

16 November 2016

TATTERSALL LANDER PTY LTD
PO Box 580
RAYMOND TERRACE NSW 2324

Dear Sir/Madam

**Subject: DA/1443/2016 - Seniors Housing
Lot 803 DP 1156934
14 Halyard Way, BELMONT NSW 2280**

Thank you for your lodgement of the above application. A preliminary assessment of this application has been undertaken and to assess your application further additional information is required. This information request is issued pursuant to Clause 54, 127, 140 and 158 (as applicable) of the Environmental Planning and Assessment Regulation 2000, inclusive of public participation in the planning process and is considered fundamental to the assessment of your application. The additional information required is as follows:

1. Lake Macquarie LEP Clause 7.12

Clause 7.12(3)(d) of the Lake Macquarie LEP 2014 requires, *“at least 70% of the proposed development site comprises land with a slope of less than a 20% grade.”* Based on NSW Land and Environment Court cases where the land affected by Asset Protection Zones (APZs) is considered symbiotic with the seniors residential development, the development site includes the land affected by APZs. Council has calculated the area of the development site (inclusive of APZs) to have a grade of less than 20% to be 64%. This does not satisfy the 70% requirement. Council recommends in relation to this matter that the application be withdrawn or modified, so that the development proposal can comply with the requirements of Clause 7.12(3)(d) of the Lake Macquarie LEP 2014.

2. NSW Rural Fire Service (RFS)

The NSW RFS have been unable to provide their General Terms of Approval (GTAs) based on the information provided with this DA. A copy of the their correspondence (LMCC Doc no D08082517) is enclosed for your information. A response is required so that Council can forward the required information to the RFS for consideration. If no GTAs are provided by the RFS the application cannot be supported.

Council has noted that:

- The RFS may require the internal roads to be wider than the proposed 5 m. If not they may require, in accordance with PfBP, that “No Parking” signage be provided along the roads on that side that the hydrants are located.

- The bushfire assessment states that “....to the side of each road is a minimum 2.5 metre clear and level area (turfed) which is able to be utilised during an emergency event to assist with the passing of vehicles.....”. The landscaping plans shows street trees within this turfed area. This may hinder passing opportunities.

3. NSW Department of Industry – Lands

The NSW Department of Industry – Lands has raised concerns with regards to the closure of roads required for this development to proceed. A copy of their correspondence (LMCC Doc no 08101178) is enclosed for your information. A response is sought so that Council can forward to this to the Department for further consideration.

4. Mine Subsidence Board (MSB)

The MSB have yet to provide their GTAs. Council has provided the MSB with a copy of all submissions and are presently awaiting for Subsidence Advisory NSW to finalise its consideration of this matter. If no GTAs are provided by the MSB the application cannot be supported.

5. Ausgrid

Ausgrid have noted that an electrical substation may be required and minimum safety separation requirements exist between electrical mains / poles and structures within the development. Council seeks a response to the Ausgrid correspondence (LMCC Doc no 08061345) in relation to the requirement for a substation on the site and compliance with setback requirements from the mains/power lines and Ausgrid infrastructure. A copy of their correspondence is enclosed for your information. If an electrical substation is required, it is to be shown on amended site plans.

6. Erosion and Sediment Control

The area of disturbance associated with the development is over 2,500m². LMCC DCP requires a Soil and Water Management Plan (SWMP) for developments where the area of soil surface exposure is greater than 2,500m². The submitted Soil and Water Management Plan (SWMP) prepared by Tattersall Lander Pty Ltd does not satisfactorily comply with LMCC's DCP. A list of required changes is found at Appendix A to this letter.

7. Flora and Fauna

The site provides high quality ecological habitat to a number of state and nationally listed threatened species and nationally listed migratory species.

Native vegetation at the site is characteristic of MU 30e coastal plains stringybark apple forest, MU 15 Lake Macquarie spotted gum forest and MU12 hunter valley moist forest. Although these vegetation communities are not characteristic of threatened communities listed on the *TSC Act* and *EPBC Act*, they provide habitat for a range of threatened species

Native vegetation at the site forms part of a corridor mapped in Council's Native Vegetation and Corridor Map v1 (2011), with several crossing points. A key strategic corridor and crossing point links native vegetation north and south of Croudace Bay Road, and is of critical importance to connect patches of habitat for threatened species including *Tetratheca juncea*, squirrel glider *Petaurus norfolcensis* and powerful owl *Ninox strenua*.

The application proposes to clear 4.83 ha of habitat, with an additional 8.62 ha of vegetation clearing and management within the bushfire asset protection zone (APZ) (13.45 ha total; 15.6% of native vegetation on the site). The application proposes to clear 36 habitat trees, amounting to 88 hollows (9 owl size, 13 possum size, 51 glider size and 15 microbat size). An additional 22 habitat trees (78 hollows) occur within the APZ; some if not the majority of these would also be lost to comply with Planning for Bushfire Protection (RFS 2006).

The nominated APZ would result in a significant amount of native vegetation clearing, as it extends for 100 m to the north, 55 m to the northwest, >140 m to the south southwest and west, and 100 m to the east. The APZ also extends onto Lot 3 DP 1012856.

Comments in relation to Council planning documents

The application does not meet the Flora and Fauna objectives in Council's DCP Part 7 Development in Environmental Protection Zones:

- To avoid or minimise impacts on native flora and fauna
- To protect and enhance significant flora and fauna, vegetation communities and significant habitat on the site and on surrounding development sites.
- To protect and enhance ecological corridors and increase the connections between habitats

The application does not comply with Lake Macquarie Flora and Fauna Survey Guideline in relation to protection of corridors, protection of high value native vegetation and protection of threatened species and their habitat.

The site contains high value ecological habitat including threatened flora and fauna, hollow-bearing trees and a mapped corridor and crossing point which provides a key strategic habitat linkage for threatened species that are protected by the *Threatened Species Conservation Act*, *Environmental Protection and Assessment Act* and Council's Local Environmental Plan.

