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Statement of Environmental Effects

Proposed alterations and extension to a Residential Care Facility

Property:

120 Redhead Road, Redhead
Lot 1938 DP 704459

Applicant:

The Whiddon Group

Date:

October 2017

Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	04/08/17	MLou	CM
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1.0 Introduction

1.1 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared by ADW Johnson Pty Ltd on behalf of The Whiddon Group to accompany a Development Application (DA) to Lake Macquarie City Council (LMCC) for alterations and an extension to the Redhead Gardens Residential Aged Care Facility (RACF) at 120 Redhead Road, Redhead.

1.2 PURPOSE OF THE REPORT

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 78A(9) of the Environmental Planning and Assessment Act and accompanying Regulation. Its purpose is to:

- Describe the proposed development;
- Identify and summarise the relevant controls which guide assessment of the proposal;
- Provide information on the site and its context; and
- Review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to Council's guidelines in preparing this Statement of Environmental Effects and the full range of other relevant legislation.

1.3 OVERVIEW OF THE PROPOSAL

The subject site is described as Lot 1938 DP 704459, with a physical address of 120 Redhead Road, Redhead. The site has an area of 5.292ha and frontage to Redhead Road of 263.31m.

The Redhead Gardens Retirement Village is located on the site and comprises an existing 2 storey 60 bed RACF building located toward the northern site boundary and 30 centrally located independent living units (ILU's). The bulk of the existing development was constructed in 1991, with additions to the RACF building carried out in 2001.

The owner of the land is The State of New South Wales (Crown Land). The Whiddon Group have a lease over the land. The Certificate of Title and Deposited Plan for the site are attached at **Appendix W**.

The proponent is seeking development consent from Lake Macquarie City Council for additions and an extension to the RACF and the proposal includes associated earthworks, landscaping, stormwater management and utility infrastructure.

Key components of the proposed development include:

- A 2-storey extension to the south of the existing RACF building providing 24 new beds, with further internal renovations of the existing building, including reconfiguration to move the new main entry to the south side.
- A new 80-bed, 2 storey RACF building on the western part of the site. The new building is configured in two stepped wings, cut into the slope on the western side, and curved to follow the site contours. The site is subject to height restraints that effectively limit

building height to 2 levels. The lower floor of the south wing will contain kitchen and laundry facilities for both RACF buildings on the site.

Approval is sought under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the SoEE addresses the heads of consideration under Section 79C.

The application has a Capital Investment Value exceeding \$20 million and consequently, the Joint Regional Planning Panel is identified as the consent authority.

The application is Integrated Development and requires approval from the NSW Rural Fire Service and the Mine Subsidence Board.

The subject site is zoned R2 Low Density Residential zone under Lake Macquarie Local Environmental Plan (LMLEP) 2014. The proposed residential care facility is permissible under SEPP (Housing for Seniors or People with a Disability) 2004 given that dwelling houses are a permissible land use in the R2 zone.

Figure 1 shows the site and immediate surrounds.



Figure 1 Aerial photo of the subject site and directly adjoining development.

1.4 DEVELOPMENT APPLICATION DETAILS

STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY:	
Name:	ADW Johnson Pty Ltd Unit 7, 335 Hillsborough Road WARNERS BAY NSW 2282
Contact:	Marion Lourens Town Planner Ph: (02) 4978 5100 Fax: (02) 4978 5199 Email: marionl@adwjohnson.com.au Website: www.adwjohnson.com.au
PROJECT DETAILS:	
Applicant Name:	The Whiddon Group C/- ADW Johnson Pty Ltd
Applicant Address:	7/335 Hillsborough Road Warners Bay NSW 2282
Property Description:	Lot 1938 DP704459 120 Redhead Road, Redhead
Project Description:	Proposed alterations and extension to Residential Care Facility.
PROJECT TEAM:	
Project Manager:	Crown Projects
Architect:	DWP
Landscape Architect:	TaylorBrammer
Survey:	Marshall Scott
Civil Engineering:	Opus
Town Planning:	ADW Johnson

2.0 Proposed Development

2.1 OBJECTIVES OF THE PROPOSAL

The objectives of the proposal are to:

- Provide additional accommodation and high-quality care for seniors and people with a disability; and
- Facilitate economic growth and employment during both the construction phase and the ongoing operation of the facility.

2.2 DESCRIPTION OF PROPOSED DEVELOPMENT

This development application seeks approval for the expansion of an existing aged care facility through the following;

- Alteration and additions to existing premises;
- Construction of a new aged care facility building; and
- Associated works and activities including:
 - Earthworks;
 - Landscaping;
 - Stormwater management; and
 - Utility infrastructure.

The site development plans are included in **Appendix B** and an extract of the site plan and perspective drawings are shown in **Figure 2 - Figure 5**.



Figure 2 Site Plan.



Figure 3 Persepctive 1.



Figure 4 Perspective 2.



Figure 5 Perspective 3.

2.2.1 Design

The proposed alterations and extension comprise the following works:

- 2-storey extension to the south of the existing RACF building:
 - providing 24 new beds; and
 - internal renovations of the existing building, including reconfiguration to move the new main entry to the south side.
- A new 80-bed, 2 storey RACF building on the western part of the site:
 - The new building is configured in two stepped wings, cut into the slope on the western side, and curved to follow the site contours;
 - The site is subject to height restraints that effectively limit building height to 2 levels; and
 - The lower floor of the south wing will contain kitchen and laundry facilities for both RACF buildings on the site.

