

<b>JRPP No:</b>	JRPP 2010NTH037
<b>DA No:</b>	Armidale Dumaresq Council DA-344-2010
<b>PROPOSED DEVELOPMENT:</b>	<p><b>Development:</b> Redevelopment of the existing 'Freeman House' complex, operated by the Society of St Vincent de Paul, for new supportive housing accommodation for the homeless and persons with drug and alcohol dependencies, together with ancillary facilities including community education services.</p> <p><b>Address:</b> 1-3 Crescent Street Armidale and 1 and 3 Claverie Street Armidale 2350, being Lot 16 DP 814532 and Lots 12 and 11 DP 715548.</p>
<b>APPLICANT:</b>	Ms Suzanne Hart, c/o Paynter Dixon Constructions (on behalf of The Trustees of the Society of St Vincent de Paul (NSW))
<b>AMENDED REPORT BY:</b>	Stephen Gow, FPIA, Director Planning and Environmental Services, Armidale Dumaresq Council

**Further Application Details:**

<b>DA Lodgement Date:</b>	21 December 2010
<b>Additional Information received? / date?</b>	Yes, up to and including 12 May 2011, including revised off-street parking arrangements.
<b>Estimated Construction Value of Development:</b>	\$10Million
<b>Capital Investment Value:</b>	Est. \$10.5 Million, which is within the ambit of cl.13B of State Environmental Planning Policy (Major Development) 2005

**Glossary of terms used in this report:**

**BCA** – Building Code of Australia

**DA** – Development Application

**DCP** - Armidale Dumaresq Development Control Plan 2007, as amended

**LEP** – Armidale Dumaresq Local Environmental Plan 2008, as amended

**OLC** – ‘Ozanam’ Learning Centre – St Vincent de Paul resident / community education facility

**SEE** – Statement of Environmental Effects (Wakefield Planning, 7 December 2010)

**SEPP** – State Environmental Planning Policy

**SIA** – Social Impact Assessment (Sarah George Consulting, December 2010)

**Society** – Society of St Vincent de Paul.

## **Amended Assessment Report and Recommendations –Contents**

	<b>Page No.</b>
<b>Executive Summary (including recommendations)</b>	<b>4</b>
<b>Subject Site and Locality</b>	<b>6</b>
<b>Proposed Development</b>	<b>8</b>
<b>Characterisation of land use</b>	<b>10</b>
<b>Submitted documents and plans</b>	<b>11</b>
<b>Referrals undertaken and other approvals required, Political Donations</b>	<b>11</b>
<b>Assessment under Environmental Planning and Assessment Act 1979 - Matters for Consideration :</b>	<b>12</b>
<b>s. 79C(1)(a) the provisions of the following that apply to the land to     which the development application relates:</b>	<b>12</b>
<b>(i) any environmental planning instrument [relevant SEPPs and         Council's LEP]</b>	<b>12</b>
<b>(ii) any draft environmental planning instrument</b>	<b>21</b>
<b>(iii) any development control plan [Council's DCP 2007]</b>	<b>21</b>
<b>(iiia) any planning agreement that has been entered into under section         93F, or any draft planning agreement that a developer has         offered to enter into under section 93F</b>	<b>27</b>
<b>(iv) the regulations</b>	<b>27</b>
<b>(v) any coastal zone management plan (within the meaning of the         Coastal Protection Act 1979)</b>	<b>27</b>
<b>s. 79C (b) the likely impacts of the development, including     environmental impacts on both the natural and built environments,     and social and economic impacts in the locality</b>	<b>28</b>
<b>79C (c) the suitability of the site for the development</b>	<b>39</b>
<b>79C (d) any submissions made in accordance with the Act or the     Regulations</b>	<b>40</b>
<b>79C (e) the public interest</b>	<b>44</b>
<b>Assessment Conclusion - Key Issues</b>	<b>47</b>
<b>Recommendation</b>	<b>48</b>
<b>Appendix 1 - Existing Site/Demolition Plan (not to scale) and Photographs</b>	<b>Sep. doc't</b>
<b>Amended Appendix 2 - Plans (not to scale)</b>	<b>Sep. doc't</b>
<b>Amended Appendix 3 - Submissions received (not for publication)</b>	<b>Sep. doc't</b>
<b>Amended Appendix 4 – Proposed conditions of consent</b>	<b>Sep. doc't</b>

# **Amended Assessment Report and Recommendations**

**DA-344-2010 / JRPP 2010 NTH 037**

## **Executive Summary**

### **Consideration by Joint Regional Planning Panel**

The Joint Northern Region Planning Panel is the determining authority for this DA pursuant to State Environmental Planning Policy (Major Development) 2005, as the proposed development has a capital investment value of more than \$10 million. The capital investment value of the project, as estimated by the Applicant, is \$10.5Million (excl. GST).

### **Proposal**

This DA involves the redevelopment of the existing 'Freeman House' complex at the subject site for new supportive housing accommodation for the homeless and persons with drug and alcohol dependencies, together with ancillary facilities, including community education services.

The redeveloped facility would comprise a series of new, interconnected two storey structures on the land, with most of the exterior of the heritage listed 'Trim's Store' building to be retained and used principally at ground floor level only.

### **Permissibility**

The proposed development is permissible with development consent, pursuant to cl.19 of Armidale Dumaresq LEP 2008.

### **Key Issues**

From the attached Assessment Report, key issues for this project can be summarised as follows:

The development would involve a significant growth in the size and capacity of the 'Freeman House' facility, with an increase of 29% in the resident capacity of the complex, to 40 persons. In addition, a community learning facility is proposed, which is also intended to be available to non-residents who are socially disadvantaged. Nonetheless staffing for the centre is not proposed to increase above current levels, at least initially.

As part of the assessment process, concerns were raised by the Joint Regional Planning Panel, Council officers and residents in relation to the traffic and parking impacts of the development, given that only one additional off-street parking space was initially proposed in addition to the current provision of 12 such spaces at the site. Kerbside parking adjacent to the site is already at a premium during weekday daytimes, partly as a result of activity relating to the nearby Hospital to the east of O'Dell Street.

While it is accepted that the majority of residents of this complex would not normally have cars at the site, there was concern about potential traffic arising from non-resident visitation especially to the OLC and from any increases in staffing levels over time. As a result of these concerns the Applicant has subsequently amended the Application to incorporate 18 off street parking spaces, and provided further information concerning the intended operation of the OLC.

Moreover the design of off-street parking bays originally proposed has also been amended to reduce the need for cars to reverse when leaving the site. Some further regulation by way of signage and line marking in the vicinity of the site is still considered necessary for traffic safety and on street parking efficiency.

**Key Issues (cont)**

Further concerns have been raised by submitters which need to be addressed in relation to privacy, building bulk and scale near the site boundaries. Although there are some variations involved to Council's discretionary DCP standards in relation to height, street setback and density of the project, the development is considered acceptable in the circumstances of the case, subject to conditions requiring detailed redesign to address the relationship between the development and neighbouring properties to the north. The Applicant has indicated in writing acceptance of these conditions.

Council's Heritage and Urban Design Advisor has unresolved concerns that a greater amount of the existing roof fabric to the heritage listed 'Trim's Store' building should be retained, to assist with interpretation of the original building. The retention of the existing roof form is also important as part of the significant view of this building on the approach from the south, along the line of the former Great Northern Road (now Crescent Street). Resolution of these matters will require some redesign of the proposed interface between the existing building and the proposed work to the upper floor of the new building. The Applicant has indicated in writing acceptance of relevant conditions to address these matters.

Six submissions were received initially from members of the public raising various objections to the development. As a result of further notification of the Applicant's amended submission in May 2011, two further submissions were received. These submissions, together with supplementary submissions from the Applicant, are contained in **Appendix 3** to this report and have been considered as part of the assessment.

As a result of this assessment, the proposed development is recommended for conditional consent. **Appendix 4** to this report contains all relevant conditions identified throughout the assessment process and as discussed in the Council officer's report.

**Recommendation**

- (a) That having regard to the assessment of the Application, DA-344-2010 (JRPP ref 2010 NTH 037) be granted conditional consent in the terms set out in Appendix 4 to this report.
- (b) That those persons that made submissions in relation to the Application be notified of the determination in writing.

## Subject site and locality

The site is located at 1-3 Crescent Street and 1 and 3 Claverie Street Armidale, collectively known as the "Freeman House" complex. This is a supportive housing facility owned and operated by the Society of St Vincent de Paul for the rehabilitation of persons with drug and alcohol dependencies and for the provision of crisis accommodation for the homeless.

The Society has owned land in this location since 1979 and has progressively expanded its operations in new accommodation provided over the period since the early 1980's. The two Claverie Street properties were acquired by the Society in 2007.

The site and locality has been inspected as part of this assessment and the Panel were also able to view the site on 10 February 2011.

The site for this application comprises Lot 16 DP 814532 (1-3 Crescent Street) and Lots 12 and 11 in DP 715548 (1 and 3 Claverie Street respectively) and has a total area of 4,206 square metres.

The site is bounded by Claverie and Crescent Streets on its southern perimeter (frontage 93 metres), O'Dell Street to the east (frontage 29 metres) and by single storey residential development on its western and northern sides, fronting Claverie and Rusden Streets.

Currently situated on the subject site are the following buildings (estimated gross floor area approx 1500m<sup>2</sup>):

- Single weatherboard dwelling (const. 1953-4) and garage at 1 Claverie Street, understood to be used currently as an outreach services office by Society personnel (for which no records of any consent can be found);
- Another single storey dwelling (1985), carport and shed at 3 Claverie Street understood to be used primarily as transitional or occasional family accommodation by the Society;
- A building originally understood to date from the 1880's but in its current design from c.1911, formerly 'Trim's Store'. This building has been adaptively re-used by the Society from 1993 onwards for administration, resident recreation and counselling. Four former accommodation units approved at that time in the rear part of the building now appear to be in use as office space, but this is without Council's consent. This building is listed as a Heritage Item in Council's Local Environmental Plan (LEP) 2008.
- Four single storey self-contained residential units at the rear (north) of the 'Trim's Store' building (1993).
- A two storey residential wing (approx 1983) with 25 rooms, and shared bathroom facilities, used for crisis and rehabilitation accommodation.
- A single storey brick building (approx 1983) housing recreational, canteen and cooking facilities for the complex.
- Off street parking for two cars (minimum) at the houses at 1 and 3 Claverie Street, seven cars off Claverie Street immediately west of the 'Trim's Store' building, and for a further three cars off O'Dell Street with access at the mid-point of the site frontage to that street.

The site slopes at about 2.5% from south-west to north east (approx 990m AHD to 988.8m AHD). About 38 trees and / or shrubs are located on the site, most notably three mature elm trees just east of the façade of the 'Trim's Store' building.

The site is served by reticulated water and sewer services by Council, with Council's sewer main running within the site initially west of 'Trim's Store' and then north-east towards O'Dell Street.

The existing "Freeman House" complex is situated approximately 1.3 km west of the CBD (Armidale Post Office) and immediately to the west of the Armidale and New England Hospital campus, which is bounded by O'Dell, Rusden, Butler and Barney Streets. *(Note: this includes the Ambulance Station and not "Armidale High School" as shown on the submitted locality plan).* The Armidale Railway Station lies approximately 300 metres to the south west, via Crescent Street.

Lambert Park, a passive and active recreation facility, lies approximately 75m north-east of the subject site. Otherwise land uses in the vicinity of the site are predominately single storey dwellings and unit accommodation, with some small scale commercial uses/medical practices.