Ecological impacts associated with the application- flora

Tetratheca juncea

There are 1594 clumps of *T. juncea* which occur over the site. These clumps form part of a viable local population, and meet the criteria for 'important population' Lake Macquarie *Tetratheca juncea* Planning and Management Guidelines (LM TJPMG) as they occur within an area of over 50 ha of native vegetation, the number of clumps recorded are >1000, and the site is connected to other *T. juncea* populations. The *T. juncea* population at the site also meets the criteria for an important population under the *EPBC Act*. Note *T. juncea* habitat currently protected in conservation reserves is not adequate to either protect viable populations or to conserve the species over its geographic range.

The application proposes to clear 279 (17.5%) of the clumps on site. An additional 904 clumps (57%) occur within the nominated APZ. The Bushfire Threat Assessment proposes '*The pockets of T. juncea are to be left intact except for the removal (by hand) of lantana (L. camara, bitou bush (C. monilifera) and small-leaf privet (L. sinense). No activities is to occur*

within three (3) metres of each of the T. juncea clumps, except for weed removal (as noted above). A buffer area of at least seventeen (17) metres is to surround these three (3) metre exclusion areas and within this buffer zone activities shall be limited to weed removal, as well as ground fuel reduction prior to the commencement of the fire season.'

The APZ has been widened to allow for these patches of unmanaged land within the APZ. The patches of unmanaged land are intended to meet the buffer requirement in the Lake Macquarie *Tetratheca juncea* Planning and Management Guidelines. However, the connectivity of *T. juncea* habitat is determined primarily by the ability of pollinators (native bees) to transfer genetic material to habitat fragments; it is likely that maximum flight distance would be around 300-500m and that they would not fly more than 100m through hostile habitat (Lake Macquarie *Tetratheca juncea* Planning and Management Guidelines). The ability for pollinators to continue to fly through urbanised areas, roads and managed vegetation within an APZ (ie hostile habitat) post development to retain connectivity between habitat patches and viability of the population onsite as proposed in the application is unlikely as the distance between retained patches is greater than 100m. The nominated management of retained *T. juncea* within the APZ is not supported. The long-term retention of *T. juncea* within the APZ as described in the application is unlikely.

An additional assessment has been undertaken regarding potential indirect impacts to *T. juncea*. There are 90 *T. juncea* clumps recorded within 10m of the development site, and assuming these clumps are indirectly impacted by the development, a total of 369 (23.1%) of the total *T. juncea* clumps at the site would be cleared or impacted. Note that the Lake Macquarie *Tetratheca juncea* Planning and Management Guidelines require an assessment of indirect impacts using a 20m buffer to retained *T. juncea* clumps not 10m; hence if this 20m buffer was taken into account the application is likely to clear or impact >25% of the *T. juncea* clumps at the site. Table 8 of the Lake Macquarie *Tetratheca juncea* Planning and Management Guidelines state that in regards to S.5A of the *EP&A Act*, a significant impact on *T. juncea* is likely is 25% or more of the total number of plant clumps are removed.

Ecological impacts associated with the application- fauna

The application would result in the following impacts to threatened fauna at the site:

- A reduction in the width and quality of a mapped corridor and crossing points on the site, impacting connectivity to native vegetation south of Croudace Road;
- Removal of approximately 4.83ha of foraging/hunting habitat;
- Modification of approximately 8.62ha of foraging/hunting habitat for the APZ;
- The direct loss of 36 hollow-bearing trees containing potential nesting/den sites and in the case of owls potential habitat for prey species;
- The potential loss of a number of the 22 hollow-bearing trees within the APZ;
- Reduction in size of the habitat patch from approximately 132ha to 127ha; a reduction of 3.8%.

Assessments of significance have been undertaken for threatened species, communities and their habitats listed on the *TSC Act* which were recorded, or with the potential to occur at the site. The assessments of significance conclude that a Species Impact Statement should be prepared for powerful owl and squirrel glider, as per Section 78A(8)(b) of the *EP&A Act* due to considerations under Section 5A (a) (d), (f) and (g) of the *EP&A Act*.

With regard to Table 3 Item 4 of the Interim Lake Macquarie Large Forest Owl Planning and Management Guidelines the application triggers a significant impact and should have been supported with a Species Impact Statement, as it proposes to remove >1ha of large forest owl habitat and occurs on land zoned Environmental Protection within a home range that has already been reduced to less than 500ha.

With regard to Table 8 of the Lake Macquarie Squirrel Glider Planning and Management Guidelines the application triggers a significant impact and should have been supported with a Species Impact Statement as it proposes to:

- Remove more than 4 ha of squirrel glider habitat, and
- Reduce in the effectiveness of a key strategic corridor linkage connecting habitat patches, and
- Habitat connectivity to a habitat patch will be lost, or narrowed to a width that is not suitable for maintaining in the long term.

There are two natural watercourses within the nominated asset protection zone. These watercourses are classified as first order under the Strahler System of ordering watercourses. In accordance with Council's DCP Part 7 Development in Environment Protection Zones a 10m vegetated riparian zone should be provided either side of these watercourses, and APZs must not be located within the vegetated riparian zone.

Recommendation

The application does not meet the site zone objectives or Part 7 of Council's DCP and cannot be supported from a flora and fauna perspective. The site contains high value ecological habitat including threatened flora and fauna, hollow-bearing trees and a mapped corridor and crossing point which provides a key strategic habitat linkage for threatened species including the squirrel glider and powerful owl that are protected by the *Threatened Species Conservation Act*, *Environmental Protection and Assessment Act* and Council's Local Environmental Plan. Consent under the *Native Vegetation Act* is also be required from the Local Land Services.

The application should have been supported with a Species Impact Statement as required under Section 78(8)(b) of the *EP&A Act* and Council's guidelines for *Tetrahecta juncea*, large forest owls and the squirrel glider.

Council's Development Planner Flora & Fauna and Environmental Planner - Ecosystems Enhancement consider that even with substantial modification and a Species Impact Statement the application would be unable to meet the objectives of Council's DCP Part 7 given the significance of the habitat and threatened species to be impacted and have recommended that the application be refused.

It is noted that the Assessment of Significance lodged with the application concludes that rather than developing this site, ".....a better solution is for the development to be on the adjoining 6.51 ha disused rubbish tip to the west....." The Assessment then lists the benefits of such an outcome.

If you wish to continue with the assessment of this application the applicable Species Impact Statement will be required to be submitted to Council and the various approvals of the NSW Office of Environment and Heritage (OEH) will be sought. If the OEH does not support the application the application will not be supported by Council.

