

JRPP No.	2011HCC010
DA No.	DA/171/2011
Proposed Development	Demolition and Serviced Self Care Housing under SEPP (Housing for Seniors or People with a Disability) 2004
Address	Lot 9 Sec 2 DP 3533, Lot 10 DP3533, Lot 8 DP 3534, Lot 1-3 DP 3534, Lot 11 DP 3533, and Lot 16, DP 129155, No.10 Central Road Cooranbong
Applicant	Adventist Aged Care (NNSW) c/o Imagescape Design Studios
Owner	Australasian Conference Association Limited
Lodged	11 February 2011
Monetary Value	\$11.7 million
Integrated Approval Body	NSW Rural Fire Service
Consent Authority	Joint Regional Planning Panel
Exhibition	23 Feb – 8 Mar 2011 5 May – 24 May 2011
Public Submissions	Nil
Report By	Lisa Blandford (Lake Macquarie City Council)

Precise

The development proposal is for the alterations and additions to an existing seniors living development, known as Kressville Retirement Village at 10 Central Road Cooranbong. The development comprises the demolition of thirty-eight (38) single storey, self contained, dwellings, and the construction of thirty-seven (37) single storey, self-contained dwellings, an activity centre, and associated roadworks, car parking, and landscaping. The development is proposed to be undertaken in two (2) stages, refer to Figure 1 below.

The existing Kressville Retirement Village extends over ten (10) lots with a total area of 82,901m². It consists of 119 self-contained dwellings, an Aged Care Facility (Charles Harrison Nursing Home), and an Administration Building, with a total gross floor area (GFA) of 22,409m². The proposed development has a GFA of approximately 12,490m² and a floor space ratio (FSR) of 0.35:1. The whole development, including the existing buildings and the proposed buildings, has a floor space ratio of 0.27:1.

The development is Integrated Development under the provisions of the *Rural Fires Act 1997*.

The land is zoned 2(2) Residential (Urban Living) and 7(1) Conservation (Primary) zone. The proposed development is wholly within the 2(2) Residential (Urban Living) zone. The development is permissible on the site pursuant to *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP).

The application is recommended for approval, subject to the conditions attached at Appendix A to this report.

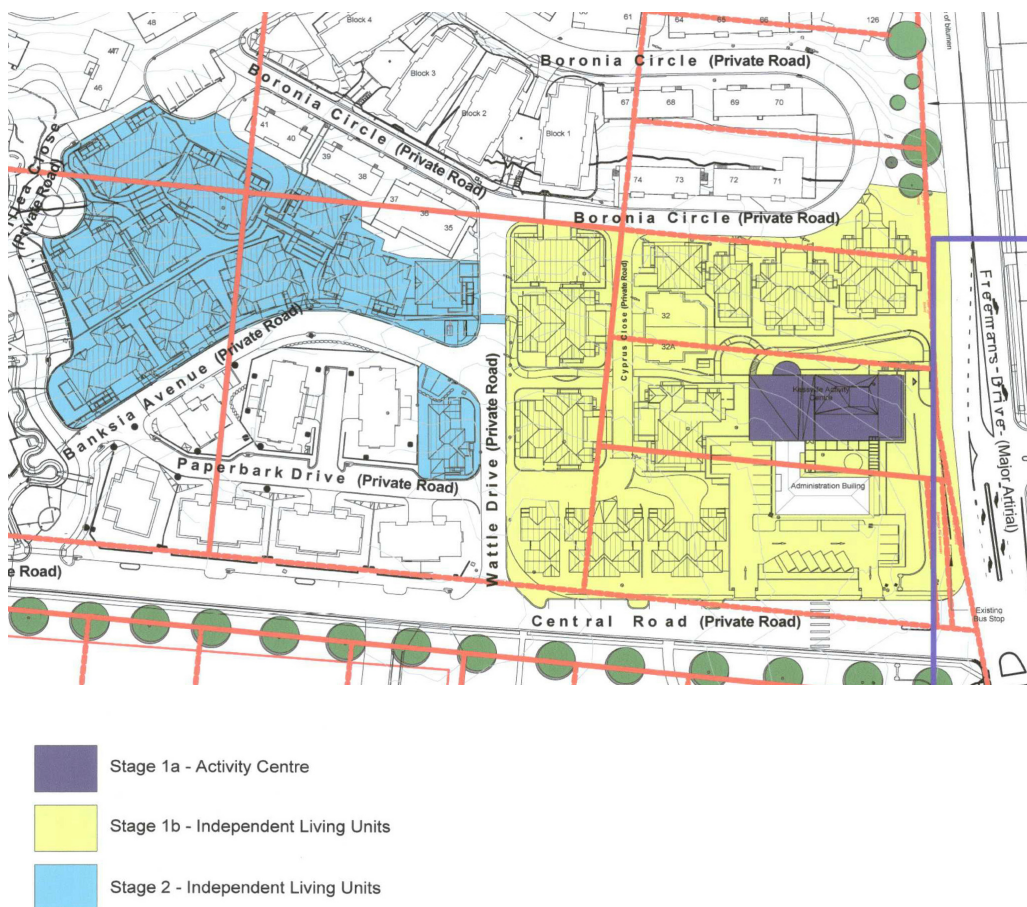


Figure 1 – Proposed Site Plan

Location

The proposed development is located on the corner of Freemans Drive and Central Road Cooranbong, approximately 8km north-west of Morisset. Central Road is a private road, which links the Avondale College and the Sanitarium Factory with the surrounding community of Cooranbong.

The site is zoned 2(2) Residential (Urban Living) zone and 7(1) Conservation (Primary) zone under the provisions of the *Lake Macquarie Local Environmental Plan 2004* (LMLEP 2004), please refer to Figure 4. All proposed development is within the 2(2) Residential (Urban Living) zone.

The site is located within the Cooranbong Seventh Day Adventist Community identified in the Area Plan within Section 4.10 of the *Lake Macquarie Development Control Plan No.1 – Principles of Development* (DCP 1). A draft Conservation Management Plan (CMP) has been prepared by Carste Studio for land within this Area Plan. The dCMP has been considered by Councils Development Planner – Heritage Focus, however it has not been formally adopted by Council at this stage.



Figure 2 – Locality Aerial Photograph (Source: Google Earth August 2011)

Project Description

The proposed development consists of stage one and two of the redevelopment of the Kressville Retirement Village in the Cooranbong Seventh Day Adventist Community. The development consists of serviced self-care housing under *SEPP (Housing for Seniors or People with a Disability) 2004* and an ancillary Activity Centre. It is noted that the even though the site is known as a retirement village, the application is for seniors housing under

the provisions of the SEPP and not a retirement village under Clause 41 of LMLEP 2004. The extent of the works being proposed is as follows:

Stage One:

- 18 independent living units will be demolished and replaced with 19 new independent living units.
- Internal refurbishment of the existing administration building in the form of repainting and recarpeting.
- A new activity centre is proposed for the land adjacent to the administration building. This new facility will consist of a meeting hall, games room, craft room, servery, lounge/library, offices, and toilets.
- The area surrounding the administration building and activity centre will be redeveloped for parking, pedestrian pathways, and landscaping.
- Extension of Cypress Close to intersect with Wattle Drive.
- A new boundary fence will be located along Freemans Drive.

It is noted that a Community Centre was approved for the site as part of DA/1487/2006. The applicant has indicated that the Activity Centre proposed in this application is to replace the existing approved facility. A Section 96 application (DA/1487/2006/A) has been lodged and was approved on 13 July 2011 to delete the Community Centre from the previous approval.

Stage Two:

- Demolish 20 existing independent living units and replace with 18 new independent living units.

Surrounding development

The retail and commercial area of Cooranbong is located immediately to the north of the site, to the north-west is the Avondale Aged Care Facility and some residential dwellings, to the east is the Avondale Seventh Day Adventist Memorial Church, to the south are a number of independent living units and the Charles Harrison Memorial Nursing Home which are part of the subject site, and to the west is Dora Creek. The site falls significantly from the east down to the banks of Dora Creek.



Figure 3 – Site Aerial Photograph and Surrounding Land

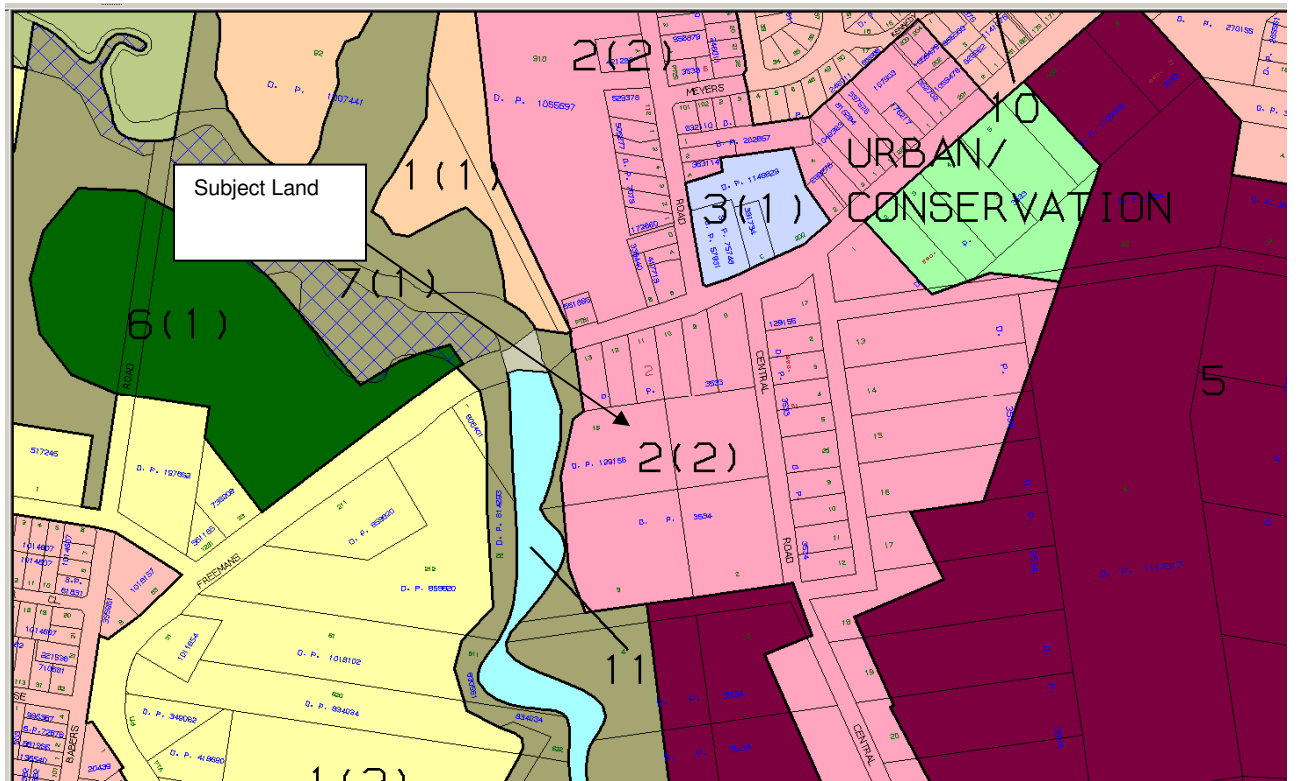


Figure 4 – Land Zonings (LMLEP2004)

The Assessment

This report provides an assessment of the justification presented in the application against all relevant State and Local planning legislation and policy.