An annotated locality air photo provided by the applicant is reproduced below. A scanned survey plan (not to scale) and photographs of the site and locality (including some historic photos) are included in **Appendix 1**.



## Proposed development

This DA involves the redevelopment of the site for new supportive housing accommodation for the homeless and persons with drug and alcohol dependencies, together with ancillary facilities, including community education.

The Statement of Environmental Effects (SEE) submitted with this DA indicates (at pp 5-6) that:

*“The purpose of this redevelopment is threefold: to create appropriate and sufficient space for the establishment of a new ‘Ozanam’ Learning Centre (OLC); to allow for a small increase in the accommodation capacity of the facility; and also to provide adequate and pleasant facilities and surrounds for clients and staff alike.*

*The proposal involves the demolition of all buildings on site, except the heritage building, and consolidation of the main lot with the two lots to the west (currently appearing as separate dwellings, but operating as transitional housing as a part of the facility). A single building (and associated service and landscaping areas) would then be established on this site, incorporating the existing heritage building. Once in operation, the finished development would be unique in the state and would be a valuable asset to the Armidale and wider community.”*

The redeveloped facility would incorporate the following accommodation within a series of new, interconnected two storey structures (with the shell of ‘Trim’s Store’ retained and used principally at ground floor level only):

- 24 rooms for rehabilitation patients (west wing), including one designed for wheelchair access (this service is partially NSW Health funded – approx. stay 3-12 months);
- 10 rooms for [crisis] accommodation of homeless persons (upper floor of central wing, north of ‘Trim’s Store’), one designed for wheelchair access (approx. stay 3 months);
- Six self-contained residential units (east wing, fronting O’Dell Street), one designed for wheelchair access (transition for rehabilitation patients – approx. stay 3-6 months).

The SEE indicates that the proposed development would increase the current capacity of rehabilitation accommodation by six places and of the crisis accommodation by three places. The capacity of the transitional units would remain “similar to” the current situation, so that the overall capacity of the complex on this basis would increase from 31 beds/residents to a total of 40, an increase of nine residents<sup>1</sup>. The DA has been assessed on this basis.

Also included in the proposed redevelopment would be the following facilities:

- OLC Facilities (south-east wing, facing Crescent Street), for both resident and non-resident use, including:
  - A combined art studio/training kitchen
  - A sound studio / consulting room area
  - Other case work / interview / training rooms
  - A lounge room and a general activities area with access to a courtyard
  - A reception and administration area.
- Shared facilities for both homeless and rehabilitation areas, including kitchens, dining areas, bathrooms, laundries, TV rooms, libraries, lounge areas;
- A clinic and health / social worker consulting rooms;
- Reception areas / foyers / lobbies etc;
- Staff facilities, including office areas, a board room, staff sleep-over room and lunch area;

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<sup>1</sup> This differs slightly from figures provided in the submitted Social Impact Assessment for the project (SIA), at p.6, which indicates maximum current accommodation at 34 beds. This appears to be because of a difference in estimated capacity of the transitional accommodation. Based on a site inspection and further enquires by the author, the SEE figures by Wakefield Planning are preferred.



### Proposed development (cont)

- Outdoor recreation areas / gardens / courtyards and drying areas;
- Electricity substation at the south west corner of the site fronting Claverie Street;
- 18 off-street parking spaces, with the area including proposed parking bays 7-12 intended to cater for minibus, service vehicle and utility access, plus bicycle parking (this element was subject of the amended proposal lodged by the Applicant on 28 April and 12 May 2011)

Most of the external walls and roof of the 'Trim's Store' building are to be retained as part of the development. The building would continue to serve as the main [public] entrance to the complex (with an awning/veranda and fascia reconstructed on Crescent Street to replicate an original feature of the old Store), while providing ancillary facilities, consulting space and plant, including a lift.

The gross floor area of the development would be approximately 2,980 square metres.

Despite the proposed increase in floor area, accommodation and activity proposed, staff numbers are not proposed to be changed as a result of the development. The SIA document records (pp. 6-7) a total of 17 staff: 9 permanent, 4 permanent part-time and 4 casual staff.

Both the SEE (p.14) and SIA (p.10) indicate that maximum staffing at any one time is 10 persons. However the SIA does anticipate an increase in demand for staffing in connection with the DA proposal, related to the proposed OLC facility. It states:

*"This increased demand can be met by increasing the hours of casual and part time staff."*

The complex would remain a 24 hour facility with staffing on a shift basis. Doors to the facility would be locked for entry by non-residents or staff between 6pm and 8:30am.

The SEE (p.8) indicates that most staff would work between 9am and 5pm.

The architectural design statement provided with the application (SEE p.8) states:

*"The Redevelopment of Freeman House is designed to respond to an increasing need for crisis, rehabilitation and transitional accommodation and services, and for community / outreach services. The social (and medical) need to physically separate parts of the service has led to the segmented plan format with a central hub for staff servicing. The current "front door" in the Trims Store remains as the new "front door" to the development, both reinforcing the local heritage significance of the Trims Store, and assisting in wayfinding for some of the client groups.*

The development has also been designed in accordance with passive solar principles, featuring ample glazing and skylights, thermal mass, eaves design and deciduous tree planting to assist with solar control and good ventilation.

Finally, it is understood that the redevelopment of the site would require all current operations to be relocated within Armidale for a period of up to two years. That process would require a separate application for whatever alternative site may be chosen for the intervening period.

## Characterisation of land use

The following statement was supplied with the application as part of the SEE (pp. 27-28) and has been annotated [in square brackets] as considered necessary in connection with this assessment.

*“Due to the variety and types of [proposed] uses, [the applicants’ consultants gave detailed consideration to] how the development should be characterised under local and state planning instruments. There are several definitions which fit most aspects of the project, but have one or two significant differences to what is proposed.*

*Although the term **transitional group home** describes aspects of the facility, namely that it is for the “purposes of relief or rehabilitation for socially disadvantaged persons” and that it includes “supervision and care”, it cannot be applied to this development because it also specifies that the facility must operate as a “single household”.*

*The term **community facility** was also considered, in that it would be used for the “physical, social, cultural or intellectual development or welfare of the community”, however, this definition does not include overnight accommodation and the facility must be operated or owned by a public authority to qualify\*, neither of which describe this development.*

[\*Note: However Council’s LEP definition allows for community facilities to be owned or controlled by a community organisation such as St Vincent de Paul].

*The definition of a **hostel** appears to be broad enough to capture the accommodation aspect of the development, but it was hoped that a definition could be found that at least partially recognised that other activities were occurring on site.*

*The development could also be considered a mixed development with more than two uses, however it does not give any indication of which uses are included, and as stated before, the additional uses are considered to be ancillary to the main use, in that the medical / educational aspects of the development would not be there without the accommodation aspect.*

*Ultimately, it was decided that the definition which best fits the proposal is **supportive accommodation**. This is defined in [cl.4 of] the SEPP (Affordable Rental Housing) 2009 as:*

*“the use of an existing building (being a residential flat building or boarding house) for the purposes of:*

- (a) the long term accommodation, in a separate dwelling or boarding room, of a person (such as former homeless person) who needs support services to be provided in the building, and*
- (b) any services in support of such a person, including but not limited to, medical services, counselling services or education and training services,*

*and it may include the use of part of the building for the purposes of supervising, or providing administrative services in respect of, such a person.”*

Although the specific provisions of the SEPP relating to supportive accommodation do not apply to this development (see s.79C(a)(i) below), this terminology is considered appropriate for this project and thus the term ‘**supportive accommodation**’ has been used to describe the proposed redevelopment in this assessment. Alternatively, even though the term “**community facility**” may not specifically mention accommodation, it does not preclude it. The issue is discussed further in this assessment under Council’s LEP.

## Submitted Documents and Plans

The documents and plans relied upon for this assessment are listed below.

- Model of proposed development provided by applicant;
- Statement of Environmental Effects including architectural design statement (Wakefield Planning, 7 Dec. 2010, design statement by Thomson Adsett 6 Dec. 2010);
- Statement of Heritage Impact (OCP Architects Pty Ltd, Nov. 2010);
- Traffic and Parking Study (Wakefield Planning, 7 Dec. 2010), as amended by Applicant's letter dated 28 April 2011;
- Social Impact Assessment (Sarah George Consulting, Dec. 2010);
- Building Code Assessment report (Blackett Maguire and Goldsmith, 16 Sept. 2010);
- Acoustic report (Acoustic Studio, 28 Sept. 2010);
- Access report (Accessibility Solutions, 6 Dec. 2010) – note this report was based on AS 1428.1 and 2890.6 2009 editions, now referenced in the BCA 2011;
- Hydraulic Services report (Creative Engineering Solutions, 29 Nov. 2010);
- Waste Management Plan and Cost Estimates (Paynter Dixon, 20-21 Dec. 2010);
- Ecologically Sustainable Design Considerations Statement (Partners Energy, Oct. 2010);
- Additional supporting correspondence received via Applicant on 17 February 2011 and 28 April 2011, including "The Ozanam Learning Centre Armidale – non-resident use protocol", produced by the St Vincent de Paul Society.

Architectural and related plans for the project are those prepared by Thomson Adsett Architects and numbered 09179/ A00A, A01C, A02A-A07A inclusive, A08B and A09A. A separate Landscape Plan prepared by Conzept Landscape Architects and numbered LPDA11-212/1 has also been provided, together with a site survey.

These plans are at scale when reproduced at A1 size. A reduced set of the development plans (not to scale) is provided in both **Appendix 1** (existing site plan) and (for reproduction at A3 size) in **Appendix 2**. Detailed plans for food area fit out and stormwater drainage proposals have also been provided as part of the application.

## Referrals undertaken and other approvals required

Referral Agency:	Response Date:	Summary of Advice / Issues:
NSW Police (CPTED)	17 Jan 2011	No objection
Country Energy	17 Feb 2011	No objection, provided a padmount substation and related easement is provided within the site.

This proposal will also require separate approvals under the Roads Act 1993 and under the Local Government Act 1993 for work in Council's road reserves, as well as water, sewerage and drainage work connected with the proposal.

## Political Donations

At the time of lodging the Development Application the Applicant indicated, pursuant to Section 147(4) of the Environmental Planning and Assessment Act 1979, that no reportable political donation or gift had been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Dumaresq Council.

## Assessment - Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979, as amended. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

### Section 79C(1)(a) the provisions of the following that apply to the land to which the development application relates:

#### *(i) the provisions of any environmental planning instrument*

#### **State Environmental Planning Policies (SEPPs):**

The following SEPPs have been considered in connection with this development:

#### **SEPP No.55 – Remediation of Land**

This Policy requires Council to consider whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities.