A SIS is required to be re-notified as Advertised Development per the *EP&A Regs 2000*. Fees associated with the process are applicable - \$1,105 and \$140.

8. Trees

No established trees are proposed for retention within the footprint of the proposed layout.

The outstanding issue from a tree retention perspective (under the current layout) is requirements for vegetation clearing and the establishment of an Asset Protection Zone (APZ) across the site.

The vast area nominated to be managed as an Asset Protection Zone (APZ) is expected to have extensive tree removal required, which needs to be clarified with every individual tree proposed for removal (or retention) clearly identified on site plans and marked on site.

Clarification is required regarding vegetation clearing/tree removal intentions in accordance with Asset Protection Zone recommendations in submitted Bushfire Threat Assessment by Tattersal Lander (Folbigg, July 2016).

It is recommended tree removal be restricted to only what is required to achieve adequate Asset Protection Zones (APZ), in accordance with the Bushfire Report.

In accordance with *Appendix 5 of Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service document, *Standards for Asset Protection Zones*, extensive tree retention is possible and should be a primary consideration.

Accordingly, it is appropriate that a number of trees be specifically identified for retention within the APZ, which shall be individually marked (and adequately protected during any works).

This also is to be correlated on submitted plans, accurately showing trees to be retained within the nominated APZ.

The most structurally sound and robust specimens (or hollow bearing trees) should be retained where possible.

Note: As the site is densely vegetated, most trees if kept as individual specimens will be tall and spindly, where it may be considered appropriate that trees are retained as 'clumps' to ensure they remain structurally stable.

9. Traffic and Parking

Traffic Generating Development

The analysis of the intersection of Jib Street and Spinnaker Ridge Way assumes 100% of traffic will travel towards the Pacific Highway. It is considered that not all traffic would travel in that direction. Motorists may want to travel north towards the Warners Bay area, and therefore the intersection of Croudace Bay Road and Spinnaker Ridge Way is also to be assessed during peak times.

The analysis of the additional traffic on Spinnaker Ridge Way, Halyard Way and Jib Street does not take into account the potential external use of the community centre and the chapel. Additional information is requested in regards to the intended external use of these facilities. Internal floor plans of this facility are also required for assessment.

Road Design

Spinnaker Ridge Way, Halyard Way and Jib Street are local roads. Based on the proposed traffic generation, confirmation is required that the environmental capacity of the local roads are not exceeded.

Public Transport

The Traffic Report states that the nearest public transport is 800 metres from the site entrance. It is noted that the residential properties within the site are likely to be several hundred metres additional to this. Therefore, it is considered that access to public transport for senior living is unacceptable for this proposal. Details of any private bus service should be provided.

Vehicle Parking Provision

SEPP HSPD 2004 requires the following Vehicle Parking Provision for Housing for Seniors:

- ❖ 0.5 spaces per bedroom (118 x 2 bdm dwellings = 118 car spaces)
- ❖ 5 spaces plus 1 space per 40sqm for Community facility (600sqm) GFA

118 car parking spaces have been provided on site for residential parking and 20 spaces have been provided for the community centre and chapel.

A chapel is considered a Place of Public Worship, and the parking rate is based on the number of seats. Therefore, additional parking may be required. There is presently no internal layout and no information provided for the use of the community centre or chapel.

10. Landscaping

Site Analysis

The landscape site analysis is labelled 'draft' and appears incomplete with regard environmental constraints of slope, zoning overlays and identification of prevailing characteristics of the site. Recommendation: Establish veracity of this draft document.

Scenic Values

The submitted Visual Impact Analysis (VIA) is labelled 'draft for review'. The visual impact overview appears indeterminate in its findings. Recommendation: Establish status of this draft document.

Landscape Design

The landscape documents submitted for the proposal are labelled 'draft'. The plans are lacking in detail that enables the full assessment of the proposal. A landscape report is required to accompany the plans. No Sectional information is shown. Recommendation: Establish status of this draft document.

The extent of cut over the site to accommodate dwellings results in limited opportunities for quality site landscaping and given the extent of cut, will make re-

establishment of landscape difficult in some locations. Recommendation: Reconsider site planning in keeping with the aims of the DCP and objectives of the LM LEP.

The proposal will require the clearing and significant cut and fill to construct roadways and building platforms. There has been no attempt to conserve native vegetation or integrate with the existing landform. The works involve high impact levels of excavation and tree removal contrary to the aims of the DCP with regard the zoning, and objectives of the Local Environment Plan (LEP). Recommendation: Reconsider site planning in keeping with the aims of the DCP and LM LEP.

The battering and extensive canopy separation clearing to accommodate fire trails and proposed Asset Protection Zone as demonstrated in the Flora Report, will result in the removal of many large established trees and native understorey. Recommendation: Reconsider site planning in keeping with the aims of the DCP and objectives of the LM LEP.

The north facing private open space at the rear of dwellings appears adversely impacted by the extent of retaining down the south facing slope. The south facing private open space is minimal width (1.88m) and impacted by stormwater devices along internal roadway. Recommendation: Reconsider site planning in keeping with the aims of the DCP and objectives of the LM LEP.

Stormwater devices are proposed over the entire site, however there is no accompanying information on the landscape plan. Recommendation: Provide consistent information.

Significant conflicts along internal roadways with underground services, retaining, drainage and bio-filters indicate no street or garden tree planting is possible to enhance residential amenity. Recommendation: Reconsider site planning in keeping with the aims of the DCP and objectives of the LM LEP.

The communal area shown on LP08 appears undersized for the development and isolated. Recommendation: Reconsider site planning and position community space centrally with useable landscape features that enhance the space.

11. Geotechnical

The site has been identified as being within a (T1 and T3) zone on Council's Geotechnical Maps.

A geotechnical report by Cardno has been provided, but it only covers site classification and highlights some uncontrolled filling.

A slope stability assessment from a practicing Geotechnical Consulting Engineer shall be submitted to support the application for development.

12. Cut & Fill

The proposed cut and fill is substantial, which may create overshadowing, amenity and drainage issues. The proposal is inconsistent with the objectives of the Lake Macquarie Development Control Plan 2014 (LMDCP 2014) for Cut and

Fill to 'minimise land shaping, particularly outside the building footprint'. Not only is the filling extensive, it is also for the whole development area rather than just the building footprints.

