



Our Ref: RZ15001 ((1174403))

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Mark Roser

14 March 2016

Ms Katrine O'Flaherty
Planning & Environment
PO Box 1226
NEWCASTLE NSW 2300



Att: Susan Blake

Dear Ms O'Flaherty,

Re: Site Compatibility Certificate for Seniors Housing at Mount Vincent Road, East Maitland, being Lot 1012 DP 103879

I refer to your letter to Council dated 23 February 2016 requesting comments from Council on the consistency of the proposal with the criteria in clause 25(5)(b) of the SEPP (Housing for Seniors or People with a Disability). Council notes that additional site specific information has been submitted in accordance with Council's previous letter dated 8 December 2015. Council is now in a position to provide comment on the proposal and supporting information.

1. The Maitland City Council Waste Facility commenced operations in around 1993 and has been the City's sole receipt and disposal facility (by landfill) for residential and certain commercial waste streams since this time. In more recent years, the site has also been managing recycling and green waste. The landfill operation is nearing the end of its operational life however the Council is in the planning stages of the following:
 - Aligning the 1991 development consent conditions to the current Environmental Protection Licence (EPL) conditions via a Section 96 modification to the original development consent
 - Increasing the height of the landfill between 4 to 5 metres to provide an additional 320,000m³ capacity and hence extend the operational life of the landfill
 - upgrading of its recycling facilities
 - developing the site for a large scale waste transfer station

The decision to maintain the City's waste management services on this site is largely due to the central location and accessibility of the site and the fact that there has been significant investment in supporting infrastructure which can be used into the future in conjunction with the new transfer station and recycling facilities.

2. The subject land is currently zoned RU2 Rural Landscape under the Maitland Local Environmental Plan 2011 (LEP). While there is a wide range of land use types that are permissible in the RU2 zone, these land uses are not generally of a residential nature with the potential for dwelling houses and dual occupancies being constrained by clause 4.2A of the LEP. Some of the land uses listed as 'permitted with consent' in the RU2 zone may not,

on closer assessment of the characteristics of the site itself and taking into account the use of adjoining land, be suitable for the site. The RU2 zone however is seen as being generally an appropriate zone to interface with the SP1 Special Activities (Waste Management Facility) zone.

3. The subject land is identified as Category 2 Residential Land under the Maitland Urban Settlement Strategy (MUSS) 2012. It should be noted however that the inclusion of the land in the MUSS was premised on "*. . . the life of the Waste Disposal Management Facility (WDMF) being under review with the likelihood of the facility ceasing operation, as a disposal facility, in 5 to 8 years. Accordingly there is merit to consider the expansion of urban development in this location*". It should be noted however that Council's current planning for the WDMF could potentially see the combined operations of a waste transfer station, waste recycling facility and landfill extending well into the future. (Note that landfill volumes would likely be significantly lower given that most waste would be transported off-site through the transfer station operations). The proponent's position that the seniors living development is an appropriate development option for the subject land based on the fact that the MUSS contemplates an urban residential zone in the longer term is therefore not supported. It should also be noted that the mere inclusion of land within the MUSS is not a guarantee that the land will be rezoned at a future time.
4. It is not sound planning practice to allow significantly non-compatible land uses to directly adjoin. While there is an obligation on the Council to ensure that the WDMF is managed in an environmentally responsible manner consistent with best practice and the specific requirements of the relevant development consent and EPL, to assume that the operation of the WDMF will have no impacts beyond its property boundaries is incorrect. The potential for this impact/aggravation increases as more occupiers of new residential development are allowed to establish close to the WDMF.
5. The WDMF provides an essential support service to the City's residential population (currently around 75,000 people) and local businesses. Ensuring a long term, cost-efficient and sustainable waste management operation on the land is a matter of significant public interest both at the present time and as the city expands into the future. Note that the Maitland Urban Settlement Strategy (MUSS) 2012 predicts a residential population of 101,000 people by the year 2030 based on a medium growth projection of 2.0 percent per annum. Development on land adjoining the WDMF should be appropriate for co-location and not compromise the longer term opportunities of the current site for waste management functions.
6. It is noted that a notional vegetative buffer appears to be provided along the southern boundary of the land however the width of this buffer has not been dimensioned. While such a buffer is potentially of some benefit with respect to visually screening out the WDMF from the proposed seniors living development, its effectiveness in helping to ameliorate other impacts such as dust, odour and noise cannot be determined in the absence of appropriate background studies. The width of such a buffer should be informed by careful consideration of impacts and research into best land use practice for development in proximity to waste management/landfill sites.
7. With particular reference to cl.25(5)(b)(iii) of the SEPP, it is unclear from the supporting information submitted (site plan and floor plan) how the proposal complies with cl.26(1)(a) as these uses are not listed or identified in the plans submitted.

