



**Statement of Environmental Effects in relation to**

**Proposed Retirement Village - 40-48 Burton Road, Mount Hutton**

**Prepared for Eleebana Shores Retirement Living – December 2013**



**Project: 12260**

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## **1. Introduction**

### **1.1 Overview of Proposal**

The proposed development involves the construction of a retirement village which will provide supported living to primarily seniors, as well as people with a disability. The proposed development comprises 'serviced self care housing' under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The proposal provides 101 dwellings along with a large community/recreation centre and support services/facilities.

### **1.2 Scope of Report**

This report has been prepared to accompany the development application and provides information as required by Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. The report addresses matters that are required to be considered by the consent authority under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*.

The Statement of environmental Effects provides:

- A description of the site.
- A description of the proposed development.
- A review of the statutory and non-statutory planning instruments applying to the land.
- A review of the environmental impacts of the proposed development through the use of available site information and specialist reports.
- A discussion of the suitability of the site for the development.
- A discussion of how the proposal relates to the public interest.

### **1.3 Supporting Documentation**

This Statement of Environmental Effects is supported by several specialist investigations and assessments. Copies of these documents have been submitted with the development application. The following list of documents has been submitted in support of the development application:

- Architectural Plans and Details – EJE Architects
- Landscape Plans and Design Report – Terras Landscape Architects
- Stormwater Plans and Stormwater/Servicing Report – Northrop Engineers
- Flooding Assessment – Northrop Engineers
- Soil and Water Management Plan – Northrop Engineers
- Disability Access Report – Lindsay Perry Access and Architecture
- Crime Prevention through Environmental Design Report – Coastplan Group.
- Flora and Fauna Assessment – RPS East
- Targeted Soil Investigation – Pacific Environmental
- Bushfire Assessment – Australian Bushfire Assessment Consultants
- Arborist Report – Terras Landscape Architects

- Visual Impact Assessment – Terras Landscape Architects
- Traffic Assessment Report – Barry Bradley and Associates
- Social Impacts Assessment – Stan Manning and Associates
- Acoustic Assessment – Spectrum Acoustics
- Support Services Statement (Appendix B) – Stan Manning and Associates
- Analysis of Demand for Seniors Living Retirement Housing in the Lake Macquarie East Statistical Local Area (Appendix C) – Stan Manning and Associates.

#### **1.4 Site History**

The subject land has been the subject of two recent development applications as follows:

- Development Application 886/2010 – 51 self contained dwellings (not serviced) – granted consent 7 April 2011.
- Development Application 374/2013 – 4 lot Subdivision – granted consent 3 June 2013.

#### **1.5 Need for the Proposed Development**

The application seeks consent for a retirement village in an area with a significant need for housing specifically suited to the needs of an aging population.

There has been a significant need for aged housing in the Lake Macquarie area, and more specifically a need for this type of development in the area east of the Lake. The analysis of demand for this form of development in the area has been undertaken by Stan Manning and Associates and a copy of this assessment is provided in Appendix C. This assessment has concluded:

*This data indicates that the Lake Macquarie LGA, within its Eastern SLA is presently heavily undersupplied with retirement village housing estimated to range from between 447 to 864 dwellings.*

*This substantially limits the choice for many long term residents who, in their retirement years, want to stay in an area they know and where they have long established roots, contacts and social and other networks.*

*At present, the only option many such residents have to find modern new retirement housing is to move out of the area to such developments in other established centres of population.*

*This situation is made even more limited by the age of the existing retirement village housing and the fact that the majority of the villages have long established waiting lists as evidenced by the survey recently undertaken by SMA.*

This assessment is supported by a report prepared for Lake Macquarie City Council in April of 2013 titled *Availability of Land for Seniors Housing in Lake Macquarie* which found that there was a significant need for additional seniors housing in the Lake Macquarie area to meet existing and future demand and that *there are a relatively large number of sites in the north west of the City, and relatively fewer opportunities for seniors housing in non-urban zones in the Charlestown and Belmont Districts on the eastern side of the City.*

It was generally accepted, at the pre-lodgement meeting, that the very few opportunities that exist for seniors housing on the eastern side of the city would primarily be on rural/ non-urban land. The subject site's boundary is within 10m of urban land & directly across the road a dense seniors housing development is under way. That development lacks the on-site services, infrastructure and amenity of that proposed in this case & is considered a significantly inferior development in terms of aging-in-place and overall opportunity.

There is a significant need for this form of housing in the Lake Macquarie area, and especially in the eastern parts of the city.

The proposed site is an excellent location for this form of development, being close and well connected to services and facilities in the area. The proposal also provides an excellent range of support services and facilities to support aging in place housing which is essential to the needs of the aging community.

To enable the development to provide this high level of services and facilities, it is essential that a minimum yield of 100+ dwellings is achieved. The applicants have advised that any significant reduction of the yield of this proposal (the pre-lodgement plans encompassed 106 dwellings, but numbers were reduced in response to Council feedback) would render the project unviable and the level of services proposed to be provided, which are considered essential, would become unaffordable.

It is noted that smaller developments exist with lower unit numbers than proposed, however, the level of services and facilities provided in these developments is far less than that contemplated in the proposed village and are often only to the minimum level to achieve SEPP compliance. Such developments often operate simply as housing estates for people over the age of 55 and do not provide for effective ageing in place or build the community relationships and supports sought by this village.

Stan Manning's report makes it clear that the proposed development contains the features that seniors want in their retirement housing and highlights that there is almost no choice available in this respect.

It is clear that there is a need for this form of development in the area and that the proposal will provide a quality aging in place village without parallel in the area.

## 1.6 Pre Lodgement Discussions

A pre-lodgement meeting was held with Council on 12 September 2013. Concept plans of the proposal were presented to Council before the meeting, along with a document discussing compliance issues for the concept proposal. The following key points were raised in the Pre-lodgement meeting by Council:

- Section 94 Contributions would be relevant for the proposal.
- Details would need to be provided with the application to show how the development meets the requirements of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- Concerns were raised in relation to the existing site context and relationship to surrounding rural residential development.
- Council notes that the site currently has urban land to the south and rural land to the north and recommends a more gradual transition.
- Council recommends substantial separation 'fingers' throughout the site as well as satisfactory separation to surrounding properties. 'Relief green open spaces' with seating within the site is recommended.
- Concerns with apartment building bulk and scale in the area, in relation to length and the buildings being clustered together.

In addition, the Minutes of the meeting advised of matters that will need to be addressed in the development application submission.

Following the pre-lodgement meeting, design refinements were made to the concept in response to Council's issues and in relation to further investigations undertaken. Key changes include:

- Relocation of the community centre from the south western corner of the development footprint to the north western corner of the development footprint.
- Amendment of the two storey apartment building locations to provide additional space and planting area between the buildings.
- Reduction in the number of dwellings from 106 down to 101 dwellings to enable the provision of additional space and planting.
- Provision of additional green open space 'fingers' through the development footprint providing development in smaller clusters from key viewing locations.
- Provision of centrally located community facilities integrated with the landscaping and open space areas for passive recreation.
- Development footprint setbacks from boundaries were maximised to provide additional space for planting and establishment of large trees.

## **2. Site and Surrounding Locality**

### **2.1 Site Details**

The following data is provided in relation to the site:

<b>Title Description</b>	Lots 11 & 12 DP 830292
<b>Property Address</b>	40-48 Burton Road, Mount Hutton
<b>Site Area</b>	4.96 hectares
<b>Zoning – Lake Macquarie LEP 2004</b>	1(2) – Rural (Living) 7(5) – Environmental (Living)

The subject site is located in the Mount Hutton area adjacent to the suburb of Eleebana. The site in its regional context is shown in Figure 1 on the following page.

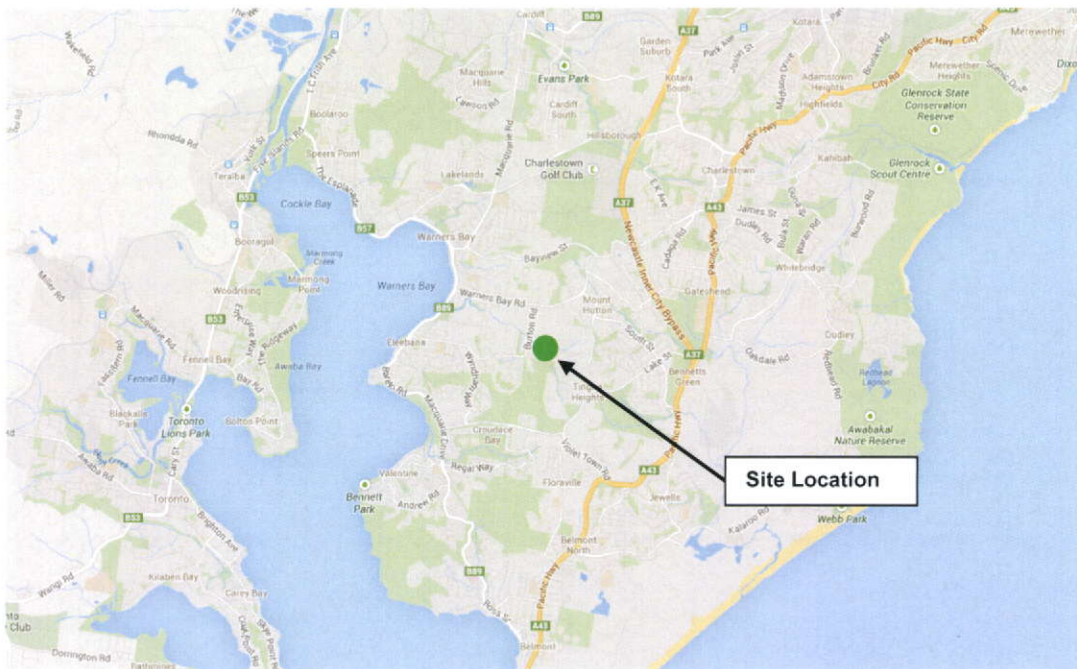


Figure 1 – Location of Site (Regional)

[Source: [www.google.com.au/maps](http://www.google.com.au/maps)]

The site and surrounding area is depicted in Figures 2 and 3 below.

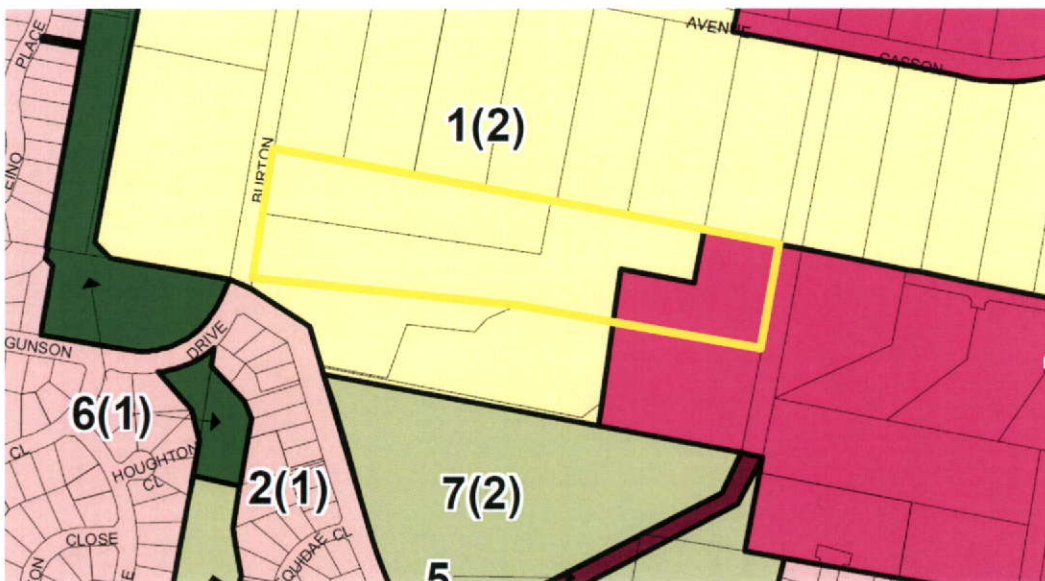


Figure 2 - Site Locality Plan (Zoning)

[Source: LMCC]





Figure 3 - Site Locality Plan (Zoning)

[Source: LPMA SIX Maps]

The following photographs of the site are provided.



Site frontage and dwelling – 40 Burton Road





Site frontage and dwelling – 48 Burton Road



Internal access track and farm buildings





Existing farm buildings located centrally in the site



Existing horse paddocks (northern side)





Existing horse paddocks (southern side)



View east to rear of site (from western side of South Creek)





Rear of site adjacent to eastern boundary

## 2.2 General Description

The subject site is comprised of two (2) large rural allotments which are used for rural living and associated activity. The use of the land has included horse stabling and training. Existing infrastructure exists on the land for these purposes.

The site is located on the western side of Burton Road. The site has a 120 metre frontage to Burton Road and is improved with kerb and gutter (for most of the frontage) and a public bus stop/bus bay. Access to the sites is provided by existing concrete and sealed driveways which provide access to the existing dwellings on the land.

## 2.3 Site Context and Surrounding Area

The site is located at the southern edge of the Mount Hutton urban area and is at the urban fringe with residential development in the western parts of Eleebana.

### 2.3.1 Land to the North

Land to the north is comprised of small rural allotments which are used primarily for rural living purposes with lots sizes generally in the order of 1 hectare. This land is zoned 1(2) Rural (Living). The lots are generally comprised of managed grasslands

and garden areas. The following photographs show typical development in the area.



Source: Google Streetview



Source: Google Streetview

### **2.3.2 Land to the West**

Land directly west of the site is comprised of a large rural allotment with an area of approximately 2.4 hectares. This site has recently been approved for development of a retirement village comprising 57 self contained dwellings. A site plan of the approved retirement village is shown below with a photograph of the development currently under construction.



A photograph of a road construction site. A large tree stands on the right side of the road. In the background, there are buildings and a hill. A blue fence runs across the middle ground, and a sign is visible on the left side of the fence.

### 2.3.3 Land to the South

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The following photographs show existing development south of the site.



Ducks Crossing 1 (adjoining site)

Source: Google Streetview



Ducks Crossing 2 (adjoining site)

Source: Google Streetview





Residential development - Burton Road

Source: Google Streetview

#### **2.3.4 Land to the East**

Land to the east is comprised of small rural residential type allotments which are used primarily for rural living purposes with lots sizes generally in the order of 1 hectare. This land is zoned 7(5) Environmental (Living). The lots are generally comprised of managed grasslands and garden areas around dwellings with areas of forest/woodland, comprising retained trees with a managed understorey at the rear of the lots. The following photographs show typical development in the area.



Source: Google Streetview



Source: Google Streetview

## 2.4 Soils

The site has been uniformly filled with materials to promote pasture growth associated with the previous use as a horse training facility. The soils over the site are comprised of surface fill topsoil, sandy loam and clay loam mixtures overlying natural clay soils (Pacific Environmental, 2010).

A targeted soils investigation was carried out by Pacific Environmental in May 2010 to examine the suitability of soils for residential use. The investigations determined that the natural soils on the site are suitable for residential use with unrestricted access. The fills on the site were found to be free of construction rubble and were primarily suitable for residential use. An area (approximately 8,000m<sup>2</sup>) of fill at the eastern end of the property was found to be suitable with restricted access only. This area is located in parts of the site outside the development footprint and recommended restrictions are that the area not be used for the production of home grown produce.