Extensive cut batters at 2:1 grade are shown to the eastern portion of the batter. Comment should be sought from your geotechnical engineer, in conjunction with the landscape designer with regard to the ongoing stability of these batters. Is there an ability to maintain plantings on this steep slope and the runoff over the batters from the catchment upstream?

13. Stormwater Management

The stormwater management plan indicates a receiving node at the end of the development which will be the finish point of the stormwater drainage on site. There is a possibility that stormwater leaving this site will flow onto Council land at 56C Spinnaker Ridge Way, Belmont, which Council does not support.

You are requested to provide advice on the stormwater movement off site and if it will have any impact on 56C Spinnaker Ridge Way, Belmont.

Note: The stormwater plan and the landscaping plan should be consistent. Currently the landscaping plan includes street trees within the biofilters.

14. Design of Parking and Service Areas

The proposal includes significant drops where the retaining walls are along the low side of the roads. The plans indicate that powdercoated bollards are provided to indicate the hazard. It is suggested that fencing should be provided between the bollards.

The proposal includes the closing of a Crown Road. It is assumed that the intention is that the road is then sold to the owner / developer so as to enable the development. The application should include a plan of consolidation of the parent lot and road reserve plus indicate the ROCW.

15. Waste Management

The Site Waste Minimisation and Management Plan is incomplete.

The Waste Management Plan for ongoing use of the site has not been completed (e.g. proposed on-site storage and treatment facilities, destination and proposed private contractor for waste collection are not identified);

Instead of the set of three 240L bins, shared bins of various sizes may be available through Lake Macquarie City Council waste services, subject to site inspection and approval. Bin size options are:

Size (litres)	Height (mm)	Width (mm)	Depth (mm)
140	915	535	615
240	1060	585	730
360 (recycling only)	1100	680	848
660	1200	1260	780

1.5 cubic metre and 3 cubic metre sized recycling (only) bins are also available.

Bin storage:

The location of the bin storage areas for every unit needs to be identified and shown with bins drawn to scale in the storage locations;

The proposed bins storage area near the community hall is too small if it is intended to be the only waste storage area. You need to clarify the intended use of this area.

Bin collection:

- Clarification is needed whether the caretaker managing the bins will be managing only bins for the community facility, or all bins for the development;
- A disposal management solution needs to be outlined for bulk waste (furniture, whitegoods, e-waste) as a biannual Council kerbside collection will not be available unless the dwellings are to be strata-owned;
- Information is required on waste vehicle accessibility to the bin collection location(s), and confirmation that the bin lift arc is clear of obstructions;
- If you maintain the necessity for a private contractor a written statement is required from the proposed private contractor that acknowledges that the contractor can provide a service and explains how the service will be provided (i.e. collection frequency, types of bins used, access requirements).

Movement of bin between storage and collection points (bin carting routes):

- Information is required on the size of bins, distance bins are to be moved between storage and collection points, width of gates and doorways, and that the gradient is suitable for the size of bins and the abilities of the residents;

16. Acoustics

An acoustic report is required to show that internal acoustic levels of the development can comply with the relevant Australian Standard and the noise levels generated by the site, including air conditioning/use of the chapel-community centre will not adversely affect the amenity of the neighbouring residential properties. Council's Environmental Management Section will assess any report lodged in support of this application.

17. Food Preparation

Plans of the chapel/community centre should include details of any commercial type kitchen, so they can be assessed by Council's Environmental Health Officers, if proposed.

18. Contamination

The presence of uncontrolled fill, (identified in Cardno's Geotechnical Report) and dumped household and building waste would usually trigger a Contamination Assessment. A Contamination Assessment or detail why an Assessment is not required should be lodged with Council for assessment by Council's Environmental Health Officers.

19. Natural Water Systems

The site proposes works within a watercourse. As such, the application should be referred to the NSW Office of Water as Integrated Development under the *Water Management Act 2000* to seek conditions for a Controlled Activity Approval.

The application has been assessed for compliance with LMCC LEP (2014); Section 2.10 Natural Water Systems of LMCC DCP Part 7: Development in Environmental Protection Zones; and Council's Protection of Watercourses and Drainage Policy in relation to potential impacts of the development on natural water systems

The site contains two natural watercourses that flow in a south-westerly direction in the southern portion of the site. Both of these watercourses are classified as a first order watercourse under the Strahler System of ordering watercourses. In accordance with DCP 1 Part 7 Development in Environmental Protection Zones Section 2.10, a 10 metre vegetated riparian zone (both sides of the watercourse) should be protected from development.

The Site Cut-Fill Plan prepared by Tattersall Lander Pty Ltd (July 2016) shows extensive cut and fill (between 4.5 metres of fill and up to 7 metres of cut) with both watercourses filled in and developed over. Although the Stormwater Plan identifies water quality and flow control structures are to be installed, it is unclear if these structures will be adequate to protect ecosystems downstream.

Both Council's Protection of Watercourses and Drainage Policy and objectives contained within Section 2.10 Natural Water Systems of LMCC's DCP, state that natural watercourses and their associated riparian vegetation should be left in as undisturbed state as possible, without redirection, reshaping, or modification.

Natural watercourses and their associated riparian vegetation are considered to have high ecological values. The filling of the two watercourses and removal of their riparian vegetation will have an adverse effect on the immediate and downstream ecological values.

The nominated Asset Protection Zone (APZ) for the development site would result in a significant amount of native vegetation clearing, as it extends for 100 m to the north, 55 m to the northwest, >140 m to the south southwest and west, and 100 m to the east. One of the two natural watercourses that are located on the site is within the APZ. Control 7 in Section 2.10 of Council's DCP recommends that APZ must not be located within the Vegetated Riparian Zone.

The application does not comply with the objectives of Section 2.10 of Council's DCP Part 7, the E2 Environmental Protection and E4 Environmental Living Zone objectives or Council's Protection of Watercourses and Drainage Policy.

Council's Ecosystems Project Officer has recommended that this proposed development be refused based on their assessment above.

20. Crime Prevention

You have elected to submit a Crime Prevention through Environmental Design (CPTED) Assessment Report (Palmer Bruyn, May 2016) rather than a full Crime Risk Assessment as required by the Lake Macquarie Development Control Plan 2014; Safety and Security for Zone E2 Environmental Conservation & Zone E4 Environmental Living (Part 7 Section 3.13).