Site area calculations are provided as follows:

- Site Area = 52921.793m²
- The combined Existing Building Site Coverage = 6,185m²
- The Proposed Building Site Coverage = 3,465m²
- The combined building site coverage = 9,650m²

Based on the above, the proposed site coverage equates to approximately 18%.

2.2.2 Landscaping

A landscape plan has been prepared by TaylorBrammer Landscape Architects and is included in Appendix C. The design provides enhanced landscaping across the majority of the site, providing substantial improvements to the overall amenity of the development.

An extract of the landscape plan is provided in **Figure 6**.



Figure 6 Landscape Site Plan.

(Source: TaylorBrammer 2017)

A design statement has been prepared by TaylorBrammer to outline the key influences and outcomes for the proposed landscape. This is included within **Appendix C**.

2.2.3 Civil Works

Opus International Consultants (Australia) Pty Ltd have prepared a civil design package for the proposed works. The package is included within **Appendix F**.

Key issues addressed include bulk earthworks, erosion and sediment control, site works, stormwater drainage and civil details.

2.2.4 Staging of Works

Whilst a formal staging plan is not included as part of the proposed development, it is anticipated that works across the site will be programmed to minimise disruption to both residents and staff and to ensure that all essential services remain operable. This includes kitchen and laundry areas. It is anticipated that interim occupation certificates will be issued over portions of the site where works are completed to allow for occupancy whilst works continue over other areas of the site.

2.2.5 Social Infrastructure

The RACF and ILU campus at present provides considerable social infrastructure through provision of care for the elderly.

The proposed expansion includes significant upgrades to services offered within the premises, including:

- A central campus green space hub;
- Club facilities available to both RACF and ILU's;
- Café available for residents and visitors; and
- Improved hairdressing facilities.

Redhead Gardens aims to provide wider community benefits and encourages interaction between its residents and the surrounding community. This is achieved by the following services:

- Transport from the site on as needs basis for special events;
- Transport 2 days per week to different local amenities;
- Independent Community Care offices for those ageing at home in the region;
- Preschools and primary schools come to give concerts and spend time visiting residents approx. once per quarter;
- External voluntary groups come approximately once every fortnight to provide performance; and
- A church group is held once per wing, led by an external chaplain.

2.2.6 Employment

The existing development has 72 employees, with 27 employed over the duration of a full day shift.

Following completion of the proposed works, it is anticipated that the development will employ a total of 150-170 staff, with approximately 60 people employed over a full day shift.

Staffing numbers and shift times for both the existing and proposed development are summarised below:

Table 1. Staffing Numbers

Full Day Shift	Existing Employees (Approx.)	Proposed Employees (approx.)
Care	10	30
Managers	2	2
Administration	2	3
Maintenance	2	3
Laundry	2	4
Activities	3	6
Hospitality	6	12
TOTAL	27	60

Shifts occur over the following times for care staff and hospitality hours

- 06:30 – 15:00;
- 14:30 – 23:00;
- 22:45 – 07:15 (no hospitality staff).

2.3 DOCUMENTATION

The following documentation has been provided to support the proposed development and includes the following:

Appendix A	DCP Compliance Assessment (ADW Johnson)
Appendix B	Architectural Design Package (DWP)
Appendix C	Landscape Design Report and Design Package (Taylor Brammer)
Appendix D	SEPP 1 Objection to Development Standard
Appendix E	Clause 4.6 Request to Vary Development Standard
Appendix F	Civil Design Package (Opus)
Appendix G	Bushfire Threat Assessment (Newcastle Bushfire Consulting)
Appendix H	Biodiversity Assessment (NGH Environmental)
Appendix I	Arborist Report (Accurate Tree Assessment)
Appendix J	Landscape and Visual Impact Assessment (DWP)
Appendix K	Traffic and Parking Assessment (Opus)
Appendix L	Acoustic Assessment (Day Design)
Appendix M	Geotechnical Investigation (Coffey)
Appendix N	Servicing Report (Opus)
Appendix O	Services Design Certificates (BSE)
Appendix P	BCA Compliance (Newcert)
Appendix Q	Fire Services Summary (BSE)

Appendix R	Access Design Review (Lindsay Perry)
Appendix S	Crime Prevention Through Environmental Design (James Marshall)
Appendix T	Site Waste Minimisation Management Plan (NGH Environmental)
Appendix U	AHIMS Searches
Appendix V	Quantity Surveyors Report (Wilde And Woolard)
Appendix W	Certificate of Title and Deposited Plan
Appendix X	Detail Survey Plan (Marshall Scott)

3.0 Site Analysis

3.1 PROPERTY DESCRIPTION

The subject site is Lot 1938 DP 704459, with a physical address of 120 Redhead Road, Redhead. The site has an area of 5.292ha and frontage to Redhead Road of 263.31m.

The owner of the land is The State of New South Wales (Crown Land) and Frank Whiddon Nominees Pty Ltd have been appointed as Trustees for the land.

The Certificate of Title and Deposited Plan for the site are attached at **Appendix W**. Landowners consent has been provided with the Development Application form.