The site is not mapped as areas with potential Acid Sulfate Soils.

## 2.5 Topography

The site is considered relatively level with only very slight grades of between 1 degree and 3 degrees and a fall difference of approximately 9 metres in level between the highest point in the south eastern corner to the lowest point in the north western corner. A substantial drainage line (known as South Creek) traverses the eastern part of the site.



## **2.6 Site Drainage**

Overland drainage of the site is towards the north western corner with land grading from the western bank of South Creek towards Burton Road. Only a small part of the south eastern corner of the site drains to the section of South Creek that traverses the site. Drainage in Burton Road consists of a piped and kerb & gutter road system for the majority of the site frontage. A small part of the northern site frontage is drained to table drains. The road drainage flows north to a culvert under Burton Road.

## **2.7 Ecological Values**

The vegetation on the land is highly disturbed from previous activities on the land. Any native vegetation on the land exists in a highly modified state. The Flora and Fauna Assessment for the land submitted with the application identifies three (3) broad vegetation communities over the land as follows:

1. Landscaped Gardens;
2. Exotic Grassland with Scattered Trees; and
3. Freshwater Creek.

The Landscaped Gardens community is located in the western parts of the site, around the existing dwellings and associated structures. The vegetation in this area is comprised of managed lawns, native and exotic trees and gardens with predominantly exotic plantings. Due to the high level of disturbance, the vegetation in this part of the site is not consistent with any native vegetation communities in the area.

The Exotic Grassland with Scattered Trees Community occupies the remainder of the site, other than the narrow corridor of South Creek. This vegetation has been derived from agricultural utilisation of the property and is comprised of grasslands of exotic species grown for grazing values as well as pasture weeds with isolated native trees. Due to the high level of disturbance, the vegetation in this part of the site is not consistent with any native vegetation communities in the area.

The Freshwater Creek community is limited to the area within the banks of South Creek, with Exotic Grassland existing to the tops of the creek banks. The vegetation in the area is comprised of aquatic vegetation and fringing grasses, herbs and shrubs, as well as a high incidence of environmental weeds. Due to the high level of disturbance, the vegetation in this part of the site is not consistent with any native vegetation communities in the area.

The flora and fauna assessment for the land did not reveal any Threatened flora species and no Rare or Threatened Australian Plants (ROTAP) were identified on the site. No Endangered Ecological Communities were identified on the site. One Threatened Species and one Migratory Species were identified at the site, although the site did not contain key habitat features upon which these species would be dependant.

## **2.8 Existing Development**

The subject allotments have been improved for residential occupation of the land and for rural activities. Each of the existing lots contains a dwelling which provides residential accommodation as well as associated structures in the form of swimming pools, barbecue areas etc. The lots also include infrastructure from previous rural uses on the land including farm/machinery sheds, horse stables, fenced paddocks, stock yards, round yard, feed shelters, horse trailing track and farm dam.

## **2.9 Traffic and Access**

### **2.9.1 Site Access**

Access to the site is available from Burton Road and access to the lots is currently provided by two (2) sealed driveways providing access to the dwellings and rural uses. The eastern end of the site also has frontage to an unformed road reserve which connects with Casson Avenue. No formal access is provided to this road, although informal connections do exist on the land.

Internally, there are several gravel access roads which provide access to the various facilities within the site. This includes a piped concrete crossing over South Creek which provides vehicular access to the south eastern corner for maintenance purposes.

### **2.9.2 Public Road frontage**

Burton Road is a local road under the control of Lake Macquarie City Council. The road runs north south past the site and connects with Warners Bay Road to the North and Glad Gunson Drive to the south. Burton Road is a two lane bitumen sealed road with 2 x 6 metre traffic lanes and is primarily provided with kerb and gutter for the frontage of the site.

### **2.9.3 Public Transport**

Newcastle Buses and Ferries currently operate Route 310 along Burton Road. Bus Route 310 operates between Belmont, Belmont Hospital, Valentine, Eleebana, Mount Hutton, Charlestown, Merewether, The Junction and Newcastle.

Bus Route 310 operates past the site with 6 (six) morning services towards Newcastle, Monday to Friday between approximately 6.12am & 12noon and eleven (11) services between 12.05pm and 9.26pm Monday to Friday. There are another five (5) services from Newcastle, Monday to Friday between approximately 7.26am and 12noon and fourteen (14) services between 12.33pm and 3.08am.

There are five (5) inward services on Saturdays between approximately 7.05am & 11.01am, and twelve (12) inward services between approximately 12.01pm & 10.53pm, and five (5) return services on Saturdays between approximately 7.59am & 11.59am and thirteen (13) return services between approximately 12.59pm & 3.07am.



There are five (5) inward services on Sundays and Public Holidays between approximately 7.53am & 11.53am and nine (9) inward services between approximately 12.53pm & 8.48pm, and four (4) return services on Saturdays between approximately 9.24am & 11.54am and ten (10) return services between approximately 12.54pm & 9.50pm.

Bus Route 310 provides a connection with railway services at Newcastle Railway Station.

There are signposted bus stops on both sides of Burton Road just outside the site of proposed retirement village.

## 2.10 Hazards

### 2.10.1 Flooding

The subject site is identified as flood prone land and is subject to local flooding from South Creek during significant storm events. Large flows in South Creek overtop the banks of the creek, west and south west of the site and flow across the site and adjoining land to Burton Road and the under road drainage just north of the site.

### 2.10.2 Bushfire

The subject land is identified as bushfire prone land on maps held by Council. An extract from the map is provided below with the subject site highlighted.



Figure 4: Bushfire prone land map

(Source LMCC)

In relation to bushfire threats affecting the property, the key vegetation is the areas of forest located to the east and south of the subject site. Vegetation on the site is currently managed in the state of an Inner Protection Area.

### 2.10.3 Mine Subsidence

The subject land is located in a Min Subsidence District. There are no obvious signs of subsidence on the land, however, integrated approval from the Mines Subsidence Board will be required. It is noted that previous proposals for the land were approved by the Board subject to structural engineering designs taking into account certain movement parameters.

## 2.11 Heritage

### 2.11.1 European Heritage

There are no items of European heritage listed as being present on the land and the site is not located in a heritage conservation area. There are no items identified on adjoining lands.

### 2.11.2 Aboriginal Heritage

A Search of the Aboriginal Heritage Information Management System (AHIMS) database has been undertaken and did not reveal any Aboriginal Sites or Places on or near the subject site. The subject land has been disturbed through past activities and would be identified as 'disturbed land' under the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

## 3. The Proposed Development

### 3.1 Development Statistics

The proposed development provides 101 dwellings for aged and disabled housing made up of the following dwelling types:

- 42 x 2 bedroom + study villas with double garages;
- 19 x 2 bedroom villas with single garages;
- 40 x 2 bedroom + study apartments with basement parking spaces.

The different dwelling types meet different needs and provides a range of housing options as well as providing for different levels of affordability.

The following statistics are relevant for the proposal:

Relevant Statistic	Proposal
Site Area	49,595m <sup>2</sup>
Reduced Site Area - less 40m 'waterfront land'	40,991.8m <sup>2</sup>
Gross Floor Area	13,604m <sup>2</sup>
FSR	0.27:1
FSR (Reduced Site Area)	0.33:1
Landscape Area	48.5%
Landscape Area (Reduced Site Area)	37.7%

Deep Soil Areas	41.3%
Deep Soil Areas (Reduced Site Area)	29.0%
Ceiling heights above existing ground level (Villas)	Maximum 4 metres
Ceiling heights above existing ground level (Apartments)	Maximum 7.995 metres
Ceiling heights above existing ground level (Recreation Centre – Caretakers)	Maximum 7.53metres

### 3.2 Design Drawings

The development is detailed in designs prepared by EJE Architecture. The following schedule of plans is submitted with the development application.

- A000 Cover Sheet
- A001 Locality Analysis Plan
- A002 Context Analysis Plan
- A003 Existing Site Plan
- A004 Existing Site Photos
- A100 Proposed Context Plan
- A101 Proposed Site Plan
- A102 Proposed Site Setout Plan
- A200 Proposed Stage 1 Site Plan
- A201 Proposed Stage 2 Site Plan
- A202 Proposed Stage 3 Site Plan
- A203 Proposed Stage 4 Site Plan
- A300 Proposed Apartment Blocks Shadow Diagrams (9am June 21)
- A301 Proposed Apartment Blocks Shadow Diagrams (12noon June 21)
- A302 Proposed Apartment Blocks Shadow Diagrams (3pm June 21)
- A400 Proposed Site Elevations (x4)
- A401 Proposed Site Sections (x4)
- A402 Proposed Site Sections (x4)
- A500 Typical Villa Type 'A' Plan, Elevations, & Sections
- A501 Typical Villa Type 'B' Plan, Elevations, & Sections
- A502 Typical Villa Type 'C' Plan, Elevations, & Sections
- A503 Typical Villa Type 'D' Plan, Elevations, & Sections
- A504 Typical Villa Type 'E' Plan, Elevations, & Sections
- A506 Typical Villa Type 'F' Plan, Elevations, & Sections
- A507 Typical Villa Type 'G' Plan, Elevations, & Sections
- A508 Typical Villa Type 'G2' Plan, Elevations, & Sections
- A600 Typical Apartment Block (Type 'H') Ground Level Floor Plan
- A601 Typical Apartment Block (Type 'H') Level 1 Floor Plan
- A602 Typical Apartment Block (Type 'H') Basement Level Floor Plan
- A603 Typical Apartment Block (Type 'H') Roof Level Floor Plan
- A604 Typical Apartment Block (Type 'H') Elevations (x4)
- A605 Typical Apartment Block (Type 'H') Sections (x4)

- A700 Rec Centre Plans (x2)
- A701 Rec Centre Elevations (x4)
- A702 Rec Centre Sections (x4)
- A705 Stage 1 Rec Centre Floor Plans (Existing & Proposed)
- A800 Proposed Perspective Views

A reduced copy of the Site Plan, Floor Plan and Elevations is provided in Appendix A.

### **3.3 Proposed Villa Accommodation**

The retirement village provides 61 villas for aged and disabled accommodation. There are seven (7) different villa layouts within the village and provide a mixture of detached and semi detached dwellings.

The villas provide two (2) bedrooms, living and dining areas, bathrooms, laundry and additional WC. Forty-two (42) of the villas also include a small study, additional family room and ensuite to the main bedroom.

All the villas provide an area of private open space accessed directly from a living area, having an area of between 22m<sup>2</sup> and 63m<sup>2</sup>. The space around each villa includes areas for clothes drying, bin storage, water tanks and other services.

Each villa is provided with an enclosed garage for carparking. Nineteen (19) of the villas have single lock up garages, while 42 of the villas have double garages. The driveways in front of the garages also provide opportunity for additional stacked parking for visitors.

### **3.4 Proposed Unit Accommodation**

The proposal includes 40 apartment type dwellings, housed in four (4) two storey buildings with basement parking, each containing 10 dwellings.

Each unit provides two (2) bedrooms, small study, living and dining areas, bathrooms, laundry and ensuite.

All the apartments have a north facing balcony accessed from the main living area. The balconies have an area of approximately 24m<sup>2</sup> and provide outdoor living space complementing the indoor living areas and main bedroom of the dwellings.

The dwellings in the apartment buildings are accessed via concrete walkways located at ground level and elevated above ground, with vertical connection provided by lifts and stairwells. The basement provides areas for plant and equipment for services to support the use of the apartment dwellings, water tanks and a bin store which is below a garbage chute shaft serving the apartments.

The basement also provides car parking spaces for the dwellings, with a total of 19 spaces provided beneath each apartment building. The parking area also includes small storage rooms/lockers available for the resident storage needs.

### **3.5 Proposed Community/Recreation Facility**

The proposal includes provision of a recreation facility at the north eastern end of the site. The facility provides space for administrative uses and services to residents as well as recreational areas for the use of residents.

The recreation building provides spaces for the following uses:

#### **Administration**

- Sales Office
- Administration Office/Reception

#### **Support Services**

- Salon (Hairdresser/Beautician)
- Medical Consultation Room
- Commercial Kitchen
- Nurses Room

#### **Recreation Services**

- Commercial Kitchen
- Bar
- Communal Lounge
- Dining Area
- Terrace/Outdoor Eating Areas
- Library
- IT Room
- Meeting Room
- Craft Room
- Gymnasium
- Indoor Lap Pool
- Change Rooms, Toilets etc.

The recreation centre includes a small one (1) bedroom caretakers residence on the first floor which is occupied by an on-site caretaker for the site.

The recreation building has a floor area of approximately 978m<sup>2</sup> with the caretakers residence having a floor area of approximately 78m<sup>2</sup>.

Carparking is provided at the recreation centre with nine (9) parking spaces provided, along with a large parking space for the mini buses which also functions as a loading dock for small vehicles making deliveries to the kitchen etc.

### **3.6 Landscape and Open Space**

The treatment of the open space areas within the development are detailed in the Landscape Design Report submitted with the development application.

The proposal provides for the retention of native trees within the rear (eastern parts) of the site which will be retained in its current state and improved through vegetation management of the area, including control of environmental weeds and additional planting/recruitment of native vegetation whilst still maintaining the area as an Asset Protection Zone.

The site planning incorporates wide areas of open space (20-30 metres wide) through the site creating small clusters of dwellings and servicing a drainage function. These areas are also planted with native canopy trees and shrubs, as well as planting of fruit trees (avocado/lemon/lime trees) for the enjoyment of residents. These areas also incorporate treatment of drainage structures to create a rocky creek bed feature adding to the internal amenity within the village. These areas also provide communal park areas with seating areas, elevated decks and barbecue areas for the enjoyment of residents.

The villas within the development are provided with private open space areas which have northern aspect and are improved with planting to provide a pleasant space.

The apartment buildings are provided with large open spaces surrounding the individual buildings, including between the individual buildings. The areas around the buildings will be planted with large and medium canopy trees interplanted with mass plantings, native trees and shrubs and native grasses.

The area in the front setback is also being modified due to drainage requirements. In the front setback, the area is to be improved with planting of native canopy trees and shrubs to provide a treed area that will maintain a green leafy setback that complements the Burton Road frontage. The driveway crossings also incorporate under cover seating areas and mailbox areas, as well as a new public bus stop at the sites frontage.

Planting is also proposed along the roadways within the development and includes trees within the setbacks to buildings, as well planting of trees along the development setback areas to create an avenue of large trees along the roadway. The trees in this area include large trees as well as lower trees and shrubs. This will create a green leafy treatment to the northern edge of the development. A photo montage included in the Visual Impact Assessment submitted with the development application shows the effect of this vegetation after eight (8) years when viewed from the north and shows that the vegetation will be the dominant feature with only limited views available to the building proposed on the site. Over time the vegetation will become even more dominant.

The site boundaries will be fenced with timber post and rail fencing consistent with the rural character of the area.



### **3.7 Management Services**

The village provides onsite management to support the aged housing and the following management services are provided for the residents.