As such, it remains a requirement that you submit a full Crime Risk Assessment responding to the Lake Macquarie Development Control Plan 2014, demonstrating what is planned for this development to deter the occurrence of crimes that may impact on it as identified above. The Crime Risk Assessment is to be completed by a person who has undergone NSW Police - Safer by Design training and verified within the Development Application.

21. Access

The internal footpath provision within the site is limited and does not provide pedestrian access throughout the site.

The proposed central access road (Road 1 on the Design Contours Plan) does not meet accessible grade requirements, which impacts on walkability. The communal area is located quite a distance from some of the proposed dwellings, particularly if a resident wanted to walk via the roads built to an accessible grade.

It is requested that the plans are amended to ensure that footpaths are provided throughout the entire proposal, to ensure the safety of residents as they move throughout or other pedestrian management methods are detailed.

A footpath needs to be provided across the front of the development to link to existing footpath/bus stop.

22. Social impacts

In order to comprehensively understand the potential impacts, further documentation is required to be submitted, prior to making an assessment.

This documentation is to include detailed plans of the community centre and chapel, in order to ensure that it is suitable for the identified purposes, as well as a management plan for the facility.

The management plan is to ensure the following requirements:

- (a) That the facility shall be managed in accordance with the Retirement Villages Act 1999 and Retirement Villages Regulation 2009.
- (b) Details of the social elements of the Retirement Village operations, including any on-site or off-site site management, and arrangements for access to medical and allied health services, as well as personal care services (such as meals and cleaning). This plan shall address and include detail on:
 - (i) maintenance of a Resident Directory which details and outlines village issues and procedures;
 - (ii) the provision of personal care services associated with domestic duties and accessing other services;
 - (iii) a housekeeping service;
 - (iv) the provision of home delivered meals as required;
 - (v) the provision of transport services (mini bus, taxi, hire cars etc);
 - (vi) use of the Community Centre, by residents and external parties;
 - (vii) the provision of motorised transport carts around the site;
 - (viii) details pertaining to nearby shopping areas, GP surgeries and recreational areas; and
 - (ix) the maintenance of the landscaped areas and recreation facilities within the site.
- (c) The essential criteria for the appointment of the Site Manager shall include a requirement for the appointee to have knowledge of the range of support services available to the residents of the Retirement Village as they age.
- (d) Access to meals shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. Access to home delivered meals shall be available 7 days per week, from 7am to 8pm. A commercial agreement shall be entered into by the Retirement Village and the respective meal provider(s) and be in operation in perpetuity of the operation of the development.
- (e) Access to cleaning services shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. The cleaning service shall be available Monday to Friday, during normal business hours. A commercial agreement shall be entered into by the Retirement Village and the respective cleaning provider(s) and be in operation in perpetuity of the operation of the development.
- (f) Access to the provision of personal medical alert devices shall be provided to the residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. This access shall involve the provision of personal necklace and bracelet devices. A commercial agreement shall be entered into by the Retirement Village and the respective personal medical alert device provider(s) and be in operation in perpetuity of the operation of the development.

- (g) Access to General Practitioners (GP) shall be provided to all residents of the Retirement Village and this service shall be available to all residents of all stages of the development in perpetuity. This access shall include in house and home visits. Should the resident require transport to the Medical Service, this shall be arranged by the Site Manager.
- (h) A communal mini bus shall be provided on site for the development in perpetuity prior to the issue of the first Occupation Certificate for Stage 1. The Site Manager shall ensure the mini bus is available to all the residents of all stages of the development. The frequency of the outings shall be subject to final agreement with the residents of the retirement village; however, a minimum of two outings per week shall be available to the residents of the Retirement Village. A parking space for the mini bus, opposite the Community Centre shall be provided.
- (i) Residents of the village shall be provided with a 'Welcome Pack' prior to occupying the development, detailing the services (and hours, contact details) available to them in the village, and nearby commercial centres.
- (j) A service directory shall be provided to the residents of the Retirement Village, prior to occupying the development, detailing the optional services available to residents (eg meal provision, housekeeping, transport) and the process for arranging access to these services. This service directory shall also include contact details for local community support and general practitioner services.
- (k) An activity/outing program for resident activities on site, within the Community Centre and/or off site shall be provided to all residents of the Retirement Village prior to occupying the development and on a continuing basis as the program changes.
- (l) The development and implementation of a 'welcome program' shall be provided to the residents to begin the process of building relationships between new and existing residents. This shall involve an ongoing program of events including community BBQ's and initial support for social clubs and activities.
- (m) The residents of the Retirement Village shall be provided with the opportunity to participate in the decision process in determining the service provider(s) for the development and the type of activities and/or services to be available to the residents of the Retirement Village.
- (n) The residents of the village will present a valuable pool of volunteers to assist community organisations and health and welfare services. This should be promoted and assisted by the village's Site Manager.
- (o) The proponent shall communicate details of the construction phase of the proposal to local residents, including details of phasing, types of works, hours of operation, and truck movement times and routes and any problems experienced to be addressed through direct phone contact with the contractor.
- (p) An emergency response intercom or similar device shall be installed in each dwelling in the Retirement Village before the issue of an Occupation Certificate, whether interim or otherwise, for the Stage in which the dwelling is situate. The intercom/device shall be operable at all times. The intercom/device shall be monitored by the Site Manager (or authorised agent) at all times so that when operated by the resident, the Site Manager (or authorised agent) will be directly informed of the emergency and be able to provide the occupier of the dwelling with immediate emergency assistance.

23. SEPP Housing for Seniors or People with a Disability 2004 (SEPP HSPD)

At pre-DA meetings Council confirmed that SEPP HSPD controls will act as guidelines and an assessment of compliance with or not with the relevant controls of this SEPP is required. Items covered by this SEPP, such as solar access, private open space provision, building height and items listed in Schedule 3 of the SEPP have not been considered.

24. Local Cycle Path – FYI

There is a proposed cycleway classified as an Indicative Future link on the south western boundary of the site. The development is set back approximately 35 metres from the rear of the Halyard Way residential properties. This would not restrict for a path to be constructed in the future and therefore Council does not require the shared pathway to be constructed as part of this proposal.