3.2 LOCALITY

Redhead is on the eastern side of Lake Macquarie, on the coast. It is located north east of Belmont, and south west of Charlestown. **Figure 7** shows the location of the site within the broader context of the Lake Macquarie and Newcastle Area.

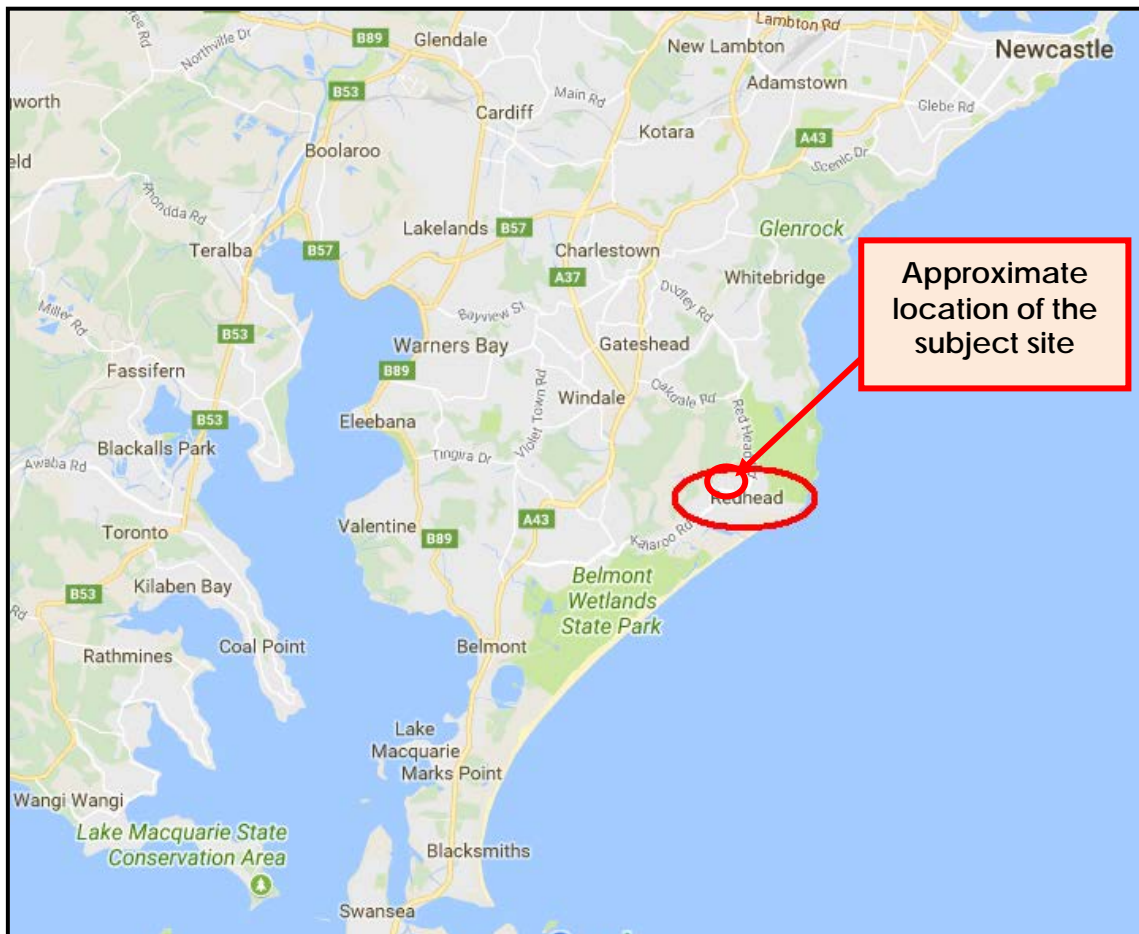


Figure 7 Location of site within broader context of Lake Macquarie and Newcastle.

The site is within relative proximity to the Belmont Town Centre, with approximate travel times of 10 minutes by car and 25 minutes by bus; and Charlestown Regional Centre, with approximate travel times of 10 minutes by car and 30 minutes by bus. The site is also within close proximity to the Redhead local neighbourhood shops (approx. 1km) and an easy commute to the local centres of Jewells and Whitebridge.

The aerial photograph in **Figure 8** below provides an indication of the current built form and pattern of development within the surrounding locality.



Figure 8 Aerial photo of the subject site within the broader context of the locality.

3.3 DESCRIPTION OF EXISTING DEVELOPMENT

The Redhead Gardens Village is located on the site and comprises an existing 2 storey 60 bed RACF building located toward the northern site boundary and 30 centrally located ILU's. The bulk of the existing development was constructed in 1991, with additions to the RACF building carried out in 2001.

Redhead Gardens is a fully occupied RACF servicing 60 residents. The majority of residents have high care needs with large percentage of dementia residents.

3.4 DESCRIPTION OF SITE FEATURES

3.4.1 Topography

The site has considerable slope on the northern and western sides, flattening out in the area occupied by the Independent Living Units and towards Redhead Road. The area where the new 80-bed facility is to be located has a slope of approximately 1:10, falling from an RL of 54 at the north-western boundary to RL42 at the internal roadway.

The existing RACF building on the northern edge of the site utilises the slope to provide a main floor level on the upper floor, with service areas below creating a 2 storey elevation to the south. Upper parts of the site have views to the south and south east over Redhead to the ocean. The adjacent site to the west continues to rise to a ridge line approximately 100 metres to the west.