Section 79C: Potential Matters for Consideration

79C(1)(a)(i) the provisions of any Environment Planning Instrument (EPI)

State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004

The application has been supported by a BASIX certificate for each stage of the development. The BASIX commitments for the development have been shown on the plans. If the application were to be approved, an appropriate condition of consent would be applicable to ensure the development complies with the two (2) BASIX certificates.

State Environmental Planning Policy (SEPP) (Major Development) 2005

The development is subject to Part 3 Regional Development, where in Clause 13B(a) it is defined as a development that has a capital investment value of more than \$10 million. This figure is at the time that the application was made. Therefore, the Joint Regional Planning Panel (JRPP) is the consent authority for the development.

State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004

The development has been assessed against the provisions/standards of the *SEPP (Housing for Seniors or People with a Disability) 2004*, see assessment below.

Chapter 1 – Preliminary

Clause 2 Aims:

(1) *Encourage the provision of housing that will:*

- a) *Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- b) *Make efficient use of existing infrastructure and services, and*
- c) *Be of good design.*

In relation to a) the development does not increase the supply of residences as the total number of units will be one (1) less than the existing development. However, diversity of housing is increased through the provision of a wider selection of housing, consisting of five different types of units. This housing will meet the needs of seniors and people with a disability and will be modern and functional.

In relation to b), the development makes efficient use of existing infrastructure and services, by incorporating the redevelopment of an existing aged care facility.

In relation to c), the development is considered to be of good quality design.

Clause 4 – Land to which Policy applies

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

- (a) *development for the purpose of any of the following is permitted on the land:*
 - (i) *dwelling-houses,*
 - (ii) *residential flat buildings,*
 - (iii) *hospitals,*
 - (iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) *the land is being used for the purposes of an existing registered club.*

The subject site is land zoned primarily for urban purposes and dwelling houses and residential flat buildings are permissible on the land with the consent of Council and therefore the Policy applies.

Chapter 2 – Key Concepts

Clause 10 – Seniors Housing

*In this Policy, **seniors housing** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) *a residential care facility, or*
- (b) *a hostel, or*
- (c) *a group of self-contained dwellings, or*
- (d) *a combination of these,*

but does not include a hospital.

The development is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of....(c) a group of self-contained dwellings.

If the application were to be approved, an appropriate condition of consent in this regard would be applicable restricting the use of the premises for seniors or people with a disability.

Clause 11 – Residential Care Facilities

Not applicable

Clause 12 – Hostels

Not applicable

Clause 13 - Self-Contained Dwellings

(1) General term: “self-contained dwelling”

*In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

(2) Example: “in-fill self-care housing”

*In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

(3) Example: “serviced self-care housing”

*In this Policy, **serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

The development meets the definition of “serviced self-care housing.” This consists of self-contained dwellings where private facilities are provided, but where meals, cleaning services, personal care, and nursing care are also provided onsite.

The applicant has advised that the following services are provided: vital call service within each unit, property maintenance, garbage collection, transport, meals available upon request from the commercial kitchen attached to the nursing home, café at the Nursing Home, physiotherapy, hairdresser, games and occupational health activities, and chaplaincy. Nursing care is available from the Charles Harrison Nursing Home located onsite.

There is also a number of medical practitioners located in the immediate area.

Chapter 3 – Development for Seniors Housing

Part 1 General

Clause 15 – What Chapter Does

This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:

- (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*
- (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

The proposed development is on land zoned primarily for urban purposes therefore, the development meets clause 15 as described.

Clause 16 – Development Consent Required

Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.

The applicant has lodged the subject development application to obtain consent for the development.

Clause 17 – Development on Land Adjoining Land Zoned Primarily for Urban Purposes

A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:

- (a) a hostel,*
- (b) a residential care facility,*
- (c) serviced self-care housing.*

The SEPP requires development on land adjoining land zoned primarily for urban purposes being limited to either a hostel, serviced self-care housing or a residential care facility. This

clause does not apply to the development as it is proposed to be located on land zoned primarily for urban purposes.

Clause 18 – Restrictions on Occupation of Seniors Housing

Development allowed by this Chapter may be carried out for the accommodation of the following only:

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

A condition to be applied, if development consent is granted, restricting those who may occupy the development to:

- Seniors or people who have a disability; or
- People who live within the same household with seniors or people who have a disability, or
- Staff employed to assist in the administration of and provision of services to housing provided under this Policy.

Part 1A – Site Compatibility Certificates

Clause 24 – Site Compatibility Certificates Required

This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:

- (a) the development is proposed to be carried out on any of the following land to which this Policy applies:*
 - (i) land that adjoins land zoned primarily for urban purposes,*
 - (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*
 - (iii) land that is used for the purposes of an existing registered club, or*
- (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*

This clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.

Therefore, a site compatibility certificate is not required for the development.

Part 2 – Site Related Requirements

Clause 26 – Location and Access to Facilities

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*
 - (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*

- b) community services and recreation facilities, and*
- (c) the practice of a general medical practitioner.*

(2) Access complies with this clause if:

(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

- i. a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time;*
- ii. a gradient of no more than 1:10 for a maximum length of 5 metres at a time;*
- iii. gradient of not more than 1:8 for distances of no more than 1.5 metres at a time, or*

(b) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
- (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),*
and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

A bus stop is located within 400m of the site and an accessible path that complies with subclause 3 can be provided to the bus stop. The creation of an accessible path can be made a condition of consent, if the application is approved. It is also noted that a small shopping centre is located immediately adjacent to the development on the opposite side of Freemans Drive, which is less than 400m from the majority of the proposed self-contained dwellings. Therefore, the development demonstrates satisfactory compliance with the requirements of Clause 26.

Clause 27 – Bush Fire Prone Land

A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the

NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006T.

The development application has been assessed by the NSW Rural Fire Service as an Integrated Development Application under Section 100B of the *Rural Fires Act, 1997*. The NSW Rural Fire Service granted its General Terms of Approval for the development on 18 April 2011. The General Terms of Approval will form part of any consent issued for the development.

Clause 28 – Water and Sewer

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

The development application and associated plans are endorsed by the Hunter Water Corporation with regard to the provision of water and sewer reticulation to serve the development.

If the application were to be approved, an appropriate condition of consent would be applicable to ensure compliance in this regard is achieved with the development.

Clause 29 – Consent Authority to consider certain Site Compatibility Criteria for Development Applications to which Clause 24 does not apply.

This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.

A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).

Clause 25 - Application for site compatibility certificate

(5)(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,

(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,

In response to (i), the development is on a site that already contains seniors housing and involves the replacement of older units with larger, more modern units with greater functionality. The development will not impact on the natural environment as the development area has already been disturbed by past development.

In response to (iii), services and infrastructure to meet the demands of the development are currently available.

In response to (v), the proposed development consists of all one-storey units and an activity centre that is raised about 3 metres above the ground at its highest point. The bulk and

scale of the development will not have an impact on adjoining development or any future proposed development.

Part 3 - Design Requirements

Clause 30 – Site Analysis

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.

Site analysis information was submitted and deemed adequate for assessment purposes.

Clause 31 – Design of In-fill Self-Care Housing

The proposed development is not defined as in-fill self-care housing, however the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004 has been considered as part of this assessment. Please refer to page 19 of this report.

Clause 32 – Design of Residential Development

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.

Division 2 – Design Principles

Clause 33 – Neighbourhood Amenity and Streetscape

The proposed development should:

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*

The existing retirement village is currently undergoing transition as it is redeveloped with modern facilities, which comply with accessibility requirements. The proposed development contributes to the quality and identity of the area.

- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*

There are no listed heritage items in the vicinity, however the brick gateposts at the entry to Central Road and the Avondale Memorial Church on the corner of Freemans Drive and Central Road have been identified as having heritage significance. There is also a low brick fence around the subject site.

In addition, the site is located within the Cooranbong Seventh Day Adventist Community identified in the Area Plan within Section 4.10 of Council's DCP 1. The area has strong historical significance as it is evidence of a unique venture in NSW, which combines a religious community, college, and factory.

It was initially thought that the proposed fence along Freemans Drive was inappropriate as it obscured the low brick fence and did not complement the historical character of the area. The applicant's Heritage Consultant, Stephen Booker from carste Studio, who also wrote the CMP for the site, has advised that the CMP calls for clear definition of the site

and therefore the fencing is appropriate. He also advised that the low brick fence has no historical significance to the site and on close inspection, it is clear that this fence is an addition to the brick entry gates. At Council's request, the applicant has agreed to change the capping of the fencing to square capping. Therefore, the proposed fencing is acceptable.

Council also initially questioned the colour selections for the development, as the selections did not complement the existing colour scheme of the Memorial Church and surrounding buildings. The main concerns were the colour scheme of the Activity Centre and the use of "Hawkesbury Blend" brickwork on a number of the self-contained dwellings.

After consideration of comments from Stephen Booker, it was agreed that it is reasonable for the Activity Centre to be identifiable as a community building through its colour scheme and therefore it does not have to complement the Memorial Church. At Council's request, the "Hawkesbury Blend" brickwork has been replaced with a less busy brick colour being "Boral Nuvo-Chino."

Therefore, the proposal complements the existing buildings within the retirement village and does not detract from surrounding items of heritage significance.