25. Issues Raised by Neighbours

Your comments on the following issues raised by neighbours in their submissions are sought:

- Why is vehicular access not provided off Croudace Bay Road?
- Water pressure is inadequate in the area to handle additional demand issues.
- The proposal fails to satisfy the Lake Macquarie E2 and E4 Zone objectives.
- Design and restrictive covenants in locality affect the size and design of dwellings. How will such a large number of identical buildings impact on the character of the area?
- Will felines/cats be prohibited from the development, as occurs in the surrounding localities?
- How will residents cross Croudace Bay Road and what public transport will they access?
- How will construction traffic and dust etc be managed during any development of the site?
- How will dumped rubbish and any asbestos found on the site be removed?
- How will the development deal with any sink holes at the site generated by Mine workings on the site?

26. Height Variation and Joint Regional Planning Panel (JRPP) – FYI

A variation to the 5.5m height limit under clause 4.6 of the LM LEP 2014 has been sought. The variation will be discussed at the JRPP briefing on 8 December 2016 and any comments received from the JRPP regarding this variation and the responses of Council's referral offices and State Government bodies will be notified to yourself after this meeting. If the JRPP directs Council to determine the application, Council will follow the advice of the JRPP.

Your response is required within 28 days from the date of this letter so that the assessment of the application may continue in a timely manner. Council's Development Control Plan can be accessed on Council's website www.lakemac.com.au to assist you in the preparation of your additional information. Once this information has been received further referrals and comments will be required and sought.

As a result of this Information Request you have a number of options available to you:-

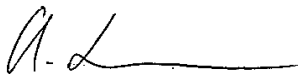
1. Advise that the application is withdrawn, and request a refund of applicable fees; or Provide Council with the requested information within the allotted timeframe; or
2. Request that the application be determined based on the information presently submitted, on the understanding it will be recommended for refusal; or
3. Provide Council with the requested information within the allotted timeframe; or
4. Request an extension of time to provide this information by liaising with the Responsible Officer. Please be aware that an extension will only be granted at the discretion of the Responsible Officer in the event of extenuating circumstance.

Any information received in support of your application will be publicly available on the City's website. Third parties may access any information under the Government Information (Public Access) Act 2009. Council may also reproduce information in Council reports or in Court proceedings.

Please ensure all amended documentation is re-notated and re-dated. Please also attach a covering letter itemising the documentation being submitted and a response to the issues raised by Council.

Should you require further information, please contact the undersigned on 4921 0201 or by e-mail on adleese@lakemac.nsw.gov.au.

Yours faithfully



Andrew Leese
Senior Development Planner
Development Assessment and Compliance

APPENDIX A – SEDIMENT AND EROSION CONTROL FURTHER INFORMATION REQUIRED

The submitted Soil and Water Management Plan (SWMP) prepared by Tattersall Lander Pty Ltd (tabled below) does not satisfactorily comply with LMCC's DCP.

Name of Plan	Dwg No.	Issue	Date
Soil and Water Management Plan (Report)	Report		October 2016
Soil and Water Management Plan – Initial Works – Clearing and APZ Creation	Sheet 1	A	12.10.2016
Soil and Water Management Plan – Stage 1 Construction	Sheet 2	A	12.10.2016
Soil and Water Management Plan – Stage 2 Construction	Sheet 3	A	12.10.2016
Soil and Water Management Plan – Stage 3 Construction	Sheet 4	A	12.10.2016
Soil and Water Management Plan – Stage 4 Construction	Sheet 5	A	12.10.2016
Soil and Water Management Plan – Stage 5 Construction	Sheet 6	A	12.10.2016
Soil and Water Management Plan – Standard Drawings	Sheet 7	A	12.10.2016
Soil and Water Management Plan – General Notes	Sheet 8	A	12.10.2016

The applicant is required to submit a revised plan addressing the following:

1. Page 8 of the SWMP Report details the construction staging including "each subsequent stage is not to commence until the previous one is completed". The DA application form does not request for the DA to be staged. It is common practice that the bulk earthworks would occur over the whole site following clearing rather than in 5 separate stages. Therefore an Erosion and Sediment Control Plan is required for the Bulk Earthworks stage over the whole site. This will include clean and dirty water diversions and sediment traps.
2. The site falls is located at the headwaters of Mills Creek. Council considers this watercourse to be particularly sensitive. Therefore Council requires the 85th percentile storm depth to be used in RUSLE calculations. This also takes into account a duration of disturbance greater than 6 months. Amend calculations.
3. The soils are sediment type D. The ESCP contains erosion and sediment controls that are not appropriate for this sediment type. Amend the ESCP so all erosion and sediment controls are appropriate for dispersible soils. This includes but is not limited to the jute lined drains.
4. The ESCP does not contain information on determination of the correct flocculant for these soils. Amend.
5. I have observed that these soils are highly erodible and transportable. The ESCP proposes to divert clean water around the site using diversion banks that terminate

with a level spreader. The plan is to include a note stating “The location of any level spreaders shall not cause or exacerbate downslope erosion.”

6. Amend the ESCP to state “All clean water diversions and their outlets are to be fully lined prior to any flow being directed along them.”
7. The Graphic Plans do not show how all dirty water shall be diverted into the basins. Amend.
8. The Graphic Plans show Mulched Windrows in the No Go Zone. Amend as no works or structures are permitted in No Go Zones.
9. Sheets 2-6 show diversion banks on areas that would have been disturbed for bulk earthworks which divert site water offsite without treatment. This is not acceptable. Amend so that all dirty water passes through at least one appropriate treatment measure.
10. Site inspection – amend Report to include “an inspection prior to any forecast rainfall” and replace “immediately following rainfall events greater than 5mm in any 24 hour event” with “Immediately following any rainfall resulting in runoff onsite”.
11. Sheet 8 – replace all Notes with those below in full.

Draft Standard Engineering Drawing – Erosion and Sediment Control Notes

The following notes may not be relevant to each development.

General

1. Sediment, includes, but is not limited to, clay, silt, sand, gravel, soil, mud, cement, and ceramic waste.
2. Any material deposited on/in any conservation area/lot/ easement from works associated with the development shall be removed immediately by measures involving minimal ground and/or vegetation disturbance and no machinery, or following directions by Council and/or within a timeframe advised by Council.
3. At any time during construction the erosion and sediment control measures onsite shall be appropriate for the area of disturbance and its characteristics (in accordance with those required for the site as per DCP).