Clause	Subject	Comments
7	Contamination and need for remediation to be considered in determining development applications	<p>The development will maintain the current use of the site as supportive accommodation. In terms of previous known land uses apparent from Council's file records, it appears that after 'Trim's Store' ceased retail trading (at some time after 1911) the building was variously used as a plaster works, roof truss factory, and dance hall. The locality was also associated with chaff production and sawmilling at around 1900 (Armidale Archaeological Management Plan, 2010).</p> <p>When the author of this report first inspected the 'Trim's Store' building in 1991, it was largely derelict but residents of Freeman House used the structure to work on old cars. This was not an intensive use and any minor surface contamination which may have arisen would have been expected to be removed during the preparation and pouring of the floor slab for the building as adapted for the Society's use in 1993.</p> <p>The balance of the site appears to have been in residential use, including a former Guest House at the corner of O'Dell and Crescent Streets, since the 1950's.</p> <p>The site is not recorded in Council's Contaminated Land Information System nor is there any evidence of uses listed in Table 1 of the current NSW Contaminated Land Planning Guidelines (DUAP, 1998). Thus no further investigation or remediation requirements are identified at present.</p> <p>The submitted SEE states (p18):  <i>" . . . a review of the site after demolition works would be carried out to determine if any evidence of contamination is present. If contamination of any significance is located, then appropriate remedial action would be taken prior/during the construction of the new facility."</i>  A suitable condition to this effect can be included in any consent.</p>

### **SEPP No.64 – Advertising and Signage**

No details have been provided at this time but are expected to be confined to building or business identification when information is available. This can be assessed separately at the appropriate time.

### **SEPP (Major Development) 2005**

SEPP (Major Development) 2005 applies and Part 3 – Regional Development of the Policy is relevant to this development application, as outlined below.

Clause	Subject	Comments
13B	General development to which Part applies	Part 3 – Regional Development applies pursuant to clause 13B(1) as the development has an estimated construction cost of \$10 Million and thus a capital investment value (including design costs, as defined in the EPA Regulation, 2000) of more than \$10 million.
13F	Council consent functions to be exercised by regional panels	Pursuant to Clause 13F(1)(a), the Northern Region Joint Regional Planning Panel is the determining authority for this application.

### **SEPP (Infrastructure) 2007**

The Application has been considered having regard to the relevant provisions of this SEPP. Clause 45 relating to development likely to affect electricity transmission or distribution networks applies, noting also that a new substation is proposed.

Clause	Subject	Comments
45	Development likely to affect an electricity transmission or distribution network	Country Energy has been consulted in writing and have no objection <i>“as long as the developer allows for a dedicated padmount transformer and easement within the site”</i> , as shown on the submitted plan. A suitable condition can be included in any consent requiring the developers to obtain the final approval(s) from the authority in connection with this project.

### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

Part 2 Division 4 of this SEPP relates to supportive accommodation, as discussed above under the heading “Characterisation of land use”.

The submitted SEE states at p.28 that under the SEPP *“the proposal is permissible with consent within the 2a residential zone”*.

However this statement does not accord with the relevant provisions of the SEPP. While the land use definition of supportive accommodation in this SEPP is considered helpful for this application, the relevant operative clauses of the SEPP (31-33) provide that such development may be carried out without consent, but only *“if the development does not involve the erection or alteration of, or addition to, a building”* (cl.33). Supportive accommodation involving new building work is not addressed by the SEPP.

Thus the issue of permissibility of the proposed development, which of course involves major building works, needs to be considered having regard to Council’s LEP, as discussed below.

## Local Environmental Plans (LEPs):

**Armidale Dumaresq Local Environmental Plan 2008** has been considered in connection with this development:

Clause	Subject	Comments
2	Aims	<p>Relevant aims of the LEP considered in this assessment include:</p> <ul style="list-style-type: none"><li><i>(b) to facilitate stimulation of demand for a range of residential, enterprise and employment opportunities, and</i></li><li><i>(c) to ensure that development is sensitive to both the economic and social needs of the community, and</i></li><li><i>(d) to provide a choice of living opportunities and types of settlements, and</i></li><li><i>(e) to encourage the proper management, development and conservation of resources in Armidale Dumaresq by protecting, enhancing and conserving:</i><ul style="list-style-type: none"><li><i>(v) places and buildings of heritage significance, and</i></li></ul></li><li><i>(f) to ensure that development has regard to the principles of ecologically sustainable development.</i></li></ul>
7	Adoption of Model Provisions	<p>The following clauses of <i>Environmental Planning and Assessment Model Provisions 1980</i> are adopted and are relevant to the proposed development:</p> <ul style="list-style-type: none"><li>• 5(2) requires in relation to development likely to cause increased vehicular traffic on any road in the vicinity of the site, consideration of the adequacy of vehicular entrance / exit, parking, loading / unloading and pick-up / set-down of passengers.</li><li>• 30 requires the availability of services (water supply and facilities for removal or disposal of sewage and drainage) or satisfactory arrangement for provision of such services.</li></ul> <p>Relevant comments on the likely impact of the development and the suitability of the site are included in this assessment, below.</p>
10	Zones indicated on the (LEP) map	<p>The site of the proposed development is within Zone No. 2(a) Residential.</p>
13	13(6) Zone objectives	<p>This clause provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land in the zone (see below).</p>

**Armidale Dumaresq Local Environmental Plan 2008 (cont)**

Clause	Subject	Comments
19	19(1) 2(a) Zone objectives	<p>The objectives for development in Zone No. 2(a) are:</p> <ul style="list-style-type: none"> <li>(a) <i>to allow for diversity and choice of housing types and locations, appropriate to the zone and other essential needs of all households, and</i></li> <li>(b) <i>to encourage the development of predominantly residential areas, and</i></li> <li>(c) <i>to provide an environment where people can live and work in home businesses and professional services while maintaining the residential amenity of the surrounding area, and</i></li> <li>(d) <i>to enable retail development that is compatible with the predominantly residential characteristics of this zone and which serve the local neighbourhood, and</i></li> <li>(e) <i>to enable development of land in this zone that is appropriate to the surrounding residential area where the scale, height, type, operation and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding residential area and with existing or proposed development nearby.</i></li> </ul> <p>The proposed development has been assessed having regard to these objectives. The purpose of the development is predominantly for residential purposes.</p>
	19(3) Development permissible only with development consent	<p>In the relevant zone table, certain uses are listed as permissible without consent, and others as prohibited. The proposed development/use, including the OLC education facility, does not fall within any of these nominated uses.</p> <p>All other development is identified as permissible with consent in the 2(a) zone, pursuant to cl.19(3). Thus although the proposed “supportive accommodation” use discussed above is not specifically defined in Council’s LEP (an ‘innominate’ use), it would therefore be permissible with consent on this basis.</p> <p>Moreover the term “community facility” is defined in the LEP Dictionary* and such use is also permissible with consent.</p> <p><b><i>[*community facility means a building or place owned or controlled by a public authority or community organisation and used for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this Dictionary.]</i></b></p>

**Armidale Dumaresq Local Environmental Plan 2008 (cont)**

Clause	Subject	Comments
58	Tree preservation	<p>Clause 58 requires consent, subject to certain exceptions, for the removal of a tree with an overall height of 5 metres or more in Zone No. 2(a). Matters to be assessed in determining such a proposal include:</p> <ul style="list-style-type: none"> <li>(a) <i>the reason for the proposed work,</i></li> <li>(b) <i>the visibility and contribution of the tree or trees in the local landscape or streetscape,</i></li> <li>(c) <i>the type and rarity of the species,</i></li> <li>(d) <i>the number of trees in the vicinity,</i></li> <li>(e) <i>whether the tree may become dangerous or damage property or utility services,</i></li> <li>(f) <i>whether new plantings are proposed or are desirable,</i></li> <li>(g) <i>the effect of the tree or trees on local views, on solar access to properties and on local amenity,</i></li> <li>(h) <i>any heritage significance of the tree, and</i></li> <li>(i) <i>soil conservation and erosion issues.</i></li> </ul> <p>The Application proposes removal of about two thirds of the trees on site; 21 are shown on the submitted plans as being on the subject site and two other trees being planted in Council's road reserves adjoining the site. Various reasons have been provided for the taller trees, principally relating to the new building footprint.</p> <p>A detailed assessment of the arboricultural aspects of this proposal has been provided by Council's Civic and Recreation Services Officer on 2 February 2011 and is on the relevant file tabled at the Panel meeting.</p> <p>In summary, his findings are:</p> <ul style="list-style-type: none"> <li>• Ten of the proposed tree removals (including an unauthorised street tree planting on Crescent Street) are exempt from the need for consent for various reasons;</li> <li>• Eight others are approved for removal.</li> </ul> <p>Of the remaining trees further discussion can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Some concern about the desirability of retention of the <i>Ulmus procera</i> (English elms), on the Crescent Street frontage, of which one is proposed to be removed, before further arboricultural advice is obtained;</li> <li>• Deferring a decision on trees at the south-east corner of the site near O'Dell Street pending the final car park design off that frontage, discussed elsewhere in this report;</li> <li>• The proposal to remove a street tree in O'Dell Street, which would normally require separate Council approval and compensation of \$1800 (based on Draft Australian / NZ Standard 99307).</li> </ul>



**Armidale Dumaresq Local Environmental Plan 2008 (cont)**

Clause	Subject	Comments
58	Tree preservation (cont)	<p>In relation to the three significant elm trees on the site frontage to Crescent Street, the proposed retention of at least two of these as proposed is considered important in streetscape terms and would need to be addressed in any further submissions.</p> <p>Requirements for work on trees on the site in terms of safety, protection during construction and the future health of trees, can be appropriately conditioned in any development consent.</p> <p>So far as the submitted new landscaping plan is concerned, Council's responsible officer advises:</p> <p><i>"The structure and design of the proposed landscaping design appears to satisfy requirements for compensation of loss of existing vegetation, screening of neighbouring properties and streetscape amenity, with the exception of replacements for the Elm trees, should they be removed.</i></p> <p><i>The species selection cannot be accepted as it is largely inappropriate for Armidale conditions, specifically our winters. Of the extensive list of plants proposed [relatively few] will tolerate our conditions . . . most of the new varieties are derived from coastal populations and [would be] unsuitable in Armidale."</i></p> <p>The provision of a final, more appropriate landscaping plan for the development can be conditioned in any consent.</p>
61	Waste management	<p>Clause 61 requires consideration of the following matters relating to waste management that are relevant to the application before consent is granted:</p> <ul style="list-style-type: none"> <li>(a) <i>re-use and recycling of building and construction materials,</i></li> <li>(b) <i>re-use and recycling of household, commercial and industrial waste,</i></li> <li>(c) <i>site storage requirements for construction, and for managing household, commercial and industrial waste.</i></li> </ul> <p>The Applicant has submitted a Waste Management Plan with the Application which addresses the required demolition phase of the project, the construction phase and for ongoing management of waste once the project is completed.</p> <p>The existing complex utilises kerbside waste collection as well as a composting service and this is expected to continue.</p> <p>Relevant issues can be appropriately conditioned in any consent.</p>

