

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

NORTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	3 October 2019
PANEL MEMBERS	Garry West (Chair), Pamela Westing, John Griffin, Steve Phillips and Ned Wales
APOLOGIES	Stephen Gow
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

2019NTH021 – Tweed Shire – SCC_2019_TWEED_001_00 at 49 Elouera Terrace, Bray Park (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 4:1 in favour, against the decision was Garry West.





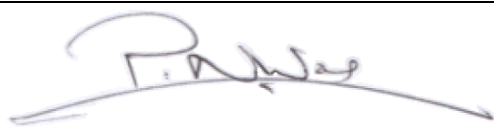
REASONS FOR THE DECISION

- Approximately 5.4ha of the 6.5ha SCC footprint is mapped as regionally significant farmland, is contiguous with large parcels of mapped important farmland and is not considered isolated. The regional plan, section 9.1 Direction 5.3 Farmland of State and Regional Significance on the Far North Coast and the *Northern Rivers Farmland Protection Final Recommendations* report (2005) all identify that urban development should not occur on the identified farmland.
- The SCC footprint is adjacent to the main out-of-river flow path through the Bray Park basin in major floods and the velocity of the floodwaters is likely to be significant should a flood higher than the design flood level (DFL) occur. During larger floods, the site could be isolated from surrounding areas, including services at Murwillumbah, raising issues around potential hazards

and risks due to the sensitive nature of seniors housing and the potential need for assisted evacuation.

Garry West disagreed with the majority decision for the following reasons:

1. The area of the SCC footprint that is not mapped as regionally significant farmland is suitable for urban purposes and a SCC is capable of being supported for that reduced area. A reduced SCC footprint would help limit any potential impacts of the development and would locate the seniors housing primarily above the PMF even
2. The proposal would still need to address and confirm its suitability at a development application stage, in particular to:
 - the appropriate number of services self-care seniors housing dwellings;
 - flood and flood risk management issues;
 - traffic issues;
 - visual amenity;
 - land use conflict with adjoining agricultural land uses;
 - water and sewer infrastructure; and
 - potential land contamination.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 John Griffin	 Steve Phillips
 Ned Wales	

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	2019NTH021 – Tweed Shire – SCC_2019_TWEED_001_00
2	SITE DESCRIPTION	49 Elouera Terrace, Bray Park
3	DEVELOPMENT DESCRIPTION	139 Serviced self-care dwellings, a multi purpose function/recreation hall including an eating and dining space, swimming pool, bowling green, tennis court, BBQ and seating facilities
4	APPLICATION MADE BY	Marjan Management 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: 26 September 2019 <ul style="list-style-type: none"> ○ Panel members in attendance: Garry West (Chair), Pamela Westing, John Griffin, Steve Phillips and Ned Wales ○ Department of Planning, Industry and Environment staff in attendance: Alison Parr and Renee Trezise • Briefing with Department of Planning, Industry and Environment: 26 September 2019, 9:30 am <ul style="list-style-type: none"> ○ Panel members in attendance: Garry West (Chair), Pamela Westing, John Griffin, Steve Phillips and Ned Wales ○ Department of Planning, Industry and Environment staff in attendance: Alison Parr and Renee Trezise • Papers were circulated electronically between: 1 October 2019 and 3 October 2019