(c) maintain reasonable neighbourhood amenity and appropriate residential character by:

- (i) providing building setbacks to reduce bulk and overshadowing, and*
- (ii) using building form and siting that relates to the site's land form, and*
- (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
- (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

The development is considered in context with development in the locality. The proposed self-contained dwellings are all one-storey in height and complement the existing units on the subject site and surrounding housing both with regard to scale, setbacks and building form. Therefore, the development maintains acceptable neighbourhood amenity and character.

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and

The Activity Centre is set slightly forward of the existing Administration Building on the site. This does not have a detrimental impact on the streetscape of Freemans Drive. The dwellings along Central Road are set back in line with the car park for the Administration Building.

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

Proposed planting is consistent with surrounding vegetation. The planting of four (4) Canary Island Palms will be made a condition for the development, if approved, to complement the existing Canary Island Palms planted along Central Road.

(f) retain, wherever reasonable, major existing trees, and

Existing trees wherever possible are being maintained. A number of trees in Cyprus Close are required to be removed, which are exotic pines, and a few trees located around Boronia Circle, in the building envelope of the proposed Activity Centre. These trees are being replaced with suitable species and therefore this is satisfactory.

(g) be designed so that no building is constructed in a riparian zone.

The riparian zone to the west of the site along Dora Creek will be protected and no dwellings will be constructed within the zone.

Clause 34 – Visual & Acoustic Privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents.

The development has considered visual and acoustic privacy of neighbours. The development does not have any offsite impacts in this regard; however, the privacy of existing residents within the village needs to be considered.

It is noted that the existing retirement village has a very open feel and many of the residents enjoy sitting on their front verandahs and watching the people of the neighbourhood pass by. Therefore, the residents are likely to tolerate a lower level of privacy than in a typical residential street. Many of the proposed units are quite close together, however their outdoor areas are sufficiently separated by a mixture of landscaping, privacy screens, and retaining walls. Privacy screens have also been provided where a unit's private outdoor area adjoins an internal road.

It is recommended that a privacy screen be installed around the outdoor area of Unit 9 and Unit 10, which adjoins Cypress Close and that a privacy screen be installed between existing units 32 and 32A and proposed Unit 1A. This can be made a condition of consent for the development.

With regard to acoustic privacy, habitable rooms have generally been located next to other habitable rooms of adjoining units and garages of adjoining units have been located away from sleeping areas.

In general, the proposed development will have some visual and acoustic impacts within the existing retirement village, however this is considered appropriate for a seniors living development.

Clause 35 – Solar Access & Design for Climate

The proposed development should:

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

The development has no impact in this regard to the living areas and private open space of neighbouring development or other units within the retirement village.

Adequate sunlight is supplied to the majority of units, to both their private open space areas and their living areas, however it is noted that some of the units have not been orientated in a northerly direction. Please refer to assessment under Clause 50 of the SEPP for further information.

A BASIX certificate has been issued for the proposed development.

Clause 36 – Stormwater

The proposed development should:

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*

- (b) *include, where practical, on-site stormwater detention or re-use for second quality water uses.*

The development will control and minimise the impacts of stormwater runoff and includes on-site detention. Please refer to Development Engineer's comment under Sections 2.5.3 & 2.5.4 of DCP1 assessment under 79(1)(a)(iii).

Clause 37 – Crime Prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention

A Crime Risk Assessment has been prepared by Imagescape Design Studios for the development. The area is regarded as a low crime risk area, however the development employs a number of measures to deter criminal activity.

Lighting has been provided along pathways and around the Activity Centre and car park areas. Each dwelling will also be provided with a motion sensor light at the front entry. Good surveillance opportunities are available throughout the development, including from the living areas of units, communal areas and along pathways.

The proposed landscaping does not create any entrapment areas or obscure natural surveillance opportunities.

A condition of consent will be placed on the development for a maintenance plan to be prepared for the site to detail maintenance of vegetation, graffiti management, litter control and malicious damage. The plan must include a policy that graffiti is to be removed within 24 hours, and lighting, if damaged or broken should be restored within 48 hours.

It is also recommended that each unit's front entry door be provided with a glass panel, so that the resident can check who is approaching before they open the door. This is because the majority of units do not have a habitable room window overlooking the front entry of the unit. This can be made a condition of consent, if the application is approved.

Clause 38 – Accessibility

The proposed development should:

- (a) *have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) *provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

A bus service operated by Hunter Valley Buses runs along Freemans Drive on a regular basis, in a southerly direction to Morisset (Route 280) and returning to Cooranbong, Monday to Friday. This bus service links up with the train station located at Morisset, which offers trains seven days a week in both a southerly direction to Sydney and a northerly direction to Newcastle. Rover Coaches also has a once a day service (return), seven days a week from Morisset to Cessnock (Route 163).

An Access Audit has been prepared by the Independent Living Centre NSW for the development and this has been reviewed by Council's Community Planner (Ageing & Disabilities Services). She makes the following comments:

- The bus stop on Freemans Drive is directly adjacent to the site, in front of the Administration Building. The path of travel needs to be compliant with AS 1428.1 and AS 1428.4.1.
- The bus stop will be required to be upgraded to conform to the requirements of the *Disability Discrimination Act 1992*.

- The standard for Tactile Ground Surface Indicators has been misquoted in the Access Audit and needs to comply with AS 1428.4.1.
- The disability parking to service the Activity and Administration Centres does not comply with AS 2890.6. There is however sufficient space for three (3) compliant disability parking spaces to be provided within the car park. Three (3) disabled car parking spaces are required for the development.
- The internal layout of the Activity Centre and the path of travel from the parking areas and the proposed units to the centre comply with AS 1428.1. The layout of the units also complies with AS1428.1 and Type B units comply with AS 4299 Adaptable Housing.

These accessibility requirements can be made a condition of consent, if the application is approved.

Clause 39 – Waste Management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

The development proposes waste facilities for each dwelling and the Activity Centre. The Kressville Retirement Village employs a groundskeeper, who collects the garbage from each unit.

Part 4 - Development Standards to be Complied With

Division 1 – General

Clause 40 – Development Standards – Minimum Sizes and Building Heights

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*
- (2) The site has an area of 82,901m² or 8.29 hectares, thus exceeding the 1000m² minimum required.
- (3) The site has a frontage of approximately 240m to Freemans Drive, thus exceeding the 20m minimum width.
- (4) Height in zones where residential flat buildings are not permitted:
 - N/A, residential flat buildings are permitted in the zone of the subject site.

Division 2 – Residential Care Facilities – Standards Concerning Access & Useability

Not applicable

Division 3 - Self Contained Dwellings - Standards Concerning Access & Useability

Clause 41 – Standards for self-contained dwellings

A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.

The proposed development complies with the standards specified in Schedule 3 of this Policy. Please refer to assessment below.

Schedule 3 Standards Concerning Accessibility and Useability for Hostels and Self-Contained Dwellings

Part 1 - Standards applying to hostels and self-contained dwellings

- (1) *The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.*

Consideration of the standards applicable to self-contained dwellings would result in the imposition of conditions to respond to the following in the event of approval being granted.

- (2) The site has a gradient of 10% or less and 100% of the units and common areas have wheelchair access by a continuous accessible path of travel to an adjoining public road. Therefore, the siting standards are achieved by the development.
- (3) The application outlines that the pathway lighting requirements will be addressed at the Construction Certificate stage. This can be made a condition of consent for the development, if recommended for approval.
- (4) The application outlines that the letter box requirements are achieved with the development.
- (5) All car parking spaces for the self-contained dwellings comply with the requirements for parking for persons with a disability set out in AS 2890. In addition, the garages of the Type B units are greater than 3.8 metres in width, which represents at least 5% of the total number of required car parking spaces. Garages are capable of being fitted with power operated roller doors. Therefore, the private car accommodation standards are achieved by the development.
- (6) The application outlines that the accessible entry requirements are achieved for all units except that the circulation requirements around the entry door for Unit Type A do not comply with the standard of 510mm. Council's Community Planner (Ageing & Disabilities Services) is not concerned with this non-compliance, as the rest of the development complies with the standards and the access to the new units is greatly improved compared to the current situation on-site. Based on this advice, Council is prepared to accept the non-compliance, however the consent authority can enforce the requirement, if they deem compliance with this standard necessary for approval to be granted.
- (7) The application outlines that the general interior requirements are achieved with the development.
- (8) The application outlines that the bedroom requirements are achieved with the development.
- (9) The application outlines that the bathroom requirements are achieved with the development.
- (10) The application outlines that the toilet requirements are achieved with the development.
- (11) The application outlines that the surface finish requirements must comply with AS 4586. This can be made a condition of consent, if the application is recommended for approval.
- (12) The application does not indicate whether the door hardware complies with the requirements. This can be made a condition of consent, if the application is approved.
- (13) The application does not indicate that the ancillary items (switches and powerpoints) comply with the requirements. This can be made a condition of consent, if the application is approved.

Part 2 - Additional Standards for self-contained dwellings

- (14) *The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.*

- (15) The application outlines that the living and dining room requirements are achieved with the development.
- (16) The application outlines that the kitchen requirements are achieved with the development.
- (17) Not applicable (multi-storey building).
- (18) Not applicable (multi-storey building).
- (19) The application outlines that the laundry requirements are achieved with the development.
- (20) The application outlines that the storage requirements are achieved with the development.
- (21) The application outlines that the waste storage requirements are achieved with the development.

Part 5 - Development on land adjoining land zoned primarily for urban purposes

Not applicable, the subject site is zoned for urban purposes.

Part 6 – Development for Vertical Villages

Clause 45 – Vertical Villages

Not applicable

Part 7 - Development Standards that cannot be used as Grounds to Refuse Consent

Division 1 - General

Clause 46 Inter-Relationship of Part with Design Principles in Part 3

- (1) *Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.*

Note. *It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.*

- (2) *For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.*

The proposed development is considered to meet the principles set out in Division 2 of Part 3, as previously responded to in this report.

Clause 47 - Part does not apply to certain Development Applications relating to Heritage Affected Land

Not applicable

Division 2 Residential Care Facilities

Clause 48 - Standards that cannot be used to Refuse Development Consent for Residential Care Facilities

Not applicable

Division 3 – Hostels

Clause 49 - Standards that cannot be used to Refuse Development Consent for Hostels

Not applicable

Division 4 – Self Contained Dwellings

Clause 50 –Standards that cannot be used to Refuse Development Consent for Self-Contained Dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds.