**Armidale Dumaresq Local Environmental Plan 2008 (cont)**

Clause	Subject	Comments
63	Solar access	<p>Under clause 63:</p> <p><i>“consent must not be granted for the purposes of erecting a building on land if, in the opinion of the consent authority, the building would significantly affect the access of solar radiation between the hours of 9 am and 3 pm Eastern Standard Time (as measured on 21 June) to existing or likely developments on adjoining land or on other land in the locality.”</i></p> <p>A revised shadow diagram for the project was lodged with Council on 8 February 2011 after the initial one had been checked and was found to have been based on magnetic, not true north.</p> <p>The revised plan has been checked and illustrates that midwinter shadows at the nominated times would not affect the living or open space areas of any adjoining properties and is principally confined to adjacent road areas. 9am midwinter shading of residential properties to the west in Claverie Street would be confined to an access driveway or fall within shadows cast by an existing fence. This is considered acceptable.</p>
67	Heritage conservation	<p>The former ‘Trim’s Store’ building, which is understood to date originally from the 1880’s, is listed as a heritage item under Schedule 2 of the Armidale Dumaresq LEP 2008.</p> <p>The “West End” Store building, as it was originally known, was constructed by John Trim, a former convict and subsequently Mayor of Armidale. The building is understood to have been used as a general and furniture store, drapery, ironmongery, grocery and post office. At around 1900 to the east of the Store was also a steam chaff factory and sawmill operated by Trim’s son. This has since been demolished.</p> <p>The Store building was remodelled to its present form and footprint by John Trim’s descendants in 1911. It was later used, as indicated previously, for various industrial and other purposes. In 1991 it was saved from demolition and, with some internal and roofing modifications and the reinstatement of a ‘shopfront’ to Crescent Street, adaptively re-used by St Vincent de Paul from 1993.</p> <p>Remaining heritage fabric of significance includes the external walls (in particular the distinctive parapet on Crescent Street) and roof, and internally some structural steelwork and pressed metal ceilings at the upper level of the building.</p> <p>Some murals on the western internal wall are thought to have been associated with a former dance hall use of the building but have lost heritage significance due to internal partitioning and overpainting.</p>

**Armidale Dumaresq Local Environmental Plan 2008 (cont)**

Clause	Subject	Comments
67	Heritage conservation (cont)	<p>In the relevant Statement of Significance on the Council's Heritage Study Inventory Sheet for the building is the following:</p> <p><i>"One of the few local nineteenth century commercial buildings to survive essentially unaltered. It was one of the town's most important commercial buildings of the time and was obviously sited to attract maximum attention on the Great North Road western entry. One of the few surviving buildings to recognize the importance of the western area of town, following the coming of the railway. It continues to close a most impressive vista along Crescent Street."</i></p> <p>The significance of this vista north-eastwards along Crescent Street is a most important element for retention in the proposed development, and is at odds with a comment in the SEE (p.7) that <i>"there are no significant views to or from the site"</i>.</p> <p>However, the prominence of the historic building in the streetscape would be largely preserved by its projection in front of the new building, together with the retention of at least two elm trees to its east, and the 'framing' of the view by the established buildings on either side of Crescent Street.</p> <p>CI 67(2)/(4) of the LEP require consent for the proposed work to the 'Trim's Store' building, including interior remodelling, the proposed reconstruction of an awning with timber posts on the Crescent Street façade based on historical photography; as well as consideration of the heritage impact of the development as a whole.</p> <p>A Statement of Heritage Impact (OCP Architects, 2010) lodged as part of the Application, concludes that the development would have a predominantly positive impact on the place and makes eight recommendations (at pp.12-13) for managing the impacts of the development.</p> <p>These include provisions for archival recording, interpretation, protection and if possible retention in situ of original 'wunderlich' pressed metal ceiling elements, as well as detailing and colour scheme development by a Conservation Architect.</p> <p>The Application and Heritage Impact Statement has been reviewed in detail by Council's Heritage and Urban Design Advisor, Mr Ian Kirk. In his report on the development, which is on the subject file tabled at the Panel meeting, Mr Kirk advises:</p> <p><i>"The building has been previously altered and further alteration is considered to be appropriate. However as much of the original form and fabric as possible should be retained given the limited [material] that is left."</i></p>

**Armidale Dumaresq Local Environmental Plan 2008 (cont)**

Clause	Subject	Comments
67	Heritage conservation (cont)	<p><i>It is proposed to add to the building at the sides and rear, demolish the cottages and redevelop the rear of the building. It is important that the original form and extent of the building still be interpreted. As the new building encroaches on the existing building it is important to be able to interpret and distinguish the original building from the new work."</i></p> <p>He adds:  <u>"The roof form is considered to be a significant element of the building and is visible from the corner of Crescent and Barney Streets. It should be retained in order to interpret the original form of the building – particularly when viewed from the public domain (former Great Northern Road) This is the only point where the extent of the original building can be interpreted as . . . the original external walls [would be partly] encapsulated by the new development. The current proposal to cut back the roof for a plant room [including lift and circulation space] is not supported.</u></p> <p>Mr Kirk also advises that "the extent of the proposed retention of the original pressed metal ceilings is inadequate and should be increased" while "the proposed colours and materials submitted are considered to be appropriate and will not have any adverse heritage impact."</p> <p>Mr Kirk's report recommends a number of conditions to be included in any consent for this project, similar to the submitted Heritage Impact Statement recommendations, including further involvement of a Conservation Architect in the detailed construction design and execution.</p> <p>Mr Kirk's recommended conditions to be addressed before construction certification include:</p> <ul style="list-style-type: none"> <li>• <i>The original roof form [of Trim's Store] is to be retained and conserved in order to interpret the original form of the building externally. The proposed design is to be refined in order to retain the significant original roof form and remove any proposed encroachments onto the original roof form.</i></li> <li>• <i>Details of the extent of retention of the existing pressed metal ceiling to be submitted to and approved by Council's Heritage Advisor.</i></li> <li>• <i>A Heritage Interpretation Strategy must be developed for the site. The interpretation is to be located in a prominent publicly accessible location and should include a brief history of the building and historic plans or photographs and should include the pressed metal ceilings</i></li> <li>• <i>The early painted signage on the eastern brick wall of the building is to be retained and conserved.</i></li> </ul>

**Armidale Dumaresq Local Environmental Plan 2008 (cont)**

Clause	Subject	Comments
67	Heritage conservation (cont)	<p>While these matters can largely be addressed as conditions of any consent, it should be noted that the amendment to the proposed roof design at the rear of 'Trim's Store' (to retain at least an additional 6 metres of the two existing ridge lines visible from the south of the site) is likely to require some significant internal redesign. The objective should also be to minimise the intrusion of new roof elements into the view from the south, which has heritage significance.</p> <p>As to other parts of the site, the recent Armidale Archaeological Management Plan (UNE, 2010) identifies the former Trim Chaff Factory and Sawmill as having existed east of 'Trim's Store', but indicates that there is no known archaeological potential due to subsequent development. There is no known Aboriginal archaeology associated with this site.</p> <p>Nearby however is some old stone kerbing, on the opposite side of Crescent Street from the site, which was part of the construction of the former Great Northern Road. This remnant kerbing is also listed in the LEP as having archaeological significance.</p> <p>At this time there is no proposal to undertake work affecting these relics, however a condition(s) should be included in any consent requiring this area to be properly protected during construction, as well as an advising to address any site archaeology which may become apparent during the proposed redevelopment.</p>

**(ii) the provisions of any draft environmental planning instrument**

No relevant draft instruments apply.

**(iii) the provisions of any development control plan**

**Armidale Dumaresq Development Control Plan (DCP) 2007** applies to the land.

The Introduction – Part A - of this DCP provides that:

*"We assess all applications having regard to relevant legal requirements and the merits and circumstances of each case. Where an applicant can demonstrate that strict compliance with any of our local policy requirements would be unreasonable or unnecessary, Council may vary the DCP provisions to enable specific development activity to proceed."*

## Armidale Dumaresq Development Control Plan 2007 (cont)

The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with this assessment.

Chapter	Comment
B3 – Development Applications and Assessment	<p>The Application was publicly exhibited in accordance with Chapter B3. This included public advertisement in the local print media, notification signs placed on both Crescent and O'Dell Streets and notification by mail to the owners of ten properties in the vicinity of the site. An extended period for response was provided (from 4-28 January 2011) given that the application was lodged just prior to the Christmas/school holiday period.</p> <p>The amended proposal with increased off-street parking, including all materials provided to Council by the Applicant on 28 April 2011, was the subject of further written notification to those parties who had previously made submissions and all owners of properties in the vicinity of the site. Submissions received as a result of these notification processes, are discussed under s.79C (d) below.</p>
B4 – Vehicle Parking Code	<p>Relevant objectives of this Code at Part 1.1 include:</p> <ul style="list-style-type: none"> <li>(a) <i>To ensure that adequate provision is made for off-street parking of passenger and service vehicles commensurate with the volume and turnover of all traffic likely to be generated by a development.</i></li> <li>(b) <i>To reduce dependency on kerb-side parking, particularly within the Armidale Central Business District, to assist in safe pedestrian and vehicle movement.</i></li> <li>(c) <i>To ensure that parking areas are safely and attractively constructed, designed and landscaped, to encourage their use by both vehicles and pedestrians.</i></li> <li>(d) <i>To apply parking standards so as to recognise historic deficiencies in the provision of off-street parking on individual sites.</i></li> <li>(e) <i>To encourage the provision of facilities for parking of vehicles used by people with disabilities and of cycles, within appropriate developments.</i></li> </ul> <p>The proposed development would incorporate 18 (uncovered) off street vehicle parking spaces with access from all street frontages, including two for use by people with disabilities. Two of these off-street spaces would provide parking for a minibus and utility vehicle owned and operated by the facility. Bicycle parking for an unspecified number of bicycles is also shown just off the Crescent Street frontage, near the OLC.</p> <p>Given the unique nature of this development, the extent of off-street parking provision has been proposed and substantially assessed based on the circumstances of this facility, rather than the general standards for new housing incorporated in the Code.</p> <p>However the additional parking provision for the proposed non-resident use of the OLC (maximum class size of 12) would meet the Council's Parking Code requirement for "tertiary education", namely 1 space for every 5 non-resident students and 1 space for every 2 staff.</p>

	<p>The issue of traffic and parking for this development generally is discussed in further detail under s.79C (b) in relation to the impacts of the development, below.</p> <p>The dimensional standards for parking spaces in the development would be required to comply with the Code, in turn based on Australian Standard 2890 series. Finally, provision has also been made for landscaping of the proposed parking areas. Details consistent with Code requirements can be addressed by conditions of any consent.</p>
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## Armidale Dumaresq Development Control Plan 2007 (cont)

Chapter	Comment
B5 – Design for Access and Mobility Code	<p>The Access report submitted with the Application has been prepared by Mr Mark Relf, an accredited member of the Association of Consultants in Access Australia. This report addresses the relevant provisions of the Code and Building Code of Australia (BCA) in terms of access by and facilities for people with disabilities, including consideration of the 2009 editions of the relevant Australian Standards now referenced in BCA 2011.</p> <p>One constraint for the existing heritage building to be retained is the step at its principal entrance; so alternative accessible access points off Crescent Street are mentioned in the report. However one of these as shown (to the OLC) has steps. The second, just to the east of 'Trim's Store' appears to require negotiation of several doors to reach reception. As the current facility has secure access, such arrangements (eg intercom) are expected to continue and these need to be specifically designed for use by people with disabilities. A more promising option not addressed at this stage may be to raise the footpath paving height to that of the building interior at the main entrance.</p> <p>However, these issues can be addressed by conditions of any consent.</p> <p>The development also incorporates accessible accommodation, with access to the upper floor by lift as well as a BCA compliant stairway. Two accessible parking spaces are proposed on the amended site plan, but the final location of one of these spaces could be improved relative to the complex's principal public entrance.</p> <p>The Application has been referred to Council's Access Advisor, who has concurred with the approach taken in the design of the new building. Relevant details are to be confirmed in construction certification documents.</p>
B7 – Stormwater Drainage Code	<p>The development has been designed to incorporate on-site detention features so that run off to the public stormwater drainage system would not exceed the pre-development flows. A Gross Pollutant Trap has also been proposed to improve the quality of stormwater downstream of the site. Detailed design for this system requires separate approval under s.68 of the Local Government Act, consistent with Code requirements.</p>
C1 – Urban Residential Development and Subdivision Code	<p>This Code was written to address prevailing forms of residential development including medium density housing. The proposal to consolidate the three existing titles site as part of the development is acceptable having regard to Part 8 of the Code, which concerns subdivision. This has been addressed in the submitted SEE.</p> <p>Otherwise, see discussion under Chapter D1 below.</p>