The Erosion and Sediment Control Plan/Soil and Water Management Plan (ESCP/SWMP)

4. The ESCP and its associated erosion and sediment control measures shall be constantly monitored, reviewed, and modified as required to correct deficiencies. Council has the right to request changes if, in its opinion, the measures that are proposed or have been installed are inadequate to prevent pollution.
5. Prior to any activities onsite, the responsible person(s) is to be nominated. The responsible person(s) shall be responsible for the erosion and sediment control (ESC) measures onsite. The name, address and 24 hour contact details of the person(s) shall be provided to Council in writing. Council shall be advised within 48 hours of any changes to the responsible person(s), or their contact details, in writing.

6. At least 14 days before the natural surface is disturbed in any new stage, the contractor shall submit to the Certifier, a plan showing ESC measures for that Stage. The degree of design detail shall vary based on the extent of the area to be disturbed.
7. At any time during onsite works, the contractor shall be able to demonstrate that adequate capacity exists for sediment capture and treatment in onsite erosion and sediment control measures for the area disturbed and the sediment type exposed.
8. No site works shall commence prior to the approval of the detailed engineering design. Its implementation shall be supervised by personnel with appropriate qualifications and/or experience in ESC on construction sites.
9. The approved ESCP shall be available on-site for inspection by Council officers while work activities are occurring.
10. The approved ESCP shall be kept up to date and show a timeline of installation, maintenance and removal erosion and sediment controls.
11. All ESC measures shall be appropriate for the Sediment Type(s) of the soils onsite, in accordance with The Blue Book (Managing Urban Stormwater – Soils and Construction. Landcom, 2004), or other current recognised industry standard for erosion and sediment control for Australian conditions. This includes sediment traps and lining of channels.
12. Adequate site data, including soil data from a NATA approved Laboratory, shall be obtained to allow the preparation of an appropriate ESCP, and allow the selection, design and specification of required ESC measures.
13. The ESCP shall clearly state that no land-disturbing activities on the site shall occur until all perimeter ESC measures, sediment basins, and associated temporary drainage controls, have been constructed and are fully operational, in accordance with current best practice ESC. This is unless such clearing is required for the purpose of installing such measures, in which case only the minimum clearing required to install such measures shall occur.
14. Additional ESC measures shall be implemented, and a revised ESCP is to be submitted for approval to the certifier (within five (5) business days of any such amendments) in the event that:
 - (i) there is a high probability that serious or material environmental harm may occur as a result of sediment leaving the site; or
 - (ii) the implemented works fail to achieve Council's water quality objectives specified in these conditions; or
 - (iii) site conditions significantly change; or
 - (iv) site inspections indicate that the implemented works are failing to achieve the "objective" of the ESCP.
15. A copy of any amended ESCP shall be forwarded to an appropriate Council officer, within five (5) business days of any such amendments.

Site establishment

16. All office facilities and operational activities shall be located such that any effluent, including wash-down water, can be totally contained and treated within the site.

17. All reasonable and practicable measures shall be taken to ensure stormwater runoff from access roads and stabilised entry/exit systems, drains to an appropriate sediment control device.
18. All works shall be carried out in accordance with the approved ESCP (as amended from time to time) unless circumstances arise where:
 - (i) compliance with the ESCP would increase the potential for environmental harm as assessed by an authority recognised by Council; or
 - (ii) circumstances change during construction and those circumstances could not have been foreseen; or
 - (iii) Council or its representative determines that unacceptable off-site sedimentation is occurring as a result of a land-disturbing activity. In either case, the person(s) responsible may be required to take additional, or alternative protective action, and/or undertake reasonable restoration works within the timeframe specified by the Council.
19. The Applicant shall ensure an adequate supply of ESC, and appropriate pollution clean-up materials are available on-site at all times.
20. All temporary earth banks, flow diversion systems, and sediment basin embankments shall be machine-compacted, seeded and mulched within ten (10) days of formation for the purpose of establishing a vegetative cover, or lined appropriately.
21. Sediment deposited off site as a result of on-site activities shall be collected and the area cleaned/rehabilitated as soon as reasonable and practicable.
22. Concrete waste and chemical products, including petroleum and oil-based products, shall be prevented from entering any internal or external water body, or any external drainage system, excluding those on-site water bodies specifically designed to contain and/or treat such material. Appropriate measures shall be installed to trap these materials onsite.
23. Brick, tile or masonry cutting shall be carried out on a pervious surface (e.g. grass or open soil), or in such a manner that any resulting sediment-laden runoff is prevented from discharging into a gutter, drain or water. Appropriate measures shall be installed to trap these materials onsite.
24. Newly sealed hard-stand areas (e.g. roads, driveways and car parks) shall be swept thoroughly as soon as practicable after sealing/surfacing to minimise the risk of components of the surfacing compound entering stormwater drains.
25. Stockpiles of erodible material shall be provided with an appropriate protective cover (synthetic or organic) if the materials are likely to be stockpiled for more than 10 days.
26. Stockpiles, temporary or permanent, shall not be located in areas identified as no-go zones (including, but not limited to, restricted access areas, buffer zones, or areas of non-disturbance) on the ESCP;

Site clearing and mulching

27. Bulk tree clearing and grubbing of the site shall be immediately followed by specified temporary erosion control measures (e.g. temporary grassing or mulching) prior to commencement of each stage of construction works;
28. Trees and vegetation cleared from the site shall be mulched onsite within 7 days of clearing;

Management of Dust

29. Appropriate measures shall be undertaken to control any dust originating due to the mulching of vegetation onsite;
30. Priority shall be given to the prevention, or at least the minimisation, of soil erosion, rather than the trapping of displaced sediment. Such a clause shall not reduce the responsibility to apply and maintain, at all times, all necessary sediment control measures.
31. Measures used to control wind erosion shall be appropriate for the location and prevent soil erosion at all times, including working hours, out of hours, weekends, public holidays, and during any other shutdown periods.
32. The application of liquid or chemical-based dust suppression measures shall ensure that sediment-laden runoff resulting from such measures (e.g. runoff of excess water) does not create a traffic or environmental hazard.

