



**PROPOSED RESIDENTIAL AND RETAIL MIXED USE
DEVELOPMENT INCLUDING THE DEMOLITION OF THE
EXISTING BUILDINGS**

**32-42 BROOKS PARADE, 2-10 SHARP STREET & 5-11
EDGAR STREET, BELMONT**

***Amended
Statement of Environmental Effects***

This Report was prepared by:

Monteath & Powys Pty Ltd

Suite 13 Tonella Commercial Centre

125 Bull Street,

Newcastle West New South Wales 2302

Australia

(PO Box 2270, Danger NSW 2302)

T: (02) 4926 1388 F: (02) 4929 3475

E: survey@monteathpowys.com.au

W: www.monteathpowys.com.au

Document Control

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 The logo for Monteath & Powys Pty Ltd, featuring a stylized red 'M' and 'P' above the company name in a bold, sans-serif font.					
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PROJECT	Demolition & Mixed Use Development
CLIENT	KML Joint Venture and Coeve Design (VIC) Pty Ltd
OUR REFERENCE	2013/0524
DATE	28/08/2017
AUTHOR	Konrad Grinlaubs Senior Town Planner MPIA
CERTIFICATION	I hereby certify that this Statement of Environmental Effects has been prepared in accordance with the requirement of the <i>Environmental Planning and Assessment Act 1979</i> and its associated Regulations. I certify that to the best of my knowledge the information contained within this Report is neither false nor misleading.
SIGNATURE	
CHECKED BY	Darren Holloway B.Sci. (Hons), MBEnv Planning Manager Registered Planner
SIGNATURE	

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- APPENDIX A** – **Amended and Existing Architectural Plans, Deep Soil zones, Shadow Diagrams and 3D sketches, prepared by Coeve Design (Vic) Pty Ltd.**
- APPENDIX B** – Architectural Statement, SEPP 65 Design Verification Statement, and Part 3 and 4 Apartment Design Guide, **and Amended LMCC Design Review Panel response** prepared by *Coeve Design (Vic) Pty Ltd.*
- APPENDIX C** – Urban Design Review, prepared by *Monteath and Powys Pty Ltd.*
- APPENDIX D** – CPTED Report, prepared by *Monteath and Powys Pty Ltd.*
- APPENDIX E** – **Amended and Existing** Landscape Plan, prepared by *Forum Urban Sanctum Landscape Design.*
- APPENDIX F** – Access Report, prepared by *BCA Access Solutions.*
- APPENDIX G** – BASIX Certificate, prepared by *Building Sustainability Assessments.*
- APPENDIX H** – Geotechnical and Site Contamination Report, prepared by *Regional Geotechnical Solutions.*
- APPENDIX I** – Traffic and Parking Impact Assessment Report, **and Amended Traffic Assessment**, prepared by *McLaren Traffic Engineering.*
- APPENDIX J** – Acoustic Assessment, **and Amended Acoustic Assessment**, prepared by *Spectrum Acoustics.*
- APPENDIX K** – Economic Impact Assessment Report, prepared by *Monteath and Powys Pty Ltd.*
- APPENDIX L** – **Amended Social Impact Assessment Report**, prepared by *Monteath and Powys Pty Ltd.*
- APPENDIX M** – Limited Flood Study Investigation Report, **and Stormwater Plans** prepared by *Forum Consulting Engineers.*
- APPENDIX N** – Searches, prepared by *Monteath and Powys.*
- APPENDIX O** – Clause 4.6 Height Assessment, prepared by *Monteath and Powys.*
- APPENDIX P** – Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont, prepared by *Lake Macquarie Council's Integrated Planning Department.*
- APPENDIX Q** – Architectual options plans for 44 Brooks Parade, prepared by *Coeve Design (Vic) Pty Ltd*
- APPENDIX R** – **Negotiation Terms Commentary for 44 Brooks Parade**, prepared by *Monteath and Powys.*
- APPENDIX S** – **Aboriginal Heritage Due Diligence Assessment**, prepared by *McCardle Cultural Heritage Pty Ltd.*

1. INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared on behalf of KML Joint Venture and Coeve Design (Vic) Pty Ltd by Monteath & Powys Pty Ltd. This statement is to accompany a Development Application (DA) to Lake Macquarie City Council for the demolition of existing dwellings and structures, and construction of a mixed use, multi storey development comprising 130 residential units, 2 retail/commercial units, basement car parking and associated landscaping at 32-42 Brooks Parade, 2-10 Sharp Street and 5-11 Edgar Street, Belmont.

The proposal does not currently include the corner lot at 44 Brooks Parade despite an indication from the landowner of a willingness to sell. Efforts by the proponent to reach an agreement to acquire this property remain ongoing. The proponent remains in contact with the land owners of 44 Brooks Parade and negotiation are continuing. The proponent has designed a scheme to include this lot in the development site if they are able to secure it at a later date. This second scheme is included in **Appendix Q**.

The proposal seeks consent for an architecturally designed residential flat building that is consistent with the provisions under the Lake Macquarie LEP 2014 and the Lake Macquarie DCP 2014 and adequately responds to the community housing need.

The proposed use is permissible with consent in the '**B4 Mixed Use**' zone and is compliant with the objectives of the planning controls and design requirements. The application relies upon the provisions Clause 4.6 in relation to the height with, the justification for this departure being considered acceptable in the particular circumstances of this case. Furthermore, the height proposed is consistent with the '*Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont, prepared by Lake Macquarie Council's Integrated Planning Department*' and provided to the applicant and subsequently relied on. A copy is included at **Appendix P**.

The DA and statement has been prepared on behalf of the applicant and addresses the matters referred to in Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the matters required to be considered by the consent authority.

The purpose of this SOEE is to:

- *Describe the existing environment to which the DA relates and the character of the surrounding area;*
- *Describe the proposed development;*
- *Outline the statutory planning framework within which the DA is assessed and determined; and*
- *Assess the proposed development in considering the relevant heads of consideration (Section 79(C) of the EP&A Act).*

The following consultant documents have been prepared in support of the application and this documentation should be read in conjunction with the statement:

- **Amended and Existing Architectural Plans, Deep Soil zones, Shadow Diagrams and 3D sketches, prepared by Coeve Design (Vic) Pty Ltd.**
- Architectural Statement, SEPP 65 Design Verification Statement, and Part 3 and 4 Apartment Design Guide, **and Amended LMCC Design Review Panel response** prepared by *Coeve Design (Vic) Pty Ltd.*
- Urban Design Review, prepared by *Monteath and Powys Pty Ltd.*
- CPTED Report, prepared by *Monteath and Powys Pty Ltd.*
- **Amended and Existing** Landscape Plan, prepared by *Forum Urban Sanctum Landscape Design.*
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- Economic Impact Assessment Report, prepared by *Monteath and Powys Pty Ltd.*
- **Amended Social Impact Assessment Report**, prepared by *Monteath and Powys Pty Ltd.*
- Limited Flood Study Investigation Report, **and Stormwater Plans** prepared by *Forum Consulting Engineers.*
- Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont, prepared by *Lake Macquarie Council's Integrated Planning Department.*

- Architectural options plans for 44 Brooks Parade, prepared by Coeve Design (Vic) Pty Ltd including **Negotiation Terms Commentary for 44 Brooks Parade, prepared by Monteath and Powys.**
- **Aboriginal Heritage Due Diligence Assessment, prepared by McCardle Cultural Heritage Pty Ltd.**

1.1 Owner and Site Details

The Applicant

Monteath & Powys

PO Box 2270

DANGAR NSW 2309

Contact: Darren Holloway

Phone: (02) 4926 1388

The Owner(s)

Land ownership of the site is detailed in **Table 1** below.

Table 1 - Land ownership of the site (Title searches – 7/2015)

Lot	Section	DP	Area	Owner
11	B	585	813	Marcus Investment (Australia) Pty Ltd
10	B	585	Part of 261 (811.6)	Marcus Investment (Australia) Pty Ltd
A	-	400644	514.4	Marcus Investment (Australia) Pty Ltd
B	-	400644	729.8	Anthony Michael Brown, Kathryn Lynne Brown & Marcus Francis Brown
2	-	353066	335.4	Kuta Lines Pty Ltd, Marcus Investment (Australia) Pty Ltd
1	-	353066	319.4	Marcus Investment (Australia) Pty Ltd, Kuta Lines Pty Ltd
4	-	12898	306	Lakesharp Developments Pty Ltd
5	-	12898	271.5	Kuta Lines Pty Ltd, Marcus Investment (Australia) Pty Ltd
6	-	12898	291.7	Kuta Lines Pty Ltd, Marcus Investment (Australia) Pty Ltd
8	-	12898	330	Kuta Lines Pty Ltd, Marcus Investment (Australia)

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				Pty Ltd
B	-	339105	481.7	Anthony Michael Brown, Kathryn Lynne Brown & Marcus Francis Brown
A	-	339105	470.2	Anthony Michael Brown, Kathryn Lynne Brown & Marcus Francis Brown
4	B	585	815.6	Marcus Investment (Australia) Pty Ltd
3	B	585	813.3	Marcus Investment (Australia) Pty Ltd, Kuta Lines Pty Ltd
Total sqm			6,753	

1.2 Background

The Development Application has been the subject of an extensive Pre-DA process with Council which includes presentation to the SEPP65 Panel. In response to these Pre-DA discussion limited comments were provided, however the applicant has made amendments to the proposal and results in an application that is consistent with relevant statutory requirements.

The various lots that comprise the site have been subject to various schemes presented to Council over a 10-year period, many of which modifications were requested / suggested that in most cases made these proposals unviable.

The current design of a mixed-use development has been developed in consultation with the Council through, meetings with Council and the SEPP 65 Design Review Committee. Although these discussions provided no clear direction from Council or the Committee the applicant has considered project viability, community and LGA needs, current statutory and non-statutory framework to develop this scheme.

In November 2013, Council's Strategic Development Department prepared a report entitled '*Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont*'. This report (BTRC Report) followed the numerous discussion with Council regarding a viable and appropriate development proposal for the subject site. The BTRC submitted that several amendments be proposed to the DCP, mainly to building setbacks, separation and building height (but not limited to). The BTRC was provided to the proponent and reliance on the outcomes and objectives have been utilised with this proposal.

As discussed with Council at various meetings, and upon review the current DCP, the setbacks and building separation requirements do not fully align within different sections of the DCP and as such make it impossible to design a conforming development or alternatively, conformity creates unviability. Another matter discussed was that density of a conforming development on the subject site would be substantially less than that on adjoining sites.

The BTCR which is appended to this report recommends a review of these provisions and Coeve Design have prepared the proposed mixed-use proposal with additional height providing "book end" adjacent to Belmont Towers. The development is designed as a six and eight storey building over four separate towers. The upper storeys are setback and contained to the centre of the building towers. The resulting development is a responsive urban outcome that, on balance, responds to the site constraints and facilitates a development that complies with the objectives and aims of the Lake Macquarie LEP 2014, the Lake Macquarie DCP 2014, SEPP 65 and relevant State Planning Instruments and consistent with the recommended outcomes within the BTCR Report.

The subject site is identified as being part of 'Belmont Town Centre' under the Lake Macquarie DCP 2014. The Belmont town Centre includes the recently approved development the Belmont Central Apartments at 13-17 Edgar Street, Belmont, comprising ground floor commercial/retail and residential living above

Belmont Town Centre also comprises four other adjacent properties, Santorini Apartments (6 storey) at 24-26 Brooks Parade, Belmont. Belmont Towers (9 storey) at 46 Brooks Parade, Belmont, Deck Apartments (6 Storey) include ground floor café at 54-56 Brooks Parade, Belmont. Belmont Wharf Apartments (7 storey) at 58 Brooks Parade, Belmont.

Overall the proposal is considered suitable and consistent in the context of the surrounding high density development within the Belmont area surrounding the development site.

2. SITE DETAILS

2.1 Location and Context

The subject site is located in the town of Belmont in the Local Government Area of Lake Macquarie (refer to **Figure 1** below) approximately two hours' drive north of Sydney, and 17 kilometres from Newcastle CBD. The site comprises of fourteen lots in the Belmont Town Centre, bounded by Brooks Parade, Sharp Street and Edgar Street (see **Figure 2**).

The legal identification for each lot are shown below in **Table 2** below. The total site area is 6,753m².

Table 2 – Subject site lot details.

Lot	Section	DP
11	B	585
A	-	400644
B	-	400644
2	-	353066
1	-	353066
4	-	12898
5	-	12898
6	-	12898
8	-	12898
B	-	339105
A	-	339105
4	B	585
3	B	585
10	-	585 (Part of)

The site is located in a prominent location on the Belmont foreshore. The site frontage to Brooks Parade is approximately 70 metres. The site has frontage to two other roads, Edgar Street the north-east and Sharp Street to the south-east.

Current uses on the site are predominantly for residential purposes being single storey dwellings and a two storey dwelling. Three premises along Brooks Parade are small scale commercial uses.



Figure1: Locality Map (Google Maps, 2015)



Figure 2: Subject Site (SixMaps, 2015)

2.2 Site Conditions

Topography and Drainage

There is a slight fall from Edgar Street toward Brookes Parade across the site. The site is slightly lower in topography than the Pacific Highway to the east. Stormwater from the existing dwellings drains directly to the street.

An open stormwater channel runs through the northern section of the site, across several lots, which connects the stormwater network in Edgar Street to the outfall into Lake Macquarie.

The land form of Belmont Town Centre and the surrounding area is a consistent grade, approximately 1°, rising from Lake Macquarie in the west, and reaching 16 metres in elevation at the eastern-most edge of development in the town centre.

Aboriginal Archaeology and European Heritage

An AHIMS search was undertaken and indicates that no items of Aboriginal heritage are located on the site or within 200m of the subject site.

Additionally, a desktop search of the NSW State Heritage Inventory on 13 July 2015 and Council's Heritage Register also indicated that no items of significance are located within the subject site.

Bushfire

The subject site is not located within bushfire prone land, as per the Lake Macquarie Bushfire Prone Land Map.

Flooding

The site is identified as flood prone land, in accordance with Lake Macquarie Local Environmental Plan (LEP) 2014 flood mapping. The subject site has a current ground level ranging from 1.2 metres AHD – to RL 1.4 metres AHD across the site.

A stormwater channel also runs through the site and to the north of the site. The channel services the stormwater water network further north from Mark Street, and connects to Lake Macquarie at the north-west corner of the site and Belmont foreshore park.

Road and Public Transport Network

Access to the site is available from Brooks Parade, Sharp Street and Edgar Street.

The subject site is within 400 metres of several major bus stop routes bus stops (see Figure 3 below).

Public transport is provided by government and private bus companies. Newcastle Buses provides several routes to various local centres, town centres, north to Newcastle City Centre and south to Swansea, and weekday services to Morisset Rail Station. Private bus companies also service Belmont town centre.



Figure 2 - Major transport routes and bus stops

Pedestrian Network

The pedestrian network in Belmont Town Centre is complete on one side of most streets. Brooks Parade and Edgar Street contain pedestrian access along both sides of the road, while Sharp Street contains pedestrian access along one side. The footpaths are standard

in width, with the exception of the area along the Pacific Highway and the foreshore, which are wider.

Utility Services

Reticulated water and service, electricity, and telecommunications are available to the subject site.

Community Facilities and Services

Belmont town centre has a variety of community facilities that are located in close proximity and easy to access. Medical services are available in the town including several general practitioners including dentists, while Belmont Public Hospital is located within 1.3 kilometres of the subject site. Other personal services available within the area include pharmacies, hairdressers and beauty salons.

Belmont has retained various civic services. The local Court House operates daily, and is supported by Belmont Police Station and Ambulance Station located Herbert Street approximately 200m from the subject site.

Education facilities in Belmont include two primary schools, a high school and the Hunter Institute of Technology Belmont Campus.

A variety of community facilities operate in Belmont, such as neighbourhood centre, Public Library, various sporting fields and courts, as well as commercial clubs including Belmont 16ft Sailing Club and Belmont Yacht Club.

Two shopping centres are located within close proximity to each other: Belmont Citi Centre and Belmont Central Shopping Centre. Major supermarkets such as Coles, Woolworths and Aldi are present in Belmont. Several major banks are represented, as well as local building societies, such as the Newcastle Permanent Building Society and the Greater Building Society.

Newsagencies, butchers, bakeries, the post office and various specialty shops are also located in the major shopping centres and the connecting streets, such as Macquarie Street and the Pacific Highway. Major food outlets, such as McDonalds and Subway, and cafes are scattered around the town centre to cater for weekday and weekend trade.

Overall, the social and civic facilities at Belmont are reflective of its status as a major sub-regional centre in Lake Macquarie.

Surrounding Development

The subject site is adjoined in each major direction by different forms of development within 300 metres. The key built forms for new development are tower blocks and rectangle blocks. Each urban block and built form use is discussed in detail below;

North

The urban block that accommodates the subject site, also accommodates:

- Rectangle-block, five storey mixed use development at the intersection of Brooks Parade and Maude Street (24-26 Brooks Parade), known as Santorini Apartments, and;
- Single storey residential development;
- An open stormwater channel that provides connection for the stormwater network to Lake Macquarie;
- A sewer pump station that is part of Hunter Water Corporation's infrastructure, which is immediately north of the channel and faces Brooks Parade.

