The proposal would not form a direct extension of land zoned for urban purposes, instead it would significantly intrude into the rural landscape with only a minor connection to land zoned for urban purposes.
- The Thornton North Urban Release Area exists to the south of the subject site, beyond McFarlanes Road. This land is zoned for urban purposes, although it is currently undeveloped. It is considered speculative that attempts would be made to pursue a seniors living development on a site currently zoned RU1 Primary Production zone, when a significant area of undeveloped R1 General Residential zoned land exists immediately south of the site, which could more readily accommodate such a development.
- The land is currently zoned both RU1 Primary Production and E2 Environmental Conservation under the MLEP 2011. The application does not adequately address the loss of viable agricultural land, which is of the highest order rural zoning under the MLEP 2011.
- The application fails to consider the impact of the proposal on adjacent properties which are rural in nature. The proposal is likely to cause land use conflicts, given that the adjoining land is also zoned RU1 Primary Production zone under the MLEP 2011. The existing rural nature and primary production activities that are permissible in the immediate locality should be observed when considering this type of proposal in the RU1 Primary Production zone.
- In relation the areas of Berry Park, Millers Forest and Duckenfield, the Maitland Rural Strategy 2005 states that *"...The area should be retained for intensive agricultural and compatible rural land uses. There does not appear to be any significant opportunities for urban development that would be sympathetic with the surrounding rural activities."* (MRS 2005:86-87). This supports the point raised above in relation to the existing rural nature of the locality.

- The Maitland Urban Settlement Strategy 2010 (MUSS 2010) does not identify the site for any future intended urban purpose. That is, the site does not form part of any investigation area that is identified within the MUSS 2010. The land has no intended purpose other than for its current agricultural use, which is supported by the RU1 Primary Production zone under the MLEP 2011.
- The application does not address the potential impact of the proposal on local infrastructure. It is noted that the application states that services are available to the site, however, it is requested that details of a servicing strategy should be submitted and correspondence from service agencies provided confirming that services are available to the site.
- The subject site is bushfire prone and any Development Application would require a Section 100B authority under the Rural Fires Act 1997. The proposal does not adequately consider or address bushfire risk.
- Visual impact has not been properly addressed in the application. Matters relating to views to and from the site require investigation and detailed analysis, particularly given the topography of the site and the wider locality, and the rural nature of the site and the adjoining land uses.
- The impact that the bulk, scale, built form and character of the proposal is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development is considered to be severe, given that over 98% of the site is adjoined by rural uses in the RU1 Primary Production zone.
- The proposal does not adequately consider social and economic impacts. Detailed justification of the proposal in the context of need for aged care services within the locality should be provided.
- The fundamental issues associated with this proposal relate to the form and location of the proposed development and the unsuitability of the site in general, which are matters that cannot be addressed through the built design elements of any proposed facility at the site. As such, the proposal is considered to be inconsistent with the objectives of the zone, the desired future characteristics of the locality and will result in a significant impact upon the agricultural land uses north of McFarlanes Road.

Environmental Matters

Only minimal information is provided in the site compatibility application regarding environmental matters. From the information provided a number of matters require investigation. These are listed below.

- The site retains a number of trees that would need to be assessed for habitat value, and would trigger the need to gain consent from the CMA.
- The concept plan provided on drawing L01 (revision 4) identifies a proposed detention basin and a waste water pumping station adjacent to the wetland, within the wetland buffer zone noted on Council's Greening Plan 2002. This is inconsistent with the objectives of the Greening Plan 2002.
- The application should consider soils and water, including potential water quality impacts.
- There is no reference to the Freshwater Wetland Complex within the E2 Environmental Conservation zone or how the proposed development will be managed to avoid impacts on this EEC and minimise impacts on water quality.
- The report notes that there is a poultry farm within 500m of the site and the report assumes that this farm is to cease operating. It is noted that the poultry farm is still operating, and as such, an odour assessment would be required.
- There is no discussion of impacts of the surrounding farm area regarding odour, dust or noise, or how these are to be managed for the site during construction or when the development is operational.
- There is no discussion of road noise and any associated impacts.
- Council's mapping illustrates that some of the site may be affected by salinity, however, no discussion of this is presented in the report.
- Council's mapping shows that the site has Class 2, 3, 4 and 5 Potential Acid Sulfate Soils and this is not identified in the report.
- There is no discussion of contamination or prior history of the site which would be expected as an assessment of State Environmental Planning Policy - 55 Remediation of Land.
- The land is flood prone and while the draft concept plan appears to show the proposed development is located above the Flood Planning Level identified in the MLEP 2011, the constraints associated with the flood prone nature of the land need to be addressed.

Traffic & Drainage Matters

The following issues are identified in regards to traffic and drainage at the site.


- The proposal does not address the potential for traffic movements generated by construction, service delivery, private vehicles, or bus transport in relation to safety at the access point at McFarlanes Road.
- The proposal should include an assessment of traffic and access issues.
- A proposal should be submitted that addresses all turning movements into, and out of, the proposed development. Of concern is the limited sight distance to the south of the proposed access point, and whether Austroads standards can be satisfied.
- Stormwater runoff controls appear to be provided by the inclusion of drainage basins, as shown on the indicative plans provided.

Conclusion

It is considered that the proposed development for the purposes of seniors living at the subject site is not compatible with the surrounding environment, particularly when having regard to the criteria specified in Clause 25(5)(b) of SEPP (Housing for Seniors or People with a Disability) 2004. Council therefore requests that the Department of Planning & Infrastructure does not issue a SCC for the subject proposal.

Should you require any further information or clarification about any of the points raised, please do not hesitate to contact the undersigned on (02) 4934 9729.

Yours faithfully



JOSH FORD
STRATEGIC TOWN PLANNER