- Onsite management to provide distribution of mail, arrangement of outside support services as required and daily administration for the village.
- Onsite caretaker to provide services out of hours as necessary, such as response to resident distress alarms and supervision of the village.
- Maintenance staff to provide maintenance of buildings, infrastructure, gardens and facilities including maintenance of residents' yards and gardens.
- Organised activities and trips for residents to encourage active lifestyles and build community cohesion within the village.

### **3.8 On-site Support Services**

The proposed development provides substantial on-site support services which go beyond the minimum requirements of the Seniors SEPP. A support services statement prepared by Stan Manning and Associates is provided in Appendix B. The support services statement notes that the residents will be provided with necessary support to 'age in place' and live with dignity and respect.

The statement notes that the residents will have a high level of access to retail, commercial, recreation and health facilities available in the local area, by both public transport services available at the site frontage as well as private access arrangement provided by the village.

The support services statement also details that support services to be provided within the village, include:

- Management services for the coordination of services to the residents.
- A Care Manager (registered Nurse) responsible for the coordination and provision of care to residents.
- Onsite manager for 24 hour support and response to emergency calls and alarms, including resident distress alarms within each dwelling.
- Home delivered meals provided through the onsite kitchen or outside contractors at the choice of the resident.
- Nursing services provided by staff.
- Personal Hygiene Management and personal care.
- Assistance with housework.
- Maintenance of yards and gardens.
- Hairdressing and beauty salon.
- Doctors and other health specialist consulting room
- Lifestyle and wellness activity programs and facilities.

The proponents of the development currently own and operate another retirement village at Hallidays Point on the Mid North Coast where similar support services are provided and have experience in the development and management of supported aged care housing. The support services statement details the obligation of the village to provide the services, including requirements in the lease document and aged care services agreement with all residents.

### **3.9 Traffic and Access**

Access is provided to the village via new driveways from Burton Road which will provide separated entry/exit driveways to the street. The driveways connect with the internal access roads which provide access throughout the premises via a one-way ring road which circulates through the site providing access to the villas, apartment buildings and recreation centre.

Pedestrian access is provided throughout the site via concrete footpaths alongside the access roadways. The pedestrian paths provide connection throughout the site with the footpath facilities in Burton Road.

Visitor Parking is provided within the village, with parking driveways of villas available, as well as excess basement parking in the apartment building. In addition, a further 15 visitor parking spaces off the access roads are provided within the village adjacent to the recreation centre, and centrally within the village.

There is an existing bus shelter in Burton Road at the frontage of the site which provides connection to the public transport system. The current bus stop location is to be slightly relocated on the site frontage to suit the new driveway locations and a new bus shelter will be constructed at the site frontage to improve public transport facilities for the residents, as well as the general public.

The village also has private buses which provide private transport to facilities, as well as providing for transport for resident groups to entertainment, sporting events and day trips etc. The buses will be parked in a dedicated space next to the community building.

### **3.10 Bushfire Mitigation Measures**

The land is partly identified as bushfire prone land. The proposal has been located and designed to meet the requirements of *Planning for Bushfire Protection 2006*. An assessment of the proposal against this Guideline has been submitted with the development application.

The proposal provides necessary Asset Protection Zones (APZ) between the development and bushfire prone vegetation to the east. The APZ area is provided over existing cleared land with some isolated native paddock trees. Provision of the APZ in this area does not require the removal of any existing native vegetation and only requires ongoing management of the area in the same manner as currently occurs.

Access through the site is compliant with the requirements of *Planning for Bushfire Protection 2006* and includes a ring road and provides for alternate access to the site.

Water supply through the site will include hydrants which will be available for fire fighting purposes.

### **3.11 Stormwater and Flooding Controls**

The impacts of flooding to the site have been addressed by Northrop in their report submitted with the development application. The flooding of the site has been modelled and the site will be filled, with minimum flood levels to be provided above relevant floods. The filling is to be provided with overland flow paths to allow the flood waters to continue to pass through the site in a manner that is safe for the proposed development and which does not increase flooding impacts to adjoining properties.

Stormwater from roofed areas is collected in rainwater tanks and reused within the dwellings to meet BASIX requirements. Overflow and stormwater from hardstand areas is detained on site in underground detention tanks which limit the flow from the site to pre-developed flows.

Drainage swales within the site are used to treat stormwater quality as well as convey flows through the site.

### **3.12 Development Staging**

It is proposed to stage construction of the retirement village, and it has been proposed that the construction of the village will be carried out in four (4) stages as follows:

- Stage 1 – Construction of the entrance road and 24 villas located in the north western corner of the site. This will include the adaptation of the existing dwelling at 48 Burton Road as a temporary community, recreation facility with management, administration, care and recreation facilities provided as detailed in the development plans.
- Stage 2 – Construction of 14 villas and 2 of the apartment buildings (20 dwellings) and the community/recreation centre and associated roads etc.
- Stage 3 - Construction of 7 villas and 1 of the apartment buildings (10 dwellings) and associated roads etc.
- Stage 4 - Construction of 16 villas and 1 of the apartment buildings (10 dwellings) and associated roads etc.

## **4. Planning Controls and Legislation**

### **4.1 Environmental Planning and Assessment Act 1979**

#### **4.1.1 Integrated Development**

Section 91 of the Act identifies development which is 'integrated development', being development which requires development consent and another type of approval specified in the Clause. In relation to the proposal, it has been lodged as integrated development with the following approvals also required:

- Approval to erect improvements within a mine subsidence district – approval is required from the Mine Subsidence Board under the provisions of Section 15 of the *Mine Subsidence Compensation Act 1997*.
- Bushfire Safety Authority to use land for a 'special fire protection purpose' – Approval is required from the NSW Rural Fire Service under the provisions of Section 100B of the *Rural Fires Act 1997*.

It is noted that the development footprint has been maintained a distance of 40 metres from the top bank of South Creek so as to not affect 'water front land' as identified in the *Water Management Act 2000* and is not a 'controlled activity' for the purposes of that Act. The proposal does involve ongoing management of the vegetation in this area in its current state, however such maintenance does not require controlled activity due to exemptions provided in Clause 39 of the *Water Management (General) Regulation 2011*. In this regard, legal advice has been obtained to confirm this provision, and a copy of the advice is contained in Appendix D.

#### **4.1.2 Regional Development**

Schedule 4A of the Act specifies development that is to be treated as 'regional development'. Regional development is to be determined by the Joint regional Planning Panel. The proposed development is captured by Clause 3 of the schedule which states:

#### **3 General development over \$20 million**

*Development that has a capital investment value of more than \$20 million.*

The proposed development has a capital investment value of \$30 million. As such the development will be regional development and determined by the Joint regional Planning Panel.

### **4.2 State Environmental Planning Policy 44 – Koala Habitat Protection**

The subject land has an area in excess of 1 hectare and the provisions of *State Environmental Planning Policy Number 44 – Koala Habitat Protection* (SEPP 44) apply.

The Flora and Fauna Assessment prepared by RPS examines the requirements of SEPP 44. The investigations reveal that the percentage of *Eucalyptus punctata* (Grey Gum) was just over 15% and therefore was identified as *potential koala habitat*. Further detailed investigations did not reveal any utilisation of the site by koalas and concludes that the site does not constitute *core koala habitat*. As such, the further requirements of the SEPP do not apply to the proposal.

#### **4.3 State Environmental Planning Policy (State and Regional Development) 2011**

As the development is identified as 'Regional Development' in Schedule 4A of the Act, the provisions of this SEPP apply. Part 4 of the SEPP deals with Regional Development and provides that the role of determining development applications that are for Regional Development may be undertaken by the regional panel.

#### **4.4 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

The proposed development is lodged under the provisions of State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004 (SEPP Seniors). This policy was made to increase the supply of Seniors Housing within the state and allows the setting aside of local policy to allow seniors housing where it meets certain standards and requirements. The need for seniors housing in the Lake Macquarie City Council local government area is especially critical and it has been shown to be an undersupply of this form of housing in the area, and a likely significant increase in demand for this form of housing.

##### **4.4.1 Preliminary (Chapter 1 – Part 1 - SEPP Seniors)**

Clause 4 of SEPP Seniors identifies the land on which the SEPP applies. The clause provides that the provisions of the SEPP apply to land that is zoned urban or adjoins land zoned urban and on which dwellings houses, residential flat buildings, hospitals or special uses are permissible. The subject site adjoins an urban zone and dwelling houses are permissible on the land. As such, the SEPP applies to the land.

Subclause (6) of Clause 4 also provides that the SEPP does not apply to 'Environmentally Sensitive Land' identified in Schedule 1 of the SEPP. Neither the land or the 1(2) Rural (Living) or 7(5) Environmental (Living) zones are captured in Schedule 1 of the SEPP as 'Environmentally Sensitive Land'.

##### **4.4.2 Key Concepts (Chapter 1 – Part 2)**

The proposed development provides *serviced self care housing*, as defined in clause 13 of the SEPP as follows:

*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 proposal provides self contained housing in a village that provides services to the residents on-site, including the specified services. The services statement provided with the development application identifies how the services are provided to the residents

#### **4.4.3 General Requirements (Chapter 3 - Part 1)**

Clause 17 of the SEPP provides that certain forms of seniors housing is permissible on land that adjoins land zoned primarily for urban purposes, including serviced self care housing that is managed as a retirement village. The subject land adjoins residential zoned land in Burton Road and Glad Gunson Drive. The proposed development proposes serviced self care housing and is to be managed as a retirement village under the provisions of the *Retirement Villages Act 1999*. The proposed development is therefore permissible on the land under the provisions of the SEPP.

Clause 18 of the SEPP provides that occupation accommodation within the development may only be occupied by persons over 55 years of age or persons with a disability, and persons in the same household (including carers), as well as persons employed to provide management and services to residents. The proposed development will only provide accommodation for people over the age of 55 years and those with a disability.

#### **4.4.4 Site Compatibility Certificate (Chapter 3 – Part 1A)**

Clause 24 of the SEPP provides that Seniors development requires a site compatibility certificate from the Director General in certain circumstances, including where it is on land which adjoins an urban zone. Subclause (1A) of clause 24, however, provides that a site compatibility certificate is not required where development for the purposes of seniors housing is permissible with consent in the zone under another environmental planning instrument. In the case of the proposed development it is also permissible under Clause 41 of *Lake Macquarie Local Environmental Plan 2004*. As such, the proposal does not require a site compatibility certificate under the provisions of the SEPP.

#### **4.4.5 Site Related Requirements (Chapter 3 – Part 2)**

Clause 26 of the SEPP provides that development may only be approved under the SEPP if it is within 400m of certain services as listed in the SEPP, or is within 400m of a transport service which will provide transport to a point within 400m of the listed services.

The required services are:

- (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.*

All the above services are available in the surrounding area, including Lake Macquarie Fair, Mount Hutton, Warners Bay, Belmont etc. The availability of services is further discussed in the support services statement (Appendix B) which details compliance with this requirement.

As previously discussed, the site of the proposed development is directly adjoining a bus route and bus stop, which provides a public transport service from the site to the facilities in various locations. In addition, the village will provide two (2) buses for day trips etc to recreational and entertainment activities. All the necessary services listed in Clause 26 are available by public and private transport.

The subject land is identified as bushfire prone land and the provisions of Clause 27 apply. The Clause provides that the consent authority must be satisfied that the development complies with *Planning for Bushfire Protection 2006* and must consider the views of the NSW Rural Fire Service. A bushfire assessment has been submitted with the application, addressing compliance with *Planning for Bushfire Protection 2006*.

Clause 28 of the SEPP provides that development must be connected to a reticulated water supply and have suitable methods for the disposal of sewage. The proposed development will be connected to Hunter Water's reticulated water and sewerage system and Hunter Water.

Clause 29 of the SEPP provides that where a site compatibility certificate is not required, the Council must have regard to:

- (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,*



The impact of the proposal on the natural environment has been examined in this Statement of Environmental Effects and the specialist reports. The proposed development is not considered to result in significant impacts to the local environment and environmental hazards have been addressed by the proposal.

The availability of necessary support services and infrastructure has been examined in the support services statement and access to services and facilities is in compliance with the requirements of the SEPP.

The proposed development has been examined for impacts to the surrounding uses of the land and it is not considered that significant negative impacts occur. The visual impacts of the proposal have been identified as an issue for Council, however, this has been addressed through effective site planning, and landscaping. The locality in which the site is located is changing rural fringe area containing commercial uses (conference centre/restaurant and tourist accommodation) and is adjacent to another retirement village which has been recently approved and has commenced construction.

#### **4.4.6 Site Analysis (Clause 30)**

A site analysis has been prepared by EJE for the site which deals with the matters provided in clause 30 of the SEPP. The following discussion expands on relevant points.

##### Site Dimensions

The site has an area of 4.959 hectares with an overall length of approximately 480 metres and a width of between approximately 90 and 120 metres (frontage).

##### Topography

The site analysis shows spot levels and contours taken from survey of the land. The site is relatively level with only very slight grades of between 1 degree and 3 degrees and a fall difference of approximately 9 metres in level between the highest point in the south eastern corner to the lowest point in the north western corner. A substantial drainage line (known as South Creek) traverses the eastern part of the site.

##### Services

A Hunter Water sewer main crosses the property at its eastern end outside the proposed development envelope. There are no connections proposed to this sewer main.

The proposed development will be connected to reticulated water and sewer available at the Burton Road frontage. The site will also be connected to mains electricity supply, telecommunications services, as well as reticulated gas supply.

#### Existing Vegetation

The vegetation on the land is highly disturbed from previous activities on the land. Any native vegetation on the land exists in a highly modified state. The Flora and Fauna Assessment for the land identifies three (3) broad vegetation communities over the land as follows:

1. Landscaped Gardens;
2. Exotic Grassland with Scattered Trees; and
3. Freshwater Creek.

#### Micro climates

The site runs east west of Burton Road and the long northern frontage provides opportunity for northern aspect for dwellings.

#### Location of Buildings etc

The site analysis plan shows the existing features of the land.

#### Views to and from the site

The site is located in a low area and there are limited views to and from the site. The site is not highly prominent and views into the site are generally limited to properties which immediately adjoin the site. There are a few opportunities for views or vistas to be obtained from the site.

#### Overshadowing by neighbouring structures

Adjoining structures to the north are located away from the boundary and do not overshadow the site.

#### Neighbouring Buildings

The location etc of neighbouring buildings is detailed on the site analysis plan.

#### Privacy

There are no neighbouring buildings which impact on the privacy of the site. Likewise there are no areas of private open space or living areas etc in adjoining dwellings in close proximity to the site boundaries which would be overlooked from within the site.

#### Difference in levels with adjoining sites

There is no significant difference in site levels between the site and adjoining lands.

#### Views and Solar Access of Adjoining Properties

Adjoining lands do not enjoy significant views or vistas across the subject property. Dwellings on some lots to the north have limited vision across the site. In general, these dwellings are located over 100 metres from the site boundary, with one dwelling located approximately 40 metres from the boundary.

The dwellings to the south are located away from the site boundary and are not reliant on the site to maintain solar access. The adjoining tourist cabins as located approximately 5 metres from the site, but are not oriented for solar access to living areas or outdoor areas etc.