## Armidale Dumaresq Development Control Plan 2007 (cont)

Chapter	Comment
C5 – Development involving Places of Heritage Significance	<p>The Code is principally intended to address CBD commercial and suburban residential development. Relevant issues in this case have been discussed in detail under cl.67 of the relevant LEP above.</p> <p>One issue addressed in the Code not mentioned previously is the placement of solar technology systems on roofing. From the submitted plans, such systems are proposed on the southern section of the rehabilitation roof. They would not be visible from the principal site frontages to Crescent or Claverie Streets, which is acceptable.</p> <p>Revised details are required for the proposed fencing to the delivery and service yard just west of the 'Trim's Store' façade, as this appears to be of colourbond construction, which would be inappropriate.</p>
D1 – Summary of Development Standards for LEP Land Use zones	<p><u>Building Setback and Height:</u></p> <p>Under this Chapter, the relevant development standards for height and setback in the 2(a) Residential zone are to be consistent with the relevant provisions of Chapter C1. These are to be found in Part 6, Element E4 of that Chapter. This is a performance based Code, and the relevant objectives and performance criteria are as follows:</p> <p><u>Objective O1:</u>  <i>To ensure that the setbacks of a building from its boundaries, the height and length of its walls, its site coverage and its visual bulk are acceptable in the neighbourhood setting.</i></p> <p><u>Performance Criteria P1 and P2:</u></p> <ul style="list-style-type: none"> <li>• <i>The setback of dwellings from the street frontage is appropriate to the efficient use of the site, the comfort of residents and the streetscape.</i></li> <li>• <i>Building height, length and location should not cause a significant loss of amenity to adjacent residents.</i></li> </ul> <p>The document also contains a number of deemed to satisfy "techniques" which form the basis for the following analysis.</p> <p><u>Building setbacks to street</u> - 6 metres, except where adjoining setbacks are less. Moreover on corner allotments the Code allows for a 4 metre setback on one frontage.</p> <p>On Claverie Street, this standard is met (&gt;10 metres);</p> <p>On Crescent Street, the survey plan indicates that the 'Trim's Store' building is already only one metre from the street boundary, so that the construction of the proposed OLC wing to within a similar distance at two points, as part of a staggered setback, is considered acceptable;</p> <p>On O'Dell Street, the ground floor setback to the transitional units would be 7.2 metres, with projecting balconies at the first floor within 4.7 metres of the street. As the existing building on that frontage and the nearest residence have set backs averaging 5.5 metres, this is considered acceptable, especially as this is a corner lot.</p>

## Armidale Dumaresq Development Control Plan 2007 (cont)

Chapter	Comment
D1 – Summary of Development Standards for LEP Land Use zones (cont)	<p><u>Other setbacks</u> – 0.9 metres minimum. The proposal complies, with a minimum side/rear setback of 1 metre at the northern end of the proposed crisis wing.</p> <p><u>Height</u> – 6 metres from natural ground level to upper ceiling height. The purpose of this standard is to limit development in the 2(a) zone to two storeys in height. The development complies with this requirement.</p> <p>The submitted sectional views of the development indicate that the development would in some locations (eg clerestory style roofing with louvres and for the Board Room/administration area above the OLC) have a ceiling/roof height of between 8 and 9 metres above existing natural ground level. However this would be no more than an overall roof height for a normal two storey building and would also provide pleasant interior spaces for the occupants, consistent with the project design statement.</p> <p>Subject to satisfactory resolution of some privacy and visual impact issues for the project, discussed further in this report under s79C(b), no objection is raised to the proposed building height.</p> <p><u>Density:</u> Development standards for density in the 2(a) Residential zone are to be found in Part 6, Element E3 of Chapter C1. The relevant objectives and performance criteria are as follows</p> <p><u>Objectives O1 – O4:</u></p> <ul style="list-style-type: none"> <li>• <i>To support urban consolidation promoting high design standards, a variety of dwelling types, and minimising off site impacts to adjacent residents.</i></li> <li>• <i>To enable residential developments to support and capitalise on available physical and social infrastructure.</i></li> <li>• <i>To limit residential development where site specific constraints are unable to be satisfactorily overcome.</i></li> <li>• <i>To increase the density of housing to meet existing and future community needs.</i></li> </ul> <p><u>Performance Criteria P1 and P2:</u></p> <ul style="list-style-type: none"> <li>• <i>Developments that increase dwelling densities and housing choice are located throughout the residential / mixed-use areas of Armidale.</i></li> <li>• <i>Higher density developments are located close to public transport, shopping and community facilities.</i></li> </ul> <p>The deemed to satisfy “technique” for density in locations such as the subject site is for a maximum Floor Space Ratio (FSR = Gross floor area/Site area) of 0.5:1. The development would have a floor space ratio double the existing, at approximately 0.7:1, although the density is greater towards the east of the site near the Hospital, which is appropriate.</p> <p>This issue needs to be considered in the context of the objectives and performance criteria quoted above and of impact/amenity issues dealt with elsewhere in this report. Given the location of the site a higher FSR could be considered in this case.</p>

**(iiiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

Not applicable.

**(iv) the provisions of the regulations**

Pursuant to clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000, the demolition of existing structures should be conditioned to comply with Australian Standard AS 2601: The Demolition of Structures.

Pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000, it is considered appropriate to require the existing building (to be retained) to be brought into conformity as far as possible with the *Building Code of Australia*. In this regard Council's Senior Building Surveyor has reviewed the application and the BCA report provided in support of the proposal. His report is on the subject file tabled at the Panel meeting and is discussed further under s79C(e) below.

At this stage it appears that amendments would be required to the submitted design of the 'Trim's Store' component of the project in terms of access by people with disabilities and fire egress. However these matters can be addressed in the construction design process in response to relevant conditions/ advisings of any consent.

The required changes would not appear to threaten any significant heritage fabric of the building.

**(v) the provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

Not applicable.

**79C (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

This assessment has been undertaken having regard to various issues, as follows:

**Construction Impacts**

As the project is expected to involve a lengthy construction phase and is located in a busy area, with residential uses, a detailed construction management plan should be required as a condition of any consent. This would need to address issues such as:

- Hours of building work (to be consistent with NSW State Guidelines);
- Parking and Traffic Management;
- Waste storage and management;
- Toilet facilities for builders;
- Noise and dust management and control of other potential pollutants;
- Site hoardings and public/worker safety;
- Protection of trees and retained heritage fabric during work (including the stone kerbing opposite the site);
- Signage.

**Urban and Building Design**

The issue of heritage significance has already been considered in this assessment, in particular the importance of retaining the primary view corridor to 'Trim's Store' along Crescent Street to the south and protecting this as far as possible from intrusive elements visible from the public domain. The existing built form in Crescent Street, the projection of 'Trim's Store' in front of the new work and planned retention of two significant elm trees adjacent to its façade would all assist in this outcome.

Nevertheless, the new complex would be a major built element in a neighbourhood principally characterised, other than to the east, by single storey housing. The project design statement (SEE p.8) includes the following statement in relation to the building's relationship with its neighbours:

*"The siting of the new building is sensitive to the neighbouring properties as each building wing is oriented so that the extremity of the building forms the setback from the boundary rather than the primary façade. The orientation significantly reduces the bulk and scale at the boundaries and minimises the impact of overlooking into neighbouring properties' private open space.*

*The building wings adhere to the scale and size of two storey domestic construction."*

While the development has been designed to minimise overshadowing and avoids direct overlooking of adjoining residential property to a considerable degree, some concerns do exist for the relationship between the upper storey of the Rehabilitation Wing (northern section) and the adjacent villa development at 230 Rusden Street, to the north.

Balconies of three of the upper storey rooms would be only 1.2 metres from the common boundary and look directly over the common driveway to the private housing, below, without any intervening landscaping. Although partial timber privacy screening is proposed to these balconies, and a further balcony to the west, these seem intended more for the privacy of 'Freeman House' residents than to prevent any sense of overlooking to the adjoining property.

### **Urban and Building Design (cont)**

Improved screening in this location seems the most appropriate option, however further set back to this wing, and increased landscaping in the area adjacent to the common boundary with 230 Rusden Street could be considered by the architects.

Similar screening of the westernmost room on this wing would also prevent overlooking of an adjacent villa's private open space. Further screening is acceptable to the Applicant and these matters can be addressed by condition of consent.

Likewise, the northern end of the Crisis Wing is proposed to extend to within 1 metre of the rear of 228 Rusden Street (a property with a single house and garden) with a wall of up to 9 metres above existing ground level at the rear of that property. Privacy is less of an issue here as the wall has no fenestration (although there may be some limited potential for overlooking from an adjacent, set back glazed circulation space on the first floor) but the scale and proximity of this wall to the common boundary is of concern and out of keeping with the neighbourhood context.

The manner of fire separation at this point so close to the boundary has also to be addressed in detail at this stage and although planting of *Waterhousia* (weeping lillypilly) is proposed in the very limited setback area, this species is not recommended for planting in New England.

The architects should revisit this part of the development, increase the setback to the northern boundary to 3 metres (similar to the proposed transitional units adjacent to 128 O'Dell Street) and introduce vertical landscaping which will help to significantly mitigate the impact of this building element on the neighbouring property.

On Claverie Street, the impact of the new Rehabilitation wing would be mitigated by setback (minimum 10 metres to the street) and the intervening road reserve further separating the site from 5 Crescent Street to the south.

So far as external building materials and design generally is concerned, the proposed articulation of facades with balconies, verandas, sun shade devices and eaves overhangs would help add visual interest and reduce the apparent bulk of the new development. Upper floor facades would also incorporate glazing or light coloured panelling to help offset the visual scale of the development.

The project design statement emphasises that the development seeks to distinguish each wing and related functions from one another, to assist in achieving identity and a sense of home for occupants.

The schedule of (provisional) external finishes has been chosen to minimise ongoing maintenance for the Society; however conditions should be imposed in any consent to ensure the actual materials are checked for compatibility with the heritage fabric on the site and do not create issues of glare, reflection, or avoidable overlooking of adjoining residential properties.

Ecologically sustainable design (ESD) is inferred from the project design statement and an ESD Statement of Intent provided for the project. Final design will need to meet the energy efficiency requirements of Part J of the BCA, as the NSW "BASIX" scheme does not apply to this project. Final details of proposed water efficiency measures should be provided with any Construction Certificate application.

The form of supplementary heating proposed for the facility is not known at this time, however this is a critical issue in Armidale's climate. The supplied ESD statement suggests that geothermal, gas or heat pumps systems would be used. The submitted plans do show some acoustically screened air conditioning plant on the northern end of the ground floor of the transitional units, facing an adjoining residential property at 128 O'Dell Street.

### **Urban and Building Design (cont)**

However, this does not seem sufficient for the development as a whole.

Council has received various complaints from residents in Armidale about the noise impacts of such equipment, heat pumps and the like. In this context further details than have been supplied to date are required in connection with the placement, operation and acoustic screening required for heating and cooling systems to be used for the development.

It would be preferable if such equipment was not installed adjoining neighbouring properties and it should not affect the setting of the heritage elements in any way.