Urban blocks beyond Maude Street are mostly characterised by detached single storey residential dwellings, and a limited number of two-storey unit blocks.

South

Sharp Street adjoins the site at the south. The urban block immediately south is characterised mostly by recent mixed use development, including:

- 46 Brooks Parade, tower block, eight storeys, directly opposite the subject site at the intersection of Brooks Parade and Sharp Street. Belmont Towers is a residential apartment building with large setbacks to the street and ground floor single garages that face the street;
- 13-17 Edgar Street, rectangle block, six storeys, at the intersection of Edgar Street and Sharp Street is a mixed use development, with ground floor commercial space and upper floors for residential use. The development was completed in 2010;

- 54-56 Brooks Parade, tower block, six storeys, is a mixed use development with ground floor cafe and single driveway access from Brooks Parade, and was completed in 2007;
- 58 Brooks Parade, tower block seven storeys, is currently under construction and will comprise mixed use development for a residential flat building.

East

Herbert Street runs perpendicular from the site to the Pacific Highway, and creates two distinct urban blocks. The block on the north side of Herbert Street is predominantly detached single storey dwellings. The block on the south side of Herbert Street is mostly retail and commercial uses. The dominant development is Belmont Citi Centre shopping centre and open air car park. The loading dock entrance at Herbert Street faces the subject site. Shop top development along the Pacific Highway edge of the urban block is further to the east.

West

Directly across the street is Belmont Lions Park, an open space area that separates the road (Brookes Parade) from the foreshore of Lake Macquarie. A pedestrian footpath runs through the park that connects to a small children's playground some 200 metres to the south, and public facilities at the end of Maude Street. The only built form on this site is a toilet block. Built forms exceeding one storey on this site are unlikely to be erected in the future. Several mature fig trees are located along the street edge of the park.

3. PROPOSED DEVELOPMENT

3.1 Summary

The proposed development involves the demolition of the existing structures and the construction of a part 6 and part 8 storey mixed use development. The development comprises a 130 unit residential flat building and two (2) retail/commercial units, landscaping, communal open space and basement and podium car parking.

Summary of Proposed Development	
Number of units and unit mix (Residential)	20, one-bedroom + study units 10, two-bedroom units 78, two-bedroom + study units 9, three-bedroom units 13, three-bedroom + study units
Number of units and size (Retail/Commercial)	1 Building B, 236.18m ² 1 Building A, 210.98m ²
Parking	Units Parking – 135 spaces Visitor Parking – 34 spaces Retail/Commercial Parking – 18 spaces Motorbike Parking – 5 spaces Bicycle Parking – 57 spaces
Landscaping	1,207m ²

Refer to **Appendix A** for detailed plans of the proposed development.

3.2 Demolition works / earthworks

The subject site currently contains numerous buildings and associated structures. It is proposed that all structures on site be demolished to facilitate the construction of the proposed development.

Where possible, materials will be salvaged for recycling and reuse. The remaining waste will be transported to a recognised waste facility.

As the subject site is currently developed, the site does not contain extensive vegetation and is primarily managed lands and gardens. It is proposed that all vegetation within the site also be removed to facilitate the proposed development.

All cut associated with the proposal will be undertaken in accordance with the relevant standards. Specific details will be provided at the Construction Certificate stage of the development.

3.3 Development Design

It is proposed that the site be developed as an infill development, located between the Belmont Citi shopping centre, 6 storey Santorini Apartment, 6 Storey Belmont Central Apartments and 8 storey Belmont Towers Apartments.

In developing the scheme, the applicant has considered adjoining approved buildings in terms of setbacks, building separation, privacy and overshadowing along with these elements internally to the site. Whilst an increase in height is proposed, the proposal generates an exemplary urban response to the site that responds to the high quality of the surrounding area and adjoining development. The proposal provides a better more active streetscape presentation that is of a scale, and amenity commensurate with the surrounding environment.

The building is designed in a northerly, southerly and westerly orientation with all apartments provided with expansive balconies. The development contain four (4) towers, three are six storey buildings, with the fourth tower an eight (8) storey building, located on the southern part of the site adjacent to the corner of Brooks Parade and Sharp Street. All four towers contain the fourth storey and above being setback and contained to the centre of the building.

Pedestrian entry into the development is provided from Edgar Street, Sharp Street and Brooks Parade, via the existing footpath. The residential entry and lobby of each tower is accessed via the new pedestrian central courtyard through the centre of the site. The lobbies are all accessible from the basement. The lobbies are clearly marked and with the use of landscaping and articulation provides a sense of entry and arrival. A pedestrian pathway is provided along the northern boundary of the site connecting Edgar Street and Brooks Parade.

The proposal is designed with a face-brick finish in a Boral 'Nuvo Dimino' with aluminium privacy screens and aluminium louvres. Zinc wall cladding, render wall cladding in 'linseed',

'white duck', 'fair Bianca', 'eclectic' and 'mystical'. A use of glazing windows and balustrades and 'alucobond' screening provide variation and visually sympathetic design for the environment and surrounding amenity. The buildings respond to the rhythm of development in the area, with the proposed materials low-maintenance and durable, and suitably articulated to provide visual relief and interest.

The buildings have generous setbacks and allow for appropriate building separation providing solar access to the proposed apartments and minimise overshadowing as far as practical. The setbacks also provide opportunities for landscaped areas that include deep soil around the perimeter area that will provide a connection to the public realm and increase streetscape amenity.

Each apartment is designed with an open plan layout and includes a balcony off living areas. Additionally, each apartment has access to the common open space at the ground floor deep soil zone and buildings A and D to a smaller first floor communal recreation area.

The ground floor landscaped area includes paving and seating and given its orientation the landscaped area will form an accessible area, as opposed to an enclosed private open space. This way, the landscape areas performs as both a communal area for all residents as well as being accessible to all members of the public. Given the high density area, the provision of an open passive recreation area is an excellent sustainable outcome.

The level of solar access and ventilation resulting from the development, is considered acceptable. The development will improve the streetscape of Edgar Street, Sharp Street and Brooks Parade and aligns with the desired future character for the Belmont Town Centre and is consistent with the *'Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont, prepared by Lake Macquarie Council's Integrated Planning Department'*.

An elevator provides access to each floor of all four towers and fire stairs provide fire egress. The basement has a logical layout, incorporating resident parking, visitor parking, motorcycle and bicycle parking, storage, refuse rooms and services areas.

In summary, the proposed development will result in an enhanced planning outcome for the site and results in a development that is consistent with the desired future character for the locality.

The proposal will provide more housing and different types of housing supporting the population of the Belmont and wider Lake Macquarie area. As the LGA continues to grow the proposal will assist in reducing the pressure on rising house prices. The growth within the Lake Macquarie LGA and changes in demographic makeup, there remains a gap between current housing production and future housing needs. The proposal will provide increased housing production and will accelerate housing supply. The subject site is well supported by infrastructure including transport, utilities and social infrastructure such as schools, child care centres, health facilities, open space and recreation, retail services and employment opportunities.

The proposal is a suitable response to the planning controls under the Lake Macquarie LEP 2014 and DCP 2014, and results in compliance with the requirements of SEPP 65 and the Apartment Design Guide, by providing apartments that exhibit a good level of *amenity for future residents*.

The application results in the following calculations:

- Site Area: 6,753m²
- Number of residential apartments: 130
- Area/size of apartments: 54m² to 112m²
- Number of retail/commercial tenancies: Two (2)
- Area/size of retail/commercial tenancies: 236.18m², and 210.98m².
- Proposed Height: 26.3 metres
- Storeys: Part 6 (three towers) and part 8 storeys (one tower)
- Common/Communal open space area: 1,810m² or 28%
- Deep soil area: 720m² or 10.8%
- Solar access: 93/130 apartments or 72%
- Solar access (balcony): 96/130 apartments or 74%
- Cross ventilation: 92/130 apartments or 71%
- Adaptable apartments: 26 apartments or 20%
- Liveable Housing: 51/130 apartments or 39%
- Car parking: 168 car parking spaces

- Motorcycle parking: 8 parking spaces
- Bicycle parking: 57 spaces

The proposed calculation and outcomes are at or above development requirements, refer to DA51-A for a full review of statistics and calculations at **Appendix A**.

3.4 Access and parking

The proposed Mixed Use proposal will be serviced via convenient and safe access points to Edgar Street and Sharp Street.

3.5 Landscaping

The landscaping plan, prepared by Forum Landscape Design, was specifically designed to provide a high standard of living throughout the development with treatment and plant selection taken predominantly from Lake Macquarie City Council Coastal Planting Guide.

3.6 Stormwater and drainage

A stormwater management plan will be prepared due to the highly urbanised environment. A Water Cycle Management Plan can be undertaken to mitigate the effects of any stormwater on adjoining or downstream sites in accordance with Council's Water Cycle Management Guidelines. Conditions can be imposed to ensure that any water cycle management, shall comply with relevant standards.

A Limited Flood Study Investigation Prepared by Forum Consulting Engineers has been undertaken. The investigation concluded that the adoption of the Lake Macquarie Flood Study be adopted. The design takes into consideration the flood study recommendations so as to mitigate risks to life and/or property through design and positioning of development.

Habitable rooms and commercial development have a finished floor height at least 500mm above the 100 year ARI (1% AEP) event. Buildings and other structures, including fences, are not considered to impede the flow of floodwaters or entrap debris as a 1% AEP event can be conveyed within the existing concrete lined drain, refer **Appendix M**.

The development is located on designated flood prone land, however evacuation and other emergency procedures are readily available. Further risk management measures are not considered necessary. The development will use flood compatible materials in its construction that will minimise potential damage by flooding. The development is considered unlikely to create any adverse impacts.

3.7 Servicing

The subject site currently has access to electricity, reticulated water and sewer, stormwater and telecommunications. Service connection and any capacity augmentation will be determined through application to the relevant service providers (Hunter Water, Ausgrid, Jemena, Telstra, NBN etc).

4. STATUTORY CONSIDERATIONS

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* (as amended).

4.1 Commonwealth Legislation

Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation. The EPBC Act specifically aims to:

- *Provide for the protection of the environment, especially matters of national environmental significance; and*
- *Conserve Australian biodiversity*
- *Provide a streamlined national environmental assessment and approvals process*
- *Enhance the protection and management of important natural and cultural places*
- *Control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife*
- *Promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources*
- *Recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity*
- *Promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.*

The EPBC requires Commonwealth approval for development which significantly impacts upon matters relating to National environmental significance. The nine matters of national environmental significance protected under the EPBC Act include:

- *World heritage properties*
- *National heritage places*
- *Wetlands of international importance*
- *Listed threatened species and ecological communities*
- *Migratory species*
- *Commonwealth marine areas*

- *The Great Barrier Reef Marine Park*
- *Nuclear actions (including uranium mines)*
- *A water resources, in relation to coal seam gas development and large coal mining development*

It should be noted that the subject site is not situated on or near an area of environmental significance, and does not contain any of the aforementioned national environmental significance items.

4.2 Regional and Local Planning Considerations

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) was prepared by the NSW Department of Planning (DoP) in 2006, and applies to the subject site. The LHRS aims to plan for an additional 160,000 residents and 115,000 new residential dwellings between 2006 and 2035. Over this time frame, employment lands will be required for the forecast 16,500 additional jobs to the Hunter within existing, as well as newly, identified employment lands. The objectives and aims identified in the Strategy include:

1. Providing capacity with employment zones;
2. Maximising the use of existing and future infrastructure;
3. Providing for new dwellings in established areas;
4. Protecting and conserving environmental assets.

The subject site is located in Belmont. Belmont is identified as a commercial centre servicing the Lower Hunter. Towns such as Belmont are characterised by shopping and business activities, such as health and professional service for the district, as well as supplying medium and higher density development. Belmont is also central to other employment lands within one kilometre of the town centre and to industrial lands five kilometres away at Redhead.

The subject site can deliver higher levels of housing within a major centre, close to employment lands, making efficient use of existing infrastructure and providing good amenity. To support the implementation of this Strategy, Council has prepared and adopted the Lake Macquarie Town Centre Area Plans DCP 2014, which includes expected development in Belmont.

The proposed development will provide 130 dwellings, comprising 20 one (1) bedroom units, 88 two (2) bedroom units and 22 three (3) bedroom units. Two (2) retail/commercial spaces and overall 168 car parking spaces. Several other sites in the immediate vicinity have been similarly developed.

The proposed development will also improve amenity for current and future residents within the local area, through the provision of new retail and commercial space, as well as energy efficient dwellings, assessed against the provisions of SEPP 65 Design Quality of Residential Flat Development and various local development controls.

Development of the site is considered consistent with the objectives of the Lower Hunter Regional Strategy, and will make a positive contribution to realise the strategy through the provision of higher density development in a major sub-regional centre.

Hunter Regional Plan

The Hunter Regional Plan (HRP) was released in 2016 by the NSW Department of Planning and Environment. The Plan is the strategic plan and vision document for guiding growth in the Hunter to 2036. At its centrepiece is the strategic direction for the Greater Newcastle area, which includes Lake Macquarie. The Greater Newcastle area is anticipated to accommodate an extra 600,000 people to 2036. With that comes an anticipated 62,000 increase in job numbers.

The Plan identifies that the aims for Greater Newcastle include:

- Connect strategic centres in Greater Newcastle;
- Develop a national Centre of Excellence for Health and Education;
- Expand the capacity of Global Gateways – Newcastle port and airport; and
- Establish governance.

These aims are very broad. Nonetheless, the Belmont to Charlestown corridor is identified as an urban renewal corridor, with Belmont identified as a significant local centre.

The proposed development will continue to emphasise Belmont as a town centre and address the urban renewal potential of Belmont.

Lake Macquarie City - Life Style 2030 Strategy

Lifestyle 2030 Strategy is the eminent Strategic plan prepared by Lake Macquarie City Council to inform the development of the LGA. The current strategy was adopted by Council in March 2013.

The LGA area surrounds the shores of Lake Macquarie, extending north to the border with Newcastle Local Government area, south to Wyong Shire Council, east the Pacific Ocean, and west to the Watagan State forest before adjoining Cessnock LGA. The extent of Lake Macquarie LGA and its urban structure are illustrated in **Figure 4** below.

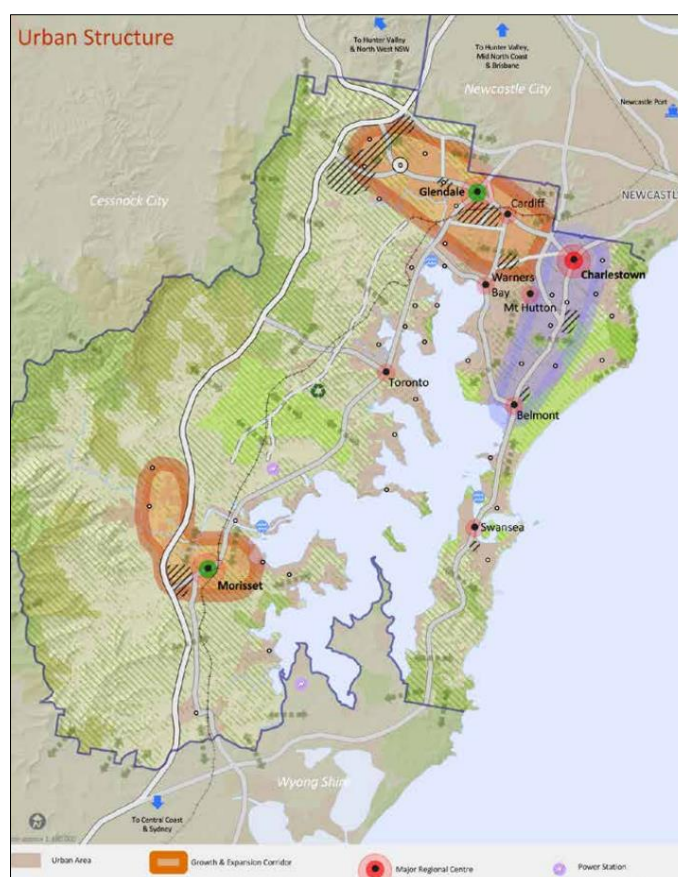


Figure 4 - Urban Structure (Lifestyle 2030)

Belmont Town Centre

Belmont is identified in the Strategy as a Town Centre within the 'East Lake Intensification Corridor'. The strategy expects urban zoned land in the corridor to be developed for multi-unit housing close to centres and well serviced by public transport routes, as well as employment, community services and facilities. The intensification for housing assists to maintain the supply of industrial land for manufacturing activities in the corridor, such as

Redhead and Bennetts Green, which plays an important role in the local and regional economy. Intensification limits the growth of the urban footprint, protecting ecological lands along the along the east and west sides of the corridor from Belmont to Charlestown.

Strategic Directions

Lifestyle 2030 has seven strategic directions, each illustrated by numerous statements of the desired outcomes. The key desired outcomes for each strategic direction are supported by the potential development of the site, and presented in Table 3 below.