- (a) All proposed buildings are 8 metres or less in height, which meets the minimum requirement.
- (b) The density and scale of the buildings when expressed as a floor space ratio (FSR) is less than 0.5:1. The site has a total area of 82,901m² and the existing development has a gross floor area (GFA) of 18,009m². The proposed development has a gross floor area of 4400m². Therefore, the total GFA for the site is 22,409m² and the FSR is 0.27:1. If the immediate site of the development is considered in the absence of other existing development on the site, the site has an area of 12492m² and an FSR of 0.35:1. Despite whichever calculation is used, the proposal complies with the minimum requirement.
- (c) Proposed planting for the immediate site occupies an area of 3675m², which equates to 30% of the site being landscaped, which is the minimum requirement. If landscaped areas for the whole site are considered, the village would go beyond the minimum 30% landscape requirement.
- (d) The proposed deep soil zone is 30% for the proposed development, as all landscaped areas will be deep soil zones and therefore compliance with the minimum requirement of 15% of the site is achieved. As noted above, if the whole site was considered, then the deep soil planting areas would be over 30%. The site is not a conventional block and therefore the requirements for the deep soil planting zone to be located at the rear are not applicable. However, it is noted that there is a large expanse of deep soil planting area along the western boundary of the site, adjoining Dora Creek.
- (e) A minimum of 70% of the dwellings, twenty-six (26) dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm to the living rooms and private open spaces. There are eleven (11) dwellings, which do not achieve the minimum 3 hours and include Units 1, 5, 7, 42, 43, 44, 23, 24, 25, 26 and 27. This is not ideal, however the development complies with the minimum requirement under the SEPP. The applicant has also advised that the covering over the private open space areas of these units will be changed from a solid covering to a translucent covering and the pergolas over the windows to the living areas will be either removed or replaced with translucent sheeting to improve solar access to these units.
- (f) Each of the units has a minimum private open space area of 15m², except for Unit 44, which has an area of 13m². There is a garden bed and seating area immediately adjoining this space, which is in excess of 2m². Therefore, this is acceptable. Three (3) of the units (Unit 14, 44 and 77) do not have a minimum dimensioned area of 3m x 3m in accordance with the SEPP. The spaces provided for these units are still usable due to their areas and therefore the non-compliance with the SEPP is accepted in this circumstance.
- (g) Repealed

- (h) The proposed development complies with the identified standards that require 0.5 vehicle spaces per bedroom. There are twenty-eight (28) two bedroom units and nine (9) three bedroom units. This means that forty-two (42) spaces are required. One space is provided per unit in the form of a garage, and twenty-three (23) of the units have a space as stacked parking on the driveway. Therefore, sixty (60) spaces are provided on site for the development. The stacked parking spaces for the other fourteen units extend onto pathway areas and therefore cannot be counted towards the car parking.

Chapter 4 - Miscellaneous

Not applicable

The proposed development is considered to meet the design requirements under the SEPP (Housing for Seniors or People with a Disability) 2004.

Senior Living Policy:

Urban Design Guidelines for Infill Development (DIPNR 2004)

Clause 31 of the SEPP requires that in determining a development application to undertake in-fill self care housing, the consent authority must consider the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* (DIPNR 2004). These Guidelines require development to contribute to the overall character of the area and achieve a good neighbourhood fit. To achieve this and to enable a merits based assessment of proposed development, the Guidelines identify design principles and best practice, in addition to identifying statutory controls which, if met, cannot be used as grounds to refuse development.

Each section the Policy outlines the objectives of the Guidelines in relation to the issue (eg. Impacts on Streetscape, Impacts on Neighbours etc.), design principles and better practices (under the heading of built form; trees, landscaping and deep soil zones; residential amenity; parking, garaging and vehicular circulation). It further outlines the SEPP controls and the rules of thumb in relation to the issue. It is noted that the proposed development is serviced self-care housing, rather than infill self-care housing, however the guidelines still provide a good basis for the assessment of the design of the development. The following assessment assesses the application against the requirements set out under the above headings.

1. Responding to Context

The SEPP guidelines identify the need for analysis of the neighbourhood character through consideration of street layout and hierarchy, block and lots, built environment, trees and policy environment (Council LEP's and DCP's). Then through site analysis, further considerations are identified that should be translated into the proposed design.

The applicant has provided a satisfactory level of written documentation addressing each of the above matters and a site analysis plan has been prepared in accordance with Clause 30 of the SEPP.

2. Site Planning and Design

The stated objectives of the SEPP guidelines concerning site planning and design are to:

- *minimise the impact of the new development on neighbourhood character,*
- *retain existing natural features of the site that contribute to the neighbourhood character,*
- *provide high levels of amenity for new dwellings,*

- *maximise deep soil and open space for mature tree planting, water percolation and residential amenity,*
- *minimise the physical and visual dominance of car parking, garaging and vehicular circulation, and*
- *provide housing choice through a range of dwelling sizes.*

The built form and existing character within the existing retirement village consists of a mix of attached and separate individual dwellings. It is expected that the redevelopment will match the existing style of character of the area.

The layout of buildings on the site has been designed to reduce the impact of bulk and scale on the streetscape and neighbouring sites. The building facades provide an appropriate mix of finished materials and colours and this is coupled with a quality landscape outcome. The deep soil landscaped area of the site complies with the minimum total area under clause 18 of the SEPP.

The development comprises nine (9) x 3 bedroom and twenty-eight (28) x 2 bedroom dwellings. The applicant has advised that extensive consultation has occurred with existing residents to determine the most appropriate layout for the units and as such, this is considered acceptable.

Built Form:

Recommended design principles and best practice for the built form prescribe:

- i. Locating the bulk of the development towards the front of the site to maximise the number of dwellings with frontage to a public street.*
- ii. Development towards the rear of the site should be more modest in scale to limit impacts on adjoining properties.*
- iii. Dwellings should be oriented to respond to environmental conditions i.e. solar access to living areas and private open space, locate dwellings to buffer quiet areas.*

The development fronts both Freemans Drive and Central Road. The proposed Activity Centre has a strong street address to Freemans Drive and pedestrian access is encouraged along this frontage through the provision of a path from Freemans Drive into the centre.

Council has worked with the applicant for the development to achieve a street address to Central Road. The initial proposal showed Units 4 to 8 addressing Cyprus Close located behind Central Road and the rear yards and a large fence facing Central Road. The amended design shows Units 4-8 with their main entries facing Central Road and their garages facing Cyprus Close. This is an improved outcome for the development as it activates the Central Road frontage and provides an attractive streetscape outcome.

Only part of the site is being redeveloped and there is no development proposed at the rear of the site. Therefore, principle (ii) is not applicable to the development.

The proposal is generally consistent with design principle (iii). Living areas and private open spaces are generally located towards the north, to take advantage of sun angles, and sleeping areas have been located away from living areas of adjoining units to minimise the affects of noise disturbance.

Trees, landscaping and deep soil zones.

The maintenance of the existing patterns and character of gardens and trees is encouraged through:

- i. retaining trees and plantings on the street and in front setbacks to minimise the impact of new development on the streetscape.*

- ii. *retaining trees and plantings at the rear of the lot to minimise impact of new development on neighbours and maintain the pattern of mid block deep soil planting.*
- iii. *retain large or otherwise significant trees on other parts of the site through sensitive site planning.*
- iv. *where it is not possible or desirable to retain existing trees these should be replaced with new mature or semi mature trees.*

The proposal retains the majority of existing trees on the site. A number of pines are being removed from Cyprus Close, these are not native species, or regarded as significant trees. The proposal seeks to re-landscape the whole area of the site being redeveloped, with mainly native species.

The guidelines recommend improving amenity by increasing the proportion of the site that is landscaped area by

- i. *increasing the width of landscaped areas between driveways and new dwellings;*
- ii. *providing pedestrian paths;*
- iii. *reducing the width of driveways;*
- iv. *providing additional private open space above the minimum requirements;*
- v. *providing communal open space;*
- vi. *increasing front, rear and side setbacks;*
- vii. *providing small landscaped areas between garages, dwelling entries, pedestrian paths, driveways etc.*

As noted previously in this report, the landscaped area is estimated to be about 30% of the site being redeveloped and the provision of deep soil zone is estimated to exceed 15%, both of which comply with the requirements of the SEPP. Landscaping and deep soils zones are spread consistently over the site.

The seating and landscaping of the communal open space around the Activity Centre and along the accessible pathway will provide amenity for the residents. A large number of the units have private open space areas in excess of the minimum area required by the SEPP.

Parking, garaging and vehicular circulation

The guidelines recommend reducing the area occupied by driveways, garages and approaches to garages by considering centralised parking in car courts. Where possible existing crossings and driveway locations should be maintained.

The applicant has advised that consultation with the existing residents indicated that they would prefer individual car parking areas and garages, rather than centralised car courts. The proposed garages are all setback from the building line of the units and only a single vehicle garage is proposed for each unit, with stacked parking on the driveway. The driveway approaches to each garage are not excessive in length and the garages will not be visible from the public domain. Therefore, the proposed car parking for the development is acceptable.

3. Impacts on Streetscape

The stated objectives in relation to streetscape impacts are:

- *to minimise impacts on the existing streetscape and enhance its desirable characteristics.*

- *to ensure new development is designed and scaled appropriately in relation to the existing streetscape.*
- *to minimise dominance of driveways and car park entries in the streetscape.*
- *to provide a high level activation and passive surveillance to the street.*

New infill development should be sympathetic to existing streetscape patterns (building siting, height, separation, driveway locations, pedestrian entries etc) and provide a setback relating to adjoining development.

As noted earlier in this report, the development has frontage to Freemans Drive and Central Road, however the majority of the units being redeveloped are internal to the site.

The setback of the Activity Centre to Freemans Drive is slightly forward of the existing Administration building and the Memorial Church, however it is not considered to have a detrimental impact on the streetscape.

The proposed development is single-storey and complements the existing units within the village and the streetscape. As discussed earlier in this report, driveways have not been minimised, however they do not have an impact on the streetscape, as they are internal to the development.

The Activity Centre and the units which front Central Road provide passive surveillance of their respective street frontages.

Therefore, it is considered that the development is generally in accordance with these objectives.

Built Form

The built form should reduce the bulk of the development by:

- i. breaking up the building massing and articulating building facades*
- ii. allowing breaks in rows of attached dwellings*
- iii. using variations in materials, colours and openings*
- iv. setting back upper levels behind the front building façade*
- v. where it is common practice use dormer windows*
- vi. reducing the apparent bulk and visual impact by breaking down the roof into smaller roof elements*
- vii. using roof pitch sympathetic to existing buildings*
- viii. avoiding uninterrupted building facades including large areas of painted render.*

The proposed units are small scale, and while their design is of similar architectural language, different materials and colours have been employed to differentiate the units, while also identifying building groups, refer to colour schedule. The design of the units complements the existing built form within the village.