Finally, more information is required as to the manner of acoustic screening to be used for the proposed sound studio for use by residents on the ground floor.

### **Consideration of Crime Prevention through Environmental Design (CPTED)**

The SEE (p.19) states:

*"The lot consolidation would result in a large frontage on three different streets which would allow a high degree of personal and property security due to passive surveillance opportunities of the road and footpaths," and at p.22: "This is greatly improved from the current situation. The ability to consolidate facilities into a single building significantly improves access control to the facilities and the site, particularly after hours".*

The Application has also been assessed having regard to the CPTED Guidelines issued by the former Department of Urban Affairs and Planning (2001) and the current NSW Police "Safer by Design" Manual (2010).

In relation to the two key principles of surveillance and access control, the proposal is considered satisfactory, subject to final design details for access control protocols and exterior lighting. It is noted that the interior design has focussed on improved protection for staff, for example in providing alternative exits to consulting rooms and the intake area. The SIA for the project also provides information about facility and client management protocols (pp.7-8), including regular drug and alcohol testing and monitoring of class attendance, which are of relevance.

The Society may also wish to incorporate CCTV coverage of the site, especially the site perimeters. If so they should seek further advice from the Police.

So far as the other principles of space management and territorial reinforcement are concerned, the final design should give further consideration to the delineation and management (including lighting/visibility and maintenance) of the unfenced frontage areas (including parking spaces) fronting Claverie, Crescent and O'Dell Streets. This can be addressed by condition of any consent.

As part of the assessment process, the application was also referred to the NSW Police New England Local Area Command. The Police have indicated by letter dated 17 January 2011 that they have no objection to the proposal.

### **Utility Infrastructure Impacts**

See 79C (c) re the suitability of the site for the development, below.

Council has a Development Servicing Plan for water and sewer services, which provides for developer contributions in connection with related works/increased loading on these services, pursuant to Chapter 6 of the Water Management Act 2000 and s.64 of the Local Government Act 1993. In this case the relevant sum (at 2010-11 rates) would be \$27,123.60.

### Traffic and parking impacts

The DA as submitted incorporates considerable material on the issue of parking for the facility and traffic management in the locality. A Parking and Traffic Study was prepared by Wakefield Planning in conjunction with the SEE and this has been reviewed by Council's Development Engineer and Local Traffic (Development) Committee. In completing this assessment the further material provided by the Applicant up to 28 April 2011 and included within **Appendix 3** to this report in full (as it contains important detail about management arrangements and car use in connection with the facility) has also been considered.

The proponent's amended parking need assessment for the new facility is presented thus:

<b>Usage</b>	<b>Business hours (9am – 5pm, Monday-Friday)</b>	<b>After hours (5pm – 9am and weekends)</b>	<b>Comments</b>	<b>Non Resident use of OLC and revised on site parking design of 18 spaces</b>
Staff	Allow for 6	2	Staff roster reviewed for period 12/4/10 to 25/4/10. Tues 20/4 identified as day when most staff on duty with 10 staff. Some staff typically walk or cycle.	N/A
24 Rehab clients	0	0	Historically, these patients do not have vehicles, and it is not anticipated that this situation would change.	N/A
10 Crisis clients	0	0	These patients do not have vehicles.	N/A
6 Transitional	1	1	As these patients are starting to transition towards mainstream living, some do occasionally have vehicles. But most of the time no spaces would be needed and it can therefore be a flexi space	N/A
OLC pool car	1	1 – over night	This comes and goes all day	N/A
Mini Bus	1	1 – overnight	This comes and goes all day	N/A
Ute	1	1 – overnight	This comes and goes all day	N/A
OLC Teacher (resident use)	1	0	Classes are staggered throughout the day so only 1 space needed for music, art, yoga instructor etc.	1 (based on 1 Per 2 staff ratio)
Support Workers	0	2	These people attend the site on weekends only.	N/A
Members of the community visiting OLC	2	-	Visitation rates are typically quite low. Most of these people are fleeing their home life, or have gambling/social issues and generally don't own cars. The GM of the facility has commented and he feels that most people would walk or get dropped in, or get Public transport as the location is close to the town centre (only 5 minute walk away).	2 (based on 1 Per 5 student ratio)
Access Space	1	0	2 spaces have been provided.	N/A
<b>Total</b>	<b>14*</b>	<b>8</b>	<b>*13 if no transitional clients have cars (which is the usual case)</b>	<b>3 required 18 total</b>

### **Traffic and parking impacts (cont)**

To support the DA submission, the traffic consultants undertook traffic surveys in the locality over three separate days in November and early December 2010.

Key results of these surveys can be summarised as follows:

- The intersection of O'Dell and Crescent Street is operating at a high level of service and has considerable capacity to accommodate additional traffic, if required.
- Kerbside parking in the vicinity of the site is often illegal (ie on the footpath or too close to intersections) for example Claverie Street where the road carriageway is only 6 metres wide.
- Even at busy times kerbside parking for at least ten vehicles was available in the vicinity of the site.
- Existing Freeman House off-street parking, especially off Claverie Street west of Trim's Store (7 spaces), is well utilised at most times.

The amended off-street parking arrangements for the development comprise the following 18 (uncovered) spaces:

1. Spaces 1-5 off O'Dell Street, including one accessible space for people with disabilities;
2. Space 6, accessible reverse out bay east of the OLC off Crescent Street, near O'Dell Street;\
3. Spaces 7-18 in two separate areas off Claverie Street, with provision for vehicles to enter and leave the site driving forwards. The eastern of these two areas is also intended to accommodate the facility ute and minibus and routine service vehicles. Other service vehicles using this area but larger than the 85<sup>th</sup> percentile vehicle would have to reverse in or out. In correspondence regarding service vehicle needs, the Applicant has advised that most deliveries arrive in vans (food deliveries) or utes (laundry pick up). Some food deliveries and occasional furniture delivery might arrive in a small truck which would enter the dock enclosure and have to reverse out. This has always been the case. Access into the building is via the roller shutter into the laundry store, double doors or through the kitchen door. There is a covered walk way at the end of the car park adjacent to the building, or access via the paved pathway which runs along the side of the Trims Store building.

In the light of their survey results, Wakefield Planning also recommended (Traffic Study, p. 13) the introduction of new local parking management arrangements, including new traffic signage and line marking of some kerbside parking. This is addressed further below.

### ***Parking issues – discussion***

The parking demand analysis presented for the Society principally relies upon the historic characteristics of residents and maintenance of current staffing levels/car use. In this context the amended proposal submitted to Council on 28 April 2011 does now allow for an increase of six spaces compared with current provision on site, and this extra capacity is considered sufficient to address the non-resident use of the proposed OLC based on Council's relevant Parking Code standards for tertiary education facilities (which would require at least three spaces for that purpose).

The use of the OLC is now further explained in a Protocol provided to Council on 28 April 2011 by the Society, which indicates that maximum non-resident student numbers would be 12 at any one time and that such use would be confined from Monday to Friday 9am-4pm (except public holidays).

This additional provision of six off-street spaces would also assist in addressing future parking demand for an enlarged, more attractive facility, albeit that the resident group will be socially



and economically disadvantaged and not likely, or encouraged, to have cars at the site. Even so, while the Applicant has indicated that “*no transitional clients have cars (which is the usual case)*”, it is noteworthy that the Applicant’s February 2011 submission in **Appendix 3** stated at p.4 that two transitional clients had cars parked at the site at that time.

Further, given the significant increase proposed in the size of the facility, even if staff levels are not changed immediately, there would certainly appear to be the potential to do so. Indeed this is already hinted at in the submitted SIA (p.10) in relation to increased hours for casuals and part timers relating to the OLC operation, and in the SEE (at p.24) which indicates “*some ongoing additional positions may be created as the centre expands its capacity and programs into the future.*”

### **Traffic and parking impacts (cont)**

So far as residents of the complex are concerned, while it is accepted that car ownership may be the exception, only having one space for their use seems inadequate for a 40 bed facility. Thus it is considered preferable for at least the two spaces notionally allocated by the applicant for OLC (visiting) clients in the table reproduced above to be available for residents of the transitional units in the first instance.

Reliance on local kerbside parking to cater for short visits, and for exceptional situations or events may be appropriate, but for a new development of this significance, on-street parking provision should not be taken for granted. This is all the more important in this location given intensification of Hospital activity over time. A nearby Department of Housing development at 196-202 Barney Street, south-east of the site, was also recently approved by the Government, providing only 13 car spaces for 39 units, contrary to concerns raised by Council. That project is now nearing completion and is also expected to have implications for local on street parking.

Already the section of Crescent Street adjoining and opposite the subject site is commonly used for kerbside parking during weekdays (see photo, **Appendix 1**, as well as additional materials provided by applicants in **Appendix 3**). The ownership of these cars is irrelevant if further kerbside space for any extra demand relating to the new project is physically unavailable during weekday daytimes.

Further south of the site and in Claverie Street especially, local residents should still be able to expect adequate kerbside parking availability for their visitors, for example. It is notable that a number of the submissions received by Council from community members contain concerns about traffic and parking issues (see s79C(d) submissions, below).

This concern was reinforced by the Panel at its initial meeting to consider the Application on 9 March 2011, when it resolved, inter alia, that *“the matter be deferred and that Council and the Applicant be asked to reconsider the proposal taking into account . . . key issues”*, including the number of car parking spaces required for the development.

### **Local Traffic (Development) Committee assessment**

At its meeting on 1 February 2011 the Council's Local Traffic (Development) Committee considered the DA. The relevant Minutes of the Committee include the following:

*“The Committee was concerned with the proposed parking layout (4 parking spaces) off O'Dell Street requiring reversing onto the O'Dell Street with individual crossovers. The layout for the four parking spaces off O'Dell Street [should] be reconfigured to provide one common entrance to access the proposed four (4) parking spaces off O'Dell Street. If a parking space for people with disabilities cannot be accommodated within this configuration a further application to the Local Traffic Committee for on Street Disability Parking in O'Dell Street may be sought”* and

**Traffic and parking impacts (cont)**

*"The Traffic Committee does not support the use of the proposed learning centre by people other than the residents of the rehabilitation centre as there is not enough on or off Street parking. If the Centre is given the go ahead the Local Traffic Committee require extra parking to be provided, there may be an opportunity to investigate angle parking in Crescent Street with the way the heritage kerbing is set back".*

Otherwise the Committee supported the consultant's recommendations for local parking management controls including new signage and line marking. An option presented by staff to make Claverie Street one way eastbound was not supported at this time.

**Traffic and Parking Issues – Conclusion**

Further consideration has been given to the amended submission provided by the Applicants on 28 April 2011 by Council's development assessment staff.

The revised design shown on Plan A01/C is considered workable, subject to further consideration of the location of one accessible parking space so this can be as close as practicable to the principal entrance to the building. This can be addressed by condition. The revised design also significantly reduces the number of spaces that would involve reversing of vehicles over the footpath in comparison to the previous scheme. Adequate visibility will need to be ensured however in relation to the two such spaces that remain.

So far as the amount of parking is concerned, if the maximum OLC class size is to be 12 persons as stated, and even if these were all non residents, there would appear to be sufficient additional parking to meet Council's relevant Parking Code requirement for "tertiary education" facilities. Otherwise this remains an unusual/unique development for which a standard 'residential development' parking assessment approach is not appropriate.

The extra parking now proposed would also offer more capacity and flexibility in catering for other needs of the development, as suggested in the applicant's submission.