3.4.2 Drainage

Surface stormwater drains across the site toward the south east. There are no defined water courses that affect the site.

3.4.3 Flooding

The subject site is not identified as being flood prone land on Council's Flood Prone Land Map, as shown in **Figure 9**.

Stormwater and drainage are discussed further in **Section 5** of this report.

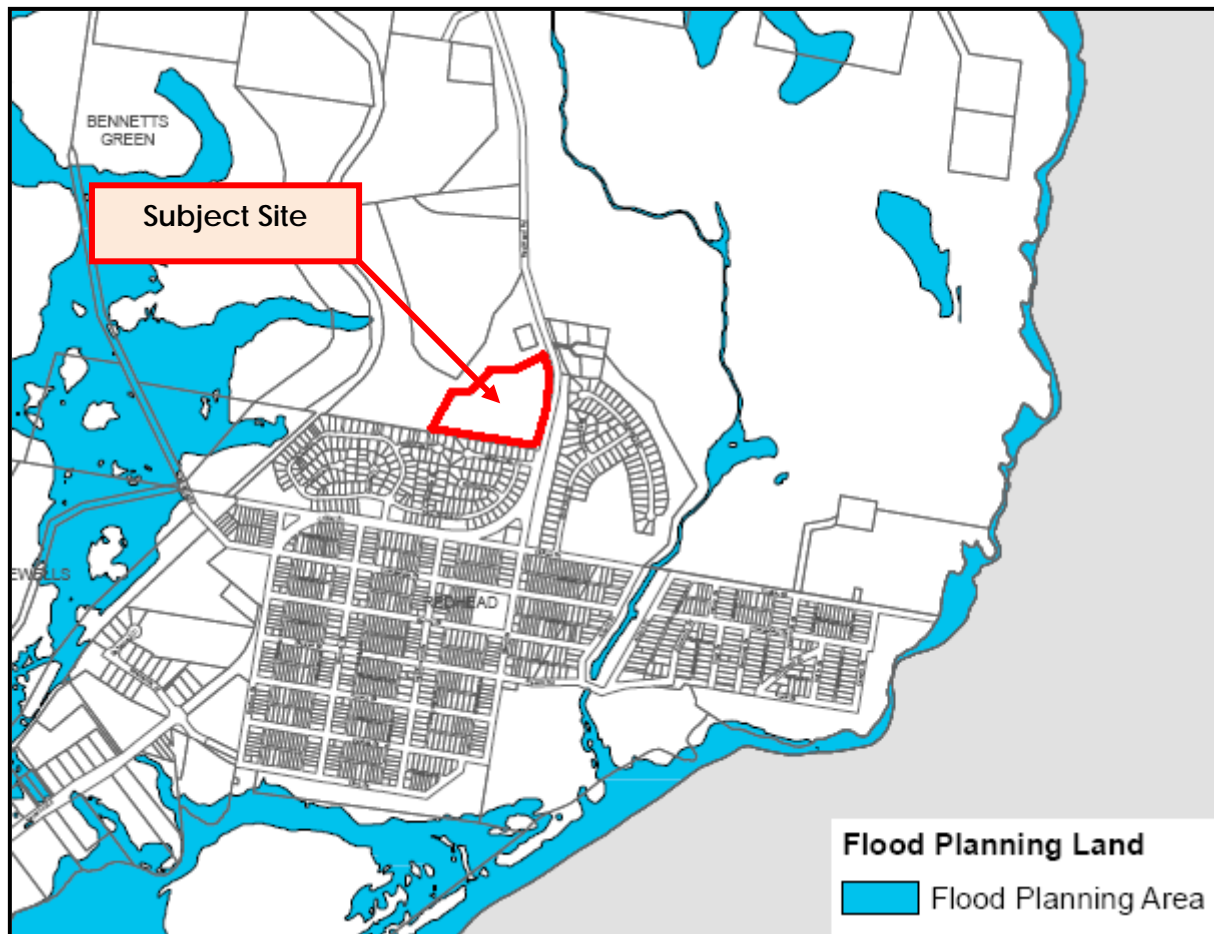


Figure 9 Flood Prone Land Map extract from Lake Macquarie LEP 2014.

3.4.4 Microclimate

The site slopes to the south east.

Easterly coastal breezes affect the site, with prevailing winds from the north-west in summer and the south west in winter.

3.4.5 Heritage

The subject site is not identified as containing any items of Aboriginal or European Heritage Significance, nor is it identified as being located within either a heritage conservation area or within proximity to any known heritage items.

3.4.6 Views

There are views from the site over the existing independent living units within the site and over detached dwelling houses adjoining the southern boundary and beyond, with distant views to the sea.

3.4.7 Overshadowing

The site is not overshadowed by neighbouring structures.

Existing development within the site does not result in any overshadowing of neighbouring properties.

3.4.8 Neighbouring Buildings and Property

Land adjoining the northern and western site boundaries is owned by the Crown and remains as undeveloped bushland with access tracks surrounding much of the site.

There are single residences on suburban blocks to the east (over Redhead Road) and immediately south of the site. All neighbouring dwellings (south of the site) are orientated away from the subject land, with frontage to White Cap Close. Rear yards / private open space.