Trees, landscaping and deep soil zones

The SEPP guidelines seek to retain existing trees and plantings in front and rear setbacks and the road reserve. Where this is not possible new plantings in front setbacks and road reserves are desirable.

As noted earlier in this report, the majority of trees are being retained on the site. The proposed landscaping consists of a good variety of trees, shrubs, and groundcovers to provide a mix of heights and coverage for the development. Dense planting is proposed at

the front of the Administration Building and Activity Centre, which will be visible through the open fencing proposed along Freemans Drive. This will aid to break up the bulk of the Activity Centre and will complement the existing streetscape along this frontage. It is recommended that the four (4) Bangalow Palms proposed in front of the Administration Building on Central Road be replaced with Canary Island Palms to respect existing planting along Central Road and provide a link to the historical landscaping associated with the Seventh Day Adventist site. This can be made a condition of consent, if the application is approved.

Residential Amenity

The SEPP guidelines identify design principles concerning open space, the need for dwellings to address the street and the transition between public and private domains.

The proposal is set within a private retirement village and has limited frontage to the public domain.

The Activity Centre and Administration Building front Freemans Drive and are clearly defined as public buildings, with pedestrian entries from Freemans Drive and Central Road. The new car parking area located off Central Road divides the private units from the public buildings.

Within the estate, open space is clearly defined as private or communal through the provision of fencing, landscaping, and placement of retaining walls.

Utility areas have been appropriately screened from the street and the proposed mail boxes do not result in visual clutter.

Parking, garaging and vehicular circulation

To minimise the impact of these structures on the streetscape, the guidelines recommend avoiding gun barrel configurations, driveways that run the entire length of the site and garages that dominate the street.

The units are accessed by a number of private roads within the village and the proposed development utilises an existing entry to the village from Central Road. Therefore, the proposed access ways to the new units will not impact on the existing streetscape. The impact of the proposed garaging internal to the site has been reduced by locating the garages a minimum of one (1) metre behind the main building line of each unit.

4. Impacts on Neighbours

It is recognised that developments under the SEPP will result in an increase in the number of dwellings and residents. Consequently, the guidelines highlight the importance of minimising the likely adverse impacts on neighbours. In terms of design, the objectives are to minimise:

- *impacts on privacy and amenity of existing neighbouring dwellings*
- *overshadowing of existing dwellings and private open space by new dwellings*
- *retain neighbours views and outlook to existing mature planting and tree canopy*
- *to reduce the apparent bulk of development and its impact on neighbouring properties*
- *to provide adequate building separation*

For this development, the new dwellings are replacing existing units and will actually result in one less unit than what currently exists, although the new units are larger than the ones that are being replaced.

The proposed development has minimal impacts on the adjoining properties as the majority of the new units will be surrounded by the existing retirement village. The only aspect of the development which adjoins a neighbouring property are the units along Central Road, which

face the Memorial Church. These units present attractively to Central Road, and are appropriately setback with landscaped front yards, which respect the curtilage of the church.

Please note that the Activity Centre faces Kressville Lodge, which is part of the Kressville Retirement Village

The impacts on the surrounding units within the village have also been considered in the assessment. The majority of the units are appropriately setback from existing development within the village and separated by landscaping, fencing, and retaining walls.

Built Form

The guidelines highlight the importance of

- i. the relationship between buildings and open space to be consistent with the existing patterns in the block;*
- ii. protecting neighbours amenity by carefully designing the bulk and scale of the new development to relate to the existing residential character;*
- iii. reducing the visual bulk of roof forms by breaking down the bulk of roof forms into smaller elements;*
- iv. designing second storeys to reduce overlooking of neighbours properties; and*
- v. reducing the impact of unrelieved walls on narrow side and rear setbacks by limiting length of walls to these setbacks.*

The proposed development is consistent with the built form design principles above. The proposal is consistent with existing built form patterns within the village and the bulk and scale of the development will not affect any neighbouring units. The visual bulk of the roof forms of the units have been reduced through the use of parapets and a variety of gabled and hipped roof forms.

Trees, landscaping and deep soil zones

The guidelines recommend the use of vegetation and mature plantings that are characteristic of the local area to provide a buffer, privacy, and shade for the new and existing dwellings.

The proposed development provides areas for landscaping that are characteristic of the local area and deep soil planting, that provides appropriate buffers to adjoining development, privacy, and shade.

Residential Amenity

The guidelines require that adequate solar access and ventilation be provided to living areas and private open space of neighbouring properties by ensuring adequate building separation. Dwellings should be designed so they do not directly overlook neighbours private open space or into existing dwellings. Private open space should be located to minimise negative impacts on neighbours. Where side setbacks are not large enough to provide useable private open space, setbacks should be used to achieve privacy and soften the visual impact of the proposal.

As previously discussed in this report, the proposed development affords a satisfactory level of separation from the adjoining dwellings. These setbacks allow appropriate space for ventilation and an opportunity for landscaping and screening to achieve a level of privacy between the development and the adjoining dwellings

It is noted that a concern was raised by the existing resident of Unit 32 that the proposed unit 1A would directly adjoin the verandah of his unit. In this particular circumstance, the open space areas of each of these units will be directly next to each other. It is recommended that

a privacy screen is provided between these two units to ensure privacy to each of the units open space areas.

5. Internal Site Amenity

The objectives of the guidelines concerning internal amenity are to:

- *provide quality useable private and communal open spaces for all residents;*
- *provide dwellings that have distinct identities and safe entries;*
- *provide safe and distinct pedestrian routes to all dwellings and communal facilities;*
- *ensure adequate solar access to living areas and private open space; and*
- *reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development.*

The development is consistent with these objectives. The proposal includes a number of small areas of communal open space, and the open space areas for each unit are private, usable and the majority of the units achieve the minimum solar access requirements. Each of the units have distinctive entries within the village and the dominance of garage structures has been reduced through the garages being setback from the front building line of the units.

Built Form

To achieve these objectives, the recommended design principles highlight the importance of providing dwellings with a sense of individual identity through architectural elements, planting and building separation. It is recommended that buffer spaces or barriers between the dwellings and driveways, or dwellings and communal areas are provided. The use of trees, vegetation, fences or screening devices to provide curtilages is also recommended. Dwelling entries should be designed so they are clear and identifiable from the street or driveway, provide a sense of address, and are oriented to not look directly into other dwellings. Solar access to living areas and private open spaces should be maximised.

The proposal will be distinctive from existing dwellings through the use of different colours and materials, which place the new units into groups, which will form mini neighbourhoods within the village. Dwelling entries will be clearly identifiable within the site and landscaping and retaining walls provide buffers between units. Solar access to private open space areas and living areas of the units is acceptable.

Parking, garaging and vehicular circulation

The guidelines recommend locating habitable rooms, especially bedrooms, away from driveways, parking areas and pedestrian paths – large uninterrupted areas of hard surfaces should be avoided and the dominance of vehicle circulation areas reduced.

Habitable rooms are generally located away from driveway areas and where this cannot be avoided, the amount of traffic expected on the private roads within the village is not expected to cause a nuisance to residents.

As discussed previously in this report, the dominance of the driveways and garages has been minimised through setbacks and appropriate landscaping.

Residential Amenity

The guidelines promote the provision of distinct and separate pedestrian and vehicular circulation on the site. Where this is not possible, driveways/pathways should be wide enough to allow a vehicle and a wheelchair to pass safely. Pedestrian routes should be provided to all public and semi-public areas, dwelling entries, communal facilities and visitor parking spaces.

The proposed development provides separate pedestrian and vehicular access around the site, which is safe, of a suitable gradient and provides a continuous path of travel around the site.

The importance of providing adequate safety and security is also highlighted in the guidelines.

The proposal has adequately considered safety and security issues through the preparation of a crime risk assessment, which shows that the development has been designed with the aim to reduce the potential for crime and to ensure that the residents feel safe within the complex.

To maximise internal residential amenity, the guidelines consider private open space should be generous in proportion and adjacent to the main living areas of the dwelling. It should be oriented predominantly north, east or west to provide solar access and comprise multiple spaces for larger dwellings. Both paved and planted areas should be provided and existing vegetation retained where practical. The controls contained in the SEPP require not less than 15 square metres, with one area having a minimum dimension of 3m x 3m and being accessible from a living area located on the ground floor. With regard to solar access, a minimum of 70% of the dwellings must receive a minimum of 3 hours direct sunlight between 9am and 3pm to the living rooms and private open spaces.

As noted previously in this report, a minimum of 70% of the dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm to the living rooms and private open spaces.

Each of the units has a minimum private open space area of 15m², except for Unit 44, which has an area of 13m² but it has an adjoining seating area which could be used in addition to the area provided. Three of the units (Unit 14, 44 and 77) do not have a minimum dimensioned area of 3m x 3m. The spaces provided for these units are still usable and therefore the non-compliance with the SEPP is accepted in this circumstance.

The guidelines recommend the provision of communal open spaces that are clearly accessible to all residents, are easy to maintain, incorporate existing mature trees and vegetation to provide amenity to all, and include shared facilities such as seating areas and barbeques to permit resident interaction.

There are a number of communal areas provided throughout the site. The main communal area being provided as part of this development is appropriately located adjacent to the Activity Centre, but there are also a number of other areas located throughout the development, particularly along pathways.

Lake Macquarie Local Environmental Plan 2004 (LMLEP2004)

Clause 15 General Controls for Land within Zones

Seniors Housing is listed as a permissible use in the 2(2) Residential (Urban Living) zone, however the development has been applied for under the provisions of the SEPP. As noted earlier in this report, the development is permissible under the SEPP. The proposed Activity Centre is ancillary to the seniors housing and is therefore permissible with consent.

Clause 16 Development Consent – matters for consideration

(a) Lifestyle 2020 Vision, Values and Aims

In considering this application the consent authority must have regard to the following vision, values and aims of the Lifestyle 2020 Strategy as expressed in Part 2 of the LMLEP2004 as follows:

Vision

The vision for land to which this strategy is:

- *a place where the environment is protected and enhanced.*
- *a place where the scenic, ecological, recreational and commercial values and opportunities of the Lake and coastline are promoted and protected.*
- *a place with a prosperous economy and a supportive attitude to balanced economic growth, managed in a way to enhance quality of life and satisfy the employment and environmental aims of the community.*
- *a place that recognises encourages and develops its diverse cultural life and talents and protects and promotes its heritage.*
- *a place that encourages community spirit, promotes a fulfilling lifestyle, enhances health and social well being, encourages lifestyle choices and has opportunities to encourage participation in sport and recreation.*
- *a place that promotes equal access to all services and facilities and enables all citizens to contribute to an participate in the City's economic and social development.*

Values

The 4 core values of the strategy are sustainability, equity, efficiency and liveability.