Any consent should be conditioned to address the following matters in particular:

- (a) Staff numbers (as detailed with the application SIA and SEE) should not be increased without a further application being made to Council for modification of consent;
- (b) Review of the location of the accessible parking spaces for the development, to be as close as practicable to the principal entrances of the adjacent facilities;
- (c) Vehicle and pedestrian safety in the vicinity of off-street parking spaces which will involve vehicles reversing over the footpath, in particular visibility of and from such vehicles;
- (d) Further consideration in conjunction with Council's Traffic Committee of the introduction of "No Parking" signs to prevent parking on the northern side of Claverie Street in the vicinity of the development;
- (e) The introduction of "No Stopping" signs on kerbside near the Crescent/Claverie Street and Crescent /O'Dell Street intersections, to improve sight distances;
- (f) Landscaping of proposed car parking areas; and
- (g) Line marking for parallel kerb side parking in the vicinity of the development, to reduce illegal parking behaviours.

**Social impacts**

Considerable attention has been given to the social impacts of this proposal in the submitted materials, specifically the SIA prepared by Sarah George Social Planning Consultant.

This document includes a demographic analysis (pp.11-17) for the Armidale Dumaresq Local Government Area (LGA) and broader Hunter New England Area Health Service (HNEAHS) area, which this facility would also serve, including in particular the nearby communities of Tamworth and Glen Innes.

In the latest (2006) census the analysis shows that the Armidale Dumaresq LGA has an over-representation of two homelessness risk groups, being youth and Aboriginals/Torres Strait Islanders. Further in 2007 the HNEAHS area as a whole recorded a higher prevalence of risk drinking behaviour than the State average.

Thus 'Freeman House' (as existing and proposed) appears well-placed and necessary to help address these significant social issues.

It is the only such service of its type in this LGA and the SEE indicates that the nearest similar (though much smaller) facility is at Moree.

### **Social impacts (cont)**

The SIA concludes (pp.28-29) that the changes to 'Freeman House' proposed by the DA would result in *"no apparent adverse material social impact"* for the local community, because:

- *"the use of the site as a homeless persons hostel and rehabilitation facility is an existing, established use;*
- *the changes to the functions of the facility are minor and do not result in significant increases in the number of people on the site;*
- *the re-development of the site [would result] in a significant number of positive social impacts, including:*
  - *the ability of the centre to accommodate a greater number of people on the site, and therefore to accommodate existing demand for services that is currently not able to be met*
  - *assistance for people in breaking out of the cycles of homelessness and addiction through education, skill development and confidence building*
  - *the improvement of accommodation facilities for residents from the existing cramped, dark, closed in rooms with shared bathroom facilities to larger, more modern and light filled bedrooms will make residents more comfortable and will have a positive psychological impact on residents of the facility*
  - *the development of the "Ozanam Learning Centre", a dedicated activities and education centre, will provide a significant positive impact for clients of "Freeman House" as well as other members of the Armidale community who will have access to the activities and classes held at the Centre, and who will be able to use the facilities for meetings*
  - *improvement in safety for staff and residents through the installation of modern and up to grade fire safety systems*
  - *improved safety for staff through the upgrading of the overall facility and*
  - *more, larger and better designed communal areas which will create a more attractive environment for residents and will encourage them to spend more time onsite."*

Importantly, the SIA also indicates (p. 25) that if the re-development did not occur, the safety and security of users and staff may be compromised due to the age and standard of the existing buildings; and that *"the facility would not meet accreditation standards"*.

The intended upgrading of access for people with disabilities to and within the complex is another important social benefit of the project, as discussed elsewhere in this report.

The proposed re-development and enlargement of 'Freeman House' could however have some negative social impacts on the amenity of existing residents in the locality, especially if the project is not properly managed in both planning and operational phases.

Concerns expressed by local residents as part of this DA process are discussed under s. 79C (d) (submissions) below.

**Social impacts (cont)**

In this regard the SIA advises (pp.23-24) that residents at the facility are expected and required to participate in activities and group meetings throughout the day and, as such, are largely confined to the premises. The SIA author considers that the increase in activity on the site as a result of the proposed redevelopment, including the OLC, is not likely to be significant and is unlikely to result in any social detriment to residents or tenants of neighbouring properties.

This advice is noted, however as indicated previously particular concerns exist in relation to potential traffic and parking impacts, while other potential impacts such as noise and loss of residential privacy and amenity will need to be addressed by the proponents to achieve an acceptable outcome.

**Economic impacts**

So far as economic impacts are concerned, the SEE (at p.24) does not attempt to quantify these but notes initially the potential for some significant increase in local economic activity through the construction process.

More importantly, the long-term economic benefits for the community in terms of returning members of the community experiencing significant social problems to productive lifestyles cannot be understated. In this regard Armidale and region are fortunate to have a facility of this nature (and with the prospect of the upgrading now proposed) as part of the range of community services available to the population. Some further discussion in relation to impact on local property values is included below under s. 79C (d) (submissions).

**Other potential environmental impacts**

The impact of the development on existing vegetation on and adjoining the site has been discussed under LEP clause 58, above. There are no known threatened species, populations or ecological communities, or their habitats on the site for the purposes of s.5A of the Environmental Planning and Assessment Act. The site has not been identified in Council's Flora and Fauna Study for Armidale.

The potential for local pollution impacts in relation to the construction phase of the project, and the need for these to be addressed in a construction management plan, has also been discussed previously. Issues relating to noise, energy and water management once the building is operational have also been discussed above in relation to building design and as suggested matters to be addressed in conditions of any consent for the project. Waste management has been discussed under LEP clause 61.

In terms of activity management, it is understood that the principal (non-domestic) activity times on site – for example, at the proposed OLC - would be between 9am and 4pm on weekdays. Some client activities (such as AA meetings) do occur off site after these times, with residents using the centre minibus to access those services. The SIA (p.23) advises that the Society has policies and procedures in place to deal with anti-social behaviour outside the facility and if necessary the Police are called.

Having said that, no information has been obtained as part of this assessment to suggest that there have been any recent recorded problems for neighbours arising from the operation of 'Freeman House'. This is no doubt due to responsible management practices of the Society, which is a well established and respected community service organisation.

Finally, as part of the detailed design of the development for construction and as a condition of any consent, further consideration will need to be given to illumination of the facility after dusk, in terms of local street lighting, safety and security on site, and avoidance of light spillage or nuisance to neighbours.

## **Cumulative impacts**

The submitted SEE states (p.24):

*"It is not anticipated that the proposed development will create any significant negative cumulative impacts and should indeed result in overall positive impacts. The Social Impact Statement concludes there would be no adverse impacts, parking and traffic impacts will be negligible, the overall impact on the Heritage Trim Building should be positive with the restoration of the veranda and sympathetic reuse, and clients will be able to experience a better overall standard of service."*

Subject to issues discussed in this report and to the imposition of conditions where identified as necessary, the impacts of the project are considered capable of being effectively managed.

## **79C (c) the suitability of the site for the development**

The subject site is considered suitable for the proposed development for the following reasons:

- The land is zoned for residential use and is already used for supportive accommodation by the Society. Moreover the site is immediately adjacent to the Armidale Hospital campus, allowing complementary activities and support to clients. A new teaching facility is funded for construction at the Hospital and it is understood from Freeman House management that this will lead to further synergies between the two facilities.
- With this in mind and the general increase in activity at the site as a result of the development, it is recommended that the existing footpath adjoining the site's southern boundary to Crescent Street should be upgraded to a paved finish, to link with proposed 'ribbon' footpath on the Claverie Street frontage shown on the submitted plan and the existing concrete footpath in O'Dell Street.
- The site is located close to Armidale's current public bus routes which run along Rusden Street (and on O'Dell Street on early morning services). These connect with the town centre and suburban areas of Armidale, University and via the Airport to Uralla. The Railway Station which offers a daily service to Sydney is only 300 metres to the south of the site.
- The site is near a major park and a corner shop is available a short distance to the east, at the corner of Rusden and Butler Streets.
- Otherwise the locality has the necessary urban utility service infrastructure to support the development. Detailed arrangements for water, sewer, stormwater drainage services and connections have been considered by Council's Development Engineer whose report is on the subject file tabled at the Panel meeting. These arrangements will require more detailed design and consideration for approval under s.68 of the Local Government Act. The existing sewer main will need to be relocated from within the site to the road reserve as part of this process. The applicant has also proposed a new fire hydrant booster assembly.
- Likewise, detailed arrangements will need to be made with electricity and telecommunications providers, but again these services are available to the site.
- There are no known site hazards from Council's records. The site is relatively flat and is not bush fire or flood prone. The issue of potential contamination has been addressed earlier in this report under SEPP 55.

## **79C (d) any submissions made in accordance with the Act or the Regulations**

### **Agency submissions**

Police and Country Energy consultations have been discussed previously and no objections were raised. No further agency consultations have been required in connection with this project.

### **Public submissions**

Following a process of pre-DA consultation by the Society and its consultants, the submitted DA was publicly exhibited in accordance with Council's DCP 2007 – Chapter B3. This included public advertisement in the local print media, notification signs placed on both Crescent and O'Dell Streets as well as notification by mail to the owners of ten properties in the vicinity of the site. An extended period for response was provided (from 4-28 January 2011) given that the application was lodged just prior to the Christmas/school holiday period.

The amended proposal with increased off-street parking, including all materials provided to Council by the Applicant on 28 April 2011, was the subject of further written notification to those parties who previously made submissions and to other owners of properties near the site.

As a result of these notification processes, submissions were received from six (6) parties raising a number of issues. These submissions were in turn forwarded to the Applicant for consideration. Copies of the letters with personal details removed are contained in **Appendix 3** for the information of Panel members but not for publication. An assessment of these submissions is provided in the table below.

<b>Issues Raised (and frequency of mentions)</b>	<b>Assessment comment</b>
Overshadowing (1)	Having reviewed and checked the revised shadow diagrams provided by the applicant, it is apparent that the development would not cause unacceptable shading of neighbouring properties between the key midwinter times cited in cl. 63 of Council's LEP.
Streetscape (2) and scale/Bulk (3)	<p>Urban design issues have been considered in this assessment in relation to both heritage impacts and DCP controls (s79C(a)) and environmental impacts generally (s79C(b)).</p> <p>The development would be of a scale considerably greater than the current buildings on site and its immediate neighbours, but has been designed to satisfy the (2 storey equivalent) height limit for the zone and features a series of articulated facades and varied materials to add visual interest. The significant view towards the heritage building on the site from Crescent Street would also be retained.</p> <p>However, conditions are recommended in relation to roofscape for Trim's Store and setback at the northern end of the crisis wing, to mitigate potential impacts there.</p>
Glare (2)	Concern exists for potential glare and reflection caused by glazing and (for example) silver panelling proposed. While these elements are intended to foster a lighter appearance for the project, the concerns raised can be addressed by condition of any consent.