Table 3 - Lifestyle 2030 Strategic Directions Development Response

	City Strategic Direction	Development response
1.	A city responsive to the environment	The development is located within the existing urban footprint of Belmont. Habitable areas within the site will be elevated to protect against the effects of flooding and/or sea-level rise. The scenic quality of the area is preserved by high quality urban design and maintaining view corridors to the lake from the Belmont town centre.
2.	A city that make an equitable contribution to global sustainability	Though the construction of the new dwellings will require some materials with higher levels of embodied energy, the development will provide long term water and energy efficiency measures in accordance with BASIX requirements, as well as reduced dependence on fossil fuels for transportation by locating development closer to complimentary activities and high frequency public transport routes (e.g. Pacific Highway).
3.	A well designed adaptable and liveable city	Stronger function and urban design relationships between the Lake and Belmont town centre is facilitated by the proposed development. A break between the unit blocks provides a view and pedestrian corridor through the development site to the Lake. Building setbacks above the forth storey can be incorporated into the development to reduce scale and mass of development, and allow wind and solar access to the street and surrounding development.

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		Site frontage facing the Lake will be landscaped with gardens including active frontages that provide pedestrian access through the development, as well as around the perimeter of the development site. Finally, the potential development will offer different bedroom/study combinations for the dwellings for different household sizes.
4.	A well serviced and equitable city	Belmont is identified by Council as suitable for further urban infill development, and adopted a Town Centre Development Control Plan. The proposed development is consistent with the controls. Car parking is provided within the development site; however two public transport route are accessible, both pass the site (Brooks Parade) with stops within 400 metres (50 metres) of the site in both directions. These services provide connections to other town centres in Lake Macquarie, such as Warners Bay and Charlestown, and onwards to Newcastle. A slightly further option (250 metres) are a further six (6) routes accessible from the Pacific Highway. Pedestrian and cycle networks are available along the Lake Macquarie foreshore in front of the proposed development on Brooks Street, which connect to Belmont 16ft Sailing Club and further to local parks, such as Green Point Reserve.
6.	A city responsive to the wellbeing of its residents	The proposed development will provide a range of dwelling configurations and sizes to respond to the demographic changes occurring in the city. Different bedroom/study combinations for the dwellings for different household sizes will be offered. The proposed development will provide quality housing along the popular foreshore, and enhance the streetscape and improve the wellbeing for pedestrians through landscaping

		and diverse retail opportunities. Commercial/retail services will also be available within the development. The subject site is also located centrally to shopping centres, health services and various community centres that are vital for community wellbeing.
7.	A city that practices participatory democracy and is well governed	State and local government strategic planning policies (e.g. climate change considerations) have been incorporated into the development. The ground floor level is elevated to mitigate the impacts associated with climate change that may affect the foreshore of Lake Macquarie. Council is responsive to the need for higher residential development and to create and apply appropriate development controls.

Overall, the proposed development is consistent with the objectives of the Lake Macquarie Lifestyle 2030 Strategy.

4.3 State Legislation

Environmental Planning and Assessment Act 1979

The following demonstrates the proposal's compliance with the relevant heads of consideration in Section 79 C (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as amended, in particular:

- *Environmental planning instruments that are in force, proposed or exhibited (Section 79(1)(a))*
- *Development control plans (Section 79(1)(a))*
- *Likely impacts to natural and built environments, society and economy (Section 79(1)(b))*
- *Suitability of the site for the proposed development (Section 79(1)(c))*
- *Submissions (Section 79(1)(d))*
- *Public interest (Section 79(1)(e))*

Under Section 91 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a development application lodged on this site would be considered Integrated Development, and would require concurrence from Office of Water.

Other Acts

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Mine Subsidence Compensation Act 1961*
- *National Parks and Wildlife 1974*
- *Petroleum Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

Fisheries Management Act 1994

No authorisation required.

Heritage Act 1977

No authorisation required. No State heritage items were identified on the site, or impacted by the proposed development.

Mine Subsidence Compensation Act 1961

The site is not identified in a Mine Subsidence District Map as within a mine subsidence area, and therefore does not need concurrence from the Mine Subsidence Board.

National Parks and Wildlife Act 1974

No authorisation required.

Protection of the Environment Operations Act 1997

An Environment Protection Licence (EPL) is not required for the development.

Roads Act 1993

The *Roads Act 1993* details objectives for classified roads. As the proposed development does not involve the disruption or development of a classified road, no authorisation is required.

Rural Fires Act 1997

The subject site is not identified as being with bushfire prone land, and therefore does not require concurrence from the RFS.

Water Management Act 2000

The Water Management Act 2000 aims to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

Under the Water Management Act, Activity Approvals are required for certain development. In this instance, a controlled activity approval is required as the proposed development is located on waterfront land.

Under the Water Management Act 2000 (WM Act), waterfront land means:

(a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or

(a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or

(a2) the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or

(b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

Where a development requires a controlled activity approval, water use approval or a water management work approval under the *Water Management Act 2000* (WM Act), the Development Application must be referred to the NSW Office of Water.

The construction of a new part 6 and part 8 storey building, is considered to require a controlled activity approval as a small part of the site is approximately 40 metres from the lake foreshore. In addition, works in the construction of the basement are likely be below the water table. This second point may comply and not require referral, however using the precautionary principle and the separate the proposal be referred to the NSW Office of Water. It is noted an earlier referral of the original application did not receive any comments.

Threatened Species Conservation Act 1995

No authorisation required.

4.4 State Environmental Planning policies

A review was conducted of the State Environmental Planning Policies (SEPP) which may apply to the development: -

- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No. 71 – Coastal Protection*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development; and*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*

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

The State Environmental Planning Policy was enacted to ensure dwellings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

The aims of the SEPP include:

- 1) *Regulations under the Act have established a scheme to encourage sustainable residential development (**the BASIX Scheme**) under which:*
 - *An application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development, must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.*
 - *The carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate, will be subject to a condition requiring such commitments to be fulfilled.*

BASIX is an online program that is accessible to anyone. The designer enters data relating to the house or unit design such as location, size, building materials etc. into the BASIX tool. BASIX analyses this data and determines how it scores against the Energy and Water targets.

The design of the residential units must pass specific targets (which vary according to location and building type) before the user can print the BASIX Certificate. A BASIX assessment has been undertaken as part of the proposed development, by Building Sustainability Assessments, the proposal plans are located at **Appendix A**.

SEPP 33 – Hazardous and Offensive Development

The aim of *SEPP 33 – Hazardous and Offensive Development* is to ensure the protection of the community and environment from hazardous and offensive industries. Under Clause 12 of the *SEPP* a development for the purposes of a potentially hazardous industry must be accompanied by a preliminary hazard analysis, in accordance with the current circulars or guidelines published by the Department of Planning. The relevant guideline in this instance is *Applying SEPP 33* (DOPI 2011).

The proposed development is not considered to be a 'potentially hazardous or offensive industry' under the definition of SEPP 33, as such no further assessment is therefore considered necessary.

State Environmental Planning Policy No 55 – Remediation of Land

The objective of the Policy is to provide for a uniform planning approach to the remediation of contaminated land in NSW.

Clause 7(1) of the Policy requires the consent authority to consider whether:

1. *The land is contaminated, and*
2. *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
3. *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is entirely within a residential area albeit zoned B4. No notices have been issued for the site under the *Contaminated Land Management Act 1997*, nor have any licences been issued under the POEO Act for the site. As the subject site and the surrounding have been used for residential activities for more than 50 years, with some buildings facing Brooks Parade have been adapted for mall scale retails uses. The land provides no indication further investigations are considered necessary.

State Environmental Planning Policy No 71 – Coastal Protection

The objective of *SEPP 71 – Coastal Protection* is to protect and manage the coastal zone and coastal areas of NSW. The continued provision of public access and the impact on coastal processes are included in the matters for consideration for development within the coastal zone.

The subject site is identified within the NSW Coastal Zone as identified under the NSW Coastal Protection Act 1979. Consequently, the provisions of this SEPP apply to the proposed development.

Section 8 of the *SEPP* outlines matters that should be taken into account by the consent authority when determining an application on land to which the Policy applies. These matters have been considered in **Table 4-1** below.

Table 4-1: Matters for Consideration under Section 8 of *SEPP* 71

SECTION 8 MATTERS FOR CONSIDERATION	RESPONSE
Public Access	The proposed development will not affect public access to and along the coastal foreshore.
Suitability of Development	The development is considered suitable for this location. It is consistent with other development and addresses matters such as flooding through increase floor heights and appropriate mitigation.
Impacts on Amenity	Adjoining uses area predominately residential apartments with the rear adjoining Belmont Citi Shopping Centre. The development contains generous setbacks, four clearly distinguishable towers. The proposed development minimises impacts from shading and loss of amenity. The proposal will provide and enhanced streetscape pedestrian connection and overall provides a positive outcome.
Measures to Conserve Flora and Fauna (including aquatic species)	It is unlikely that the proposed development will have a detrimental impact on animals and plants or their habitats. The site is not considered to be a corridor, and as such conservation measures have not been proposed as part of this application nor are they considered necessary. The site does not contain any aquatic species.
Impact on Coastal Processes and Coastal Hazards	The proposed development is unlikely to have any significant impacts on coastal processes and coastal hazards. The site is separated from the coastline by a road and passive promenade.

SECTION 8 MATTERS FOR CONSIDERATION	RESPONSE
Measures to Reduce Potential Conflict Between Land-based and Water-based Coastal Activities	It is unlikely that the proposed development will result in conflict between land-based and water-based coastal activities. The development will not impact water-based or craft activities.
Measures to Protect Heritage Items	Given the site has a history of disturbance and is a fully developed urban area, it is unlikely that the proposed development will have a significant impact on the cultural places, values, customs, beliefs and traditional knowledge of Aboriginal people. In addition, the site does not comprise any items identified for their European heritage, archaeological or historic significance. As a result, it is considered that there will be no significant impact on the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals, or any other items of heritage, archaeological or historic significance. Given this, conservation measures have not been proposed as part of the proposed development.
Impact on Water Quality	A stormwater management plan will be prepared due to the highly urbanised environment. A Limited Flood Study Investigation, prepared by Forum Consulting Engineers has been undertaken. The investigation concluded that the adoption of the Lake Macquarie Flood Study be adopted. The design takes into consideration the flood study recommendations so as to mitigate risks to life and/or property through design and positioning of development. Habitable rooms and commercial development have a

SECTION 8 MATTERS FOR CONSIDERATION	RESPONSE
	finished floor height at least 500mm above the 100 year ARI (1% AEP) event. Buildings and other structures, including fences, are not considered to impede the flow of floodwaters or entrap debris as a 1% AEP event can be conveyed within the existing concrete lined drain, refer Appendix M.

As outlined above, the proposed development has been assessed against the matters for consideration listed under Section 8 of *SEPP 71*. It is concluded that the proposed development will not contravene the aims of the *SEPP*.

4.5 Local Environmental Plans (LEP)

Lake Macquarie Local Environmental Plan 2014

Land Use Zoning

The Lake Macquarie Local Environmental Plan (LMLEP) 2014 is the current environmental planning instrument that governs this development. The site is currently zoned B4 Mixed Use, as shown in LM LEP 2014 zoning map.

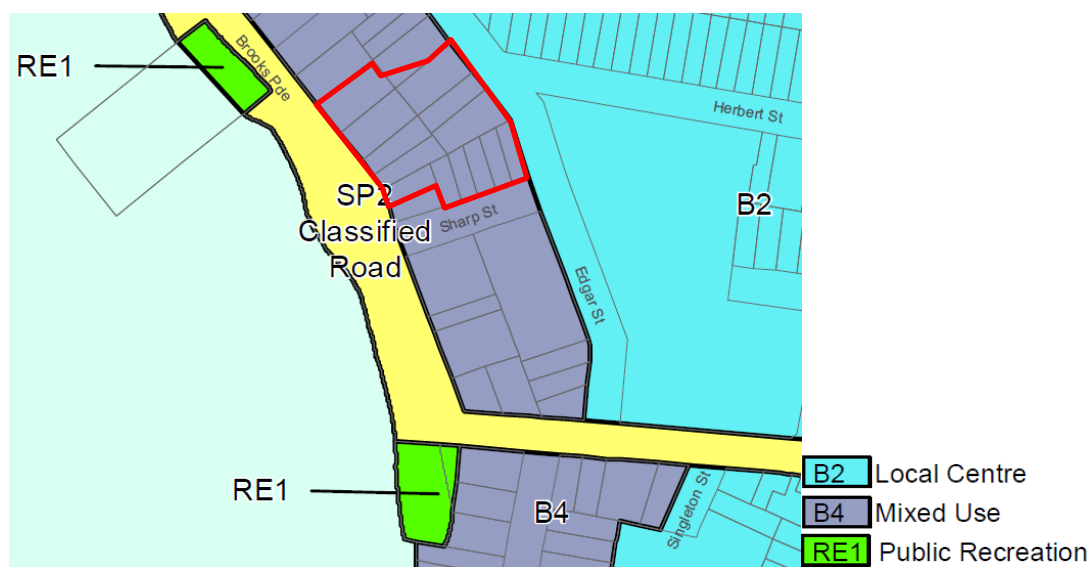


Figure 6 - Land Use Zone Map (LM LEP 2014)

The zone aims to:

- To provide a mixture of compatible land uses
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling
- To enable development that complements and enhances the core retail function and trading performance of Zone B2 Local Centre and Zone B3 Commercial Core

The permissible uses include the following:

Boarding houses; Child care centres; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing.

It is considered that the proposed development is in keeping with the zone objectives and is permissible under the LM LEP zoning of the subject site.

Clause – 4.3 Height of Buildings

Under the LMLEP 2014, the subject site has a maximum Height of Building (HOB) of 22m.



Figure 7 – Building Height Map (LM LEP 2014)

The proposed development involves a maximum height of 26.3m, which does not comply with the LM LEP HOB requirements. Nonetheless, the proposal will maintain a consistency in visual form with adjoining development. The proposal is also consistent with the *'Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont, prepared by Lake Macquarie Council's Integrated Planning Department'*.

Clause – 5.5 Development within Coastal Zone

The proposed development will not have an impact on the current coastal environment. The existing coastal zone will be maintained along with its associated ecosystems, ecological processes and biological diversity and water quality.

Existing opportunities for pedestrian public access to and along the coastal foreshore, will remain.

The proposed development recognises and accommodates for potential long term coastal processes and climate change with a raised podium. The development does not impact on any rock platforms, beach environments and/or existing beach amenity. The proposed development will not create any significant overshadowing of the coastal foreshore, and any loss of existing views from a public places to the coastal foreshore.

The proposed development will not impede or diminish the physical, land-based right of access of the public to or along the coastal foreshore. All existing water quality will not impacted by the development, and the proposed development will not be significantly affected by coastal hazards, or increase the risk of coastal hazards in relation to any other land within the area.

Clause – 7.1 Acid Sulfate Soils

The objective of Clause 7.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Development consent is required for any works which may result in adverse effects to the environment.

The site is identified as containing Class 2 acid sulphate soils which indicate a potential for the hazard. Under Class 5 soils, development consent is required if:

- *works below the natural ground surface, or works by which the water-table is likely to be lowered.*

The proposed development involves construction earthworks on lands identified a class 2 and will likely involve the lowering of the water table.

Clause – 7.2 Earthworks

The proposed development involves construction earthworks as a result of the proposed demolition, vegetation clearance and works associated with basement construction. These earthworks will involve disturbance to the existing land.

These works are not considered to have a detrimental impact on environmental functions and processes, or on neighbouring uses on the surrounding land, and *'before granting development consent for earthworks, the consent authority must consider the following matters'*:

a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development.</i>	The proposal requires minimal fill although a moderate level of cut will occur within the proposed development site. Given the nature of earthworks, minimal disruption to drainage patterns and soil stability will result.
b) <i>the effect of the proposed development on the likely future use or redevelopment of the land.</i>	The earthworks will facilitate the proposed development of the subject site and allow for the appropriate use and redevelopment of the land.
c) <i>the quality of the fill or the soil to be excavated, or both.</i>	The proposal requires minimal fill although a moderate level of cut will occur within the proposed development site. Regional Geotechnical Solutions (RGS) have assessed the potential cut material with all excavated material. It is noted that the site soil is acidic although at manageable levels. All disposed material will be done so according to Council's regulations and RGS recommendations.
d) <i>the effect of the development on existing and likely amenity of</i>	It is not anticipated that the amenity of neighbouring properties will be significantly

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<i>adjoining properties.</i>	impacted. The construction earthworks will be short term, and will be limited to business hours during weekdays and between 8am and 1pm on Saturdays.
<i>e) the source of any fill material and the destination of any excavated material.</i>	It is anticipated that any excavated material will be disposed of according to Council's regulations. Any fill material as required will be sourced from a suitable supplier and be of the required standard.
<i>f) the likelihood of disturbing relics.</i>	A desktop search of the NSW Heritage Register, and AHIMS concluded that site does not contain any items of State, or Aboriginal heritage. Given the developed nature of the site it is not considered the site contains relics.
<i>g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i>	The proposed earthworks are not located on or within close proximity to any water course, drinking catchment or environmentally water sensitive area.
<i>h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	A development and construction management plan will be implemented to provide appropriate measures to avoid, minimise and mitigate the impacts during the earthworks including waste disposal.