Aims

The aims of the strategy are to:

- (a) *provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and*
- (b) *reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and*
- (c) *provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and*
- (d) *guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and*
- (e) *achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and*
- (f) *develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and*
- (g) *manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well being, and*
- (h) *manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and*
- (i) *integrate land use with the efficient provision of public and private movement systems.*

The proposal has addressed and satisfied the vision, values, and aims of the Strategy in this development through the provision of seniors housing with appropriate services, access, and facilities in proximity to public transport and urban core services and by minimising adverse impacts on the existing and adjacent environment.

(b) Objectives of Zone

The land is zoned predominantly 2(2) Residential (Urban Living) with a section to the rear of the site zoned 7(1) Conservation (Primary) zone, (see Figure 4 above). All of the proposed development is within the 2(2) zone. The objectives of the 2(2) zone are as follows:

2(2) Residential (Urban Living) Zone

(a) provide for medium and high density housing, and

Comment: The proposal provides for medium to high density housing through the provision of seniors housing within an existing facility.

(b) encourage development of good quality design within the zone, and

Comment: The proposal has been designed by an architect and is considered to be of good quality design.

(c) provide an environment where people can live and work in home businesses and professional services whilst maintaining the residential amenity of the surrounding area, and

Comment: The proposal does not support the creation of home businesses as it is for seniors housing. The development is not considered to be required to meet this objective.

(d) provide residents with good access to a range of urban services and facilities, and

Comment: The development is located adjacent to the retail centre of Cooranbong and also has public transport facilities at its door, therefore it has good access to a wide range of services and facilities.

(e) encourage amalgamation of existing lots to facilitate well designed medium and high density development, and

Comment: The site consists of a number of different lots, which currently supports seniors housing. A condition of consent can ensure that the lots are amalgamated as part of the development.

(f) provide for sustainable water cycle management.

Comment: The development supports sustainable water cycle management through the provision of stormwater detention and harvesting on the site.

The proposal is considered to meet the zone objectives as described above.

Clause 17 - Provision of essential infrastructure

The site is capable of being fully serviced with essential infrastructure.

Please refer to comment under Section 2.5.1 of DCP 1 under 79(1)(a)(iii).

Clause 18 - 23

Not applicable.

Clause 24 Subdivision

The development site is over a number of different parcels of land. The sites are not proposed to be consolidated as part of this proposal, however this will be made a condition of consent, if the application is approved.

Clause 25 Demolition

The proposal includes the demolition of thirty-eight (38) units and some sections of the Administration Building to facilitate the redevelopment of the site. Demolition of these existing buildings and associated structures are enabled by this clause and will be considered as part of this application. An appropriate condition of consent can ensure that demolition is carried out in accordance with the relevant policies and Australian Standards, if the application is approved.

Clause 26 – 28A

Not applicable

Clause 29 Building heights

The proposed dwellings do not exceed 8 metres in height. The proposed building heights are considered acceptable

Clause 30 Control of pollution

The proposed seniors housing, and the nature of its use/operation, will not give rise to excessive noise or air pollution. If the application were to be approved, an appropriate condition of consent in relation to the control of pollution would be applicable.

Clause 31 Erosion and sediment control

An erosion and sediment control plan was submitted with the application.

Please refer to comment under Section 2.1.11 of DCP 1 under 79(1)(a)(iii).

Clause 32 Flood prone land

The areas of the site where the development is proposed is not classed as flood prone land, and therefore there are no requirements which need to be met in relation to this clause.

Clause 33 Bush fire considerations

The land is zoned bush fire prone.

Please refer to comment under Section 2.1.5 of DCP 1 under 79(1)(a)(iii).

Clause 34 Trees and native vegetation

A number of trees are to be removed as part of the project.

Refer to comment under Section 2.1.1 and 2.1.4 of DCP 1 under 79(1)(a)(iii).

Clause 35 Acid Sulfate Soils

The area of the proposed development is zoned Class 5 on the Acid Sulfate Soil Planning Maps. The development is not likely to lower the water table below 1 metre AHD on adjoining Class 3 land. Therefore, there are no further concerns in relation to acid sulfate soils.

Clause 36-37

Not applicable.

Clause 38 Advertising Structures and Signs

A sign for the Activity Centre was initially proposed as part of the development, however this has since been withdrawn from the application.

Clauses 39 – 42A

Not applicable.

Part 6 Heritage Provisions

The site is not a listed heritage item, however as noted earlier in the report it is located adjacent to a number of items of heritage significance and is located within the Cooranbong Seventh Day Adventist Community, which has its own set of heritage provisions in Council's DCP 1.

Clause 43 Objective

The Statement of Heritage Impact prepared by carste Studio identifies that the site could contain archaeological sites. A condition of consent can be placed on the development, if approved, for construction to cease if any items are uncovered during excavations.

Clause 44 Protection of heritage items and heritage conservation areas

Not applicable as the development is not a heritage item or located in a listed heritage conservation area.

Clause 45-46

Not applicable.

Clause 47 Assessment of Heritage Significance

The development site does not contain any heritage items and does not affect the heritage significance of any heritage items or heritage conservation areas.

An assessment of the development with regard to its impact on the potential heritage items is addressed in Section 2.4 of the DCP 1 assessment under 79(1)(a)(iii).

Clauses 48 - 50

Not applicable.

Clause 51 Development affecting known or potential archaeological sites or relics of European heritage significance

As noted under clause 43 above, The Statement of Heritage Impact prepared by carste Studio identifies that the site could contain archaeological sites. A condition of consent can be placed on the development, if approved, for construction to cease if any items are uncovered during excavations.

Clause 52 Development in vicinity of a Heritage Item

The development site is not within the vicinity of any identified heritage items. It is noted that the development is located within the vicinity of two (2) potential heritage items.

Refer to comment under Section 2.4 of DCP 1 under 79(1)(a)(iii).

Clauses 53 - 62

Not applicable.

79C(1)(a)(ii) the provisions of any draft EPI

There are no draft Environmental Planning Instruments applicable to the site or the development.

79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)

Development Control Plan No. 1 – Principles of Development

Section 1.8 – Development Notification Requirements

The application was sent to the NSW Rural Fire Service as integrated development being defined as a special use under the requirements of the *Rural Fires Act 1997*.

The NSW Rural Fire Service provided their General Terms of Approval on 18 April 2011.

Adjoining and adjacent neighbours were notified of the proposal. No formal submissions were received with regard to the development, however it is noted that the resident of Unit 32 within the village rang to discuss his concerns by telephone. His concerns are addressed in this report and a privacy screen will be provided around his unit's open space area to ensure his privacy and the privacy of the future resident of Unit 1A.

Section 2.1 – Environmental Responsibility and Land Capability

2.1.1 – Ecological Values and 2.1.2 – Ecological Corridors

A number of trees are proposed to be removed as part of the development. The removal of these trees will not impact on ecological values in the area or impact on any ecological corridors.

2.1.3 Scenic Values

The site is located within a Scenic Management Zone B on Council's Scenic Management Zone Maps. A Visual Impact Statement has been submitted for the development.

The site is located within an urban and commercial setting, surrounded by residential development and adjacent to the retail centre of Cooranbong. The proposal is within an existing seniors housing development and it will not impact on the scenic values of the area.

2.1.4 Tree Preservation and Management

As noted above, a number of trees are proposed to be removed to accommodate the development. The majority of the trees are exotic species and none of the trees are considered to be significant. The trees will be replaced with suitable native species. Therefore, there are no issues with the removal of the trees.

2.1.5 Bushfire Risk

The application was referred to the NSW Rural Fire Service, as the development is integrated development under Section 100B of the *Rural Fires Act 1997*. The NSW Rural Fire Service issued its General Terms of Approval on 18 April 2011. The General Terms of Approval will form part of any consent issued.

2.1.6 Water Bodies, Waterways and Wetlands

The proposed development is located within the vicinity of Dora Creek, which is located on the western boundary of the site. The stormwater management plan prepared by MPC Consulting Engineers has incorporated facilities which will limit any likely adverse effects on the water body and/or ecosystem adjacent or downstream receiving waters. It is therefore considered that the development as proposed will have no significant adverse impacts on Dora Creek.

2.1.7 Flood Management

The area of the site proposed to be developed is not classed as flood prone and therefore there are no issues to consider in this regard.

2.1.9 Sloping Land and Soils

The site is located within a T6 geotechnical zone on Council's Geotechnical Maps, as such further geotechnical investigation may be required, where specified after a site inspection. Council's Development Engineer has not indicated that a geotechnical report is required for the development.

The development proposes a significant amount of cut and fill to accommodate the development. As a result, it does not comply with Acceptable Solution 1.1, which states that in combination, cut and fill external to the building perimeter totals a maximum of 2 metres, with the maximum of either cut or fill being 1 metre.

In this regard, it is noted that the site supports an existing seniors housing development and the proposal requires a significant amount of cut and fill to achieve the accessibility requirements of the SEPP. To reduce the impact of the retaining wall heights, many of the retaining walls have been stepped and the site will be landscaped to provide screening. In the circumstances, the cut and fill is justified to support the modernisation of an existing seniors living development.

2.1.10 Acid Sulfate Soils

The site is located in a Class 5 area on the Acid Sulfate Soil Mapping, however it adjoins a Class 3 area adjacent to Dora Creek. The development has been assessed and it has been determined that it will not lower the water table by more than 1 metre AHD on the adjoining Class 3 land. There are no further considerations for acid sulfate soils.

2.1.11 Erosion Prevention and Sediment Control

The erosion and sediment control plan lodged with the application has been assessed by Council's Erosion and Sediment Control Officer, who advises that the plan is sufficient for the scope of works.

If the application were to be approved, an appropriate condition of consent in relation to the control of erosion and sediment would be applicable.

2.1.12 Mine Subsidence

The site is not located in an area affected by mine subsidence.

2.1.13 Contaminated Land

The proposal is on a site that has been previously developed for seniors housing and therefore there are no concerns in relation to contaminated land.