Sediment Basins/traps – installation, maintenance and removal

33. Sediment basins shall be constructed and fully operational prior to any other soil disturbance in their catchment.
34. Prior to the controlled discharge (e.g. de-watering activities from excavations and sediment basins) of any water (groundwater or sediment laden water) from the site during construction, the following water quality objectives shall be achieved:
 - a) total suspended solids (TSS) to a maximum 50mg/L;
 - b) water pH between 6.5 and 8.5 unless otherwise required by the Council;
 - c) Turbidity (measured in NTUs maximum of 60 NTU); and
 - d) EC levels no greater than background levels.
35. Prior to the issuing of a Construction Certificate, the Site Manager shall obtain the relevant approvals from the relevant organisations to discharge treated water from any existing basins. Organisations, may include but not be limited to, Hunter Water, and Council.
36. Prior to any forecast weather event likely to result in sediment laden runoff on the site, any existing detention basins/traps shall be dewatered to provide sufficient capacity to capture sediment laden water from the site prior to the weather event.
37. Any sediment laden water/groundwater captured onsite in a sediment control trap shall be treated to achieve Council's water quality objectives specified in these conditions, prior to its release from site. A sample of the released treated water shall be kept onsite in a clear container with the sample date recorded on it.
38. No Aluminium based products may be used treat turbid water onsite without the prior written permission from an appropriate Council Officer. The applicant shall have a demonstrated ability to use such products correctly and without environmental harm prior to any approval.
39. The chemical/agent used in Type D and Type F basins to treat turbid water captured in the basin shall be applied in concentrations sufficient to achieve Council's water quality objectives, specified in these conditions, within the X-day rainfall depth used to calculate the capacity of the basin, after a rainfall event.

40. All manufacturer's instructions shall be followed for the use of any chemicals/agents used onsite, except where approved by the responsible person or an appropriate Council Officer.
41. Sufficient quantities of chemicals/agents to treat turbid water shall be placed such that water entering the basin/sediment trap mixes with the chemical/agents and is carried into the basin/trap.
42. Any basin shall be dewatered as soon as practical, once water captured in the basin achieves Council's water quality objectives, specified in these conditions.
43. Sufficient quantities of chemicals/agents to treat turbid water shall be securely stored on-site to provide for at least three complete treatments of all basins requiring chemically treatment onsite.
44. The Applicant shall ensure that on each occasion a Type F or Type D basin was not dewatered prior to being surcharged by a following rainfall event, a report is presented to an appropriate Council officer within 5 days identifying the circumstances and proposed amendments, if any, to the basin's operating procedures.
45. As-Constructed plans shall be prepared for all constructed Sediment Basins and associated emergency spillways. Such plans shall appropriately verify the basin's dimensions, levels and volumes comply with the approved design drawings. These plans may be requested by the Certifier, or Council.
46. Where more than one stage is to be developed at one time, or before the preceding stage is complete, the sediment basin(s) for these stages shall have sufficient capacity to cater for all area directed to the basin(s).
47. All Sediment Basins shall remain fully operational at all times until the basin's design catchment achieves 70% ground coverage, or surface stabilisation acceptable to Council.
48. Settled sediment shall be removed as soon as reasonable and practicable from any sediment basin if:
 - a) it is anticipated that the next storm event is likely to cause sediment to settle above the basin's sediment storage zone; or
 - b) the elevation of settled sediment is above the top of the basin's sediment storage zone; or
 - c) the elevation of settled sediment is above the basins sediment marker line.
49. Scour protection measures placed on sediment basin emergency spillways shall appropriately protect the spillway chute and its side batters from scour, and shall extend a minimum of 3m beyond the downstream toe of the basin's embankment.
50. Suitable all-weather maintenance access shall be provided to all sediment control devices.
51. All sediment control devices (other than sediment basins) shall be de-silted and made fully operational as soon as reasonable and practicable after runoff-producing rainfall, or if the sediment retention capacity of the device falls below 75% of the design retention capacity.
52. All materials removed from ESC devices during maintenance, or decommissioning, whether solid or liquid, shall be disposed of in a manner that does not cause any ongoing erosion or pollution hazard.

53. Sediment basin water quality samples shall be taken at a depth no less than 200mm below the water surface within the basin.

Revegetation/Stabilisation

54. All cut and fill earth batters less than 3m in elevation shall be topsoiled, and grass seeded/hydromulched within 10 days of completion of grading in consultation with Council.
55. The LMCC Seed mix shall be used unless stated on the ESCP/SWMP.
56. The pH level of topsoil shall be appropriate to enable establishment and growth of specified vegetation prior to initiating the establishment of vegetation.
57. Non rewettable binder to be used in all hydromulch/hydroseed/polymer mixes on slopes or works adjacent to a water course.
58. Soil ameliorants shall be added to the soil in accordance with an approved Landscape Plan, Vegetation Management Plan, and/or soil analysis.
59. Surface soil density, compaction and surface roughness shall be adjusted prior to seeding/planting in accordance with an approved Landscape Plan, Vegetation Management Plan, and/or soil analysis.
60. Procedures for initiating a site shutdown, whether programmed or un-programmed, shall incorporate revegetation of all soil disturbances unless otherwise approved by Council. The stabilisation works shall not rely upon the longevity of non-vegetated erosion control blankets, or temporary soil binders.

Inspection and Maintenance

61. The Applicant shall ensure that appropriate procedures and suitably qualified personnel are engaged to plan and conduct site inspections and water quality monitoring throughout the construction and maintenance phase.
62. All ESC measures shall be inspected and any maintenance undertaken immediately:
- a) at least daily (when work is occurring on-site); and
 - b) at least weekly (when work is not occurring on-site); and
 - c) within 24hrs of expected rainfall; and
 - d) within 18hrs of a rainfall event that causes runoff on the site.
63. Written records shall be kept onsite of ESC monitoring and maintenance activities conducted during the construction and maintenance periods, and be available to Council officers on request.
64. All site monitoring data including rainfall records, dates of water quality testing, testing results and records of controlled water releases from the site, shall be kept in an on-site register. The register is to be maintained up to date for the duration of the approved works and be available on-site for inspection by Council officers on request.
65. All environmental incidents shall be recorded in a field log that shall remain accessible to all relevant regulatory authorities on request.