The proposed earthworks required for the construction are considered will comply with Clause 7.2 of the LEP.

Overall, it is considered that the proposed development generally complies with the requirements of the Lake Macquarie Council LEP 2014.

Clause – 7.3 Flood Planning

The site is separated from Lake Macquarie by Brooks Parade and a small pedestrian reserve. It is identified as being, and is unlikely to be, affected by inundation. Forum Consulting Engineers have prepared a Limited Flood Study Report having regard to the nature of the site and any proposed use.

The report assesses the flood risk potential in relation to the drain and notes existing assessments undertaken by Lake Macquarie Council regarding Lake Macquarie flood levels. The development has a raised podium mitigating potential flood risk to life and property on the development.

The land is considered compatible with the land's identified flood hazard, and can avoid significant adverse impacts on flood behaviour and the environment. The report from Forum Consulting Engineers recommendation will have no notable increase in flood levels or noticeable effects on localised flood levels. The development is unlikely to adversely affect flood behaviour and/or any resulting impacts on other development or properties.

Clause – 7.4 Coastal Risk Planning

The proposed development involves construction of a mixed use development that sets a minimum ground floor level of 2.36 AHD. The development is located in a coastal urban area. The site and development is situated and designed to enable the evacuation or proceed to a safe position in an emergency.

The development is separated from the coast by existing infrastructure and the development will not increase the potential risks of coastal hazards, or change existing coastal processes with the area. The increased ground floor level has regard to the potential impacts of sea level rise.

Clause – 7.6 Limited Development on Foreshore Areas

The proposed development located in close proximity to the foreshore area. The proposed development will not impact on natural foreshore processes or affect the significance and amenity of the area.

No existing boat sheds, coastal protection works, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities, recreation areas or water recreation structures will be impacted by the proposed development.

The development will contribute to achieving the objectives for the zone in which the land is located, and the appearance of any proposed development, from both Lake Macquarie and the foreshore areas, will be compatible with the surrounding area.

The proposal will not have an adverse effect on existing drainage patterns, refer Forum Consulting, Limited Flood Study, at **Appendix M**.

The proposed development will not cause congestion both from a traffic or pedestrian perspective or generate conflict between people using the adjacent open space areas or Lake Macquarie. Existing continuous public access along the foreshore will be maintained.

4.6 Lake Macquarie Development Control Plans (DCP)

The Lake Macquarie Development Control Plan 2014 (LMDCP 2014) provides detailed direction about aspects of development that must be considered prior to submitting a Development Application. The provisions of the LMDCP to the extent that they apply to the proposed development are presented below.

Table 3: Elements of the LMDCP that apply to the Proposed Development

Development Control		Relevance to Proposed Development	
Part 4 – Development in Business Zones			
2 Context and Setting			
2.1 Site Analysis		A Site Analysis Plan has been prepared and identifies the existing conditions relating to the subject site and the surrounding influences. The Site Analysis Plan provides a comprehensive view of the constraints and opportunities of the development site and factors that have guide the design.	Complies
a. To encourage good site planning, built form and landscape outcomes informed by an understanding of the site and its context.			
b. To illustrate how a development responds to a site and its relationship with the locality.			
		The proposal is consistent with the	

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c. To identify the opportunities and constraints of sites, and the prevailing characteristics of a locality.	surrounding environment and mitigated any undue impacts and results in a suitable urban outcome for the site.	
2.2 Scenic Values The Landscape Settings and Significant Natural Landscape Features Maps identify the Landscape Setting boundaries and the relevant Scenic Management Zone for each Landscape Setting. The maps are a guide to the scenic quality associated with lands within the City of Lake Macquarie and are contained within the Scenic Management Guidelines. The Scenic Management Guidelines provide supporting documentation to this DCP. The Landscape Settings and Significant Natural Landscape Features Maps identify the Landscape Setting boundaries and the relevant Scenic Management Zone for each Landscape Setting. The maps are a guide to the scenic quality associated with lands within the City of Lake Macquarie and are contained within the Scenic Management Guidelines. The Scenic Management Guidelines provide supporting documentation to this DCP.	The topography and exiting built form combine to provide vistas and view corridors. The hill in Belmont town centre provides prominent vistas from the vicinity of Victoria Street, George Street and Gen Street off the Pacific Highway in all directions. The subject site is not visible from these locations given topography and existing urban form. Vistas from outside the town centre toward the centre exist from other hilltops. Several streets north of Evans Street have views south to the town centre; the top of Wommora Avenue with views to the south west; Belmont North looking south, and; the vicinity of Green Point looking south east. Marine craft users on Lake Macquarie have uninterrupted vistas of the Belmont foreshore. The proposed development will not interfere with views of prominent landscape points and will have a scale and bulk consistent with the predominant built form within the area. Several view corridors in the town centre are available to the Lake and these will not be interrupted. The key view corridor to the Lake is provided between buildings from the Pacific Highway down Macquarie Street, which terminates at the Lions Club Park. Mark Street, Maude Street. Sharp Street provides short view corridors as a result of the change in direction of the streets. Mark Street provides a corridor	Complies – Consistent with the character of the area.

	300 metres long, however it is not a significant street. Maude Street changes direction 140 metres before the foreshore, while Sharp Street does not align with Herbert to continue the corridor. View corridors through urban blocks in the town centre have not been achieved, and are challenged by environmental constraints to deal with solar access, flooding and inundation. As identified above there are view corridors into the subject site. However, as previously noted there are some viewpoints from which the site is barely visible, even with potential heights of 8 storeys, given the topography of the Belmont area. The most prominent views are from the Lake. Apartments on Edgar Street block the views into the site such that Belmont Towers is barely visible even from this short distance away. Even with current one and two storey buildings the site is barely visible and is unlikely to be seen if redevelopment occurs in accordance with the current controls under LEP 2014. As noted topography is an important aspect of the view corridors in the area. South of Macquarie Street the site is barely visible and when looking north and north west. The site is also barely visible from the Pacific Highway to the west. In this sense the potential view corridors are localised. Consideration was afforded to views from the hillslopes to the north of	
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	the site. Clearly most of Belmont town centre is visible from areas to the north (e.g. Tingira Heights, Floraville), however, if future development is consistent with current controls the subject site will not be prominent given the potential surrounding development.	
2.3 Geotechnical a. To minimise potential damage to buildings/structures resulting from land movement.	A geotechnical report was prepared by Regional Geotechnical Solutions which assessed the soil and ground conditions and reviewed surrounding structures, refer Geotech report at Appendix H . Conditions can be imposed to ensure that potential damage can be monitored and addressed as and if required	Complies
2.4 Cut and Fill a. To minimise land shaping, particularly outside the building footprint. b. To ensure development is on a stable site. c. To minimise the impact on groundwater flow. d. To ensure that development does not concentrate surface water flows to adjoining properties. e. To minimise the extent of earthworks, stormwater infrastructure and retaining structures and the associated costs.	The proposal requires minimal fill although a moderate level of cut will occur within the proposed development site. Given the nature of earthworks, minimal disruption to drainage patterns and soil stability will result. Regional Geotechnical Solutions (RGS) have assessed the potential cut material with all excavated material. It is noted that the site soil is acidic although at manageable levels. All disposed material will be done so according to Council's regulations and RGS recommendations.	Complies
2.5 Mine Subsidence a. To minimise risks to buildings and structures associated with potential mine subsidence	The subject site is not identified as being with a potential mine subsidence area.	Complies
2.6 Contaminated Land a. To ensure that contaminated land is identified through	The subject site is entirely within a residential area. No notices have been issued for the site under the	Complies

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appropriate investigations. b. To ensure that contaminated land at a site is appropriately and effectively remediated prior to development taking place. c. To ensure that changes to land use will not increase the risks to public health or the environment as a result of contaminated land on, or adjacent to the site.	<i>Contaminated Land Management Act 1997</i>, nor have any licences been issued under the POEO Act for the site. As the subject site and the surrounding area appear to have been used for residential activities for more than 50 years, the land is not believed to be contaminated, and no further investigations are therefore considered necessary.	
2.7 Acid Sulfate Soils a. To ensure that disturbance of Acid Sulfate Soils or Potential Acid Sulfate Soils is minimised, to prevent adverse environmental impacts on soil conditions. b. To ensure that water quality and associated receiving waters are not detrimentally affected by the effects of Acid Sulfate Soils. c. To ensure that habitat is not detrimentally affected by the effects of Acid Sulfate Soils. d. To ensure that built structures and infrastructure are not detrimentally affected by Acid Sulfate Soils.	A geotechnical report was prepared by Regional Geotechnical Solutions (RGC) including ASS investigations. Development can be sited and designed to avoid the disturbance of Acid Sulfate Soils. Potential Acid Sulfate Soils are likely to be disturbed and the Preliminary Acid Sulfate Soil Assessment report by RGC is in accordance with the NSW Acid Sulfate Soils Planning Guidelines. The report identifies potential adverse impacts, management and identifies an analysis plan and mitigation measures.	Complies
2.8 Stormwater Management a. To ensure that development does not adversely affect water quality or availability, including ground water. b. To ensure that watercourses and associated riparian vegetation are maintained so as to contribute to water quality, and to mitigate sedimentation of the Lake Macquarie waterway. c. To minimise any adverse	A preliminary Water Cycle Management Plan to mitigate the effects of stormwater on adjoining or downstream locations is attached at Appendix M. Conditions can be imposed to ensure that any water cycle management, shall comply with relevant standards.	Can comply.

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impacts on downstream built or natural environments, or on nearby land due to increased development. d. To incorporate Water Sensitive Urban Design techniques into all new developments. e. To minimise the volume and rate of stormwater leaving a development site		
2.9 Catchment Flood Management a. To ensure that development is sited and designed to minimise potentially adverse impacts of flooding on the proposed development, or on other properties. b. To ensure that measures are implemented to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property. Such measures must also reduce private and public losses resulting from flooding, and manage risks to property and life from flood events.	A Limited Flood Study Investigation Prepared by Forum Consulting Engineers has been undertaken. The investigation concluded that the adoption of the Lake Macquarie Flood Study be adopted. The design takes into consideration the flood study recommendations so as to mitigate risks to life and/or property through design and positioning of development. Habitable rooms and commercial development have a finished floor height at least 500mm above the 100 year ARI (1% AEP) event. Buildings and other structures, including fences, are not considered too impede the flow of floodwaters or entrap debris as a 1% AEP event can be conveyed within the existing concrete lined drain, refer Appendix M. The development is located on designated flood prone land, however evacuation and other emergency procedures are readily available. Further risk management measures are not considered necessary. The development will use flood compatible materials in its	Complies

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	construction that will minimise potential damage by flooding.	
2.10 Lake Flooding and Tidal Inundation This section applies to land on and near the Lake Macquarie foreshore that is shown as 'Lots Affected by Lake Flooding controls' on Council's 'Flood Control Lots' map. The map is indicative only and property information should be checked to confirm if a lot is a Lake flood control lot. Some lots are affected by both catchment flooding and Lake flooding. The development controls that apply to these lots depend on the type of development, and further advice should be sought from Council. Provisions regarding Catchment Flooding are contained in section 2.9 of this Part of DCP 2014. The floor height requirements in Table 3 below must only be used for development on lots shown as 'Lots Affected by Lake Flooding controls' on Council's 'Flood Control Lots' map.	The proposed development will be constructed of flood-proof materials. The development site is located within an identified flooding area. A Limited Flood Study Investigation Prepared by Forum Consulting Engineers has been undertaken. The investigation concluded that the adoption of the Lake Macquarie Flood Study be adopted. A minimum floor height of 2.36AHD for the two commercial tenancies and 2.82AHD for residential units, has provided as an appropriate flood control measure.	Complies.
2.11 Natural Water Systems a. To protect and maintain the water regime of natural water systems. b. To ensure that development does not adversely affect aquatic fauna. c. To ensure that development does not adversely affect water quality or availability, including	The subject site is not located adjacent to or over a natural water system or vegetated riparian zones. Lake Macquarie will not be impacted by the proposed development with appropriate water quality measures being able to be put in place and minimise nutrient and sediment run-off.	Complies

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ground water. d. To ensure that watercourses and associated riparian vegetation are maintained to contribute to water quality, and to mitigate sedimentation of the Lake Macquarie waterway. e. To ensure that natural water systems and associated vegetation and landforms are protected to improve the ecological processes and ensure that land is adequately buffered from development. f. To ensure that the pre-development water quality of receiving waters is maintained or improved.	The existing concrete drain adjoining the site will be managed so that there is not damage and works will minimise nutrient and sediment run-off entering this constructed drainage line.	
2.12 Bushfire a. To ensure that risks associated with bushfire are appropriately and effectively managed on the development site. b. To ensure that bushfire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.	The site is located within a built up urban area and not a bushfire hazard area.	Complies
2.13 Flora and Fauna a. To avoid and minimise impacts on native flora and fauna. b. To protect and enhance native flora and fauna, vegetation communities, and native habitat on the site, and on surrounding development sites. c. To protect and enhance ecological corridors and increase the connections between habitats.	The subject site is located within a built up urban area and does not contain native vegetation or fauna habitat.	Complies

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d. To ensure rehabilitation of degraded areas.		
2.14 Preservation of Trees and Vegetation a. To ensure that trees listed on Council's Significant Tree register are not adversely affected by development. b. To maintain and enhance the natural bushland or vegetated character of the city. c. To retain trees for the urban amenity, microclimate, scenic, air and water quality, and the social benefits that they provide.	The site has been heavily modified from previous land uses and development. The site is largely covered with grass and contains a few stands of trees, one to the south and two towards the northern boundary. The proposed development will remove the existing vegetation within the subject area. The proposal would not result in the loss of native vegetation indigenous to the locality or any significant ecological values. Given the condition of the land and location it is considered to have marginal to negligible ecological value and/or local biodiversity. Future development incorporates appropriate landscaping consistent the surrounding area.	
2.15 European Heritage a. To protect and maintain European heritage items and their facades. b. To retain, preserve and promote the adaptive re-use of heritage-listed buildings and contributory buildings in particular, and other buildings that contribute to the heritage character of the locality. c. To appropriately manage demolition of items of heritage significance, when all other alternatives to demolition have been fully investigated. d. To ensure that development is	The site is not a heritage item, is not located within a heritage conservation area and is not adjacent to any heritage items.	Complies

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sympathetic to heritage items, adjoining heritage items and contributory buildings.		
2.16 Aboriginal Heritage a. To protect and conserve Aboriginal cultural, spiritual, and sacred sites within the City.	An AHIMS search was undertaken and indicates that no items of Aboriginal heritage are located on the site or within 200m of the subject site. Additionally, a desktop search of the NSW State Heritage Inventory on 13 July 2015 and Council's Heritage Register also indicated that no items of significance are located within the subject site. Aboriginal Heritage Due Diligence Assessment has been undertaken by McCardle Cultural Heritage Pty Ltd, refer Appendix S.	Complies
2.17 Natural Heritage a. To ensure the protection of items of natural heritage significance. b. To ensure that insect fossil beds and fossilised trees are maintained, along with features of scientific interest in their natural state. c. To facilitate public appreciation and scientific investigation of insect fossil beds and geological features of scientific interest, without destruction or damage.	A desktop search of the NSW State Heritage Inventory on 13 July 2015 and Council's Heritage Register also indicated that no items of significance are located within the subject site. Contractors will be informed of responsibilities should items be identified during construction.	Complies
2.18 Social Impact. a. To ensure that development takes into consideration the likely social impacts that may arise, including any effects on equity, access, participation and rights. b. To ensure that development	The proposed development provides several positive social impacts including the provision of diversity of housing as well as a development that utilises existing social and recreational infrastructure, including public transport provision. Jobs will be created by the	Complies

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occurs in appropriate locations, and is supported by adequate services and facilities to support the community and its needs. c. To ensure that services and facilities are accessible to all members of the community. d. To facilitate availability of active and passive recreation, natural landscapes, educational opportunities, employment opportunities, health services, public transport, and neighbouring centres, as well as maintaining or enhancing the aesthetics and amenity of the area.	proposed works. The development will provide private recreation space, however, there is sufficient open space in the immediate vicinity of the site as previously identified by Council. The proposed development provides several positive social impacts. The proposal is consistent with local and regional strategies, increasing density within the Belmont town centre. There is sufficient and existing social and recreational infrastructure in the Belmont area to support the proposed development of approximately 130 units (208 persons). No additional social or recreational infrastructure is required. The proposal will provide construction jobs for the local economy. During the construction process a construction environmental management plan should be prepared and the recommendations of the disability access report, noise report and traffic report prepared for the DA should also be implemented. Refer to the Social Impact Assessment undertaken by Monteath and Powys at Appendix L.	
2.19 Economic Impact. a. To ensure that development supports the Lake Macquarie hierarchy of centres and positively contributes to the City by supporting existing development in the locality and the community through the creation of	The proposed development provides a number of positive economic outcomes including the provision of employment opportunities during the construction phase but also post construction with operational businesses.	Complies, refer to economic assessment attached at Appendix K.