3.4.9 Street Frontage

The subject land has direct street frontage to Redhead Road.

The existing entrance to the site benefits from a dedicated right to land for vehicles travelling in a southerly direction to enter the site.

3.4.10 Character of Adjacent Development

The adjacent development on the east and south sides of the site is residential, comprising a mix of single and 2 storey development, making use of a mixture of building styles and finishes.

3.4.11 Local Facilities

Local Bus Service

Newcastle Bus Services Route 322 is provided to the site from early morning to late evening. A covered shelter and bus stop are located on Redhead Road at the entrance to the site.

Village Bus

A village bus provides residents with regular access a wide range of services and outings.

Village Kiosk

A village kiosk provides light snacks and a range of personal items for sale. It is opened daily by volunteers.

Open Space

There are generous areas of open space provided within the site.

Crown land adjoins the northern and western site boundaries and connects to the Fernleigh Track, located to the west of the site. This pedestrian / cycle way is well utilised by the broader Lake Macquarie / Newcastle community.

3.4.12 Sources of Nuisance

The site is not subject to any significant sources of nuisance.

Redhead Road is a moderately busy street but the traffic noise generated will not affect the amenity of residents.

3.4.13 Mine Subsidence

The site is identified as being located within a proclaimed mine subsidence district and as such the proposal will require referral to the Mine Subsidence Board in accordance with section 15 of the *Mine Subsidence Compensation Act 1961*.

It is noted that the proposed development has already been referred to the Mine Subsidence Board via their online lodgement system.

3.4.14 Contamination & Geotechnical Characteristics

The site is located on the top portion of a gently sloping alluvial sand mound.

There is no known contaminated soil or fill on the site and there is no evidence of groundwater seepage or soil erosion across the site.

3.4.15 Acid Sulphate Soils

The subject site is not identified as containing potential Acid Sulphate Soils as shown on Council's Acid Sulphate Soils Map below.

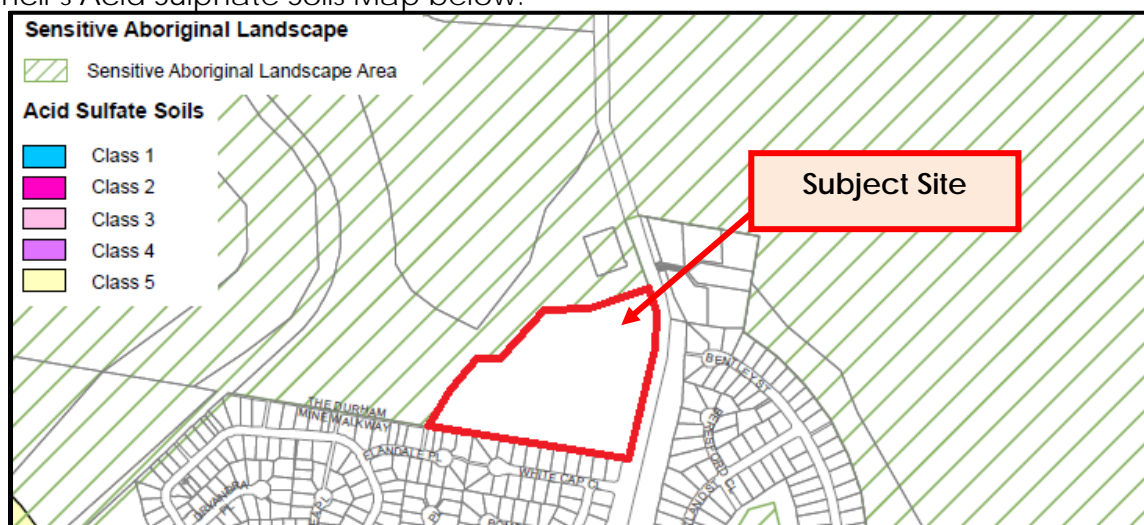


Figure 10 Acid Sulphate Soils & Sensitive Aboriginal Landscapes Map extract from Lake Macquarie LEP 2014.

3.4.16 Vegetation

The site is identified on the Lake Macquarie DCP 2014 Native Vegetation Corridors Map as being located within a corridor of remnant native vegetation and partially cleared remnant native vegetation, refer **Figure 11** below.