2.1.14 Energy Efficiency

The application has been supported by a BASIX certificate for each stage of the development, Stage 1, Ref 319364M_02 dated 23 March 2011 and Stage 2, Ref 322152M dated 21 October 2010. The development meets the minimum targets for water consumption, energy consumption and thermal comfort identified in the BASIX Certificates.

2.1.15 Noise and Vibration

The proposal is for the redevelopment of an existing site. The proposed units will not have any greater impact than what is experienced on the site currently.

A Noise Impact Assessment, prepared by ERM, ref. 0121666RP01 and dated September 2010 was submitted in relation to the potential noise impact of the proposed development. This report has been reviewed by Council's Senior Environmental Officer and he has advised that the noise associated with the Activity Centre and the proposed air conditioners will not impact on any adjoining residences.

In order to address the impact of construction noise associated with the development, Council's Senior Environmental Officer has recommended that a construction site noise management plan shall be submitted prior to the issue of a Construction Certificate to address this issue and to ensure that neighbourhood disturbance is minimised throughout the project. This can be made a condition of consent, if the application is approved.

2.1.16 Air Quality and Odour

The operation of the development will not result in the emission of any offensive odours and will not affect air quality.

An appropriate condition of consent can ensure that air quality is not unduly impacted upon during the construction phase of the development.

2.1.17 Demolition and Construction Waste Management

The applicant has not submitted a Demolition and Construction Waste Management Plan for the development.

A condition of consent would be applicable in relation to the control of demolition and construction waste management and to ensure that a demolition and construction waste management plan be submitted for approval prior to the issue of a Construction Certificate.

Section 2.2 – Social Impact

The proposal is a 'Category 2' development with the applicant providing a Social Impact Assessment (SIA), prepared by Third Dimension Research and dated 10 September 2010.

The SIA states that the design of the development greatly improves pedestrian access to retail outlets, public transport, and social opportunities and therefore provides substantial benefits in terms of connectivity, inclusiveness, safety, accessibility, and public health for the residents of the village. In addition, the design directly responds to the housing needs and expectations of residents and therefore has a positive social impact.

Section 2.3 – Economic Impact

The proposal would have positive economic impacts for the City.

Section 2.4 – Heritage

The proposed development is within the vicinity of two buildings/structures that have heritage significance, however they are not formally listed items. These items are the Avondale Memorial Church located on the opposite side of Central Road from the subject site and the brick pylon gates at the intersection of Central Road and Freemans Drive.

The proposed Activity Centre is forward of the existing Administration building, however when travelling along Freemans Drive, it will not interrupt the vista of the church beyond. The proposed units (4-8) opposite the church have been well setback and articulated to respect the curtilage of the church building, refer to Figure 5 below.

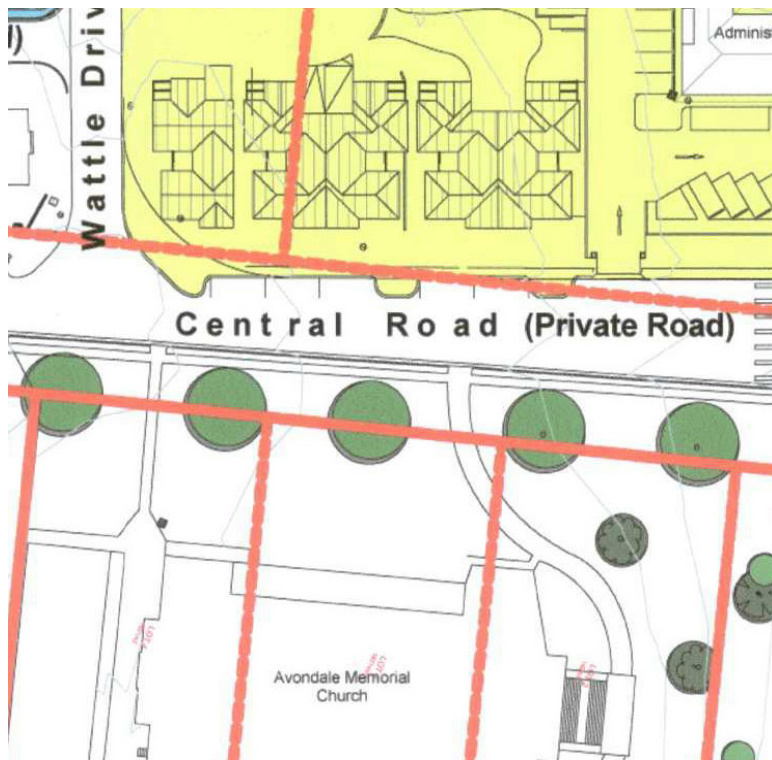


Figure 5 Setback of Units 4-8 in relation to Church

The proposed fence along Freemans Drive is of an open style and is located some 15 metres from the brick pylon entry gates. The reconfiguration of the car parking area adjacent to the Administration building will not affect the interpretation of the gates. Therefore, the development does not impact on the brick pylon gates.

See comment under Section 4.10 of DCP 1 assessment for further comment on heritage matters.

Section 2.5 – Stormwater Management, Infrastructure and On-site Services

2.5.1 Essential Infrastructure

Essential infrastructure including, the supply of water, the supply of reticulated sewer, provision of energy, and the provision of telecommunications are already provided on the subject site. The proposal results in one (1) less unit than the status quo and therefore the development will not have an increased demand on these services.

2.5.2 On-Site Wastewater Treatment

Not applicable, the site has access to reticulated sewer.

2.5.3 Stormwater Management (Drainage System Design) and 2.5.4 On-Site Stormwater Harvesting (Source Controls)

Council's Development Engineer has advised that a suitable Stormwater Management Plan by MPC Consulting Engineers incorporating detention, water harvesting, water quality facilities and site discharge index requirements in accordance with DCP 1 has been provided. The plan is considered adequate to demonstrate compliance with DCP 1 and is supported.

2.5.5 Operational Waste Management

The proposed development will not alter the current arrangements for the collection of waste from the site.

Each of the units has an individual waste bin stored in a utility area, which is picked up regularly by the caretaker and emptied into a centralised bin for collection by a commercial contractor.

If the application were to be approved, an appropriate condition of consent in relation to the control of operational waste management would be applicable.

Section 2.6 – Transport, Parking, Access and Servicing

2.6.1 Movement System

This section is not applicable to this development.

2.6.2 Traffic Generating Development

This section is not applicable to this development.

2.6.3 Road Design

The surrounding road system is considered adequate to support the development proposed. Some minor changes are being proposed to the existing private road system of the development to improve vehicular access around the site.

2.6.4 Pedestrian and Cycle Paths

Accessible pedestrian paths are proposed throughout the development. The paths provide a link between the individual dwellings/units, the Activity Centre, the Administration building and the shops and services provided along Freemans Drive.

A condition will be applied to any consent issued for the development for all paths to comply with AS 1428.1 and AS 1428.4.1.

2.6.5 Public Transport

A bus stop is located directly adjacent to the Administration building on the site along Freemans Drive. A bus service stops here on a regular basis Monday to Friday, which travels in a southerly direction to Morisset (Route 280). This bus service links up with the train station located at Morisset, which offers trains seven days a week in both a southerly direction to Sydney and a northerly direction to Newcastle.

The bus stop is to be upgraded to conform with Disability Discrimination Act requirements as part of this development. This will be made a condition of consent, if the application is recommended for approval.

2.6.6 Vehicle Parking Provision

Car Parking for Individual Units

In accordance with the Vehicle Parking Table the development is defined as 'Housing for people aged over 55 years or people with disabilities or People with Disabilities (SEPP (Housing for Seniors or People with a Disability) 2004. Clause 50(h) of the SEPP requires:

	Rate	Required (On-Site)	Provided	Complies
Dwellings				
28 x 2 bedrooms	0.5/bedroom	14		
9 x 3 bedrooms	0.5/bedroom	28	60	Yes
Visitor				
37 x dwellings	Not required	Nil	Nil	Yes

TOTAL		42	60	Yes
--------------	--	-----------	-----------	------------

The subject development generates 42 spaces under the provisions of the SEPP with 60 spaces being provided. Each unit has a single car garage and the majority of units have a stacked car parking space on the driveway. This demonstrates compliance with DCP 1.

Car parking for the Activity Centre and Administration Building

Activity Centre	Required DCP	by	Provided	Complies
520msq				
5 spaces plus 1 space per 40msq GFA	18		13 (including 1 disabled and 1 mini bus)	No
Administration Building				
240msq				
1 space per 40msq GFA	6		6 (including 1 disabled)	Yes
TOTAL	24		19	No

From the table above, it can be seen that the car parking provision for the Administration Building complies with DCP 1 but the parking for the Activity Centre does not comply with the requirements of DCP 1. It is noted that the majority of users of the centre will be the residents of the village and their visitors and therefore the car parking is considered adequate in the circumstances.

The table above only shows two (2) disabled car parking spaces being provided, however three (3) disabled car parking spaces are shown on the submitted plans. The third space shown is not compliant with AS 2890.6 as it does not have a 2.4 metre adjacent bay. Council's Community Planner (Ageing & Disabilities Services) has advised that three (3) disabled car parking spaces are required for the development. It is noted that a third disabled car parking space can be provided on the site if the existing disabled spaces are reduced to the minimum 2.4 metre width and the existing shared bay is reduced to the minimum 2.4 metre width. This will allow room for an additional 2.4 metre bay to be provided for the third space. The plans can be amended in red and a condition placed on any development consent issued for the third space to be provided.

2.6.7 Car Parking Areas and Structures

Council's Development Engineer has advised that the internal driveways and car parking area (including turning movements) appear adequate for the development and comply with DCP requirements.

2.6.8 Vehicle Access

Council's Development Engineer has advised that the proposed access and sight distances to the proposed development from Central Road and Freemans Drive are satisfactory.

2.6.9 Access to Bushfire Risk Areas

Please refer to the above comments at Section 2.1.5 of DCP 1 under 79(1)(a)(iii).

2.6.10 Servicing Areas

Council's Development Engineer has advised that the proposed servicing areas for the development are satisfactory.

2.6.11 On-Site Bicycle Facilities

Specific on site bicycle parking facilities are not provided, though can be accommodated within each dwelling/unit. Pedestrian paths are proposed throughout the development, which connect to Freemans Drive and the Activity Centre on the site.