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employment opportunities. b. To ensure development contributes through additional local employment and economic benefits.		
2.20 Lot Amalgamation. a. To avoid isolated lots with limited development potential. b. To support efficient development and increase floor space yields on amalgamated sites. c. To accommodate the desired built form of the town centre. d. To minimise the number of driveway crossings from the street or lane.	The proposal will amalgamate the subject allotments reducing driveway crossings and creating a streetscape appropriate with a lakeside town centre environment. Lot amalgamation can be appropriately conditioned.	Complies
2.21 Utility Infrastructure a. To identify utility requirements and new infrastructure at an early stage of development. b. To ensure utilities structures are integrated in the site planning and design of development. c. To protect and improve the visual amenity of the primary street frontage	Utility infrastructure augmentation will occur through the detailed design phase. The subject site currently has access to electricity, reticulated water and sewer, stormwater and telecommunications. Service connection and any capacity augmentation will be determined through application to the relevant service providers (Hunter Water, Ausgrid, Jemena, Telstra, NBN etc).	Complies, infrastructure will be planned and future designs will ensure visual amenity and street frontages are protected.
2.22 Sites where a Concept Plan is required. a. To capture the opportunities for public benefit that planning and development of larger sites permit. b. To ensure that a thorough urban design analysis of the site, and its urban context, is used to inform the site planning and design process. c. To allow the site layout,	A detailed urban design analysis was undertaken, refer Appendix A and C . The analysis demonstrated that the proposed development on the site, represents an appropriate and efficient use of a significant site in the Belmont town centre, and provides high quality development in a prominent location on Lake Macquarie's foreshore. The proposal will contribute to realising the Lower Hunter Regional Strategy aims to provide new dwellings in established	Complies with overall objective refer Urban Design Analysis Appendix C .

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building scale form and height, approximate yield and public benefit of a development proposal to be determined early in the development assessment process. d. To allow consideration of a proposal that varies from the specified block controls in the Town Centre Area Plans.	areas, better utilise existing infrastructure, and locate new dwellings close to employment areas. The proposal provides numerous levels of public benefit from street improvements, housing diversity, and employment opportunities. The proposal provides pedestrian thoroughfare close to the town centre and lake foreshore.	
3 Streets and Public Space		
3.1 Pedestrian Lanes. a. To provide pedestrian lanes between key destinations in each town centre. b. To focus pedestrian traffic and sustain retail activity along each lane. c. To ensure a pedestrian lane is open, accessible, safe, well lit, and has active frontages	The site is not in a location that requires a pedestrian lane. None the less pedestrian access through the site is provided.	Complies
3.2 Pedestrian Links through Buildings. a. To improve pedestrian access and ease of circulation through town centres. b. To provide pedestrian access through buildings that is easy to navigate, pleasant, safe and well lit.	A significant view corridor is provided and pedestrian access through the site, providing improved circulation connectivity between the Lake and shopping area of Belmont Town Centre. The pedestrian ways are easy to navigate, legible, pleasant, and can be made safe and well lit.	Complies with overall objective refer Urban Design Analysis Appendix C and CPTED Report Appendix D.
3.3 Footpath Dining a. To support footpath dining in appropriate locations. b. To maintain safe and functional pedestrian access. c. To make efficient use of footpath dining space on active frontages. d. To integrate footpath dining	Footpath dining is not proposed. However, may be considered later. Subsequent application and documentation will be provided.	N/a

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with other footpath uses and infrastructure. e. To encourage the use of large wall openings and retractable windows or doors at the street level for café uses.		
3.4 Streetscape Improvements. a. To provide high quality infrastructure such as pedestrian paving, kerb extensions, drainage, and cycleways that support walking, cycling and access to public transport. b. To enhance the amenity of the street for pedestrians. c. To develop the character of each town centre character through a consistent selection of materials, trees, furniture and design details. d. To provide opportunities for public art.	The proposal will improve and enhance the street amenity and character of the surrounding area. Opportunities for street art are available and material and street tree planting will be consistent with surrounding character.	
3.5 Non-Discriminatory Access. a. To ensure that development accommodates all people regardless of mobility. b. To ensure universal design that provides non-discriminatory access and equitable use. c. To minimise the scale and visual impact of ramp structures on the footpath and building façade. d. To ensure that design for flooding and sea level rise does not preclude non-discriminatory access.	The proposed development ensures non-discriminatory access is provided between the footpath and the ground floor. Dedicated parking is provided in the basement with lift access to all floors. External lifts are provided to the frontage of Brooks Parade and Sharp Street providing access from the street level to the podium ground floor level. Ramp access is provided from the Edgar Street frontage. Furthermore, an Access Report has been prepared by BCA Access Solutions, which	Achievable, subject to specific elements being considered prior to the issue of a construction certificate.

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	concluded, ' <i>generally, the plans assessed shows that compliance is achievable</i> ', refer Appendix F .	
3.6 Lighting. a. To ensure safe and convenient pedestrian movement on footpaths and through public spaces. b. To provide energy efficient external lighting. c. To allow for cost effective maintenance of external lighting. d. To ensure that the impact of light and glare on surrounding residential development is minimised.	Lighting will ensure safe pedestrian movement, reduce glare and comply with relevant Australian Standards.	Complies
4 Active Street Frontage		
4.1 Ground Floor Residential Uses in the Business Zones. a. To maximise the extent of ground floor business, retail or community uses at the street frontage in the B3 Commercial Core and B2 Local Centre zones. b. To support development of ground floor small offices or home offices, in conjunction with residential development, in the B4 Mixed Use zone.	The ground floor contains a mix of residential uses and retail/commercial tenancies. The proposal will maintain a predominantly active frontage and appropriate transition from public to private spaces. Visual amenity and streetscape will be enhanced.	Complies
4.2 Ground Floor Levels. a. To ensure non-discriminatory access between the public footpath and ground floor space. b. To allow a line of sight between the public footpath and ground floor space. c. To adapt floor levels close to the street where general ground floor levels are raised to meet Sea	The proposed development ensures non-discriminatory access is provided between the footpath and the ground floor. Dedicated parking is provided in the basement with lift access to all floors. External lifts are provided to the frontage of Brooks Parade and Sharp Street providing access from the street level to	Complies given the adopted floor level has been set to address minimum flood levels.

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Level Rise Policy.	the podium ground floor level. Ramp access is provided from the Edgar Street frontage. Sightlines are maintained as the podium level is set back from the foot path and maintains connection between and public footpath and podium level.	
4.3 Ground Floor Entries. a. To ensure that entries are located on the street frontage and are clearly recognisable. b. To ensure that entries are easily accessible for all users	Entries to the four towers are located centrally via a large open courtyard. The location is logical and clearly recognisable. Entry points to the buildings are readily accessible to all users	Considered an acceptable alternative solution.
4.4 Ground Floor Glazing. a. To ensure that development allows a visual connection between the street and the ground level activity.	The proposal sits at a ground level podium, above the street level. Brooks Parade and Sharp Street frontages contain retail/commercial uses providing activity and visual connection to the street. Edgar Street frontage is the primary rear pedestrian access point and contains four apartments facing the street. These features provide a connection and level of activity that provides a relationship between the street and ground level activity.	Complies
4.5 Street Awnings. a. To provide shelter and shade for pedestrians and footpath activity in pedestrian priority areas. b. To create a consistent pedestrian scale and space, by stepping awnings with the slope of the footpath.	The proposed development complies with the required setbacks and podium level ground floor. The surrounding area is not considered to be a pedestrian priority area. The scale of the development is considered consistent the development within the surrounding area. Shade and shelter is available on the site.	Considered an acceptable alternative solution.
5 Access and Parking		

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5.1 Traffic and Vehicle Access. a. To minimise the impacts of traffic generation. b. To maximise the retail frontage to streets in the town centre. c. To minimise vehicle crossing points along pedestrian footpaths. d. To maximise vehicle access along the rear of properties. e. To ensure adequate space for turning from a rear laneway into private property.	The proposal considered the potential traffic impacts, refer Traffic and Parking Impact Assessment, by McLaren Traffic Engineering, refer Appendix I. The proposal is supportable in terms of traffic impacts. Existing vehicle crossing have been minimised to three from the existing twelve. Existing crossing will be closed and kerb reinstated. Basement parking and manoeuvring ensures vehicles enter and leave in a forward direction.	Complies
5.2 Design of Parking and Service Areas. a. To ensure that on-site car parking and driveways do not dominate or detract from the appearance of the development or the local streetscape. b. To support basement parking where there is adequate site area. c. To maximise pedestrian safety and amenity. d. To encourage co-operative approaches to car parking provision between adjoining small lots, such as amalgamation of car parks and shared access and egress points. e. To ensure the safe and efficient movement of vehicles within, entering and leaving properties.	The proposal considered the potential traffic impacts, refer Traffic and Parking Impact Assessment, by McLaren Traffic Engineering, refer Appendix I. The proposal is supportable in terms of traffic impacts. Vehicle crossing have been located and designed into the visual fabric of the building as far as practicable. Existing vehicle crossing have been minimised to three from the existing twelve. Basement parking and manoeuvring ensures vehicles enter and leave in a forward direction.	Complies
5.3 Bike Parking and Facilities. a. To provide convenient and safe bike access, movement and	Bike parking facilities for up to 57 bicycles are provided within the basement. This location is both convenient and safe.	Complies

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parking. b. To encourage travel to work by bike with convenient and secure end of trip facilities.		
5.4 Motorbike Parking. a. To provide convenient and safe motor bike access, movement and parking. b. To ensure that the number of motorbike parking spaces is sufficient to support the intended use.	Motorbike parking facilities for up to 8 bikes are provided within the basement and ground level secured parking areas. These locations are both convenient and safe.	Complies
5.5 Car Parking rates a. To ensure that the number of car parking spaces is sufficient to support the intended use. b. To ensure that the number of car parking spaces does not discourage the use of public transport or other modes of transport.	169 Car parking spaces are provided, sufficient for the intended use. Public transport facilities (bus) are readily available from Brooks Parade and slightly further to the south east within 400m is the Pacific Highway.	Complies
6 Development Design		
6.1 Front Setbacks – Shopping Centres in B1 and B2 Zones. a. To ensure that stand alone shopping centres relate to the street. b. To encourage small public outdoor trading areas with good sun aspect and adjacent to a main entry.	N/a	N/a
6.2 Front Setbacks – Main Street Shops in B1 B2 and B3 Zones. a. To maximise building mass and floor space at the street boundary. b. To define the spatial character of the street. c. To ensure privacy and amenity on upper levels.	N/a	N/a

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6.3 Front Setbacks – B4 Zone. a. To provide for landscape plantings in the front setback area. b. To support building articulation at the street frontage.	The building is well articulated and the frontages along Brooks Parade, Sharp Street and Edgar Street providing a softening of the built form, visual amenity and a transition between the public and private realms.	Complies
6.4 Façade Articulation. a. To define smaller scale shopfronts, windows and doorways by articulation of the building façade. b. To provide interest and detail at a pedestrian scale and level. c. To avoid potentially unsafe places or opportunities for anti-social behaviour. d. To contribute to the existing character or desired future character of the street as described in each Town Centre Area Plan in Part 10.	The proposed development enhances Public and private space has been clearly defined through a well-articulated built form and delineation of public and private areas at street level. In particular, the proposal includes the provision of a pedestrian way to create connections between the foreshore and Edgar Street enhancing the pedestrian experience and connectivity and shall enliven the locality. This creates a new space that will positively contribute to the character of the area.	Complies
6.5 Building Exteriors. a. To ensure that buildings contribute positively to the streetscape and public domain, by means of high quality architecture, material selection and finishes. b. To provide richness of detail and architectural interest at the street level. c. To provide appropriate design responses to nearby development, which complement the streetscape and contribute to the efficiency of the building interior. d. To ensure that development contributes to the interest,	The proposed development is consistent with the character of the streetscape and positively contributes to the identity of the locality. The provision of the pedestrian way shall create a new recreational space within the Belmont Centre. The proposal is an architecturally designed built form with high quality materials and finishes. In this regard, the development provides aesthetic stimulation to the area and enhances the streetscape presentation. The proposal is considered to create interest within the locality The proposed design is considered to be an appropriate form that is sympathetic	Complies

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character and sustainability of the street. e. To avoid glare or nuisance from highly reflective roofs, walls or windows. f. To ensure that materials are chosen based on environmental and life cycle considerations	and compatible with the emerging character in this area. The proposed development aligns with the emerging high density character of the area. The building has been positioned away from the adjoining tall buildings to maximise sunlight penetration to the apartments and minimise adverse impact on the adjoining properties. The proposed height and density generate minimal adverse impacts, and the proposal is considered to be an exemplary development of architectural excellence. The materials, finishes and colours are of a high quality and are complimentary to the streetscape. The proposal is well articulated to provide visual interest and to minimise any adverse impact upon bulk and scale. Contemporary designs features have been utilised in the development.	
6.6 Building Separation. a. To ensure an appropriate level of amenity for building occupants and neighbouring residents, including solar access, ventilation, outlook view sharing and privacy.	The building has been positioned away from the adjoining tall buildings and sites to maximise sunlight penetration and minimise adverse impact on the adjoining properties from view sharing and loss of privacy.	Generally, complies with the objectives. Overall outcome is an acceptable solution.
6.7 Side and Rear Setbacks. a. To support development of a continuous built form at street level in town centres. b. To ensure an appropriate level of amenity for building occupants and neighbouring residents,	The buildings have been positioned away from the adjoining buildings and internally to the site to maximise sunlight penetration and minimise adverse impact on the adjoining properties from view sharing and loss of privacy and wind shelter.	Complies

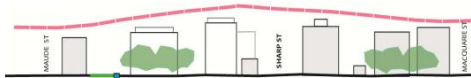
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including natural light and ventilation, outlook, view sharing, wind shelter, and privacy.		
6.8 Minimum Landscaped Area. a. To provide areas of landscape planting that improve visual amenity, privacy, outlook, views and recreational opportunities for residents and occupants within a development. b. To ensure that mixed use commercial and residential development includes areas for planting on podium and roof structures. c. To ensure that mixed use commercial and residential development in the B4 Zone includes areas for the mature growth of trees and large shrubs in deep soil. d. To ensure landscape areas are integrated into the design of the development. e. To encourage design of landscape planting on podium and roof structures that is suited for communal use by residents.	The proposal provides a landscaped area of 1,754sqm with 738sqm being deep soil. The landscaped areas form part of the common open space as it can be utilised by all residents within the site and the public. Additionally, a roof terrace is provided for more private open space. The proposed landscaping is considered to be consistent with the objectives and controls within Council's DCP. Additionally, the development proposes to carry out public domain works. They are considered to result in a better urban outcome and shall improve the overall streetscape along this portion of the Belmont Town Centre.	Complies
6.9 Building Depth. a. To allow for natural light and ventilation to residential floor space. b. To allow for efficient floor plans for retail and office space	The building is designed to allow natural light and ventilation and has an efficient floor plan.	Complies
6.10 Maximum Occupied Area. a. To reduce the impact of building mass and bulk on neighbouring development.	The development is separated into four (4) towers separating and overall building mass, providing view corridors and reducing the visual bulk of the development on neighbouring	Complies

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	development.	
6.11 Setbacks from Residential Zoned Land. a. To minimise the impacts of visual bulk and scale, privacy, ventilation, and solar access on the residential amenity of neighbouring dwellings. b. To ensure adequate separation distances between buildings. c. To encourage deep soil zones to maximum opportunities for landscaping and natural site drainage	N/a, the site does not adjoin or is it adjacent to residential zoned land.	N/a
6.12 Building Height. a. To allow solar access and restrict overshadowing of adjoining properties. b. To ensure that views from neighbouring dwellings are not unduly compromised. c. To ensure that the building height does not overwhelm the public street and is compatible with the scale of surrounding developments.	The proposed development seeks consent for a height of 26.3 metres measured to the highest point. The building is 8 storeys over one tower with the other three towers 6 storeys high. The proposed height of the 8 storeys results in a 4.3 metre departure from the standard. A Clause 4.6 exception is provided below. The proposed height provides a contextually appropriate height transition with the adjoining development and remains consistent with the identified Belmont bump. This is further identified within the BTCR with the development consistent with the identified objectives and outcomes and relied on with the development design, refer to Appendix P.  Building Bulk: Belmont Towers as the reference point for visual bulk.	Considered an acceptable alternative solution. Also refer to clause 4.6 exception.