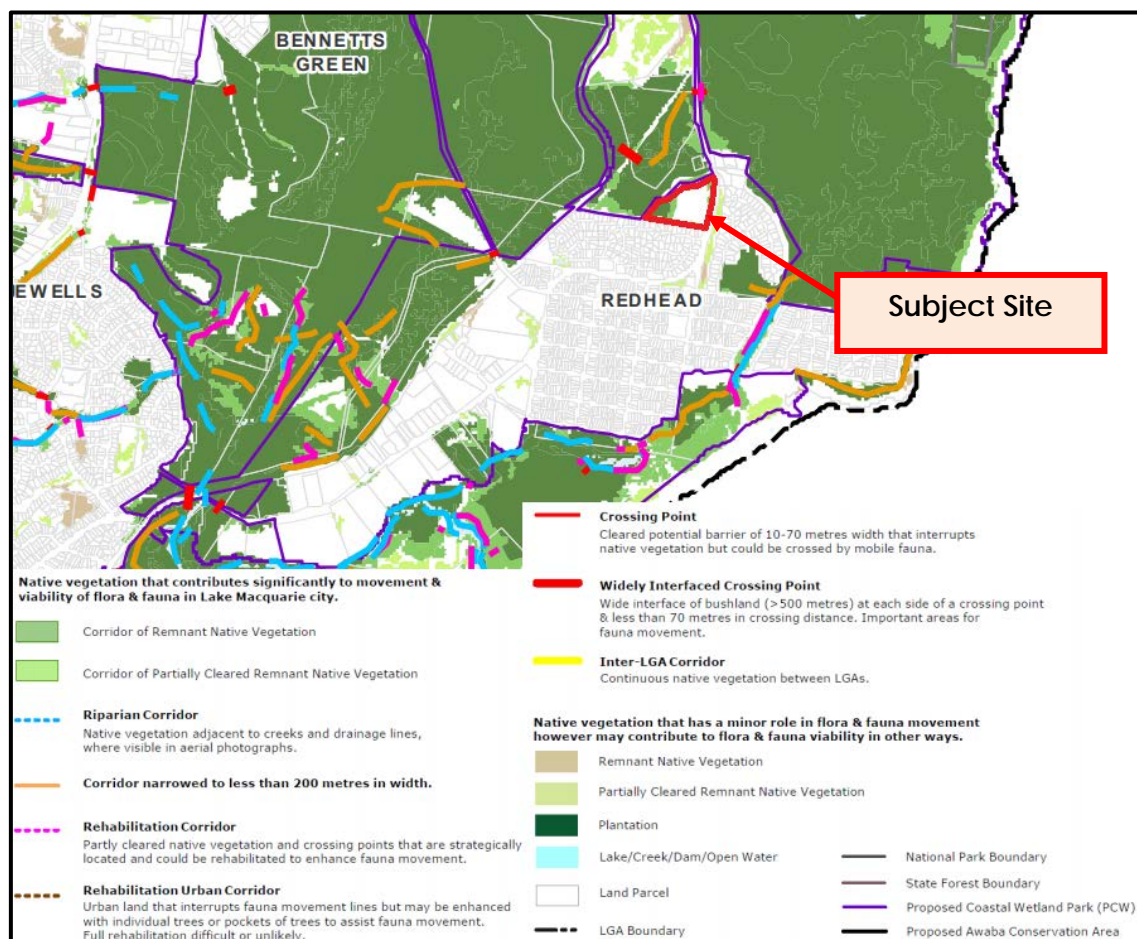


Figure 11 Extract from Lake Macquarie DCP 2014 Native Vegetation Corridors Map.

A Biodiversity Assessment completed by NGH Environmental identified a range of vegetation communities across the site, outlined in the table below. Further details relating to flora and fauna are provided in **Section 5**.

Table 2. Identified Vegetation Communities

Vegetation Community	Plant Community Type (PCT)	Condition class	Threatened ecological community?	Area (ha) in project area (impacted)
Coastal Sand Wallum Heath MU34a (Bell 2016)	<i>Wallum Banksia-Monotoca scoparia heath on coastal sands of the Central Coast and lower North Coast PCT - 1703</i>	Moderate/ Good	No	0.13
Coastal Sand Wallum Heath MU34a (Bell 2016)		Moderate/Poor (previously cleared)	No	0.69
Urban/Exotic Vegetation	-	Poor	No	0.22
TOTAL	-	-	-	1.04

3.5 BUSHFIRE

Part of the site is identified on Council's Bushfire Prone Land map as being bushfire prone land, and includes the proposed building footprint. An extract of this map is shown in Figure 12.

A residential care facility is considered to be a special fire protection purpose and will require a Bushfire Safety Authority under s100B of the Rural Fires Act 1997.