**Public submissions (cont)**

<b>Issues Raised (and frequency of mentions)</b>	<b>Assessment comment</b>
Traffic generation/ Access and parking (6)	<p>Resident concerns are understandable given the increase in the size and potential use of the complex and this is a key issue for this DA.</p> <p>See detailed discussion of traffic and parking issues under s.79C (b) above and also the Applicant's submission on this issue, reproduced in <b>Appendix 3</b>. Relevant conditions are recommended for any consent to address local parking demand and related impacts.</p>
Potential property devaluation (4)	<p>In the SEE (p.24) is the comment: <i>"It would appear that land prices would be likely to remain similar as a result of the development or possibly increase due to the updated and more modern appearance of the facility."</i></p> <p>Several submitters raise concerns that, to the contrary, their homes could be devalued.. A submitter at the Panel meeting held on 9 March 2011 produced further written valuation evidence that one nearby property may experience a drop in property value of between 5 and 10% (\$16-32,000) as a result of the proposed development.</p> <p>While loss of property value may seem a reasonable apprehension in the foreseeable future based on the expanded facility and the nature of its use, assessment of this matter is problematic for Council outside the review that has been undertaken on local amenity issues addressed in this report and various conditions recommended to mitigate potential impacts.</p> <p>Of course the use of the 'Freeman House' site is already established. Over time however, it may be that the new facility proposed would increase the attractiveness of the area for related small scale medical and other facilities permissible in the 2(a) zone. There is already evidence of this process occurring in the wider neighbourhood, and if this occurs improved property values could eventually result.</p>
Impact on heritage kerbing (1)	<p>This feature needs to be protected during the construction phase and this can be addressed by condition of any consent.</p>
Loss of privacy (3)	<p>Such concerns are considered to have some validity in relation to property to the north of the site. As discussed under s79C(b), such issues must be addressed by improved screening of the upper floor balconies, setback/landscaping and / or treatment of glazing as a condition of any consent.</p>
Community safety (2)	<p>See discussion under Social Impacts and Crime Prevention in s.79C (b) above. The Police have not objected to the proposal.</p>
Noise & light pollution (4)	<p>See discussion in assessment above, including under Other environmental impacts in s.79C (b). Issues must be addressed by condition of any consent.</p>

## Public submissions (cont)

Issues Raised (and frequency of mentions)	Assessment comment
Inappropriate landscaping selection (1)	Agreed. See discussion under Council's LEP clause 58 in s.79C (a). Issue must be addressed by condition of any consent.
Project would represent a waste of money (1)	Not accepted, given social and community benefit expected to arise from the project. However this is not considered a valid matter for planning assessment, but rather one for the proponents to consider in the light of the Society's aims and objectives.
Development would be inappropriate having regard to LEP objective in cl. 19(1)(e), for Residential 2(a) zone (1)	<p>The objectives for development in the LEP zone include:</p> <p><i>(b) to enable development of land in this zone that is appropriate to the surrounding residential area where the scale, height, type, operation and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding residential area and with existing or proposed development nearby.</i></p> <p>This is an important consideration given that many of the matters raised by submitters and in this assessment are directly concerned with the compatibility of the development in its locality, which includes both the Armidale Hospital Campus as well as adjacent residential uses.</p> <p>This report has sought to address these concerns in detail in relation to various facets of the proposal and its impacts, including, where appropriate, identifying matters to be addressed by conditions of consent.</p> <p>In its decision in <i>Project Venture Developments v Pittwater Council</i> [NSWLEC 191 2005], the NSW Land and Environment Court established a planning principle in relation to '<i>compatibility in the urban environment</i>'.</p> <p>In his judgement at paras. 21-29 Senior Commissioner Roseth included the following observations:</p> <p><i>"Compatibility is . . . different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve."</i></p> <p><i>There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony."</i></p> <p style="text-align: right;">(cont)</p>

## Public submissions (cont)

Issues Raised (and frequency of mentions)	Assessment comment
<p>Development would be inappropriate having regard to LEP objective in cl. 19(1)(e), for Residential 2(a) zone (1) (cont)</p>	<p><i>"Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.</i></p> <ul style="list-style-type: none"> <li><i>• Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.</i></li> <li><i>• Is the proposal's appearance in harmony with the buildings around it and the character of the street?</i></li> </ul> <p><i>The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.</i></p> <p><i>For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.</i></p> <p><i>In . . . the majority of cases . . . the character needs to be defined as part of a proposal's assessment.</i></p> <p><i>The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by <u>building height, setbacks and landscaping</u>.</i></p> <p><i>Buildings do not have to be the same <u>height</u> to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape."</i></p> <p>These matters have been considered as part of the assessment of this DA.</p> <p>Having regard to: the proposed configuration of the development; the existing Trim's Store building; setbacks, proposed/retained landscaping; and the proximity of the Hospital development, and to various matters required to be addressed as conditions of any consent, the proposal if subject to such conditions is considered acceptable in relation to Council's LEP objective.</p>

## **79C (e) the public interest**

### **State Plan 2010**

The proposed redevelopment of the site is very much consistent with the NSW State Plan 2010 which has a focus on building stronger, healthier communities, and keeping people safe.

Particular priorities of the Plan of relevance to this DA include:

- A reduction in homelessness in NSW of 7% by 2013 (p.45);
- Reducing risk drinking to below 25% of the adult population by 2012 (p.30);
- Hold illicit drug use to below 15% of the population (p.30)

The expanded facility would also be expected to contribute to a range of other priorities and targets in the State Plan, including a reduction in early deaths and hospital admissions, and the incidence of crime in the community.

Community education, improved mental health outcomes and support to the Aboriginal community are further relevant outcomes sought, as is development which promotes energy and water efficiency.

### **NSW Social Justice Principles**

In addition, the proposal is supportable on the basis of the four principles of social justice outlined initially in the NSW Government's Social Justice Directions Statement (2000), encompassing:

- Equity – There should be fairness in decision making, prioritising and allocation of resources, particularly for those in need or in vulnerable circumstances.
- Access – All people should have fair access to services, resources and opportunities to improve their quality of life.
- Participation – Everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.
- Rights – Everyone's rights to participate in community life should be established and promoted.

### **Southern New England Social and Community Plan 2009 / ADC Community Safety Plan 2010 - 2014**

Part 2.9 of the Council's current Social and Community Plan focuses on community health issues. A survey carried out as part of the Plan revealed that members of the community regarded 'health services' as the most important issue in the Armidale Dumaresq community (p.126 & Appendix 1).

Council's Community Safety Committee has also produced a Community Safety Plan and established a sub-committee to address alcohol issues in our community. The focus of these activities is principally mitigating anti-social and violent behaviour in the community.

In the context of these Plans and related initiatives an expansion and improvement of the services offered by Freeman House is considered beneficial.

### **Building Code requirements**

The DA has been reviewed by Council's Senior Building Surveyor in relation to matters of detailed building design. His report is on the subject file tabled at the Panel meeting.

The complex would have a multiple classification (Class 3, 5 and 9b) for the purposes of the BCA. Further details will be required to demonstrate BCA compliance in relation to fire safety including smoke control, emergency egress (including through secure areas), protection of fire source features near boundaries, and access for people with disabilities, for example. More detailed reports on acoustic screening and energy efficiency will also be required.

These matters will all need to be addressed with any subsequent application for a Construction Certificate(s) and in the interim a copy of the Building Surveyor's report has been provided to the Applicant for information.

### **Food safety and environmental health issues**

The DA has also been reviewed by Council's Environmental Health Surveyor who has recommended appropriate conditions to be included in any consent in relation to the fit out of areas for food handling and preparation, noise control, as well as sharps management.

### **Ecologically Sustainable Development**

A relevant aim of the Council's LEP (clause 2(f)) is to ensure that development has regard to the principles of ecologically sustainable development (ESD). ESD is defined in NSW Legislation (for example the Dictionary to the Local Government Act 1993), and involves consideration of the following principles and programs:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
  - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
  - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services, such as:*
  - (i) *polluter pays - that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
  - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
  - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

**Ecologically Sustainable Development (cont)**

In this case the Applicant has provided a Statement of ESD Principles for the development prepared by Partners Energy. The document outlines a list of physical measures which are recommended in relation to the building design and construction process, including building fabric, energy and water efficiency, which would help to reduce the environmental / carbon footprint of the project and make the project more environmentally sustainable in our local climate and environment. All these intentions are supported having regard to ESD principles.

Conditions of any consent should require more detailed evidence of the manner in which these proposals are to be realised, including the potential to use renewable materials in construction.

Other environmental, social and economic impacts of the development have been discussed in some detail in this report. The proposed development for an expanded 'Freeman House' facility and related services is strongly supported in terms of the community's social sustainability.

Finally, the intention for further adaptive reuse and partial reconstruction of the 'Trim's Store' heritage building on site, as a part of this new facility, is also supported on conservation grounds, subject to the relevant conditions outlined in this report.

## Assessment Conclusion - Key Issues

The proposed development is for a use which is permissible with consent under the Council's LEP.

Key issues arising from the assessment of the submitted application can be summarised as follows:

The development would involve a significant growth in the size and capacity of the 'Freeman House' facility, with an increase of 29% in the resident capacity of the complex, to 40 persons. In addition, a community learning facility is proposed, which is also intended to be available to non-residents who are socially disadvantaged. Nonetheless staffing for the centre is not proposed to increase above current levels, at least initially.

As part of the assessment process, concerns were raised by the Joint Regional Planning Panel, Council officers and residents in relation to the traffic and parking impacts of the development, given that only one additional off-street parking space was initially proposed in addition to the current provision of 12 such spaces at the site. Kerbside parking adjacent to the site is already at a premium during weekday daytimes, partly as a result of activity relating to the nearby Hospital to the east of O'Dell Street.

While it is accepted that the majority of residents of this complex would not normally have cars at the site, there was concern about potential traffic arising from non-resident visitation especially to the OLC and from any increases in staffing levels over time. As a result of these concerns the Applicant has subsequently amended the Application to incorporate 18 off street parking spaces, and provided further information concerning the intended operation of the OLC.

Moreover the design of off-street parking bays originally proposed has also been amended to reduce the need for cars to reverse when leaving the site. Some further regulation by way of signage and line marking in the vicinity of the site is still considered necessary for traffic safety and on street parking efficiency.

Further concerns have been raised by submitters which need to be addressed in relation to privacy, building bulk and scale near the site boundaries. Although there are some variations involved to Council's discretionary DCP standards in relation to height, street setback and density of the project, the development is considered acceptable in the circumstances of the case, subject to conditions requiring detailed redesign to address the relationship between the development and neighbouring properties to the north. The Applicant has indicated in writing acceptance of these conditions.

Council's Heritage and Urban Design Advisor has unresolved concerns that a greater amount of the existing roof fabric to the heritage listed 'Trim's Store' building should be retained, to assist with interpretation of the original building. The retention of the existing roof form is also important as part of the significant view of this building on the approach from the south, along the line of the former Great Northern Road (now Crescent Street). Resolution of these matters will require some redesign of the proposed interface between the existing building and the proposed work to the upper floor of the new building. The Applicant has indicated in writing acceptance of relevant conditions to address these matters.

Six submissions were received initially from members of the public raising various objections to the development. Six submissions were received initially from members of the public raising various objections to the development. As a result of further notification of the Applicant's amended submission in May 2011, two further submissions were received. These submissions, together with supplementary submissions from the Applicant, are contained in **Appendix 3** to this report and have been considered as part of the assessment.

As a result of this assessment, the proposed development is recommended for conditional consent. **Appendix 4** to this report contains all relevant conditions identified throughout the assessment process and as discussed in this report.

## **Recommendation**

- (a) That having regard to the assessment of the Application, DA-344-2010 (JRPP ref 2010 NTH 037) be granted conditional consent in the terms set out in Appendix 4 to this report.
- (b) That those persons that made submissions in relation to the Application be notified of the determination in writing.

Stephen Gow FPIA  
**Director Planning and Environmental Services, Armidale Dumaresq Council**

Armidale, 24 May 2011.