	Building Bulk Page 18 of BTCR.  Building Height outcomes, page 19 of the BTCR The DCP however stipulates a 6 storey height or 22 metres. The proposed 8 storey height is considered appropriate, given the nature and character of the adjoining buildings which include an 8 storey development (Belmont Towers). The proposal will provide a suitable transition in height between surrounding buildings and is considered visually complementary to the surrounding area. There is negligible environmental planning impact as a result of the height departure; the proposal maintains compliance with the objectives of the standard and that there are planning grounds particular to the circumstances of the case to support the departure. The proposal seeks consent for a part six/part eight storey building, with the eight storey proposed height resulting in a 4.3 metre departure. Notwithstanding the above, the proposed	
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	building height does not generate any adverse impact and retains compliance with the objectives of the standard. Shadow Diagrams for mid-winter are submitted with the application to determine solar access and generate the proposed shadow created by the building. The proposal while creating a shadow, solar access is available during periods of the day. Therefore, there are negligible impacts that result from the subject application. The proposed development has been oriented to allow for solar access into the apartments and complies with the SEPP 65 provisions.	
6.13 Building Height at the Street. a. To maximise the building mass and floor space at the street. b. To define and reinforce the spatial character of the street. c. To emphasise each corner of a block with additional height and/or building mass.	The proposal provides appropriate setbacks to all boundaries. The development has a mass with additional height at all four corners of the development site. The proposal will provide a defined statement emphasising spatial character creating a relationship between the street and the built form. The proposal will maintain a visual continuity of mass and form consistent with the surrounding area and identified within the BTCR.  Building Bulk: Belmont Towers as the reference point for visual bulk.	Acceptable solution
6.14 Floor to Ceiling Heights. a. To ensure flexible use of	The ceiling height of each storey will be a minimum 2.7 metres throughout each	Complies

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commercial and mixed-use commercial-residential buildings.	apartment. The ground floor has a ceiling height of 3.6 metres which allows for increased solar access to the lower level apartments and optional mixed use opportunities.	
6.15 Roofs. a. To ensure that roofs and roof structures create minimum visual intrusion.	The roof design is generally flat. Each tower has a centrally located roof structure coving lift overrun and services. Roofs and associated structure are not considered to be visually intrusive.	Complies
6.16 Views. a. To allow for the reasonable sharing of views. b. To ensure that existing canopy trees have priority over views.	The development is separated into four (4) towers separating and overall building mass, providing view corridors and providing reasonable levels of view sharing.	Complies
6.17 Balconies and Communal Open Space. a. To reinforce the street wall by recessing lower level balconies in the building volume. b. To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwellings. c. To provide suitable privacy and amenity for users of balconies close to the street. d. To ensure that communal open space is consolidated, configured and designed to be useable and attractive.	The balconies and communal spaces are functional and responsive to the environment. Each apartment has a well-designed and located balcony greater than 8sqm enabling resident's enjoyable outdoor opportunities, with the provision of privacy and amenity. Additional communal is located in a consolidated central courtyard and additional roof terrace. The configurations are useable and attractive.	Complies
6.18 Planting on Structures. a. To enhance the quality and amenity of open space on roof tops, internal courtyards, and over car parking structures. b. To encourage the establishment of vegetation in	Planting and landscaping will occur on rooftops or structures. Sufficient depth and for planting will be provided to ensure sustainability.	Complies

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urban areas. c. To maintain privacy of neighbouring residents.		
6.19 Solar Access and Orientation. a. To ensure that reasonable access to sunlight is maintained for occupants of new and existing dwellings in the residential component of mixed-use development. b. To ensure solar access is maintained to adjoining open space and public domain areas. c. To ensure that the design for solar access is not outweighed by the desire for views.	Over 70% of apartment's private open space receive sunlight during mid-winter. However, the proposal complies with the current SEPP 65 solar access requirements. A number of dwellings contain a single aspect facing south. Due to the size of the subject site this cannot be avoided. The apartment subject to these aspect limitations have been designed with adequate levels of natural light penetration into habitable areas of the dwelling, with the use of large windows, door, other openings and ventilation.	Considered an acceptable alternative solution.
6.20 Energy Efficiency and Generation. a. To ensure building orientation maximises solar access and natural cross ventilation. b. To ensure energy efficiency is achieved in all developments. c. To allow opportunities for future installation of renewable energy generation and low carbon technology. d. To minimise the economic impacts of increasing electricity costs and any requirements to disclose energy efficiency when selling or leasing a property. e. To promote increased levels of energy efficiency in large-scale developments. f. To ensure that development minimises the use of water and	The proposed orientation and location of window openings have been positioned to maximise natural cross ventilation, solar access and reduction in energy consumption.	Complies

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non-renewable resources		
6.21 Visual Privacy. a. To ensure that the design of buildings provides an acceptable level of internal and external visual privacy for new and existing dwellings on subject and surrounding land.	An acceptable level of privacy is provided to each apartment and that of adjoining properties. The use a screening and separation minimises direct views and protecting privacy.	Complies
6.22 Acoustic Privacy. a. To ensure that noise emissions do not unreasonably impact on the amenity of the area or result in noise intrusion that would be unreasonable for occupants, users or visitors. b. To ensure that dwellings have an acceptable level of acoustic privacy	An acoustic report has been prepared, refer Appendix J. The proposed development is capable of compliance with the acoustic requirements.	Complies
6.23 Front Fences a. To limit the use of front fences. b. To ensure that any fence on the front boundary allows clear lines of sight from the street to car parks and building entries.	Front fencing is proposed to units facing Edgar Street. The fencing is well designed providing articulation and visual interest. The fencing is incorporated with landscaping and provides a level of privacy to the three units at podium level.	Alternative solution.
6.24 Side and Rear Fences a. To provide privacy and security to residents and tenants on subject and adjoining land.	No side fencing is proposed or required due to existing stormwater drain.	Complies
6.25 Safety and Security. a. To ensure that development mitigates opportunities for crime, and perceived opportunities for crime.	The proposal has been designed to ensure opportunities for crime are mitigated. Most areas of the site are subject to passive and casual surveillance. There is clear delineation between private and public area. Potential opportunities for crime are avoided as far as practicable. A CPTED assessment and response is provided below.	Complies

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7 Landscape		
7.1 Landscape Design. a. To provide landscape design that complements the nature and scale of the development and contributes to the desired streetscape character. b. To provide landscape design that supports a functional, safe, and pleasant pedestrian environment. c. To provide landscape design that informs and responds well with the built form. d. To ensure that landscaping and architectural features are integrated and complementary. e. To design landscape works that are robust and require minimum maintenance.	The proposed landscaping is considered to be consistent with the objectives and controls within Council's DCP. The landscape design will complement the nature and scale of the development. The plantings will enhance the desired streetscape character, providing a safe, and pleasant pedestrian environment. The landscaping and architectural features are integrated and complementary with a robust design and will require minimum maintenance.	Complies
7.2 Street Trees and Streetscape Improvements. a. To enhance the amenity and desired character of the street. b. To provide tree shade and shelter for pedestrians. c. To ensure that paving and street furniture is constructed from high quality material that provide consistency and continuity of the streetscape.	The proposed landscaping is considered to be consistent with the objectives and controls within Council's DCP. Street tree planting will be provided in accordance with requirements providing consistency, shade and shelter for pedestrians.	Complies
7.3 Landscape and Tree Planting in Front Setback Areas. a. To allow for the planting and healthy growth of large canopy trees which enhance amenity and street character. b. To provide large-scale planting	All three frontages include landscaping and tree planning reducing the visual impact of the built form. Landscaping is designed to ensure sightlines are not impacted and the development maintains an improved streetscape and amenity.	Complies

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between the street and parking and service areas, that reduces the visual impact of development. c. To maintain sightlines from the street to carparks and entrances.		
7.4 Landscape and Tree Planting in Car Parks. a. To provide broad canopy tree cover in car parks for shade and shelter. b. To reduce the visual impact of car parking areas. c. To maintain safety for car park users and sightlines below the tree canopy.	Not applicable - Car parking is located within a basement and ground floor covered parking area.	N/a
8 Operational Requirements		
8.1 Demolition and Construction Waste Management. a. To ensure that reuse and recycling of building materials, demolition and construction waste is maximised to reduce waste going to landfill. b. To ensure that demolition and construction waste is appropriately and effectively managed.	Waste will be generated from the work associated with the development. Waste disposal can be detailed in construction documentation and will likely involve transporting any construction waste to an approved waste disposal facility. A development and construction management plan will be implemented to provide appropriate measures to avoid, minimise and mitigate the impacts during the earthworks including waste disposal.	Complies
8.2 Waste Management. a. To ensure that waste/recyclables are managed and collected, and disposed of, reused, or recycled, effectively and efficiently, in order to provide a safe, healthy, and clean environment for the community, and to maintain the amenity of the City. b. To provide non-discriminatory	A development and construction management plan will be implemented to provide appropriate measures to avoid, minimise and mitigate the impacts during the construction including waste disposal.	Complies

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access to waste management services, through the adoption of appropriate waste transfer arrangements. c. To ensure waste management, including servicing is integrated into the design of development.		
8.3 On-Site Sewage Management. a. To ensure that land is suitable for on-site sewage management, and that on-site sewage management systems are designed to operate sustainably, without resulting in environmental harm or risk to public health.	Not applicable – On-site sewage is not proposed.	N/a
8.4 Liquid Trade Waste and Chemical Storage. a. To ensure that liquid trade waste is disposed of appropriately, and does not enter the environment. b. To ensure that chemicals associated with a development are stored in a secure manner.	A development and construction management plan will be implemented to provide appropriate measures to avoid, minimise and mitigate the impacts of chemicals including waste disposal.	Complies
8.5 Erosion and Sediment Control. a. To ensure that development is designed to prevent erosion by minimising disturbance, retaining vegetation and reducing the need for earthworks. b. To prevent erosion and sediment-laden run-off during site preparation, construction and the ongoing use of land. c. To ensure that a number of integrated solutions, using a treatment train approach, are	All works associated with the erosion control will be carried out in accordance with relevant standards. All works associated with the sediment control will be carried out in accordance with relevant standards.	Complies

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implemented for the control and treatment of erosion and sediment.		
8.6 Air Quality. a. To ensure that development does not adversely affect air quality beyond the National Environment Protection Measure (Ambient Air Quality) standard for criteria air pollutants. b. To ensure that measures are implemented to maintain air quality. c. To ensure that odours and emissions do not have an unreasonable impact on the amenity of neighbouring properties, or the health of their occupants. d. To ensure that odours and emissions do not have an unreasonable impact on public health. e. To ensure that emissions do not have an unreasonable impact on natural environment.	The proposed use will not create odour or emissions. During construction, the proposed development may emit some odour and noise. A development and construction management plan will be implemented to provide appropriate measures to avoid, minimise and mitigate any impacts.	Complies
8.7 Noise and Vibration. a. To minimise the generation of noise and/or vibration, and to mitigate associated adverse impacts on the amenity of neighbouring properties and their occupants, and on occupants of the proposed development.	The proposed use will not generate excess noise or vibration. During construction, the proposed development will likely emit noise and vibration. A development and construction management plan will be implemented to provide appropriate measures to avoid, minimise and mitigate any impacts.	Complies
Part 9 – Specific Land Uses		
13 Residential flat Buildings		
13.1 Site Requirements.	The proposed development is consistent	Complies

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a. To ensure that Residential Flat Building developments are located on sites with sufficient size and street frontage to accommodate the required building envelope, car parking, landscaping, and private open space.	with the character of the streetscape and positively contributes to the identity of the locality. The provision of the pedestrian way shall create a new recreational space within the Belmont Centre. The proposal is an architecturally designed built form with high quality materials and finishes. In this regard, the development provides aesthetic stimulation to the area and enhances the streetscape presentation. The proposal is considered to create interest within the locality. The development site is of a sufficient size to accommodate setbacks car parking and private open space.	
13.2 Housing Mix a. To provide a housing mix that supports diversity and promotes choice in housing types.	The proposal provides a mix of apartment living options. The proposal has a diverse range, from one bed plus study, two bed, two bed plus study, three bed and three bed plus study options.	Complies
13.3 Street Setback. a. To ensure that the development complements the existing setback pattern in the locality. b. To permit flexibility for developments that may be vulnerable to the impacts of flooding. c. To define the street edge and provide definition between public and private space. d. To encourage entries, windows, balconies and outdoor living areas that overlook the street.	The building is well articulated and has setbacks consistent with the established built form and pattern within the area. The frontages along Brooks Parade, Sharp Street and Edgar Street provide a softening of the built form with landscaping, improving visual amenity and a transition between the public and private realms.	Complies

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13.4 Side Setback a. To provide adequate separation between buildings to ensure that a reasonable level of privacy, amenity and solar access is maintained. b. To provide visual separation between buildings. c. To provide opportunities for the planting of vegetation	The buildings have been positioned away from the adjoining buildings and internally to the site to maximise sunlight penetration and minimise adverse impact on the adjoining properties from view sharing and loss of privacy and wind shelter. The setbacks and building position provides opportunities for landscape planting and a visual separation. The adjoining site is a utility site and is separate by a formed concrete drain.	Alternative solution as setback to northern internal boundary is not 3m. However adjoining site is a utility and separate by a stormwater drain.
13.5 Site Coverage. a. To ensure that development maximises permeable surfaces, and maintains a balance between built and unbuilt areas. b. To facilitate on-site stormwater infiltration and harvesting for re-use. c. To incorporate suitable measures to minimise run-off directly accessing the lake or its waterways	The proposal will contain more than 65% site coverage by definition. This is due to the development complying with minimum flooding floor level requirements and as such having a podium level of greater than 1.2m. Than main tower forms do not exceed 65% therefore the overall development provided a balance between the built and perceived unbuilt forms.	Acceptable alternative solution.
13.6 Landscape Area a. To enable landscape planting in the front setback that enhances the streetscape. b. To enable landscape planting in the side and rear setback that enhances residential amenity. c. To conserve significant vegetation. d. To promote on-site stormwater infiltration by encouraging pervious surfaces and landscaped areas	The landscape design will complement the nature and scale of the development. The plantings will enhance the desired streetscape character, providing a safe, and pleasant pedestrian environment. The landscaping and architectural features are integrated and complementary with a robust design and will require minimum maintenance.	Complies
13.7 Planting on Structures.	Planting and landscaping will occur on	Complies

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a. To enhance the quality and amenity of open space on roof tops, internal courtyards, and over car parking structures. b. To encourage the establishment of vegetation in urban areas. c. To maintain privacy of neighbouring residents.	rooftops or structures. Sufficient depth and for planting will be provided to ensure sustainability. The landscaping has been designed to enhance amenity.	
13.8 Landscape and Tree Planting in Front Setback Areas. a. To allow for the planting and healthy growth of large canopy trees which enhance amenity and street character. b. To provide large-scale planting between the street and parking and service areas, that reduces the visual impact of development. c. To maintain sightlines from the street to carparks and entrances.	The proposed landscaping is considered to be consistent with the objectives and controls within Council's DCP. The landscape design will complement the nature and scale of the development. The plantings will enhance the desired streetscape character, providing a safe, and pleasant pedestrian environment. The landscaping and architectural features are integrated and complementary with a robust design and will require minimum maintenance. Landscaping is designed to ensure sightlines are not impacted and the development maintains an improved streetscape and amenity.	Complies
13.9 Street Trees. a. To enhance the amenity and desired character of the street. b. To provide tree shade and shelter for pedestrians.	The proposed landscaping is considered to be consistent with the objectives and controls within Council's DCP. Street tree planting will be provided in accordance with requirements providing consistency, shade and shelter for pedestrians.	Complies
13.10 Principal Private Open Space. a. To ensure that Residential Flat Building developments provide	The principal communal open space is functional and responsive to the environment.	Complies

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sufficient outdoor areas for residents' needs.	Each apartment has a well-designed and located balcony with a communal consolidated central courtyard and additional roof terrace. The configurations are useable and attractive and sufficient for residential needs.	
13.11 Services. a. To ensure that Residential Flat Building developments provide adequate services to cater for residents' needs.	The proposed development does not provide an on-site dedicated car wash area. However, Easy Wash Belmont is located on the corner of Maude Street and the Pacific Highway, 280 metres from the site. This facility has six (6) wash bay suitable to cater for the needs and services of the development. The development will provide fire hydrant and mechanical plant suitable for the site. Air-conditioning and other plant has a dedicated area within the basement, a substation to Edgar Street and all air-conditioners will be located centrally of on rooftop locations and be acoustically insulated.	Considered an acceptable solution.
13.12 Driveways and Parking Areas. a. To ensure that on-site car parking and driveways do not dominate or detract from the appearance of the development or the local streetscape. b. To ensure that vehicular access has minimal impact on neighbouring dwellings. c. To ensure that vehicular access points and parking is safe and convenient for residents, visitors and service providers.	The proposal considered the potential traffic impacts, refer Traffic and Parking Impact Assessment, by McLaren Traffic Engineering, refer Appendix I. The proposal is supportable in terms of traffic impacts. Existing vehicle crossing have been minimised to three from the existing twelve and located on secondary frontages. Basement parking and manoeuvring ensures vehicles enter and leave in a forward direction.	Complies