#### Built form and Character of surrounding locality

The character of the area varies substantially, with development to the south generally being comprised of residential development forms typical of low density residential development in the area. In addition, the adjoining 'Ducks Crossing' development provides tourist cabins and conference facilities within 3-5 metres of the site boundary. To the west, the character of the development is set by a recently approved retirement village on the land on the opposite side of Burton Road. This also presents a low density residential character and form. Land to the east is comprised of an environmental living area with houses located on larger lots with remnant vegetation retained on undeveloped parts of the land. Land to the north is comprised of typical rural residential development with single dwellings located on large allotments of land providing space gardens and large areas of lawn/pasture.

#### Direction and Distance to Local Facilities

The distance to local services and facilities is included on the site analysis plan and has been further detailed in the Support Service Statement provided in Appendix B. The document notes the following:

*The proposed Eleebana Shores Retirement Village development is located 2.1 kms from the Lake Macquarie Fair and Mount Hutton Shopping Plaza, 3 kms from the Warners Bay Village shops and 5.8 kms from the major shopping centre at Charlestown Square.*

#### Public Open Space

A large area of public open space exists to the south west of the subject site which appears to have a primary drainage function but also includes a cricket pitch and large open areas. The Support Service Statement identified recreational opportunities that will be available to residents.

#### Adjoining Bushland or Environmentally Sensitive Land

As discussed, the site does not contain significant native vegetation and is comprised of disturbed land from previous use. The adjoining land to the north, west and south is similar (where not developed as managed land within residential/tourist developments). Land to the east beyond the site contains small areas of native vegetation within rural residential type lots that is managed and somewhat disturbed.

#### Sources of nuisance

There are no sources of nuisance such as major road, rail corridors or airport flight paths located within the surrounds of the site. The Ducks Crossing development to

the south of the site is a tourist use and also provides conference reception services that may be a source of noise etc. The development, however, is required to not create offensive noise and is not a major concern in the locality.

#### Adjoining Land Uses and Activities

As discussed, adjoining land uses vary from typical suburban residential development to rural residential development. The adjoining/adjacent lands are also utilised for tourist uses, restaurant and reception centre, as well as a new retirement village currently under construction.

#### **4.4.7 Design Principles (Chapter 3 – Part 3 – Division 2)**

Clauses 33-39 provide a number of design principles and the development must have adequate regard to these principles. The design principles provided are:

#### Neighbourhood Amenity and Streetscape

The SEPP provides that 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*

This Clause requires recognition of the desirable elements of the location's current and developing character. The design then needs to respond to those elements.

In relation to the location's character, the area is an urban fringe area which is changing in development structure and form. The development to the south and west is comprised of more intense urban forms (including a new retirement village), while the land to the north and east is comprised of less dense forms of rural residential development. Elements of the character which are relevant are:

- Dwellings in the area are predominantly single storey (although some two storey dwelling are located in the areas adjoining the site in Casson Avenue and Burton Road).
- Less intense development is located to the north and east while more intense development exists to the south and west.
- Setbacks along Burton Road vary considerable from small setbacks (5 metres) with minimal landscaping to vegetated frontages with larger setbacks.
- Buildings fronting Burton Road are generally single storey (with some two storey buildings).
- Properties to the north in Casson Avenue have outlook towards the site comprised of open space with areas of retained native vegetation.
- The area is undergoing some transition with the adjacent site approved for a retirement village, generally more visible from Burton Road.

The Visual Impact Assessment provided with the development application includes a description of the area's character.

The proposal has recognised this character and has incorporated the following features to integrate with the surrounding character:

- The development provides single storey development along key visual locations, including fronting Burton Road and along the northern parts of the site towards the properties in Casson Avenue.
- While there are some two storey buildings in the development, they have been located in the south western parts of the site which is not prominent to Burton Road and Casson Avenue. Existing vegetation of considerable scale exists to screen views to these buildings from the south. The two storey components have also been designed as four (4) small buildings and spaced apart, rather than a long line of development to provide for establishment of landscaping, including significant trees around the buildings.
- Vision to the site is only available from Burton Road and properties to the north. Burton Road has been effectively treated to maintain a green leafy character along this part of the site. Only parts of the site are visible from Casson Avenue and properties to the north and these areas have been planned with green space corridors to break the development into small pockets of development, rather than a long line of development and landscaping of this part of the site provides an effective treatment to maintain leafy outlooks towards this part of the site. The montage of the development provided in the Visual Impact Assessment shows the effect of these outcomes. The character and visual impact issues are further discussed in Sections 5.1 and 5.2 of this Statement of Environmental Effects.

*(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*

The area does not contain any heritage items or conservation areas.

*(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 proposal maintains reasonable neighbourhood amenity and residential character as:

- (i) Building setbacks are provided which do not result in significant overshadowing, reduce bulk and which allow effective landscaping.
- (ii) The site is relatively flat and landform is not a key design consideration. The siting of buildings has been undertaken with due regard for the location of the creek that passes through the site.
- (iii) The building height at the street frontage is single storey which is compatible in scale with adjacent development.

*(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 front building setback of 10 metres is consistent with existing building setbacks in the street and with the approved setback of the approved retirement village on the opposite side of Burton Road. The front setback provides for the effective landscape treatment of the frontage to enhance the streetscape.

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

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

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

The landscaping proposals for the site provide for planting around and within the site which contributes to the visual amenity of the area and retains existing native trees where possible. The site planning provides for a 40 metre setback from the creek so that no buildings occur within 'riparian areas'.

It is noted that the provisions require the development to consider the desirable elements of the areas character. Clause 50 of the SEPP also provides that the density allowed on the site, expressed as a floor space ratio, is 0.5:1, whereas the floor space ratio of this proposal is 0.27:1. In this regard, the provisions of the SEPP do not seek to limit the density of development to the same as that found in the area, but instead seeks to ensure designs provide effective treatment to maintain desirable elements of the areas character. Council had previously raised the issue of visual impact of the proposal and the site planning as discussed above has maintained a visual presentation from key viewing points that maintains rural outlooks from the site. The site will form an edge between rural residential development to the north and denser residential areas to the south. As discussed in this report the treatment of the edge of the development is effective and provides a superior visual treatment to the edges when compared to the existing edge treatments in the area.

#### Visual and Acoustic Privacy

The proposed development layout has had due regard for visual and acoustic privacy as follows:

- The apartment balconies have been oriented to the north, away from adjoining land and over internal road ways. The balconies do not look onto the private open space of villas within the development.
- The private open space areas of the villas are suitably fenced or planted to provide privacy.
- Planting and treatment around the boundaries of the site provides for effective screening between the retirement village and the adjoining properties.
- Where dwellings have bedrooms facing the internal road, there is effective separation distance, as well as a fenced and landscaped terrace to maximise acoustic privacy.

#### Solar Access and Design for Climate

The proposed development layout provides for effective solar access and performance in the following manner:

- All dwellings (villas and apartments) have a north oriented living area and private courtyard.
- All dwellings will be subject to a BASIX certificate for energy and water efficiency, as well as thermal comfort.
- The proposed development does not result in overshadowing that affects adjoining dwellings or substantial areas of private open space.

#### Stormwater

The Stormwater and flooding reports submitted with the development application detail compliance with the stormwater controls within the development. The development includes controls to ensure that impacts from additional stormwater generation are not felt off-site. The proposal provides for the capture and reuse of stormwater in accordance with BASIX requirements.

#### Crime Prevention

The issue of Crime Prevention through Environmental Design has been examined in detail in the SPTED Report submitted with the development application. In relation to the matters addressed under the SEPP:

- The internal layout of the village provides for observation and surveillance of the entrances and access roads through out the village.
- The shared entrances of the apartments will be provided with effective access control including vision of entrances and access control points.
- The use of glass side panel, security grills and peep holes will allow for the observation of entrances without having to open the front door.



### Accessibility

In relation to the matters raised within the SEPP:

- The site includes a pedestrian network through the site which links with the pedestrian facilities in the street, as well as the bus stop at the front of the site.
- The pedestrian and vehicle access through the site is safe and effective. Resident and visitor parking (stacked) is provided to each villa.
- Additional parking for visitors (or residents) is provided in key locations near the recreation/administration area and the apartments.

### Waste Management

Waste Management within the site will involve a private waste collection service and residents will be provided with bins allowing the separation of recyclables and putrescibles waste which will be collected by the waste contractor.

#### **4.4.8 Development Standards (Chapter 3 – Part 4)**

Clause 40 of the SEPP provides a set of development standards for development of land to which the SEPP applies. The following standards are relevant to the proposal:

- Site Size – The SEPP provides the site must have an area of at least 1,000m<sup>2</sup>. The subject site has an area of approximately 4.95 hectares.
- Site Frontage – The SEPP provides the site must have a frontage of at least 20 metres. The subject site has a frontage of approximately 120 metres.

Clause 41 of the SEPP provides that self contained dwellings must meet the standards provided in Schedule 3 of the SEPP. The proposed development design complies with these standards. An accessibility compliance report has been undertaken and a copy of the report has been provided with the development application.

#### **4.4.9 Development on land adjoining land zoned primarily for Urban Purposes (Chapter 3 – Part 5)**

This part of the SEPP provides certain controls for development that is located on land which adjoins an urban zone (such as the proposed development).

Clause 42 of the SEPP provides that development on land adjoining an urban zone must have reasonable access to home delivered meals, personal care, home nursing and assistance with housework. The support services statement provided in Appendix B provides evidence of access to these services. The services are provided onsite by management and the residents will also have the choice to engage outside help/contractors which will also be arranged by the onsite management to provide these services.

Clause 43 of the SEPP provides that a bus capable of carrying a minimum of 10 passengers is required to be provided which will take residents to shops, medical services etc. While the site has excellent access to public bus services at the front of the site providing access to these services, the proposal will also include two (2) buses capable of carrying approximately 15 passengers each in accordance with this requirement.

#### **4.4.10 Development Standards that cannot be used as a grounds to refuse consent (Chapter 3 – Part 7)**

Clause 50 of the SEPP provides a series of non-refusal standards for self contained dwellings (including serviced self-care housing). The standards provide controls for certain aspects and the consent authority cannot refuse consent to a development on the basis of that aspect if the standard is not breached. It should be noted that this does not prevent the consent authority approving something that exceeds the standards.

In the relation to the proposed development, the non-refusal standards are:

- Building Height – If all proposed buildings are less than 8 metres in height (from ground level to uppermost ceiling). The highest buildings on the site are the apartment buildings which have a maximum ceiling height of 7.995 metres.
- Density and Scale – If the floor space ratio is less than 0.5:1. The floor space ratio of the proposed development is 0.27:1 (Gross Floor Area v site area). If the undeveloped parts at the rear of the site are excluded, the floor space ratio is 0.33:1.
- Landscaped Area – Minimum 30% of site area. The proposal provides a landscaped area of 48.5% of the site area.
- Deep Soil Zones – Minimum 15% of the site area. The proposal provides deep soil areas of 41.3% of the site area.
- Solar Access – Minimum of 70% of living rooms and private open space areas receive three (3) hours of sunlight daily between 9am and 3pm in mid winter. All of the dwellings in the proposed retirement village are oriented north and receive direct sunlight in mid winter.
- Parking – Minimum of 0.5 spaces per bedroom in the development or 101 spaces. The proposed development provides 188 spaces in the form of garages, basement parking, stacked spaces and visitor spaces, far exceeding the minimum requirement.

## **4.5 Lake Macquarie LEP**

The proposed development has been lodged under the provisions of the Seniors SEPP and the provisions of the SEPP override other planning instruments in the event of any inconsistency.

As previously identified, the land is zoned partly 1(2) Rural (Living) and 7(5) Environmental (Living) under the provisions of *Lake Macquarie Local Environmental Plan 2004* (LEP 2004).

Neither zone lists retirement villages as permissible in the zone, however, both zones list that dwelling houses are permissible and the provisions of the Seniors SEPP apply. It is also noted that Clause 41 of LEP 2004 also allows for development of retirement villages on the land.

The majority of the proposed development is located within the 1(2) zone, and the objectives of this zone are:

*The objectives of this zone are to:*

- (a) provide for the enjoyment of a rural lifestyle and the operation of small-scale rural and tourism activities, and*
- (b) provide for a range of compatible land uses that maintain the rural environment, and*
- (c) ensure development is carried out in a manner that improves the quality of the environment, and is within the servicing capacity of the area, and*
- (d) retain and enhance the rural character of land, and*
- (e) allow for the appropriate development of land presently within this zone so as to limit the need to rezone any more land to this zone, and*
- (f) avoid land use conflict by restricting or prohibiting development that has the potential to negatively affect the sustainability of existing agriculture, and*
- (g) provide for sustainable water cycle management.*

The proposal also includes parts of the development within the 7(5) zoned areas of the site. The objectives of the 7(5) zoned area of the site are:

*The objectives of this zone are to:*

- (a) provide land with ecological, geological, scientific, scenic and biodiversity values that may accommodate minimal impact, low density residential and agricultural development, and*
- (b) manage development to minimise adverse impacts on those values, such as by encouraging appropriate use of disturbed land, and*
- (c) protect, enhance and manage corridors to facilitate species movement, dispersal and interchange of genetic material, and*
- (d) encourage rehabilitation and conservation of environmentally important land, and*
- (e) provide for sustainable water cycle management.*

The proposal has been lodged under the provisions of SEPP (Seniors) which provides for the setting aside of local controls for the purpose of enabling such development to occur. The proposal, however, has had due regard to existing rural residential character and environmental attributes of the land as required by the provisions of the SEPP. This has been discussed within the discussions relating to the Seniors SEPP.

Clause 16 of the LEP provides that regard must be had to the Council's Lifestyle 2020 Strategy. This Strategy is discussed in a later section of this Statement of Environmental Effects.

Clause 17 of LEP 2004 provides that development should have access to water, sewer, electricity and telecommunications. The proposal will have access to all these services which will be supplied to the proposed development.

Clause 25 of LEP 2004 requires consent for demolition of buildings. The application seeks consent for demolition of the existing buildings on the land.

Clause 29 of the LEP provides certain considerations for any building exceeding 8 metres in height. It is noted that the proposed building heights meet the requirements in Clause 50 of SEPP (Seniors).

Clause 32 deals with requirements for flood prone land. The subject land is subject to some local flooding issues which have been addressed in the flooding assessment and stormwater management plans for the site.

Clause 34 of the LEP provides that clearing of trees would require consent. The application seeks consent for removal of the trees. The ecological assessment for the land identifies that the removal of the trees will not have a significant impact on Threatened Species. The parts of the site in the rear portion containing South Creek will be maintained and no trees are to be removed on 'waterfront land' (within 40 metres of the top bank).

While the provisions of SEPP (Seniors) allow for the proposed development on the subject land, Clause 41 of LEP 2004 also allows for the development of a 'retirement village' on the land as follows:

#### **41 Development for the purpose of retirement villages**

- (1) This clause aims to maintain the opportunity for the development of retirement village style accommodation for aged persons in appropriate locations where the land satisfies the criteria specified in subclause (5).*
- (2) This clause applies to:*
  - (a) land within Zone 2 (1), and*
  - (b) land that is not within Zone 2 (1), 7 (1), 7 (4), 8 or 9, but part or all of which immediately adjoins, or is within 400 metres of, land within Zone 2 (1).*
- (3) In this clause:*

**retirement village** means a complex containing residential premises that are predominantly or exclusively occupied, or intended to be predominantly or exclusively occupied, by persons aged 55 years or older, which provides access to meals, cleaning, emergency assistance, and a transport service for residents.