8. The Flora Fauna Assessment for a Seniors Living Development at Lot 1012 DP 1103879 prepared by Wildthing Environmental Consultants dated February 2016, is noted and the following comments are provided:
- The Flora Fauna report identified the subject land supporting one Ecological Endangered Community (EEC) being the Lower Hunter Spotted Gum & Ironbark Forest (LHSPIF). This EEC provides both habitat and connectivity to wider areas for five (5) threatened fauna species either previously recorded on site or on immediately adjoining land. The Flora Fauna report did not record any threatened species during the site survey and identified survey limitation being the short period of time in which the field work was carried out, and the seasonal occurrence of species in the area.
 - The subject land has a total area of 13.54ha with approximately 4.2ha cleared and approximately 9.19ha EEC. Of the existing 9.19ha of EEC the proposal identifies that 4.55ha of EEC will be removed to accommodate the footprint of the seniors housing development. The remaining 4.64ha of EEC, according to the Bushfire Assessment, will be required to be modified to accommodate the required Asset Protection Zone (APZ) for bushfire safety purposes. This equates to a total of 9.19ha of vegetation on site being removed or modified to accommodate the proposal. The Flora Fauna report further identifies the existence of 33 habitat trees. Fifteen (15) of these habitat trees will require removal to accommodate the facility together with the removal of 11 of the 24 hollow bearing trees.
 - The loss of native vegetation and hollow bearing trees and the removal of deadwood and dead trees from the subject land is identified as a "Key Threatening Process" under schedule 3 of the Threatened Species Act.
 - It is therefore considered the Flora Fauna Assessment needs to not only address the impact of the footprint of the proposed development on the identified EEC, but include the impact of maintaining an APZ of the size described in the Preliminary Bushfire Threat Assessment Report.
9. The subject land is located within a Mine Subsidence district and impacted by past shallow mine workings. There have been issues in the past with Council approving the intensification of land uses on sites supporting shallow mine workings without extensive investigations to determine the stability of the land and its ability to support such land uses. The proposal put forward for comment lacks this supporting site specific information. A Geotechnical Report for land immediately opposite the subject land to the west has identified the site is constrained due to former coal mining and the associated risk of subsidence. The report concludes that further geotechnical assessment is required prior to the approval of any development of the site.
10. **Preliminary Bushfire Threat Assessment Report** – The Preliminary Bushfire Threat Assessment Report dated February 2016 and prepared by Peak Land Management identifies the proposal falls under Section 100B of the Rural Fires Act 1997 and will require integrated development approval/Bushfire Safety Authority from the Rural Fire Service. The preliminary assessment report further identifies the need for and Asset Protection Zone (APZ) around the proposed buildings and describes an APZ as an area of mown grass, concrete, pavers, pebbles, small clumps of garden vegetation, isolated trees maintained so it does not become overgrown or become continuous with the surrounding bushland.

The preliminary assessment identifies an APZ of 40m to the south, 22m to the south east, 85m to the west and 70m to the east of the proposed development on site. The report also notes that currently the site offers wildlife corridor connectivity through the southern, western and eastern areas. The APZ recommendations will have significant implications for retention of the existing vegetation. It is important therefore that the Bushfire Assessment and the Ecological Assessment are appropriately cross-referenced to give a true impact on the identified EEC on the site.

Council is of the opinion that the above issues need to be resolved prior to the issue of any Site Compatibility Certificate for seniors housing on the subject land.

Should you wish to discuss any of the above matters further please contact Council's officer Mark Roser on 4934 9848 or email Mark.Roser@maitland.nsw.gov.au.

Yours sincerely



David Evans
General Manager