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	The driveways are two-way directional and all car parking complies with AS2890 Parking Facilities.	
13.13 Adaptable Dwellings. a. To ensure that developments incorporate housing that is accessible to all members of the community.	The development has been designed with 26 adaptable dwelling units.	Complies
13.14 Waste Management. a. To ensure that waste/recyclables are managed, collected and disposed of, or re-used or recycled effectively and efficiently. This ensures a safe, healthy and clean environment for the community, as well as maintaining the amenity of the City. b. To provide non-discriminatory access to waste management services, through the adoption of appropriate waste transfer arrangements	A waste management plan will be implemented to provide appropriate measures to avoid, minimise and mitigate the impacts of waste and recyclables. Each tower is provided with refuse room within the basement to manage the collection of waste.	Complies
Part 10 – Town Centre Area Plans		
10.2 Belmont Town Centre		
2 Development Controls		
2.1 Block Controls. a. To improve the amenity and connectivity of the public domain. b. To improve vehicle circulation and access to public transport. c. To ensure that building scale, height and setback contributes to the desired future character of the town centre.	The existing landform, street grid and lot layout are suitable for potential development. The subject site is largely flat, with approximately 1° fall from east to west. The town centre has a slight slope, making pedestrian connection in the area relatively easy. Each built form is considered to be of a scale and design suitable for the land form and the emerging urban pattern of the surrounding area. Consideration was	Acceptable alternative solution

	afforded to previous options and discussions with Council and other potential issues, such as to mitigate flood and inundation. Access and pedestrian circulation is significantly improved with the consolidation of the vehicle access points and improved pedestrian environment. The subject site comprises almost entirely of a single urban block. This provides for the redevelopment of the block consistent with the area and is an efficient use of the land. The proposed development is consistent with the character of the streetscape and positively contributes to the identity of the locality. The provision of the pedestrian way shall create a new recreational space within the Belmont Centre. In this regard, the development provides aesthetic stimulation to the area and enhances the streetscape presentation. The proposal is considered to create interest within the locality. The building is 8 storey over one tower with the other three towers 6 storeys high. The proposed height of the 8 storey tower results in a 4.3 metre departure from the standard. The proposed height provides a contextually appropriate height transition with the adjoining development and remains consistent with the identified Belmont bump. This is further identified	
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	within the BTCR along with different setback and block control provisions. The DCP stipulates a 6 storey height or 22metres. The proposed 8 storey height is considered appropriate, given the nature and character of the adjoining buildings which include an 8 storey development (Belmont Towers). The proposal will provide a suitable transition in height between surrounding buildings and is considered visually complementary to the surrounding area.	
3 Context and Setting		
3.1 Sensitive Aboriginal Cultural Landscape. a. To ensure that the cultural and archaeological significance of a development site and its context are determined prior to any development. b. To manage and interpret the Sensitive Aboriginal Cultural Landscape in consultation with the local Aboriginal community.	An AHIMS search was undertaken and indicates that no items of Aboriginal heritage are located on the site or within 200m of the subject site. Additionally, a desktop search of the NSW State Heritage Inventory on 13 July 2015 and Council's Heritage Register also indicated that no items of significance are located within the subject site. The area is highly urbanised and the proposed development is consistent the surrounding area. A Aboriginal Heritage Due Diligence Assessment has been prepared, refer Appendix S.	
4 Street and Public Space		
4.1 Outlook to the Lake. a. To maintain public views along streets to the lake and landmark elements b. To ensure development provides large breaks between buildings located between Edgar Street to Lake Macquarie.	Vistas from outside to the town centre are available and vice versa to the Lake. The key view corridor to the Lake is provided between buildings from the Pacific Highway down Macquarie Street, which terminates at the Lions Club Park. Mark Street, Maude Street and Sharp Street provides short view corridors as a result of	Complies

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c. To maintain and enhance the landscape corridor along existing stormwater channels.	the change in direction of the streets. These corridors will be maintained. View corridors through urban blocks in the town centre is difficult, however the proposal has view corridors in the north-south and east-west configuration. This has been achieved despite the challenge of environmental constraints to deal with solar access, flooding and inundation.	
4.2 Vehicle Lanes. a. To establish a safe and direct vehicle and pedestrian connection from Thomas Street to Herbert Street that provides service access to the rear of properties on the Pacific Highway. b. To establish a safe and direct vehicle and pedestrian connection from Maude Street to Herbert Street located on the alignment of Henry Street.	Not Applicable	N/a
4.3 Pedestrian Lane – Pacific Highway to Thomas Street. a. To establish a pedestrian lane with active frontage for direct pedestrian movement from the Pacific Highway through the future retail core to the lake foreshore.	Not Applicable	N/a
4.4 Public Place – Thomas Street Square. a. To clarify and improve vehicle and pedestrian circulation between Thomas and Edgar Streets. b. To provide an open air and north facing public space that is located in close proximity to	Not Applicable	N/a

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extensive retail floor space, and readily accessible from surrounding streets.		
4.5 Public Place – Singleton Street Square. a. To provide a pleasant, safe and lively public space and outdoor trading space with good sun access and an elevated outlook to the north.	Not Applicable	N/a
4.6 Entries Located at Street Terminations. a. To support activity and pedestrian movement at the intersection of George St and Pacific Highway, at the intersection of Macquarie and Singleton Streets, and the intersection of Sharp and Edgar Streets.	The subject site is not located in the locations applicable to this clause. Nonetheless pedestrian entries are definable, safe and well lit.	Complies
4.7 Streetscape Improvements. a. To provide high quality infrastructure for pedestrians in the town centre.	The proposed landscaping is considered to be consistent with the objectives and controls within Council's DCP. Street tree planting will be provided in accordance with requirements providing consistency, shade and shelter for pedestrians.	Complies
5 Access and Parking		
5.1 Site Access a. To maximise the retail frontage and pedestrian amenity for streets in the town centre. b. To minimise impacts on traffic flow on the Pacific Highway	The proposal considered the potential traffic impacts, refer Traffic and Parking Impact Assessment, by McLaren Traffic Engineering, refer Appendix I . The proposal is supportable in terms of traffic impacts. Existing vehicle crossing have been minimised to three from the existing twelve and located on secondary	Complies

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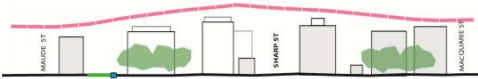
	frontages. Site is not located on the Pacific Highway and will not impact on traffic flows. The driveways are two-way directional and all car parking complies with AS2890 Parking Facilities.	
5.2 Parking Provision. a. To maximise retail floor space at street level along the southern side of Macquarie Street and the eastern side of Thomas Street. b. To maximise centralised public parking spaces on larger sites, either in basement excavations or on upper levels where sites are affected by flooding and sea level rise	Basement parking and manoeuvring ensures vehicles enter and leave in a forward direction and provided in a centralised basement. The car parking complies with AS2890 Parking Facilities.	Complies
Building Design		
6.1 Brooks Parade and Edgar Street. a. To establish view corridors from Edgar Street to Brooks Parade and the lake. b. To break up the mass of development along Brooks Parade and Edgar Street. c. To ensure that each apartment block has an individual character that contributes to the overall streetscape character. d. To encourage a pedestrian scale built form at street level along Brooks Parade and Edgar Street with single storey retail floor space close to the street boundary. e. To support pedestrian movement and activity along the	The proposed development enhances Public and private space has been clearly defined through a well-articulated built form and delineation of public and private areas at street level. In particular, the proposal includes the provision of a pedestrian way to create connections between the foreshore and Edgar Street enhancing the pedestrian experience and connectivity and shall enliven the locality. This creates a new space that will positively contribute to the character of the area. The proposed development is consistent with the character of the streetscape and positively contributes to the identity of the locality. The provision of the pedestrian way shall create a new recreational space	

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foreshore and Brooks Parade.	within the Belmont Centre. In this regard, the development provides aesthetic stimulation to the area and enhances the streetscape presentation. The proposal is considered to create interest within the locality. The proposed design is considered to be an appropriate form that is sympathetic and compatible with the emerging character in this area. The proposed development aligns with the emerging high density character of the area. The building has been positioned away from the adjoining tall buildings to maximise sunlight penetration to the apartments and minimise adverse impact on the adjoining properties. The proposed height and density generate minimal adverse impacts, and the proposal is considered to be an exemplary development of architectural excellence. The proposal is well articulated to provide visual interest and to minimise any adverse impact upon bulk and scale. Contemporary designs features have been utilised in the development.	
6.2 Building to the Street Boundary. a. To define the spatial character of the northern entry on the Pacific Highway. b. To maximise building mass, floor space and activity at the	The ground floor contains a mix of residential uses and retail/commercial tenancies. The proposal will maintain a predominantly active frontage and appropriate transition from public to	

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street boundary in the town core.	private spaces. Visual amenity and streetscape will be enhanced. The building is well articulated and the frontages along Brooks Parade, Sharp Street and Edgar Street providing a softening of the built form, visual amenity and a transition between the public and private realms.	
6.3 Front Setbacks a. To define the spatial character and proportions of each street. b. To maintain a wider landscape setback for the southern entry to Belmont on the Pacific Highway. c. To provide a suitable interface to residential zoned land on the north side of Maude Street.	The proposed north east front corner of Building C varies slightly to the block control setbacks. The proposed setback is consistent with the character of the existing streetscape. Landscaping and architectural designs soften the setback from built form and compliments the proposed pedestrian way.	Acceptable alternative solution
6.4 Side and Rear Setbacks. a. To ensure an appropriate level of amenity for building occupants, including natural light and ventilation, outlook, view sharing, wind shelter and privacy. b. To allow natural light and ventilation from the front and rear of properties	The proposal complies with side and rear block control setbacks.	Complies
6.5 Building Height. a. To ensure that developments do not overwhelm the public street, and are of compatible scale with the surrounding, or desired future built environment. b. To encourage higher density development in the core area between the Pacific Highway, Macquarie Street, Edgar Street and Herbert Street. c. To allow view lines between	The building is 8 storey over one tower with the other three towers 6 storeys high. The proposed height of the 8 storey tower results in a 2 storey departure from the standard. The proposed height provides a contextually appropriate height transition with the adjoining development. The DCP stipulates a 6 storey height. The proposed 8 storey height is	Acceptable alternative solution.

buildings from Edgar Street to Brooks Parade.	considered appropriate, given the nature and character of the adjoining buildings which include an 8 storey development (Belmont Towers). The proposal will provide a suitable transition in height between surrounding buildings and is considered visually complementary to the surrounding area. There is negligible environmental planning impact as a result of the height departure; the proposal maintains compliance with the objectives of the standard and that there are planning grounds particular to the circumstances of the case to support the departure. A Clause 4.6 exception is provided, refer Appendix O. The proposed height provides a contextually appropriate height transition with the adjoining development and remains consistent with the identified Belmont bump. This is further identified within the BTCR with the development consistent with the identified objectives and outcomes and relied on with the development design, refer to Appendix P.  Building Bulk: Belmont Towers as the reference point for visual bulk. Building Bulk Page 18 of BTCR. Notwithstanding the above, the proposed building height does not generate any adverse impact and retains compliance with the objectives of the standard.	
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Building Height outcomes, page 19 of the BTCR.

The DCP however stipulates a 6 storey height or 22 metres. The proposed 8 storey height is considered appropriate, given the nature and character of the adjoining buildings which include an 8 storey development (Belmont Towers). The proposal will provide a suitable transition in height between surrounding buildings and is considered visually complementary to the surrounding area.

Shadow Diagrams for mid-winter are submitted with the application to determine solar access and generate the proposed shadow created by the building. The proposal while creating a shadow, solar access is available during periods of the day. Therefore, there are negligible impacts that result from the subject application.

The proposed development has been oriented to allow for solar access into the apartments.

6.6 Maximum Occupied Area.

The proposal complies with the block

Complies

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a. To reduce the bulk and impact of a building mass on residential amenity within the development site, or on neighbouring sites.	control and the nature of the proposed development separated into four towers reduces the visual bulk and mass and there are considered negligible impacts on residential amenity.	
6.7 Building Exteriors. a. To reduce the bulk and impact of a building mass on residential amenity within the development site, or on neighbouring sites.	The proposed development is consistent with the character of the surrounding area and will positively contribute to the identity of the locality. The proposal is an architecturally designed built form with high quality materials and finishes of predominately muted tones, refer concept finishes board. In this regard, the development provides aesthetic stimulation to the area and enhances the presentation from the foreshore and lake. The proposal is considered to create interest within the locality. The proposed design is considered to be an appropriate form that is sympathetic and compatible with the emerging character in this area. The proposed development aligns with the emerging high density character of the area.	
6.8 Balconies on the Pacific Highway. a. To provide suitable privacy and amenity for users of balconies on the Pacific Highway.	The site is not located on the Pacific Highway	N/a
7 Landscape		
7.1 Planting on Private land. a. To provide broad canopy trees along the Pacific Highway entry to Belmont from the north. b. To enhance the amenity of the Brooks Parade waterfront with	The proposed landscaping is considered to be consistent with the objectives and controls within Council's DCP. The landscape design will complement the nature and scale of the development.	Complies

STATEMENT OF ENVIRONMENTAL EFFECTS

landscape planting on private land. c. To provide a landscape buffer between mixed use development and residential zoned land.	The plantings will enhance the desired streetscape character, providing a safe, and pleasant pedestrian environment. The landscaping and architectural features are integrated and complementary with a robust design and will require minimum maintenance. Landscaping is designed to ensure sightlines are not impacted and the development maintains an improved streetscape and amenity. Sufficient space is available to provide 1 clear-trunked broad-canopy tree for every 50m2 of landscape area.	
8 Block Controls	The proposal is considered to be generally compliant with identifies block controls. The existing landform, street grid and lot layout are suitable for potential development. The subject site is largely flat, with approximately 1° fall from east to west. The town centre has a slight slope, making pedestrian connection in the area relatively easy. Each built form is considered to be of a scale and design suitable for the land form and the emerging urban pattern of the surrounding area. Consideration was afforded to previous options and discussions with Council and other potential issues, such as to mitigate flood and inundation. Access and pedestrian circulation is significantly improved with the consolidation of the vehicle access points	Acceptable alternate solution.

STATEMENT OF ENVIRONMENTAL EFFECTS

	and improved pedestrian environment. The subject site comprises almost entirely of a single urban block. This provides for the redevelopment of the block consistent with the area and is an efficient use of the land.	
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Given the above, it is considered that the proposed development Impacts to the built environment and social environments will be within acceptable and anticipated limits. It is envisaged that the development will provide additional housing and commercial opportunities within an area designated for higher density development, consistent with the desired future character of the area as outlined by Council's planning controls.

The social and economic outcomes are considered to be positive, given that employment opportunities will be generated during construction and in the provision of retail/ commercial floor space on the ground floor, as well as additional housing opportunities located close to public transport, schools and employment.

Impacts on the natural environment are negligible as the proposal does not involve hazardous materials or processes. As discussed in the previous sections of this report, the proposed development will not result in any significant adverse environmental impacts. The scheme will not incur any unreasonable impacts to the character of the locality. No unacceptable safety, security and traffic implications are expected. Safe and efficient vehicular and pedestrian access will be possible from the established road system. In this case, the proposal's likely impacts are positive.

5. ENVIRONMENTAL IMPACT ASSESSMENT

The likely impacts of the proposed development are considered and discussed below. Monteath and Powys has undertaken an assessment of the proposal against potential environmental impacts, site suitability and the public interest in accordance with Section 79C of the EP & A Act. The potential environmental impacts and their mitigation measures are discussed below.

5.1 Built form and Public Domain

The locality is currently undergoing a transition with a number of one and two storey residential dwellings being replaced with mixed use residential flat buildings and commercial/retail tenancies between 6-8 storeys in height. The scale and height of the proposal is generally consistent with other developments in the locality.

The proposed built form will not create any additional significant overshadowing impacts over and above that which could occur with a fully compliant development. The proposal will have limited privacy impacts to the adjoining neighbours. Appropriate setbacks, window positions and balcony locations which also have been incorporated privacy screens are proposed.

The topography and proposed built form combine to provide vistas and view corridors. The hill in Belmont town centre provides prominent vistas from the vicinity of Victoria Street, George Street and Gen Street off the Pacific Highway in all directions. Vistas from outside the town centre toward the centre exist from other hilltops. Several streets north of Evans Street have views south to the town centre; the top of Wommora Avenue with views to the south west; Belmont North looking south, and; the vicinity of Green Point looking south east. Finally, marine craft users on Lake Macquarie have uninterrupted vistas of the Belmont foreshore.

Several view corridors in the town centre are available to the Lake and these will not be interrupted. The key view corridor to the Lake is provided between buildings from the Pacific Highway down Macquarie Street, which terminates at the Lions Club Park. Mark Street, Maude Street. Sharp Street provides short view corridors as a result of the change in direction of the streets. Mark Street provides a corridor 300 metres long, however it is not a significant street. Maude Street changes direction 140 metres before the foreshore, while Sharp Street does not align with Herbert to continue the corridor.

View corridors through urban blocks in the town centre have not been achieved, and are challenged by environmental constraints to deal with solar access, flooding and inundation. As identified above there are view corridors into the subject site. However, as previously noted there are some viewpoints from which the site is barely visible, even with potential heights of 8 storeys, given the topography of the Belmont area. The most prominent views are from the Lake.