- (4) *Nothing in this plan prevents a person, with development consent, from carrying out development on any land to which this clause applies for the purpose of a retirement village.*
- (5) *Despite subclause (4), consent may be granted to development for the purpose of a retirement village only if the consent authority is satisfied that:*
- (a) *the land on which the development will be carried out is of sufficient size to accommodate a minimum 70 unit retirement village development, and*
  - (b) *the land has frontage to a formed public road servicing nearby urban areas, and*
  - (c) *the development is able to be serviced with reticulated water, sewerage and electricity, and*
  - (d) *at least 70% of the proposed development area comprises land with a slope of less than 20% grade.*

With regard to these matters, it is noted that:

- The land is located within 400 metres of land zoned 2(1).
- The proposal meets the definition of a retirement village under the Clause.
- The land has sufficient area to support more than 70 retirement village units.
- The land has frontage to Burton Road which is formed and services urban areas.
- The development can be serviced with water, sewer and electricity.
- The maximum gradient of the site is approximately 6%.

As such the proposal could be approved under the provision of the LEP, as well as the provisions of SEPP (Seniors). Consent, however, is sought under the provisions of the SEPP.

#### **4.6 Draft Lake Macquarie LEP**

This draft LEP was exhibited by Council in 2012 and has been revised and sent to the Minister to be made.

Under the provisions of the plan, the 1(2) zoned part of the site will be zoned RU4 – Primary Production Small Lots, while the 7(5) parts of the site will be rezoned E4 – Environmental Living. With these zonings over the land, the proposal would still remain permissible under the provisions of SEPP (Seniors).

The LEP also introduces Height of Building Maps with heights in the RU4 zone mapped as a maximum 8.5 metre height and buildings in the E4 zone mapped as a maximum 5.5 metre height. Development under SEPP (Seniors) has its own height development standard of 8 metres to the topmost ceiling which is the operative standard. Regardless, the proposed building heights are generally consistent with these height controls.



Parts of the subject land are identified as part of the 'flood planning area' and the provisions of Clause 7.5 of the draft LEP would be applicable. The Flooding Assessment prepared by Northrop deals with the requirements of this clause.

#### **4.7 Lake Macquarie DCP**

The proposed development has been lodged under the provisions of the Seniors SEPP and the provisions of the SEPP override other planning instruments in the event of any inconsistency.

This DCP provides guidance for the development of land within the Lake Macquarie local government area. The DCP provides a performance approach to the assessment of proposals and has three (3) key levels of controls:

- Intent Statements – outline the objective and the underlying purpose of the control.
- Performance Criteria – detailing the outcomes that are sought to be achieved (either by acceptable solutions or otherwise).
- Acceptable Solutions – methods that can fulfil the performance criteria may be satisfied.

The DCP does not provide specific provisions for retirement villages or other forms of aged housing (with the SEPP providing the key controls for this form of development). The DCP does provide controls in relation to development of land which are relevant to the subject site as follows:

- Environmental Responsibility and Land Capability
- Social Impact
- Heritage
- Stormwater Management and On-site services
- Transport, Parking, Access and Servicing
- Streetscape and Public Realm.

The relevant DCP matters are addressed in the following table:

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
<b>2.1.1 – Ecological Values</b>	To conserve the biodiversity of the City and Region	P1. Impacts of the development on native flora and fauna is avoided or minimised.	<p>A1.1 Development is located and designed to avoid or minimise impacts on local and regional native vegetation.</p> <p>A1.2 Where a development is proposed to impact on an area of native vegetation:</p> <ul style="list-style-type: none"> <li>It is demonstrated that no reasonable alternative is available; and</li> <li>Suitable ameliorative measures are proposed.</li> </ul>	The proposed development is carried out on significantly disturbed land and maintains areas of existing native vegetation and includes ameliorative measures, including weed management in retained areas of native vegetation. Landscape plantings with the development will include locally indigenous species.
		P2. Native Flora and Fauna Assessments are undertaken with sufficient detail to assess the effects of the proposal and to ensure compliance.	A2.1 Flora and Fauna Assessments are prepared and lodged in accordance with Council's <i>Flora and Fauna Guidelines</i> (2001) establishing the significance of the site.	The Flora and Fauna Assessment prepared by RPS has been prepared and does not identify any significant impacts or areas of ecological significance.
		P3. <b>SIGNIFICANT HABITAT</b> , being areas and habitat elements important for significant flora & fauna species, population, vegetation communities and/or ecological communities, is protected and enhanced.	A3.1 Development is located and designed to avoid impacts on significant habitat.	The proposed development does not impact any areas of 'Significant Habitat'.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
<b>2.1.2 – Ecological Corridors</b>	To protect local ecological corridors, support their regional context and increase the connections between habitats.	P1. <b>ECOLOGICAL CORRIDORS</b> are identified, protected and enhanced over the long term.	<p>A1.1 Assessment is undertaken to determine the extent to which the site contributes to an ecological corridor, whether or not the site contains all of, or is adjoining an ecological corridor.</p> <p>A1.2 Where a development is proposed to impact upon an ecological corridor:</p> <ul style="list-style-type: none"> <li>it is demonstrated that no reasonable alternative is available; and</li> <li>suitable ameliorative measures are proposed.</li> </ul> <p>A1.3 Development is designed to protect ecological corridor/s within and adjoining the site for their ecological values and natural water system qualities.</p>	Refer to flora and fauna assessment. Canopy trees provide marginal habitat connectivity within the site. The proposal provides for retention of canopy trees in the rear portion of the site, and landscaping provides for planting with native species that replace these resources at much greater numbers than the number of tree removed.
<b>2.1.3 – Scenic Values</b>	To protect and maintain the scenic values of the City, whether being from land or water.	P1.1 Development is designed to complement, rather than detract from the landscape, whether it is locating in an urban, rural or environmental <b>SETTING</b> .	A1.1 A Visual Impact Assessment (VIA) is prepared and lodged for development identified in Table 1 and in accordance with Council's <i>Scenic Management Guidelines</i> . The VIA is to assess the impact of development and illustrate how any impact will be ameliorated.	A Visual Impact Assessment has been prepared for the site by Terras and a copy of the Assessment has been provided with the development application. The proposed development has been effectively treated to complement the area and

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
				effectively treat the edge with adjoining rural residential development.
<b>2.1.4 – Tree Preservation and Management</b>	To maintain a 'green' City by protecting native and culturally significant vegetation, bushland and understorey vegetation.	<p>P1. Development maintains or enhances:</p> <ul style="list-style-type: none"> <li>The natural bushland character of the City through the protection of trees and bushland,</li> <li><b>STREETSCAPE</b> values where trees form an essential element of the streetscape,</li> </ul>	<p>A1.1 An Arborist Report is prepared and lodged:</p> <ul style="list-style-type: none"> <li>In support of an application to prune or remove a tree listed on Council's Significant Tree Register, that meets Council requirements (see Tree Preservation and Management Additional Information); and/or</li> <li>When requested by Council's Tree Preservation Officer.</li> </ul>	<p>Tree preservation and management of vegetation removal is discussed within the Flora and Fauna Assessment. The proposed development retains hollow bearing trees and other significant trees at the rear of the site. Trees in other parts of the site are required to be removed within the development footprint and to facilitate drainage of the site. An arborists report has been prepared and a copy has been provided with the development application. The landscaping plans provide for effective replacement of trees with new native planting that will restore both streetscape values and ecological values within the site.</p>



DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
<b>2.15 – Bushfire Risk</b>	To comply with <i>Planning for Bushfire Protection</i> where land is identified as being bushfire prone in accordance with the latest Bushfire Prone Land Map endorsed by the Commissioner of the NSW Rural Fire Service.	P1. Compliance with the requirements of <i>Planning for Bushfire Protection</i>	A1.1 Residential development and subdivision must comply with the requirements of <i>Planning for Bushfire Protection</i> .	The proposed development complies with the provisions of <i>Planning for Bushfire Protection 2006</i> as detailed in the Bushfire Assessment submitted with the development application.
		P2. Bushfire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.	<p>A2.1 Ecological and environmental values of the land are protected and maintained.</p> <p>A2.2 An Asset Protection Zone (APZ) on slopes greater than 1 in 5, and along ridgelines is unacceptable due to the environmental consequences of clearing such slopes and ridgelines.</p> <p>A2.3 Clearing for purpose of bushfire risk management must be consistent with <i>Lake Macquarie Bushfire Management Plan</i>.</p> <p>A2.4 Trees and native vegetation are to be retained within APZs unless selective thinning is required by the Planning for Bushfire Protection Guideline.</p> <p>A2.5 APZ's are not located within land identified for environmental protection or conservation zones except under extenuating circumstances.</p>	The APZs for the proposal are located over existing disturbed which is currently, managed in a state consistent with the requirements of and APZ. The proposal will not require any additional removal of trees or vegetation within the APZ.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		P3. Landscaping for developments in bushfire prone land must satisfy Appendix 5 of <i>Planning for Bushfire Protection</i> .	A3.1 Use of locally indigenous fire retardant species.	Landscaping for the proposed development meets the requirements of Appendix 5 of <i>Planning for Bushfire Protection 2006</i> .
<b>2.1.6 – Water Bodies, Waterways and Wetlands</b>	To protect the quality biological diversity and ecological processes of receiving waters and the ecosystems that rely on those waters.	P1.1 Preserve water cleaning, hydraulic and ecological functions and habitats of <b><u>WATER BODIES</u></b> , <b><u>WATERWAYS</u></b> , <b><u>WETLANDS</u></b> and their associated landforms and vegetation (such as riparian, floodplain, stream terrace, and littoral and dune areas).	<p>A1.1</p> <ul style="list-style-type: none"> <li>• Avoid actions such as clearing, filling, redirecting or otherwise modifying waterbodies, waterways, wetlands etc and associated landforms and vegetation.</li> </ul> <p>The management of discharge from urbanised areas:</p> <ul style="list-style-type: none"> <li>• Implements water sensitive urban design measures; and</li> <li>• Minimises changes to the quantity and/or quality of stormwater runoff;</li> <li>• Gives priority to reuse, source control, conveyance controls and end of pipe controls, in that order.</li> <li>• Where treatment devices are installed, need to employ adequate treatment trains, comprised of purpose-specific devices to ensure</li> </ul>	<p>The proposed development excludes relevant actions from the South Creek watercourse and a 40 metre buffer from this drainage line.</p> <p>The Stormwater Management Plans submitted provide for management of water shed from the site to control storm water quality and flows in accordance with relevant standards.</p>

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			<p>that their operation is effective and ecologically sustainable in the long term.</p> <ul style="list-style-type: none"> <li>Where impacts are identified, proposals demonstrate, in detail, how those impacts will be ameliorated.</li> </ul>	
		P1.2 Avoid or minimise changes to the water regime that could affect the ecological values of a water body, waterway or wetland.	<p>A1.2 Proposals demonstrate that alterations to the water regime will not adversely affect aquatic, literal and terrestrial ecosystems or micro invertebrates.</p> <p>Where appropriate, proposal includes measures to facilitate movement of aquatic species up and down stream.</p>	The Stormwater Management Plan provides for management of water from the site. The water regime from the site is managed to control stormwater quality and flows.
		<p>P1.3 Developments are designed to ensure:</p> <ul style="list-style-type: none"> <li><b><u>WATERCOURSES</u></b>, riparian corridors and their landforms are protected.</li> <li>the pre-development water quality of receiving waters is maintained or improved.</li> <li>impacts of construction (except for major flood events) are</li> </ul>	<p>A1.3 The development does not disturb, redirect, reshape or modify <b><u>WATERCOURSES</u></b> and riparian corridors.</p> <p>A2.1 Land adjacent to a water body, waterway or wetland is managed so as to retain its ecological processes, community or scenic functions, including:</p> <ul style="list-style-type: none"> <li>Linking core habitat areas,</li> <li>Protecting water quality,</li> </ul>	The proposal maintains a 40 metre exclusion zone from the high bank of the watercourse and provides for retention of existing vegetation in this area. The area will be enhanced through weed management and vegetation management providing for the establishment of additional vegetation (where

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		<p>minimised and provision is made for ongoing maintenance of any works or landscaping associated with development.</p>	<ul style="list-style-type: none"> <li>• Providing access for maintenance,</li> <li>• Providing public open space,</li> <li>• Maintaining areas of scenic value, such as the Lake foreshore, headlands or promontories.</li> <li>• Protecting and rehabilitating aquatic, littoral and terrestrial native vegetation.</li> </ul> <p>Protecting and rehabilitating fish and fauna habitats.</p>	<p>that activity is compatible with maintenance of the APZ and does not invoke controlled activity approval requirements).</p>
		<p>P3. Riparian, littoral areas, water bodies, waterways and wetlands are adequately buffered from development.</p>	<p>A3. In the Conservation, Environmental or Rural Zones a minimum buffer, 50 metres between any development and the outer limit of a wetland or 40 metres between any development and the DEED HIGH WATER MARK of a water body or waterway, is provided. The buffer:</p> <ul style="list-style-type: none"> <li>• Where appropriate, may incorporate facilities such as public open space,</li> <li>• Will retain and enhance pre-development vegetation and hydrology characteristics,</li> <li>• Is not subject to use of fertilisers, herbicides, pesticides or other</li> </ul>	<p>The proposal maintains a 40 metre exclusion zone from the high bank of the watercourse and provides for retention of existing vegetation in this area. The area will be enhanced through weed management and vegetation management providing for the establishment of additional vegetation (where that activity is compatible with maintenance of the APZ and does not invoke controlled activity approval requirements).</p>



DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			contaminants, <ul style="list-style-type: none"> <li>Excludes all buildings and structures or infrastructure.</li> <li>Excludes domestic animals (particularly livestock).</li> </ul>	The site is currently utilised for low intensity agricultural uses and stock are free to graze in the areas along the watercourse and the proposal will remove this impact.
		P4. Rehabilitation measures are proposed where a development site includes a degraded water body, waterway or wetland.	A4.1 Exiting native vegetation is maintained. A4.2 Weeds and grassed areas are replaced with suitable native species. A4.3 Connectivity to other water bodies, waterways or wetlands is maintained or enhanced. A4.4 Degraded areas are rehabilitated. A4.5 A rehabilitation/restoration plan may be required.	The proposal provides for maintenance of existing vegetation in the areas around the watercourse and vegetation management will include weed control and enhancement of native vegetation values.
2.1.7 – Flood Management	To reduce the impact of flooding and flood liability on the individual owners, occupiers of flood prone property, and adjoining land and	P1. The proposal satisfies relevant criteria contained in and adopted Local Flood Study, Floodplain Management Study or Plan that applies to the land.	A1. Development proposals address and implement the actions required to meet the outcomes of adopted flood and storm management studies.	The flooding assessment by Northrop deals with flooding issues within the site and makes recommendations for site and floor levels which have been incorporated into the designs.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
	to reduce private and public losses resulting from floods, utilising ecologically sustainable methods wherever possible.	P2. Adequate risk mitigation measures are applied so that the hydraulic hazard conditions present at the site do not pose an unacceptable level of risk.	A2.1 Development is consistent with the principles contained in the <i>NSW Floodplain Development Manual</i> (2005) and any relevant Local Flood Study, Floodplain Management Study or Plan. A2.2. Development will not result in adverse impacts on adjoining flood plains and land.	The flooding assessment by Northrop deals with flooding issues within the site and makes recommendations for site and floor levels which have been incorporated into the designs.
		P3. The development does not result in unacceptable risks due to impacts on flooding behaviour at other locations.	A3. The proposal is the subject of a Local Flood Study, Floodplain Management Study or Plan that considers cumulative impact issues, and demonstrates negligible impacts on other lands.	The flooding assessment by Northrop provides for overland flow paths through the site in a manner that flood waters are allowed to flow through the site in a manner that mitigates impacts to upstream and downstream properties.
		P4. The proposal incorporates adequate measures to manage risks to life.	A4. Development incorporates measures, such as evacuation routes, on-site refuge, structural stability, impact on flow conveyance and emergency response planning where appropriate. <b>OR</b> The proposal incorporates risk management measures as recommended	The flooding assessment by Northrop deals with flooding issues within the site and makes recommendations for site and floor levels which have been incorporated into the designs.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			by a Local Flood Study, Floodplain Management Study or Plan.	
		P5. <b>New</b> development, buildings and structures on flood prone land (not located in a floodway) are located and designed to meet an acceptable level of risk of flood damage.	<p>A5.1 <u>For all development</u> –</p> <ul style="list-style-type: none"> <li>Buildings and other structures, including fences, are located to avoid impeding on floodway areas and natural water flow. Perimeter drainage may be required to convey and/or redirect natural water flow.</li> <li>All development uses suitable building materials.</li> <li>Proposed flood mitigation works are compatible with a Floodplain Management Plan.</li> <li>Run-off from development is maintained at a pre-development or 'natural' level within the site, so as not to concentrate run-off across a property boundary.</li> </ul> <p>A5.2 <u>For residential</u> –</p> <ul style="list-style-type: none"> <li><b>HABITABLE ROOM</b> floors are constructed a minimum of 500mm above the 100 year ARI (1% AEP).</li> <li><b>NON-HABITABLE ROOM</b> floors are</li> </ul>	The flooding and drainage assessments by Northrop deals with flooding issues within the site and makes recommendations for site and floor levels which have been incorporated into the designs.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			<p>constructed at or above the 20 year ARI (5% AEP).</p> <ul style="list-style-type: none"> <li>Floors of concrete slab carports are constructed at a minimum of 150mm above the existing ground level or approved cut and fill level.</li> </ul>	
		P10. <b>Drainage solutions</b> for development on flood prone land (not located in a floodway) shall be designed to meet an acceptable level of risk of flood damage.	A10. <u>For all development</u> A Site Drainage Plan shall be prepared and lodged detailing the management and ameliorative measures for drainage from the development and adjoining sites.	A Site Drainage Plan is included with the development application which details the measures provided in the Northrop assessment/report.
<b>2.1.10 – Acid Sulfate Soils</b>	To safeguard against the disturbance of acid sulfate soils that will result in environmental and property damage	<ul style="list-style-type: none"> <li>P1. Disturbance of <b><u>ACID SULFATE SOILS</u></b> is minimised</li> </ul>	A1.1 Development is located so as to avoid disturbance of Potential Acid Sulphate Soils.	The land is not identified as an area possibly containing acid sulphate soils on Council Acid Sulfate Soils Planning Maps.
<b>2.1.11 – Erosion Prevention &amp;</b>	To prevent erosion and run-off during site	P1.1 The development ensures minimal potential or actual erosion through design, construction and	A1.1 Development is designed to reduce impacts of erosion by minimising disturbance, retaining vegetation and	A soil and water management plan has been prepared for the development by Northrop and a



DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
<b>Sediment Control</b>	preparation, construction and the ongoing use of land.	operational controls.	reducing the need for earthworks.	copy has been submitted with the development application.
		P1.2 Prevent the export of sediment whether as wind blown or by sediment laden stormwater discharges and restrict stormwater flows over exposed areas during construction and construction related activities.	A1.2 The use of a number of integrated solutions in the form of a <b><u>TREATMENT TRAIN</u></b> to control and treat the occurrence of erosion and sediment.	
		P1.3 Prevent discharge of coarse and suspended sediment off-site in accordance with legislative requirements.	A1.3 For proposals where the area of disturbance will be: <u>Category 3 – Greater than 2500m<sup>2</sup></u> Erosion prevention and sediment control measures are incorporated as a component of a Soil and Water Management Plan, in accordance with the above publication.	
<b>2.1.12 – Mine Subsidence</b>	To ensure Mine Subsidence Board concurrence for proposals on affected sites	P1. All development proposals refer to the <i>Mine Subsidence District Maps</i> .	A1. If development is within a mine subsidence district, approval from the Mines Subsidence Board is obtained for the development.	The application has been lodged as integrated development with referral to the Mines Subsidence Board.

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<b>2.1.13 – Contaminated Land</b>	To ensure there is no unacceptable risk to human health or the environment from land that may have been previously contaminated.	P1.1 <ul style="list-style-type: none"> <li>The level of contamination is clearly identified and addressed.</li> <li>The proposal demonstrates that the use for which the land is proposed is suitable in the site's contaminated state, or will be suitable, after remediation.</li> </ul>	A1.1 A Preliminary Site Investigation Report is prepared and lodged, consistent with <i>Managing Land Contamination: Planning Guidelines</i> , SEPP 55 – Remediation of Land (1998).	Geotechnical assessment for the site found that the site was suitable for residential development in terms of contamination and previous use. An 8,000m <sup>2</sup> area in the eastern end of the site was identified as not suitable for use for growing of home grown produce. No development is proposed in this area and there is no proposal to use this area for growing of produce.
<b>2.1.14 – Energy Efficiency</b>	To reduce the use of non-renewable resources and greenhouse gas-emissions	P1. The subdivision of land achieves a high level of energy efficiency through lot layout design, including street and lot orientation, and <b>LOT</b> size and shape.	A1. Subdivision is designed in accordance with principles for energy efficiency to ensure passive solar access, natural ventilation, minimal site disturbance, and connectivity for vehicles, cyclists and pedestrians.	The proposal does not involve subdivision, however, the layout provides for northern aspect for all dwellings providing for solar access and ventilation. The site includes cycleways for pedestrian and cycle use which connects with the public facilities in Burton Road.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		P2. Development Applications for <i>residential development</i> , include a BASIX Certificate.	A2 No acceptable Solution prescribed, as per Performance Criteria.	BASIX certificates have been provided for the dwellings within the development.
<b>2.1.15 – Noise and Vibration</b>	To ensure that any noise and vibration source, now or in the future will not affect the surrounding population whether they be employees, workers or residents in adjoining or nearby buildings or passersby	P1. Development is carried out so that no intrusive or offensive impacts from noise are caused to the surrounding population now or in the future.	A1. The noise(s) to be generated are not offensive or greater than the amenity and intrusive criteria in the NSW EPA Industrial Noise Policy at the property boundary of the noise source of the receiver; and  The noise(s) to be generated have been acoustically modified at source or receiver so as not to be offensive or greater than the appropriate noise level stipulated in the NSW EPA Environmental Noise Control Manual.	An acoustic assessment of the proposed development has been prepared and a copy has been submitted with the development application. The assessment finds that the proposed development will not generate offensive noise, including for movement of vehicles within the development.
		P7. For Multiple Dwellings Housing, Mixed Use Developments and Residential Flat Buildings noise associated with the operation of the development is not offensive	A7.1 Noise generated by lifts, mechanical ventilators, residential activities, movement of vehicles or trading of goods and services are not offensive or greater than the amenity and intrusive criteria in the NSW EPA Industrial Noise Policy at the property boundary of the noise source or the receiver.  A7.2 The noise(s) to be generated have been acoustically modified at source or	

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			receiver so as not to be offensive or greater than the appropriate noise level stipulated in the NSW EPA Environmental Noise Control Manual.	
<b>2.1.16 – Air Quality</b>	To protect the air quality of the City	P1. Development illustrates that, when in operation and when all measures proposed to minimise its impact have been employed, no negative emissions will result that would diminish the amenity of adjacent properties, the surrounding area of water bodies, waterways and wetlands.	A1.1 Where the development will negatively affect air quality or where it will be affected by air pollution, a Statement of Air Quality is prepared and lodged.	The proposed development does not give rise to emissions which would impact significantly on local air quality and is not affected by emissions from nearby uses.
		P2. Development encourages the use of public transport.	A2.1 Housing density is maximised on sites in close proximity to public transport infrastructure to ensure high efficiency of land use in critical areas.	The frontage of the subject site contains an existing bus stop and provides excellent access to public transport. The bus stop will be embellished with a bus shelter and will improve the facilities for public transport in the area. Maximising density at this site is consistent with the performance criteria and acceptable solution.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		P3. Development reduces vehicle kilometres travelled by the creation of compact multi-use centres.		The proposal is located to provide excellent access to public transport that connects to centres. The site provides onsite activities and recreation for residents, as well as facilities to facilitate the provision of services at the site. Village buses are also provided to provide transport for residents to centres and activities in the area. The proposal minimises vehicle use and is consistent with the Intent Statement and Performance Criteria.
<b>2.1.17 Demolition and Construction Waste Management</b>	To reduce the disposal of building and demolition waste to landfill by promoting waste avoidance, reuse and recycling.	P1. <ul style="list-style-type: none"> <li>• The reuse and recycling of material is maximised,</li> <li>• Waste disposal and landfill is minimised,</li> <li>• Materials for reuse and/or disposal are appropriately stored on-site,</li> </ul>	A1.1 A Site Waste Minimisation and Management Plan (SWMMP) accompanies an application to undertake construction or demolition works. The SWMMP is prepared in accordance with, and demonstrates compliance with the Waste Management Guidelines supporting DCP No. 1.	A Site Waste Minimisation and Management Plan will be prepared for the demolition and construction works.



DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		<ul style="list-style-type: none"> <li>Evidence is provided that the above arrangements have been implemented,</li> <li>Building and Demolition waste dockets are kept on site to confirm which facility received the material for recycling or disposal.</li> </ul>		
<b>2.2.1 Social Impact Assessment</b>	To ensure that development will provide positive community benefits to the locality and the City.	P1. Development maintains and/or enhances <b><u>SOCIAL EQUITY</u></b> of the community affected by and/or likely to result from the proposed development, both now and into the future.	A1.1 A Social Impact Assessment is prepared and lodged with an appropriate level of documentation.	A Social Impact Assessment has been prepared for the proposed development, and a copy of the document has been submitted with the development application.
<b>2.4.3 Aboriginal Heritage Items and Sites</b>	To assist the community to protect and conserve Aboriginal culture, spiritual and sacred sites within the city.	P1. For <b><u>ABORIGINAL OBJECTS</u></b> identified in the Department of Environment and Conservation Register, or gazetted <b><u>ABORIGINAL PLACES</u></b> under the National Parks and Wildlife Services Act, development is permitted where it has the approval of the Department of Environment and Conservation	A1. The requirements of the Local Aboriginal Community and the Department of Environment and Conservation must be considered and reflected in a development application affecting land being of cultural significance to the <b>LOCAL ABORIGINAL COMMUNITY</b> .	The proposal has been considered under the provisions of the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> which has identified that additional investigation is not required.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		and the support of the <b>LOCAL ABORIGINAL COMMUNITY</b> .		
<b>2.5.1 Essential Infrastructure</b>	To ensure essential infrastructure is provided to all development in a manner that minimises environmental impacts.	P1. Essential infrastructure is efficiently provided to all development, including the delivery of: <ul style="list-style-type: none"> <li>• A satisfactory supply of water,</li> <li>• Electricity,</li> <li>• Communications, including data cabling,</li> <li>• The sustainable management of stormwater and sewage,</li> <li>• Reticulated natural gas.</li> </ul>	A1.1 Essential infrastructure is accessible, easy to maintain, uses available technology and is cost effective based on life cycle costs.  A1.2 Development is staged to ensure each stage is fully serviced before release of a new area.  A1.3 The distribution system for all forms of infrastructure is in place prior to occupation.	A servicing strategy prepared by Northrop has been submitted with the application.
		P2. The location and design of essential infrastructure minimises adverse environmental impacts in the short and long term.	A2. Essential infrastructure (including service structures, plant and equipment) is designed and located to: <ul style="list-style-type: none"> <li>• Be an integral part of the development;</li> <li>• Avoid areas of ecological or scenic value, <b><u>WATER BODIES</u></b>, <b><u>WATERWAYS</u></b>, <b><u>WETLANDS</u></b>; and</li> </ul>	The servicing and stormwater infrastructure is located within the developed site area and does not impact on sensitive areas and has been designed to avoid impacts to adjoining properties.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			<ul style="list-style-type: none"> <li>Minimise the impact on areas of native vegetation; and</li> <li>Be suitably screened from public places or streets; and</li> <li>Is co-locate in shared underground trenching in order to minimise land consumption and costs where compatible, including telecommunications cabling,</li> <li>Ensure transportation, treatment and disposal of sewage wastes minimise environmental impacts;</li> <li>Ensure drainage, sewerage and sullage system overflows do not enter residences.</li> </ul>	
		P3> For Sewerage  P4. <u>For Natural Gas</u>	A4.1 For <u>sewerage</u> infrastructure; <ul style="list-style-type: none"> <li>Development in the following Zones               <ul style="list-style-type: none"> <li>1(2) – Rural (Living)</li> <li>7(5) – Environmental (Living)</li> </ul> </li> </ul> is connected to a reticulated sewerage system.	The proposed retirement village will be connected to the Hunter Water Sewerage system.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			<p>A4.6 For the provision of <u>natural gas</u>, the following development types provide a reticulated system (to the site), when it is within the specified distance of an existing reticulated system;</p> <ul style="list-style-type: none"> <li>Up to 9 Multiple Dwelling Housing or apartment units and/or Subdivision of up to 9 lots – 250 metres.</li> <li>10 to 19 Multiple Dwelling Housing or apartment units and/or Subdivision 10 to 19 lots – 500 metres.</li> <li>Over 20 Multiple Dwelling Housing or apartment units and/or infill subdivision of over 20 lots.</li> </ul>	
		P6. The water supply adequate for the intended use and for fire fighting purposes.	A6.3 Where the site is connected to a reticulated water supply, but is located more than 90 metres from a fire hydrant point, it has a minimum water supply of 5,000 litres available for fire fighting purposes.	The proposal provides reticulated supply and includes hydrants throughout to provide fire fighting supply.
<b>2.5.3 Stormwater Management</b>	To ensure stormwater systems manage	<u>Stormwater Planning</u> P1.1 The stormwater drainage system is planned and designed to	A1.1 The drainage system is planned and designed to: <ul style="list-style-type: none"> <li>Protect natural watercourses and</li> </ul>	The drainage assessment by Northrop deals with these issues within the site and

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
(Drainage System Design)	and protect the quality and flow of drainage systems and the receiving waters.	ensure natural watercourses and associated vegetation are protected and enhanced.	<p>riparian corridors by avoiding disturbance, redirection, reshaping or modification of watercourses and associated vegetation;</p> <ul style="list-style-type: none"> <li>• Integrate stormwater management systems into the landscape for multiple benefits including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity, and</li> <li>• Comply with Volume 2 Engineering Guidelines – <i>Design and Construction Specifications</i> (LMCC 2003).</li> </ul>	makes recommendations for the site which have been incorporated into the designs.
		P1.2 Harmful impacts of urban development on water balance along with surface and groundwater flow regimes are minimised.	<p>A1.2 A <b>Stormwater Management Plan</b> is submitted that:</p> <ul style="list-style-type: none"> <li>• Takes full account of the existing downstream systems;</li> <li>• Employs a variety of controls to minimise impacts on water quality and quantity of stormwater <b>RUN-</b></li> </ul>	The necessary stormwater management plan has been provided with the development application.



DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			<p><u>OFF</u> from the site; and</p> <ul style="list-style-type: none"> <li>Demonstrates the development's ability to meet the principles of <b><u>WATER CYCLE MANAGEMENT</u></b> in the design of the system and incorporates a variety of suitable <b><u>SOURCE CONTROLS</u></b>, <b><u>CONVEYANCE CONTROLS</u></b> and <b><u>DISCHARGE CONTROLS</u></b>; and</li> </ul>	
		P1.4 Point sources of pollution in the catchment are identified and their impacts minimised until they can be eliminated.	A1.4 Measures to address Section 2.1.11 – Erosion Prevention and Sediment Control and <i>Managing Urban Stormwater – Source Controls</i> (EPA, 1998).	The stormwater management plan and report provides measures for the treatment of stormwater quality.
		<p><u>In relation to Water Quality –</u></p> <p>P2.1 The <b><u>FIRST FLUSH</u></b> is diverted from sensitive areas or treatment systems are installed to minimise polluted run-off entering receiving waters.</p>	<p>A2.1 Water quality protection measures, such as:</p> <ul style="list-style-type: none"> <li>Bunding and/or roofing of storage and process areas to contain possible leaks and/or spills in all potential conflict areas.</li> <li>'First flush' systems.</li> <li>Silt and/or oil traps and rubbish collectors.</li> <li>Establishing formal Trade Waste Agreements with Hunter Water.</li> </ul>	

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			are incorporated into the development to control and direct polluted run-off.	
		P2.2 Measures appropriate to the site are incorporated into the design to minimise the impact of stormwater run-off.	A2.2 Stormwater systems that slow run-off and minimise erosion (source controls) and maximise cleaning of the run-off are installed.	The stormwater management measures incorporate stormwater detention and treatment.
		P3.1 Natural water bodies, waterways and vegetation are retained and protected from increased stormwater flows.	A3.1 A variety of suitable <b>source, conveyance and discharge controls</b> are provided and utilised to minimise the increase in stormwater flows both for smaller (frequent) and larger (less frequent) rainfall events.	The proposal does not discharge stormwater to natural water bodies or water ways.
		P3.2 For residential developments of more than 2 dwellings or lots and for all commercial and industrial developments <b>on-site detention</b> of stormwater will be required.	A3.2 Development complies with Volume 2 Engineering Guidelines – <i>Handbook for Drainage Design Criteria</i> . (LMCC 2004).	Onsite detention is incorporated in the stormwater design.
<b>2.5.4 On-Site Stormwater Harvesting (Source Controls)</b>	To ensure that stormwater harvesting (source controls) measures are implemented to maximise	P1.1 All industrial, commercial, and residential development, including individual dwellings and multiple dwelling housing is designed to achieve a <b>Site Discharge Index (SDI) that does not exceed 0.1</b> .	A1.1 Runoff from impermeable surfaces such as roofs, driveways and paved areas is managed by appropriate stormwater controls, suitable to the site conditions, prior to any discharge to a piped drainage system or natural waterway.	The drainage assessment by Northrop deals with these issues within the site and makes recommendations for the site which have been incorporated into the designs.

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	stormwater reuse and prevent increases to stormwater discharge that impact downstream environments.			
<b>2.6.4 Pedestrian and Cycle Paths</b>	To ensure the provision of an integrated pedestrian and cycle path network that is accessible, well design and well located.	<p>P1. Road and path networks provide for:</p> <ul style="list-style-type: none"> <li>Pedestrian and cyclist paths with connections to adjoining Local and higher order roads, open spaces, transport nodes and activity centres.</li> </ul>	<p>A1.1 Pedestrian and cycle paths comply with the design and construction requirements detailed in the Volume 2 Engineering Guidelines <i>Design and Construction Specifications</i> (2004), as amended from time to time and Austroad 14 Bicycle Standards.</p> <p>A1.2 <b><u>Pedestrian and cycle CONNECTIVITY</u></b> is provided by locating these facilities within the road network and/or as a component of the open space network.</p>	The proposal includes footpaths/cycleway facilities that connect within the development and connect to the public footpaths at the site frontage.
<b>2.6.5 Public Transport</b>	To maximise public transport usage.	<p>P1. Public transport is to reflect the regional structure and to plan to enable:</p> <ul style="list-style-type: none"> <li>Net residential densities,</li> </ul>	A1.2 Public transport facilities, such as bus shelters, seating and lighting, are provided for developments that incorporate a bus route, and/or where development is	The proposal has frontage to an existing bus stop and provides appropriate density in proximity to this infrastructure.

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		<p>within the <b><u>WALKABLE CATCHMENT</u></b> of public transport routes, stops or stations, are set at levels to take advantage of the infrastructure investment and support the economic operation of services; and</p> <ul style="list-style-type: none"> <li>• Connections to public transport routes, including future routes provide for ease of movement and link activity centres within and external to the development.</li> </ul>	<p>adjoining an existing or proposed bus route. All facilities must comply with the Commonwealth Disability Standards for Accessible Public Transport.</p>	<p>The proposal provides for embellishment of this facility, including provision of a bus shelter.</p>
<b>2.6.6 Vehicle Parking Provision</b>	To ensure that development is provided with adequate and well designed on-site car parking or a suitable alternative.	<p>P1. Development provides adequate on-site vehicle parking that is:</p> <ul style="list-style-type: none"> <li>• Clearly defined, safe and easily accessible.</li> </ul>	<p>A1.1 The provision of on-site vehicle parking complies with Table 4 – Vehicle Parking Provision.</p>	<p>The provision of parking within the development far exceeds the minimum requirements of the Seniors SEPP.</p>
		<p>P2. On-site vehicle parking:</p> <ul style="list-style-type: none"> <li>• Does not detract from the aesthetics or <b><u>AMENITY</u></b> of the locality, or surrounding development,</li> </ul>	<p>A2.1 The car park is appropriately designed, landscaped and located to provide adequate shade, access, surveillance and safety for the users of the park.</p>	<p>The parking facilities are appropriately located and treated.</p>

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		<ul style="list-style-type: none"> <li>Discourages on-street parking where parking will have adverse impacts on traffic management, safety or amenity,</li> <li>Is consistent with convenient and safe pedestrian and cycle access,</li> <li>Ensures stormwater systems protect the quality of receiving environments.</li> </ul>		
<b>2.6.7 Car Parking Areas &amp; Structures</b>	To ensure car parking areas and/or structures are well sited and designed whilst supporting a reduction in car dependency.	<p>P1. Car Parking Areas and Structures are designed to:</p> <ul style="list-style-type: none"> <li>Provide a clear internal movement hierarchy,</li> <li>Be easily negotiated by vehicles and pedestrians, including persons with a disability,</li> <li>Ensure vehicles do not reverse into areas of high pedestrian activity,</li> <li>Ensure traffic congestion</li> </ul>	<p>A1.1 The layout of car parking areas and structures complies with the following hierarchy of internal movement:</p> <ul style="list-style-type: none"> <li><u>CIRCULATION ROAD</u></li> <li><u>CIRCULATION AISLE</u></li> <li><u>PARKING AISLE</u></li> <li>Parking spaces.</li> </ul>	The parking layout complies with the requirements of the relevant Australian Standards.



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		<p>does not adversely affect the external traffic system,</p> <ul style="list-style-type: none"> <li>• Optimise safety and security of users,</li> <li>• Ensure stormwater systems protect the quality of the receiving environment,</li> <li>• Ensure that development minimises conflicts between pedestrian, cyclist and vehicular movements.</li> </ul>		
<b>2.6.8 Vehicle Access</b>	To provide safe access for vehicles between proposed developments and the Lake Macquarie Road Hierarchy.	<p>P1.</p> <ul style="list-style-type: none"> <li>• Site access is suitably located and designed to optimise public safety and convenience.</li> <li>• Access to the Arterial and Sub-Arterial road network is restricted to optimise the function and efficiency of these roads.</li> </ul>	<p>A1.1</p> <ul style="list-style-type: none"> <li>• The number of driveways accessing a particular site is kept to the minimum necessary to allow satisfactory traffic operation for the site.</li> <li>• Generally, only a single access point (entrance/exit) should be necessary for any particular development. However, this may be relaxed where it can be demonstrated that safety and traffic operation on the road are not</li> </ul>	Access issues are discussed in the Traffic Assessment provided with the development application.

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			<p>compromised. Where pedestrian safety can be improved by such a design, or where the additional access contributes to the appearance of the proposed built form by providing a break in solid mass.</p> <p>Driveway location, separation and width continues the pattern of established development and site access points.</p>	
<b>2.6.9 Access to Bushfire Risk Area</b>	To ensure suitable access is provided to areas of bushfire risk.	P1. Roads are designed and constructed to conform with 'Planning for Bushfire Protection 2001' to suit the <b>BUSHFIRE RISK</b> applicable to the land.	<p>A1.2 <u>Where a Private Road or access way to an individual or group of lots –</u></p> <p>The road is designed in accordance with the provisions of 'Planning for Bushfire Protection 2001' – Chapter 4, 2.6.3 – Road Design.</p>	The Bushfire Assessment provided with the development application details that the proposal complies with the provisions of <i>Planning for Bushfire Protection 2006</i> .
<b>2.6.11 On-Site Bicycle Facilities</b>	To provide greater modal choice through the provision of on-site bicycle facilities within retail, commercial, community and	<p>P1. Development provides adequately for bicycle access to the site, and movement within the site, and for secure and convenient bicycle parking/storage facilities, that:</p> <ul style="list-style-type: none"> <li>• Are located at grade near key access points to the</li> </ul>		The proposal provides for bicycle parking facilities at the community/recreation centre. The dwellings include storage/yard areas which can provide for bike storage.

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	industrial developments.	development, <ul style="list-style-type: none"> <li>• Are obvious and clearly signposted,</li> <li>• Easily and safely accessible from outside the site,</li> <li>• Do not impede the movement of pedestrians or other vehicles.</li> </ul>		
<b>2.6.12 Non-Discriminatory Access and Use</b>	To ensure equitable access for all members of the community.	P1. Non-discriminatory access is provided to, and within, the development from adjoining roads and pedestrian paths, to the extent possible without causing unreasonable hardship.	A1. Lodgement of an Access Audit prepared by an accredited access consultant where the development is a Category 3 type development as specified by Table 19 – <i>Development Type and Category</i> .	An Access Report has been submitted with the development application. Access to and within the site is compliant with the provisions of the SEPP, DCP and relevant Australian Standards.
<b>2.7.1 Streetscape and Local Character</b>	To ensure development responds and contributes to the existing or desired future streetscape character.	P1. The scale and appearance of development is consistent with the street character or its desired character.	A1.1 Buildings and landscapes are designed by reflect the local context and the positive features of the prevailing character and streetscape and to enhance the following elements: <ul style="list-style-type: none"> <li>• Topography and landform,</li> <li>• Mass and proportion,</li> <li>• Roof form and pitch,</li> </ul>	The streetscape of the proposed development is consistent with the established streetscape in the area, including the adjoining ducks crossing development and the adjacent seniors housing development under

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			<ul style="list-style-type: none"> <li>Façade articulation, detailing and window and door proportions,</li> <li>Access driveway locations and spacing,</li> <li>Verandahs, eaves and parapets,</li> <li>Fence style and alignment.</li> </ul>	construction. The building forms at the frontage are maintained as single storey and include appropriate treatment of the frontage with landscaping etc.
		P3. Development for the purposes of: <ul style="list-style-type: none"> <li>Large subdivision,</li> <li>Development on sites over 5000m<sup>2</sup>,</li> <li>Development in the Urban, Residential, Tourism and Recreation and Industrial Zones, that has a main street <b>FRONTAGE</b> of greater than 32 metres, incorporates suitable streetscape treatments into the design.</li> </ul>	A3. A Streetscape Plan, as a component of either a Subdivision Plan and/or Category 2 or 3 Landscape Plan, is prepared and lodged.	The plans submitted include streetscape drawing and landscape plans.
<b>2.7.2 Landscape</b>	To ensure provision of quality site landscaping	P1. Development ensures minimal use of potable water for landscape irrigation.	A1. Landscape areas have automatic drip area irrigation systems installed in garden beds, planter boxes and other common landscaped areas.	The landscaping details provide for a suitable maintenance of landscaped areas.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
	appropriate to the nature and scale of the development that enhances city amenity and air quality in a practical manner.	<p>P2. <u>Landscaping is designed to:</u></p> <ul style="list-style-type: none"> <li>• Add value and quality of life for occupants within a development in terms of privacy, outlook, views and recreational opportunities,</li> <li>• Be integrated into the design of the development,</li> <li>• Improve the micro climate and solar performance of the development,</li> <li>• Improve urban air quality and contribute to biodiversity where applicable,</li> <li>• Improve stormwater quality and control run-off.</li> </ul>	<p>A2.1 <u>Remnant vegetation is maintained throughout the site where practicable.</u></p> <p>A2.2 <u>Planting is incorporated into outdoor spaces.</u></p> <p>A2.3 A long-term landscape concept plan is provided for landscaped areas, and is:</p> <ul style="list-style-type: none"> <li>• In accordance with Council's Landscape Design Guidelines,</li> <li>• Designed in particular to recognise the deep soil landscape zone, and</li> <li>• Outlines landscape maintenance for the life of the development.</li> </ul>	<p>Remnant vegetation is retained where possible.</p> <p>A Landscape Concept Plan and Design Report have been submitted with the development application.</p>
		<p>P4. <u>Support landscaping with complementary Hard Works</u></p>	<p>A4. <u>Landscaping design includes:</u></p> <ul style="list-style-type: none"> <li>• Earthworks that support principles of minimal cut and fill and on-site drainage detention where possible,</li> <li>• Street paving,</li> <li>• Driveway access,</li> <li>• Street furniture,</li> </ul>	



DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
			<ul style="list-style-type: none"> <li>• Lighting,</li> <li>• Playground.</li> </ul>	
		<p>P5. <u>Landscape Design Consultant</u> Qualified landscape consultants with suitable training and experience are utilised for different categories of development:</p> <ul style="list-style-type: none"> <li>• Category 3 – all documentation is prepared by a Landscape Architect with qualifications from an accredited course and two years relevant post graduation experience.</li> </ul>		The required Landscape Plans have been prepared by a landscape architect and include the necessary information.
		<p>P6. The degree of landscape documentation is appropriate to the scale and significance of the proposed development and submitted at the appropriate stage of the development proposal to allow for comment.</p>	<p>A6. <u>Category 2 &amp; 3 – DA Stage</u></p> <ul style="list-style-type: none"> <li>• Landscape site analysis</li> <li>• Landscape master plan</li> <li>• Landscape design report</li> </ul>	
<b>2.7.6 Views</b>	To ensure that development does not	P2. Vistas along streets are preserved or enhanced through sensitive landscaping and building	A2.1 Development is designed to complement existing built form and not dominate public views.	The proposed site is not part of a Vista from public places and the proposed landscaping

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
	unreasonably impact or intentionally obstruct views from areas of high public usage, or from existing or future private development.	location, form and design.	A2.2 The placement of trees and landscaping are used to frame, filter or otherwise enhance and preserve views by concentrating planting at the front of buildings and within side setbacks.	complements the built form of the streetscape.
		P3. For Private Views Development allows for the reasonable sharing of views through the siting, height and design of buildings.	A3. <ul style="list-style-type: none"> <li>Adjusting bulk, form and setbacks of new development to minimise loss of views from living or recreational rooms and verandas of neighbouring residences,</li> <li>Locating garages, fences and walls to avoid blocking views,</li> <li>Avoiding large flat expansive roofs with vents, air conditioning units and similar structures,</li> <li>Minimising floor to ceiling heights by using raked ceilings to upper floors,</li> <li>Using vegetation to enhance views, and</li> <li>Using hipped or gabled roof forms.</li> </ul>	There are no significant views or vistas from private development across the site. The built form and landscaping have been designed to maintain an appropriate visual outcome for private lands to the north as detailed in the Visual Impact Assessment.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
<b>2.7.8 Fences</b>	To ensure that fencing is suitable to the development type, complements the existing streetscape and character of the area and promotes safety and security.	<p>P1. Fencing and walls:</p> <ul style="list-style-type: none"> <li>Are compatible with the existing <b>STREETSCAPE</b> or character of the area including side fences located within the street <b>SETBACK</b> area on corner lots,</li> <li>Assist the development to address the street,</li> <li>Assist in safety and casual surveillance,</li> <li>Assist in highlighting entrances,</li> <li>Provide for visual interest without intrusion or obscuring of driveways,</li> <li>Assist in defining vehicle driveways.</li> </ul>	<p>A1.1 Fences and walls located behind the building line including rear and side fences, are a maximum combined height from the <b>GROUND LEVEL (EXISTING)</b>, of:</p> <ul style="list-style-type: none"> <li>1.8 metres,</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Up to 2.5 metres where agreed to, in writing, by all parties sharing the fence and wall, but only where each lot can achieve the required level of solar access.</li> </ul> <p>Fences and walls located forward of the building line, including front and side fences, are a maximum height from the <b>GROUND LEVEL (EXISTING)</b> of:</p> <ul style="list-style-type: none"> <li>1.8 metres and greater than 40 percent transparent,</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>1.2 metres if solid.</li> </ul> <p>A1.2 Solid fences or walls are not encouraged forward of the front building line.</p>	The proposed fencing complements the proposed landscaping and complements the existing streetscape.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
<b>2.7.9 Safety and Security</b>	To reduce opportunities for crime, and increase the liveability, safety and security in all areas of the City.	<p>P1. The Crime Prevention Through Environmental Design (CPTED) principles have informed the design of the proposed development. The four CPTED principles are:</p> <ul style="list-style-type: none"> <li>• Surveillance,</li> <li>• Access control,</li> <li>• Territorial reinforcement, and</li> <li>• Space management.</li> </ul>	<p>A1.5 <u>Where development consists of:</u></p> <ul style="list-style-type: none"> <li>• Mixed use and multiple dwelling/unit developments (with 20 or more units/dwellings).</li> </ul> <p>A Crime Risk Assessment is required to be prepared by a person who has completed NSW Police Service CPTED training. The Crime Risk Assessment is lodged with the development application.</p>	A CPTED Assessment has been prepared for the site and a copy of the assessment has been submitted with the development application.
<b>3.4.1 Building Siting and Bulk</b>	To ensure all housing types contribute to an ecologically sustainable environment, a coherent street-scape, residential amenity and the existing or proposed residential character.	<p>P1. <u>Building Siting</u></p> <p>Buildings are sited to minimise:</p> <ul style="list-style-type: none"> <li>• Earthworks and retaining walls,</li> <li>• The use of resources through improved energy and water efficiency, and</li> <li>• Reduce waste.</li> </ul>	A1.2 Site new buildings/additions to maximise direct sunlight to north-facing living areas and private open space areas.	The site planning has been undertaken to ensure all proposed dwellings have a northern aspect to living areas and private open space.
		<p>P4. <u>General Side and/or Rear Setback</u></p> <p>Side and rear setbacks maximise outdoor living areas, privacy and solar access of both residents on the</p>	A4.1 For <i>Single Dwellings, Small Lot Housing, Dual Occupancy and single storey Multiple Dwelling Housing</i> , side and/or rear setbacks are determined by the lot orientation:	The building setbacks for the development are well in excess of the minimum standards in the DCP.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		<p>site and those of neighbouring properties.</p> <p>Where possible side setbacks are to be generally consistent with those in the street (ie. the "rhythm" of the street is maintained".</p>	<ul style="list-style-type: none"> <li>North-south lots – minimum 0.9 metres at the ground floor, unless built to the boundary. For multiple dwelling housing greater than 1 storey refer to Diagram 4 (parts 1-4) and Section 3.4.4 – Solar Access.</li> <li>East-west lots 0.9 metres at the ground floor on the southern boundary and 3 metres on the northern boundary, unless built to boundary.</li> </ul>	
<b>3.4.2 Building Heights</b>	To ensure that building height is compatible with surrounding development and the locality including its desired future character.	<p>P1.</p> <ul style="list-style-type: none"> <li>Development responds to its context and adopts the predominant scale, height and bulk of adjoining buildings including the future built form likely to result from the desired future character of the locality.</li> <li>Proposed development is higher than existing development, a transition of</li> </ul>	<p>A1.</p> <ul style="list-style-type: none"> <li>Building heights comply with the limits in Table 3 – Building Heights.</li> </ul>	The building heights provided within the development are compliant with the requirements of the Seniors SEPP which overrides the local controls.



DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		building heights is made between the existing and the proposed development, subject to future character considerations.		
<b>3.4.3 Site Coverage and Unbuilt Areas</b>	To achieve a quality living environment, promote on-site stormwater infiltration by restricting site coverage of buildings and hard surfaces and minimise resource and energy consumption.	P1. Development maximises permeable surfaces and maintains a balance between the built and <u>UNBUILT UPON AREAS</u> .	A1.1 <u>SITE COVERAGE</u> satisfies the requirements detailed in Table 4 – Site Coverage and Unbuilt Areas.	The proposed development complies with the controls of the Seniors SEPP in relation to minimum landscape areas and deep soils zones.
<b>3.4.5 Solar Access</b>	To achieve a quality living environment by ensuring appropriate levels of solar access,	P1. <ul style="list-style-type: none"> <li>• Development is capable of receiving sufficient solar access.</li> <li>• Development ensures that adequate solar access is</li> </ul>		All dwellings have northern aspect and have suitable solar access

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
	good orientation, and energy efficiency for new housing and safe-guarding solar access to adjoining housing. Good orientation increases the energy efficiency of a home making it more comfortable to live in and cheaper to run.	<p>maintained to the living areas, habitable spaces and private outdoor areas of surrounding housing.</p> <ul style="list-style-type: none"> <li>Development meets the solar access requirements of 2.1.14 – Energy Efficiency.</li> </ul>		
<b>3.4.5 Privacy</b>	To maximise visual and acoustic privacy for the occupants of new and existing housing.	<p>P1. <u>Visual Privacy</u> – The windows of <b>HABITABLE ROOMS</b> of ‘identified’ private outdoor areas:</p> <ul style="list-style-type: none"> <li>Do not directly overlook adjacent dwellings habitable room windows, either within or adjoining the proposed development, and</li> <li>Maintain privacy through</li> </ul>		No habitable areas of the proposal over look adjacent habitable room windows or outdoor private open space areas, either within the development or on adjoining land.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		building layout, location, screening devices and/or remoteness.		
		P2. <u>Acoustic Privacy</u> – Acoustic privacy is provided to accepted standards, between external and internal spaces at all times, both within the site, and to and from adjacent sites.	A2.1 Bedroom windows are at least 3 metres from streets and driveways, and parking areas of other dwellings.	All bedroom windows are in excess of 3 metres from the internal access roads.
<b>3.4.6 Private Outdoor Areas</b>	To ensure occupants are provided with practical, useable and well located outdoor living environments.	P1. Private outdoor areas are: <ul style="list-style-type: none"> <li>Clearly defined for private use of occupants,</li> <li>A useable size and dimension,</li> <li>A suitable slope,</li> <li>Directly accessible from a living area,</li> <li>Capable of receiving sufficient sunlight,</li> <li>Located beyond the street-front setback,</li> <li>On corner lots, 50 percent of the required private outdoor</li> </ul>	A1.1 The provision of private outdoor area for residential development at ground floor level, meets the minimum Total Private Outdoor Area detailed in Table 5 – Minimum Areas and Dimensions of 'Identified' Private Outdoor Area.	All the proposed dwelling provide private open space that exceeds the minimum areas specified.

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		<p>area is supplied in a suitable form that does not require solid fencing within the street-front setback,</p> <ul style="list-style-type: none"> <li>• Accessible from the main living area and of a suitable size and area, while protecting the privacy of adjoining and nearby properties where above ground level.</li> </ul>		
<b>3.5.4 Multiple Dwelling Housing</b>	To ensure that Multiple Dwelling Housing achieves a quality living environment for occupants and surrounding residents.	<p>P2.</p> <ul style="list-style-type: none"> <li>• Building scale complements the predominant scale of buildings in the street.</li> <li>• Building articulation and design elements provide interest to the street.</li> </ul>	A2.1 Buildings on sloping sites are articulated to produce a stepped pattern involving roof ridges, guttering, balustrade and floor levels.	
		<p>P4.</p> <ul style="list-style-type: none"> <li>• The proposal provides sufficient private outdoor areas for residents' needs.</li> <li>• Additional communal outdoor</li> </ul>	<p>A4.1 Development complies with 3.4.6 – Private Outdoor Areas.</p> <p>A4.2 For proposals of more than 5 dwellings a common outdoor area which ensures non-discriminatory access, with a</p>	The proposal provides private open space for dwellings, and also includes a large community recreation facility for aged residents providing recreation facilities targeted for

DCP Clause	Intent Statement	Performance Criteria	Acceptable Solutions	Compliance
		areas are provided where more than half of dwellings do not have access to a ground floor private outdoor area.	minimum dimension of 5 x 10 metres (for the purposes of children's play area of recreational activities suited to the likely preference of the residents or target market) is provided.	aged persons who will reside in the dwellings.

#### 4.12 – Mount Hutton Area Plan

The Mount Hutton Area Plan states that Mount Hutton is a residential area, supported by a large shopping precinct with two (2) smaller local centres and a range of additional stand alone uses, including nurseries and aged care facilities.

Residential development is predominantly low-density, although the area also offers opportunities for a variety of housing types and lifestyle choices. Maintaining and enhancing these opportunities to ensure a continued mix of housing is essential to the success of the suburb's livability.

The intent of Council's requirements is to ensure Mount Hutton develops in an integrated manner that reflects community desires and development needs. The site is within the Casson Avenue Precinct and this area comprises a large area of bushland that forms part of the treed backdrop to the south-west of Mount Hutton. The area may be characterised as bushland and rural/residential housing.

The Casson Avenue Precinct is to provide low density, bushland and rural residential development that respects the rural and natural amenity of the Precinct.

The proposal provides a seniors housing development within this context under the provisions of SEPP (Seniors) which provides for this form of development on the land. The proposal has responded to the site character with appropriate site planning and landscaped perimeters provided to the development which assist to integrate the site. The site is located in an area in close proximity to existing urban development and is similar to other development approved within the locality. The proposed planting and treatment of the perimeter provides an effective treatment of the edge between the proposal and adjoining rural residential development.

The Area plan also includes urban structure plans providing for the provision of key infrastructure, as well as nature corridors. The subject site is not identified as subject to any infrastructure or corridor requirements.

#### **4.8 Lake Macquarie Lifestyle 2020**

The Lake Macquarie Lifestyle 2020 Strategy provides the strategies necessary to manage the population and employment growth likely to occur in the local government area up to 2020.

The document establishes guidelines for further development in the local government area and includes visions, values and aims as well as strategic directions for the Lake Macquarie local government area.

The proposal is consistent with the strategic directions for the area by providing affordable seniors housing close to services and facilities available for the ageing population, with a high level of support services, in the East Lake Macquarie area.



Mount Hutton is described as a town centre within the urban structure. Under the provisions of the Strategy, town centres should develop in an orderly and coordinated manner. They should provide economic and employment opportunities and provide a diversity of housing opportunities improving connectivity and accessibility. The proposed retirement village will contribute positively to the area, providing housing choice in the area and providing service aged housing especially suited for the ageing population and meeting a housing need for which there is a significant demand which has not been met in the locality.

The Green system map identifies the site as in proximity to 'High Value Habitat' but does not identify the site as in proximity to other sensitive environmental features. The Flora and Fauna Assessment submitted with the development application confirms that the site does not contain high value habitats and the proposal does not impact on areas of high value habitat.

The proposal is considered to be consistent with the vision, values and aims of Lifestyle 2020.

## **5. *Likely Environmental Impacts***

### **5.1 Context and Setting**

As discussed previously, the proposed development design has responded to the area's character in accordance with the considerations under the Seniors SEPP. The site is located at an urban fringe between residential development to the south and west, and rural residential development to the north. Ultimately the treatment of the edges of the development site plays an important role in terms of consistency with the area's character. As the site is at a transforming urban fringe, the area's character is also being set by the existing edges between other development and rural residential land.

There is variable treatment of the urban fringe areas and the edges between rural residential development and other development forms evident in the area. In close proximity to the site, three (3) different edge treatments have been identified. These are the Burton Road frontage between residential development forms and rural residential form to the south of the site, the treatment between the Ducks Crossing development & the existing rural residential development, and the developing edge between the approved seniors housing development adjacent to the site & the rural residential land to the north. Each of these edges is discussed in detail below:

1. Burton Road Residential edge - This edge is located to the south adjacent to the development site. The photograph on the following page depicts the existing edge treatment.



The edge is formed by:

- A hard roadway with constructed kerb and guttering.
  - Residential front yards with minimal landscaping.
  - Few street trees.
  - Urban infrastructure including electricity lines and street lighting.
2. Ducks Crossing edge – This is the edge between the existing tourist facility/restaurant and adjoining rural residential areas. The following photographs show this edge.



Southern edge of Ducks Crossing

Source: Google Streetview