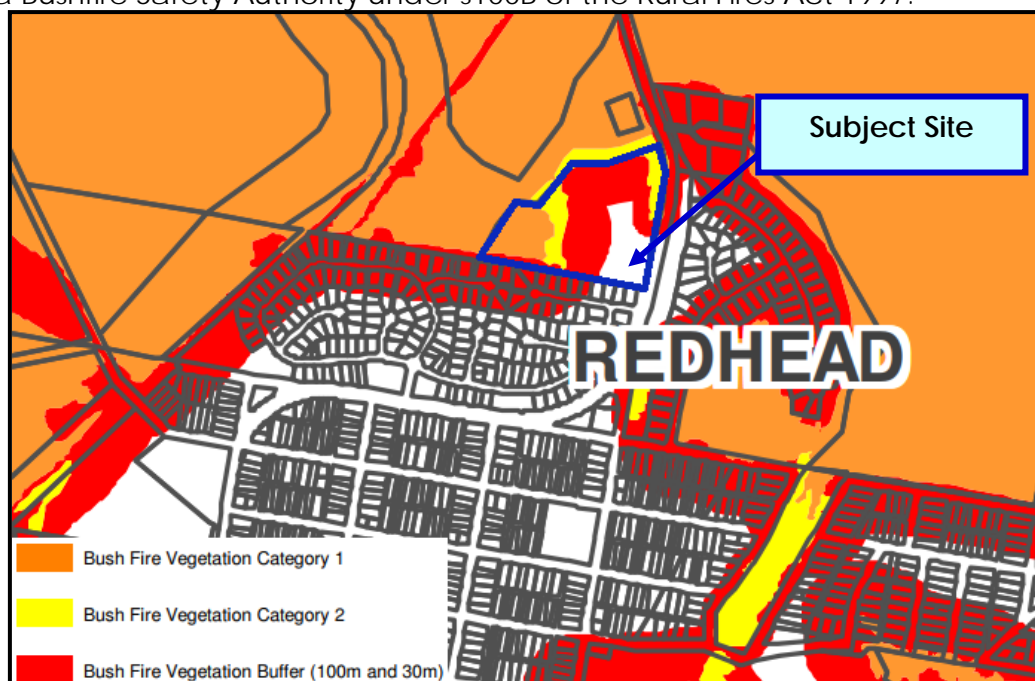


Figure 12 Extract from Lake Macquarie Council's Bushfire Prone Land map.

Further details relating to bushfire threat are provided in Section 5.

3.6 TRAFFIC, ACCESS & ROAD NETWORK

The subject site is located on Redhead Road, which is a two lane, two way road, that runs from Redhead just south of the site, to the suburb of Dudley north of the site.

A single access point is provided directly from Redhead Road. A south bound turning lane provides for a right hand turn into the site from Redhead Road. Generally, there is no kerb and guttering along Redhead Road with the exception of a couple of segments near the sites entrance.

A bus stop is located on either side of Redhead Road just north of the sites entrance.

A Traffic and Parking Assessment is provided within **Appendix K** and is also addressed further in **Section 5** of this report.

3.7 COASTAL ZONE

The subject site is located within NSW Coastal Zone.

Coastal protection is addressed in **Section 4** of this report.

3.8 UTILITY SERVICES

Public utility services including reticulated water and sewer, electricity, and telecommunications are all located adjacent to and within the site.

Utility services are addressed further in **Section 5** of this report.

4.0 Planning Controls

4.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

One threatened flora species was identified during the site inspection. *Tetratheca juncea*, listed as vulnerable under the EPBC Act, was recorded within the study area and is known to have a high population within the broader study locality. An Assessment of Significance has been undertaken and is discussed in the Biodiversity Assessment included within **Appendix H**.

Some threatened and/or migratory species may utilise habitat within the proposed works area on occasion, however abundant and similar habitat is located within the surrounding local area.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Compliance with key provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is demonstrated below.

Part 1 Preliminary

Section 5. Object of the Act

The proposed subdivision promotes the objects of the Act as follows:

- The proper management and development of the land by increasing the density of development proposed on the site.
- The promotion and co-ordination of the orderly and economic use and development of land through a sequential staged implementation of the development across the site;
- The provision and co-ordination of communication and utility services to the proposed development;
- Will provide opportunity for the provision and maintenance of affordable housing;
- Will provide opportunity for public involvement and participation in environmental planning and assessment through the public notification process.

Part 4 Development Assessment

The proposed subdivision is to be assessed under Part 4 of the EP&A Act.

Section 79C Evaluation

This assessment takes into consideration matters identified in Section 79C of the EP&A Act. Compliance is demonstrated in **Table 3**.

Table 3. Compliance with Section 79C of the EP&A Act

Matters for Consideration	Compliance
(a) the provisions of:	
(i) any environmental planning instrument	The provisions of applicable State Environmental Planning Policies and the Lake Macquarie Local Environmental Plan are considered in Sections 4.4 and 4.6 of the SoEE.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	Not applicable.
(iii) any development control plan	A detailed assessment of the relevant provisions of the Lake Macquarie Development Control Plan is provided in Appendix A.
(iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	There are no planning agreements that affect the subject land.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The proposed development is considered to be compliant with relevant matters identified within the <i>Environmental Planning and Assessment Regulation 2000</i> .
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the proposed development are considered in Section 5 of this SoEE.
(c) the suitability of the site for the development,	<p>The proposed subdivision is located on a site which is appropriately zoned to accommodate an aged care facility. The slope of the site has been utilised to take advantage of views and solar orientation to ensure a high level of amenity for residents.</p> <p>For these reasons, the subject site is considered to be entirely suitable for the proposed residential subdivision.</p> <p>The suitability of the site is further considered in Section 5 the SoEE.</p>
(d) any submissions made in accordance with this Act or the regulations,	It is understood that this development application will be advertised and notified for public comment. Any submissions would be considered by Council as part of its assessment.
(e) the public interest.	<p>The proposed development is considered to be in the public interest by providing essential services and accommodating for the elderly, including the provision of high level care.</p> <p>The facility strives to connect residents with the broader community through provision of a</p>

Matters for Consideration	Compliance
	<p>range of regular events and activities that encourage community interaction.</p> <p>Other benefits of the development include the creation of addition jobs during both the construction and ongoing operational phases of the project.</p>

Section 91 and 91A Integrated Development

The development is classified as “Integrated Development” under Section 91 of the EP&A Act as it requires the separate approval of the Rural Fire Service (RFS) under the *Rural Fires Act 1997* and the Mine Subsidence Board under the Mine Subsidence Compensation Act 1961. Further details are provided in the table below.