Apartments on Edgar Street block the views into the site such that Belmont Towers is barely visible even from this short distance away. Even with current one and two storey buildings the site is barely visible and is unlikely to be seen if redevelopment occurs in accordance with the current controls under LEP 2014.

The proposed development is consistent with the character of the streetscape and positively contributes to the identity of the locality. The provision of the pedestrian way shall create a new recreational space within the Belmont Centre.

The proposal is an architecturally designed built form with high quality materials and finishes. In this regard, the development provides aesthetic stimulation to the area and enhances the streetscape presentation. The proposal is considered to create interest within the locality. The proposed design is considered to be an appropriate form that is sympathetic and compatible with the emerging character in this area. The proposed development aligns with the emerging high density character of the area.

The building has been positioned away from the adjoining tall buildings to maximise sunlight penetration to the apartments and minimise adverse impact on the adjoining properties. The proposed height and density generate minimal adverse impacts, and the proposal is considered to be an exemplary development of architectural excellence. The materials, finishes and colours are of a high quality and are complimentary to the streetscape. The proposal is well articulated to provide visual interest and to minimise any adverse impact upon bulk and scale. Contemporary designs features have been utilised in the development.

5.2 Air Quality

There is likely to be negligible impact to air quality and micro-climate by the proposed development given it is predominately residential in nature.

5.3 Heritage

As discussed in Section 2.1, desktop searches were undertaken of the NSW State Heritage Inventory, Council's Heritage Register and an AHIMS search (refer **Appendix N**) was undertaken on and no items were identified.

No items of Aboriginal heritage are located on the site.

5.4 Traffic and Access

The DA is accompanied by a Traffic and Parking Report, prepared by McLaren Traffic engineering (**Appendix I**).

Traffic Generation

The proposal will result in an additional trips when compared with the current land uses and existing traffic conditions. The net traffic volume increase is considered to be low order and would have no material impact on the operation or performance of the surrounding road network. The report concludes that no external road/intersection improvements would be required to facilitate the development.

Vehicle Access

The development generally proposes two-way flow internally, with a ramp from Edgar Street designed for two-way flow. This will mean multiple vehicles can enter/exit the car parks at any one time. In addition a separate services bay and access is provided to Sharp Street along with a secondary ramp and car parking area servicing the commercial/retail tenancies.

For this reason, the report suggests all accesses will be operated within acceptable limits without delays, and in a safe and efficient manner.

Pedestrian Access

The DA is accompanied by a Disability Access Audit (refer to **Appendix F**) prepared by BCA Access Solutions which provides an assessment of the proposal against relevant accessibility requirements. The report provides an assessment against the Deemed to Satisfy provisions in the BCA and premises standards. Where there is a compliance departure the report provides recommendations to ensure compliance is readily achievable. The report also provides an assessment against the relevant Australian Standards and

provides guidance in relation to these matters. Following the review the audit concludes that the DA design can readily achieve compliance with the BCA and DCP requirements.

5.5 Noise and Vibration

Noise levels arising from the proposal will initially be noise impacts from construction. These will be short term and will be managed in accordance with OEH requirements. A detailed Traffic and Construction Management Plan will be provided at the Construction Certificate stage to ensure the amenity of the surrounding development during the construction of the proposed development.

The internal amenity of the proposed development has been assessed with regard to the criteria for dwellings specified in the Development Control Plan and the Australian Standard. The predominant noise source surrounding the site includes traffic movement on surrounding roadways including and mechanical plant.

Noise monitoring was conducted during 8-14 April 2016 and identified traffic noise levels of 64 dB(A) Leq at Brooks Parade and 55 dB(A) Leq at Edgar Street. These levels exceed the internal noise goals for houses and apartments near roads as detailed in AS2107. In order to manage traffic noise, the report recommends the acoustic attenuation measures a minimum glazing standard, refer to the Acoustic Report at **Appendix J**.

Mechanical ventilation and air conditioning placement should not be located within clear line of sight to achieve satisfactory internal noise levels with open windows. It is noted the proposed masonry external wall construction of the building façade will be acoustically acceptable without additional acoustic treatments and the proposed external construction is acoustically acceptable without additional acoustic treatment.

The report concludes that provided the recommended acoustic treatments above be incorporated into the proposal, the internal noise levels will satisfy the requirements of the outlined criteria.

Noise Emissions and potential sources of noise emissions during the operational phase of the proposed development will involve mechanical plant and from use of indoor and outdoor communal areas.

The nearest potential noise receiver are all residential dwellings surrounding the site to the north, south and west. It is proposed that a detailed acoustic review should be undertaken at CC stage to determine whether appropriate acoustic treatments such duct lining, acoustic silencers and enclosures are necessary. Additionally, the outdoor communal areas will be managed in such a way to ensure that the acoustic amenities of adjoining sensitive receivers are not unduly disturbed.

5.6 Utilities

The proposed development will be connected to mains water, gas and sewer, as well as telecommunications. Furthermore, the development will comply with water efficiency requirements of BASIX.

An Infrastructure and Services Report including electrical, mechanical, fire, hydraulics, civil and sustainability services will be prepared detailing the installation of new and augmentation/upgrade of existing utilities as required.

Water and sewer utility provisions are likely capable of complying with the relevant standards and controls.

Power, based on initial advice indicates, the existing network has sufficient capacity to provide power to the new development. However, as the building occupies majority of the property footprint and is anticipated maximum demand a chamber substation is likely required. Details of the proposed substation location are included as part of the Proposal Plans.

Telecommunications will include an application for connection to the NBN during the design and construction phase to confirm rollout timeframes. In the interim, existing copper services from Telstra will service the site and a private internet service provider will be required. In the event the NBN is active the Telstra copper network will not provide services to the new development.

The provision of fire hydrants and fire extinguishers will be detailed during the design and construction phase and confirmed with NSW Fire and Rescue.

All servicing requirements will be obtained from the relevant service provider prior to issue of the construction certificate.

5.7 Stormwater Management and Flood Hazard

Due to the highly urbanised environment, a Water Cycle Management Plan can be undertaken to mitigate the effects of any stormwater on adjoining or downstream sites in accordance with Council's Water Cycle Management Guidelines. Conditions can be imposed to ensure that any water cycle management, shall comply with relevant standards.

A Limited Flood Study Investigation Prepared by Forum Consulting Engineers has been undertaken. The investigation concluded that the adoption of the Lake Macquarie Flood Study be adopted. The design takes into consideration the flood study recommendations so as to mitigate risks to life and/or property through design and positioning of development.

Habitable rooms and commercial development have a finished floor height at least 500mm above the 100 year ARI (1% AEP) event.

Buildings and other structures, including fences, are not considered too impede the flow of floodwaters or entrap debris as a 1% AEP event can be conveyed within the existing concrete lined drain, refer **Appendix M**.

The development is located on designated flood prone land. Further risk management measures are not considered necessary. The development will use flood compatible materials in its construction that will minimise potential damage by flooding.

The development is considered to unlikely create any adverse impacts.

5.8 Soil and Geotechnical

The DA is accompanied by a Geotechnical Report (refer to **Appendix H**) prepared by Regional Geotechnical Solutions who have undertaken a desktop study, reviewed geological maps and undertook geotechnical subsurface investigations at the site. The report provides preliminary comments on likely excavation conditions, retention requirements, acid sulfate soils, footings, groundwater and basement floor slabs.

Geotechnical Issues

From a geotechnical perspective, the report considers that the site is suitable for the proposed development and will involve relatively common construction techniques and methodologies. The report details the main geotechnical issues which are summarised below:

- The testing indicated the sands overlaying the site are slightly acidic however and the acid is not sulfuric in nature.
- Detailed geotechnical site investigation should be completed and consideration given to construction of the floor slab;
- Given the size of the proposed building, and the likely structural loads, a new base perimeter wall; and a fully tanked basement will be required.

Excavation Conditions

The report recommends dilapidation surveys be undertaken for neighbouring buildings and structures which will include a detailed inspection of the properties with all defects rigorously described prior to excavation.

Hydrogeological Issues

Based on the results groundwater will be encountered above the bulk excavation level. Therefore details of the groundwater levels should be carried out during the detailed geotechnical investigation of the site. Groundwater volumes will require a tanked basement (i.e. a basement floor slab designed for hydrostatic uplift pressures).

5.9 Waste

Waste management measures have been prepared to understand the details regarding site waste generated during the demolition and construction phase of the development. Waste storage facilities will be provided to meet the predicted requirements of the development calculated in accordance with Council policy.

Demolition Stage		
Type of material	On-site	Off-site
Green Waste	Mulched and re-used where possible.	To landscape suppliers.
Excavation Material	Stored and re-used where possible.	To approved landfill.

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Bricks	-	To crushing and recycling company
Concrete	-	To crushing and recycling company
Timber	Mulched/crushed and re-used where possible.	Remainder to recycling company, or composting.
Plasterboard	-	To crushing and recycling company.
Metals	-	To metal recyclers
Asbestos (if any)	Treated and wrapped	To approved refuse facility.
Construction Stage		
Type of material	On-site	Off-site
Green Waste	-	-
Excavation Material	Used if appropriate.	To approved landfill
Bricks	Crushed and used behind retaining walls.	Remainder to be crushed and/or recycling company.
Concrete	Crushed and used behind retaining walls.	Remainder to be crushed and/or recycling company.
Timber	Chipped and used for landscaping where possible.	Remainder to recycling company, or landfill.
Plasterboard	Breakup and use in landscaping.	Remainder to landscape suppliers.
Metals	-	To metal recyclers.

Post development waste storage rooms will be the collection locations of waste and collected by a private waste contractor tailored to suit the final operational characteristics of the building. Waste will be collected outside of peak traffic hours and managed by the strata caretaker. Bins will be moved to the service bay lift for collection and returned to the relevant garbage rooms once emptied.

As such, no adverse impacts are anticipated as a result of waste storage and collection from the site and the ongoing operation can be appropriately conditioned.

5.10 Climate Change

The proposed development is unlikely to have an impact on local climate conditions, or have any direct or indirect impact on a micro-climate.

5.11 Crime Prevention

This section provides an assessment against the principles of CPTED. These principles aim to reduce crime by using design and place management concepts to decrease the likelihood that the constituents of crime events (victim, offender, opportunity) come together in space and time. More specifically, CPTED aims to:

- Increase the perception of risk to criminals by increasing the possibility of detection, challenge and capture;
- Increase the effort required to commit crime by increasing the time, energy or resources that need to be expended;
- Reduce the potential rewards of crime by minimising, removing or concealing “crime benefits”; and
- Remove the conditions that create confusion about required norms of behaviour.

CPTED Principles

The key CPTED principles have been assessed as follows:

Surveillance

The development offers ample opportunities for passive surveillance. The development will activate the street frontages along Brooks Parade, Sharp Street and Edgar Street. The units predominately face out to street frontages or to the central communal open space area. The main access points are carefully designed and positioned to avoid opportunities for non-residents to shelter or congregate in these areas. Furthermore, the ground floor units will create further passive surveillance to the street frontages.

Access Control

The main residential entries will be readily accessible by future residents and the entries will be clearly defined and easily distinguishable.

Territorial enforcement

The building and landscaping design encourages a close relationship between future residents and the public domain through multiple entries and multiple balconies that overlook the street. These features promote activity along the street and compel residents to feel some responsibility for the surrounding public areas and their condition. The landscaping and access points to the front setback will act as a physical barrier which will clearly define the public and private realm.

Space management

The proposal has no features that would hinder the application of appropriate space management measures, such as site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

Site specific recommendations

To address the CPTED principles a number of site specific recommendations have been provided:

Surveillance

- Lighting should be provided at all entry points, public areas and pedestrian walkways. This lighting can be automatically controlled by time clocks and/or sensors where appropriate.
- Lighting should be provided in accordance with the relevant Australian Standards.
- Lighting fixtures should be 'vandal proof' where possible.

Access control

- The basement vehicle entry roller shutter is to be sturdy, 'vandal proof' and fast operating.
- Residential spaces should be clearly identified by signage or other treatments.
- Access should be restricted in the basement and main entry by using a 'swipe' system card or the like.
- Ensure the residential entry is provided with an architectural treatment/materials/colours to make them readily identifiable.
- Intercom facilities should be incorporated into entry/exit points to enable residents to communicate with people prior to admitting them to the development.
- Fire exit doors should be fitted with measures to restrict unauthorised access.
- Apartment numbers should be clearly identified.
- All areas should be fitted with doors that comply with Australian Design Standards.

Territorial enforcement

- Apartment numbers should be clearly identified.

Space management

- Any burnt out lighting should be replaced quickly.
- General cleaning and rubbish collection should be undertaken regularly.
- Graffiti should be removed as soon as possible.

5.12 Social

The proposed development provides a number of positive social impacts including the provision of affordable housing as well as a development that utilises existing social and recreational infrastructure, including public transport provision. Some jobs will be created by the proposed works. The development will mean the loss of private recreation space, however, there is sufficient open space in the immediate vicinity of the site as previously identified by Council. The site development will not create additional social or recreational infrastructure needs to be provided as a result of the development. The developer will be required to pay development contributions which can be used by Council to manage existing infrastructure in the area. Refer **Appendix L** for further details.

6. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The principles of ecologically sustainable development (ESD) have been considered in preparing this SoEE. Schedule 2 of the Environmental Planning and Assessment Regulation 2000 note that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The Act goes on to note that ecologically sustainable development can be achieved through the implementation of the following principles and programs:-

- *The Precautionary Principle - Namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:-*
 - i. *Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and*
 - ii. *An assessment of the risk-weighted consequences of various options.*
- *Inter-generational Equity - Namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.*
- *Conservation of Biological Diversity and Ecological Integrity - Namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.*
- *Improved Valuation, Pricing and Incentive Mechanisms - Namely, that environmental factors should be included in the valuation of assets and services, such as:-*
- *Polluter pays - that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement.*
- *The users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste.*

- *Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The principles of ESD have been considered in the preparation of this SoEE and development design. The proposed development is considered to be able to comply with the ESD objectives for the site.

7. SITE SUITABILITY

This Statement of Environmental Effects has determined that the site is suitable for the proposed development. Explain how it meets the DCP requirements re character, scale, dwelling type, standards, access, stormwater, and parking.

The SoEE has demonstrated in detail that the site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant zone objectives.
- The development is of high quality and will set an example for regeneration of the locality, as anticipated in Council's controls. The development will therefore have a positive environmental impact.
- The Site is ideally located adjacent to a range of public and private services and transport options.
- The development will respect the existing and desired future character of the immediate and surrounding locality.
- There are no prohibitive constraints posed by the site or those adjacent.

8. SUBMISSIONS

The proposal has been notified in accordance with the requirements of Council's DCP, providing opportunity for the public to comment on the development. A number of submissions were received. All reasonable concerns raised in these submissions will be considered.

9. PUBLIC INTEREST

The public interest is best served by promoting sustainable development that is rational, orderly and economic. The proposed development will generate positive social, environmental and economic benefits.

Approval of the application is not contrary to the public interest given:

- The proposed development will provide an appropriate mixed use development outcome in an accessible location in accordance with the desired future character of the area, as expressed by the B4 – Mixed Use zoning.
- The proposal will facilitate redevelopment of the Brooks Parade corridor to a high standard.
- The local supply and choice of housing form will be supplemented by the proposal.
- The environmental impacts of the proposal are reasonable and within anticipated limits.

The proposal does not currently include the corner lot at 44 Brooks Parade despite an indication from the landowner of a willingness to sell. Efforts by the proponent to reach an agreement to acquire this property remain ongoing. The proponent remains in contact with the land owners of 44 Brooks Parade and negotiation are continuing.

10. CONCLUSION

This Statement of Environmental Effects has been prepared to accompany a development application for the demolition of existing dwellings and structures, and construction of a mixed use, multi storey development comprising 130 residential units, 2 retail/commercial units, communal and recreation spaces, basement car parking and associated landscaping at 32-42 Brooks Parade, 2-10 Sharp Street and 5-11 Edgar Street, Belmont.

The proposal seeks consent for an architecturally designed residential flat building that is consistent with the provisions under the Lake Macquarie LEP 2014 and the Lake Macquarie DCP 2014 and adequately responds to the communities housing need.

The design of the proposed development has been primarily guided by the surrounding environment and character; the requirements for apartment buildings in the Apartment Design Guide; the need for the built form to provide a strong central element on the high quality location and good planning practice.

The proposed use is permissible with consent in the '**B4 Mixed Use**' zone and is compliant with the objectives of the planning controls and design requirements. The application relies upon the provisions Clause 4.6 in relation to the height with, the justification for this departure being considered acceptable in the particular circumstances of this case. Furthermore, the height proposed is consistent with the '*Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont, prepared by Lake Macquarie Council's Integrated Planning Department*' and provided to the applicant and subsequently relied on.

The proposal has been well considered and will result in functional commercial spaces on the ground floor, good traffic circulation within basements, and a high standard of amenity for residents and minimal impacts on neighbours. The proposal will therefore achieve Council's objectives for the site in particular and the wider Belmont Town Centre.

It is therefore submitted that Council approve the proposal.