2.6.12 Non-Discriminatory Access and Use

An Access Report prepared by the Independent Living Centre was submitted with the application. A review of the report by Council's Community Planner (Ageing & Disabilities Services) found the following:

- The bus stop on Freemans Drive is directly adjacent to the site, in front of the Administration Building. It has not been shown whether the bus stop can be accessed by a path of travel that is compliant with AS 1428.1 and AS 1428.4.1.
- The bus stop will be required to be upgraded to conform with Disability Discrimination Act requirements.
- The standard for Tactile Ground Surface Indicators has been misquoted in the Access Audit and needs to comply with AS 1428.4.1.
- The disability parking to service the Activity and Administration Centres does not comply with AS 2890.6. There is however sufficient space for 3 compliant disability parking spaces in the area.
- The internal layout of the Activity Centre and the path of travel from the parking areas and the proposed units to the centre comply with AS 1428.1. The layout of the units also complies with AS1428.1 and Type B units comply with AS 4299 Adaptable Housing.

These requirements can be made conditions of consent, if the application is approved.

Section 2.7 – Streetscape and the Public Realm

2.7.1 Streetscape and Local Character

As discussed previously in this report, the site has frontage to both Freemans Drive and Central Road. The proposed Activity Centre fronts Freemans Drive. The colours and materials used for the façade of the Activity Centre have been deliberately chosen by the architect to ensure that the centre stands out as a public building. The centre has been setback approximately fifteen (15) metres from the road and will not be out of place with the existing Kressville Lodge on the opposite side of Freemans Drive. There is also a wrought iron and concrete blockwork fence proposed along Freemans Drive, approximately five (5) metres from the road. The height of the fence will be no greater than 2 metres and will follow the contours of the site, stepping down where the ground level drops lower. See further comment regarding fencing in Section 2.7.8 of the DCP 1 assessment.

The units along Central Road have been redesigned so that they have an activated street frontage and the proposed fence along this elevation has been deleted. In addition, the units have also been further setback from Central Road so that they do not impact on the curtilage of the Memorial Church.

2.7.2 Landscape

The proposed landscaping is satisfactory for the development. A variety of trees, shrubs, and groundcovers, with an emphasis on native species are proposed for the site. This will provide an attractive outlook for the village and provide shade to residents. The applicant has also advised that communal gardens will be provided in public space areas for the residents to establish and maintain, which will foster community spirit within the village and give the residents ownership of the gardens.

Council's Landscape Architect has advised that the four (4) proposed Bangalow Palms along Central Road, adjacent to the Administration Building car park area, should be replaced with Canary Island Palms with a minimum pot size of 75 litres to ensure consistency of planting along this historical avenue, which provides access to the Avondale College and the Sanitarium factory.

Overall, the landscape outcomes are considered to be acceptable and achieve a Category 3 design outcome.

Conditions of consent will be imposed if the application is recommended for approval to ensure compliance with the Category 3 requirements and the planting of the Canary Island Palms along Central Road.

2.7.3 Public Open Space

The development proposes a number of small open spaces areas with landscaping and seating within the site. Section 94 contributions are not applicable to the development as the proposal does not increase the number of units on the site.

2.7.4 Pedestrian Networks and Places

The development proposes internal pedestrian networks and places. The proposed internal pedestrian network links all the dwellings/units with Freemans Drive and Central Road, the open space areas, the Activity Centre and the Administration Building.

Landscaping of the development seeks to provide shade and bench seats for the amenity of residents along the pedestrian pathways throughout the site.

2.7.5 Light, Glare and Reflection

The design of the development and the proposed colour scheme of the development indicate that reflection will not cause nuisance to adjoining properties or within the development itself.

Lighting has been provided along the pedestrian pathways and around the Activity Centre and Administration Building for safety and security purposes. A condition of consent can ensure that further detail of the location of lighting is provided prior to the issue of a Construction Certificate, if the application is approved.

2.7.6 Views

The development will not affect any public or private view corridors.

2.7.7 Signs

Identification signage was initially proposed along Freemans Drive for the Activity Centre, however Council raised concern with the size of the proposed sign. The sign has since been withdrawn from the application.

There is already existing signage for the identification of the village and Administration building.

A condition will be placed on any consent issued, for a separate development application to be lodged for approval to install signage.

2.7.8 Fences

A wrought iron and concrete blockwork fence is proposed along Freemans Drive, setback approximately five (5) metres from the road. The height of the fence will be no greater than two (2) metres and will follow the contours of the site, stepping down where the ground level drops lower, refer to figure 6. The fence was initially not supported by Council as it screens the existing low brickwork fence and was thought to be out of character with the area.

A submission by the applicant's heritage architect, Mr Stephen Booker from carste Studio indicates that the low brickwork wall has no heritage significance as it is a later addition to the brick pylon entry gates. He has also indicated in the Statement of Heritage Impact for the development that the fence compliments the Activity Centre and provides a well defined boundary to the site. This justification is accepted, however Council's Heritage Architect has requested that the pointed capping on the concrete blockwork of the fence be amended to flat square capping. The applicant has agreed to this change and this can be made a condition of consent, if the application is approved.

A fence was initially proposed along Central Road, however discussions between the applicant and Council has resulted in a redesign of the units to create street activation along this boundary and the fencing has been deleted from the application.



Figure 6 – Fence Detailing Plan

2.7.9 Safety and Security

A review of the Crime Risk Assessment by Council's Community Planner (Youth & Safety) identified the development as having a 'low crime risk'. The following specific design comments were raised:

Concern	Crime	CPTED Principle
Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels	Fear of Crime	Surveillance, Space Management

Landscaping should not inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities. The use of trees with elongated trunks is recommended, and shrubs should be less than 1.2 metres.	Assaults, Robbery	Surveillance, Space Management
When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future.	Assaults, Robbery	Surveillance, Space Management
A long-term maintenance plan is to be developed. This is to cover maintenance of vegetation, graffiti management, litter control and malicious damage. Graffiti is to be removed within 24 hours, and lighting, if damaged or broken should be restored within 48 hours.	Graffiti, Malicious Damage, Assaults & Robbery	Surveillance, Space Management, Territorial Reinforcement, Access Control
Trees are not to be located close to the buildings as they can be used as natural ladders and provide concealment opportunities. Trees should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the buildings	Break and Enter Steal from Dwelling	Access Control, Space Management, Surveillance
Pedestrian crossings and pathways should be clearly indicated by the use of differing materials	General Safety	Surveillance, Space Management

If the application were to be approved, an appropriate condition of consent to address the above matters would be applicable.

Section 3.1 to 3.7 (inclusive)

These sections were considered not applicable to the subject development.

Part 4 – Area Plans

4.10 Cooranbong Seventh Day Adventist Community

The Avondale site, of which the Kressville Retirement Village is a part, represents a unique venture in NSW, which combines a religious community, a college, and a factory, with all members living by, and thriving on, the Seventh Day Adventist philosophy.

In response to the significance of the Avondale site, a Conservation Management Plan (CMP) for the Seventh-day Adventist Establishment has been prepared on behalf of *The Australasian Conference Association Ltd*, by Stephen Booker of carste Studio with the final issue dating October 2009. It was submitted to Council early 2010 to address the Area Plan requirement for a CMP to be prepared for the site.

Stephen Booker prepared a Statement of Heritage Impact for the proposed development and attended a meeting with Council, along with the applicant on 30 May 2011, to address a number of heritage matters raised by Council.

The main issues raised by Council's Heritage Architect included the colour scheme for the development, the use of awnings and parapets on the facades of the individual units and the Activity Centre, and the proposed fencing along Freemans Drive.

In response, the applicant has provided justification for the colours chosen and has amended the brick colour "Hawkesbury Blend" with a less busy brick "Boral Nuvo-Chino" for the Layer 2 units of the development. The use of awnings and parapets has been justified through evidence that these features are used elsewhere on the site and therefore are not historically

inappropriate. In relation to the fence along Freemans Drive, Council has accepted that it is reasonable for the operator to provide delineation of the site boundary and the design of the fence is accepted provided that the capping will be amended from pointed capping to square capping. The applicant has agreed to this change.

Therefore, the applicant has satisfactorily addressed the principles of the CMP and the Area Plan as part of their application. The proposed development will compliment the existing units within the village and does not impact on any surrounding items of heritage significance, including the Avondale Memorial Church and the brick pylon entry gates on Central Road.

79C(1)(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

There is no planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.

79C(1)(a)(iv) any matters prescribed by the regulations

The Regulation 2000 provides:

(1) For the purposes of section 79C (1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

- (i) in a local government area referred to in the Table to this clause, and*
 - (ii) on land to which the Government Coastal Policy applies,*
- the provisions of that Policy,*

(b) in the case of a development application for the demolition of a building, the provisions of AS 2601.

- (a) The Government Coastal Policy does not apply.
- (b) The development includes the demolition of thirty-eight (38) units and some sections of the Administration building. If the application were to be approved, an appropriate condition of consent in this regard would be applicable.

79C(1)(b) the likely impacts of the development

The following matters were considered and, where applicable, have been addressed elsewhere in this report.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design & internal design
Flora & fauna	Construction

79C(1)(c) the suitability of the site for development

Does the proposal fit the locality?

The outcomes proposed will achieve a highly functional development compatible with the local residential context, land characteristics, and the existing seniors housing on the site and provides modern and functional units for the future residents.

Are the site attributes conducive to development?

The site attributes are conducive to development

79C(1)(d) any submissions made in accordance with this Act or the Regulations?

Public submissions:

The application was notified on two separate occasions from 23rd February until 9th March 2011 and 5th May until 24th May 2011. There were no public submissions received for the development. One (1) resident raised concern through a telephone call and this has been addressed elsewhere in this report.

Submissions from public authorities:

As required by the EPA Regulation 2000, relevant government departments were notified, and where necessary general terms of approval applied. There were no circumstances where objections were raised by public authorities.

79C(1)(e) the public interest

It is considered the public interest issues have been adequately considered. The proposed development is considered to be in the public interest.

Conclusion:

Based on the above assessment, it is concluded that the construction of a Community Facility and Serviced Self Care Housing under the provisions of the SEPP at 10 Central Road Cooranbong will result in an acceptable development, with no unreasonable environmental impacts.

Recommendation:

It is recommended that the application be approved, subject to the conditions contained in Appendix A to this report.

Lisa Blandford
Development Planner
Lake Macquarie City Council

I have reviewed the above planning assessment report and concur with the recommendation.

John Andrews
Chief Development Planner
Lake Macquarie City Council