Table 4. Integrated Development Triggers

Legislation	Relevant Section	Reason
<i>Rural Fires Act 1997</i>	Section 100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes
<i>Mine Subsidence Compensation Act 1961</i>	Section 15	Approval to alter or erect improvements within a mine subsidence district or to subdivide land therein

4.3 THREATENED SPECIES CONSERVATION ACT 1995

An ecological assessment has been carried out to examine the likelihood of the proposed subdivision having a significant effect on any threatened species, populations or ecological communities listed under the NSW *Threatened Species Conservation Act 1995*. The assessment is included within **Appendix H**.

4.4 STATE ENVIRONMENTAL PLANNING POLICIES

The following State Environmental Planning Policies (SEPP's) are relevant to this application:

4.4.1 SEPP (Housing for Seniors or People with a Disability) 2004

The purpose of the SEPP is to encourage the development of high quality accommodation for the ageing population and for people who have disabilities – housing that is in keeping with the local neighbourhood.

In accordance with Clause 4, this SEPP is applicable to this application, and the following table addresses the relevant clauses of the SEPP.

Table 5. SEPP Review Table

SEPP Requirements	Discussion
Chapter 1 Preliminary	In this chapter Clauses 4(1)(a)(i) and 5(3) are applicable to this application and are addressed as required below.
<p>4 Land to which Policy applies General <i>This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</i> <i>(a) development for the purpose of any of the following is permitted on the land:</i> <i>(i) dwelling-houses,</i> <i>(ii) residential flat buildings,</i> <i>(iii) hospitals,</i> <i>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</i> <i>(b) the land is being used for the purposes of an existing registered club.</i></p>	The site is zoned R2 Low Density Residential. Dwelling houses are permitted within the R2 zone, confirming that the SEPP is applicable to the site.
<p>5 Relationship to other environmental planning instruments <i>(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.</i></p>	Noted.
Chapter 2 Key Concepts	In this chapter clauses 8, 9, 10 and 11 are applicable to this application.
<p>8 Seniors <i>In this Policy, seniors are any of the following:</i> <i>(a) people aged 55 or more years,</i> <i>(b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,</i> <i>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</i></p>	The proposed development will provide housing for seniors.
<p>9 People with a disability <i>In this Policy, people with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.</i></p>	Noted/.
<p>10 Seniors housing <i>In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</i> <i>(a) a residential care facility, or</i> <i>(b) a hostel, or</i></p>	The proposed development falls under the definition of Seniors Housing.

SEPP Requirements	Discussion
<p>(c) a group of self-contained dwellings, or (d) a combination of these, but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing. Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <p>(a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows:</p> <p>(a) Class 3, 9a or 9c in relation to residential care facilities, (b) Class 1b or 3 in relation to hostels, (c) Class 1a or 2 in relation to self contained dwellings.</p>	
<p>11 Residential care facilities In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:</p> <p>(a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.</p> <p>Note. The Aged Care Act 1997 of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.</p>	
Chapter 3 Development for seniors housing	
Part 1 - General	In this Part clauses 14, 15 and 16 are applicable to this application and are addressed as required below.
<p>14 Objective of Chapter The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well</p>	The proposed development addressees his objective, providing accommodation for seniors.

SEPP Requirements	Discussion
<i>as those who are frail, and other people with a disability regardless of their age.</i>	
<p>15 What Chapter does This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:</p> <p>(a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.</p>	In accordance with clauses 15(a) and 16, the proposed development is permissible, with the consent of Council.
<p>16 Development consent required Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.</p>	In accordance with clauses 15(a) and 16 the proposed development is permissible, with the consent of Council.
Part 1A Site Compatibility certificates	Not Applicable.
Part 2 Site-related requirements	In this Part, clauses 26(1) and 2(c), 27(1), 28 and 29 are applicable to this application and are addressed as required below.
<p>26 Location and access to facilities A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> <p>that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p>	<p>The site is located within the Lake Macquarie LGA which is outside of the Sydney Statistical Division, and as such 26 (2)(c) is applicable.</p> <p>A community bus collects residents from the site and transports them to shops and other facilities and services identified in clause 26(1).</p> <p>The bus will provide services at least once a day Monday – Friday.</p> <p>There is a bus stop located on either side of Redhead Road, within 400m of the entry to redhead Gardens. The bus stops are serviced by the 322 Belmont to Newcastle bus service, providing a regular hourly service to the local shopping centres of Whitebridge and Jewells, and the larger business and shopping hubs of Belmont, Charlestown and Newcastle.</p>

SEPP Requirements	Discussion
<p>that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</p>	
<p>27 Bush fire prone land A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.</p> <p>(3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.</p>	<p>A Bushfire Threat Assessment has been prepared by Newcastle Bushfire Consulting and is included as Appendix G of this report. Bushfire is discussed further in Section 5 of this report.</p>
<p>28 Water and sewer A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	<p>The proposed development will be connected to reticulated water and sewer. The site is serviced by Hunter Water and a s50 application will be made to Hunter Water prior to lodging the application with Council, consistent with both Hunter Water and Lake Macquarie Council's standard Development Application requirements.</p>
<p>29 Consent authority to consider certain site</p>	<p>In accordance with this Clause, the</p>

SEPP Requirements	Discussion
<p><i>compatibility criteria for development applications to which clause 24 does not apply</i></p> <p><i>This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</i></p> <p><i>Note.</i></p> <p><i>Clause 24 (1) sets out the development applications to which that clause applies.</i></p> <p><i>A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</i></p> <p><i>Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.</i></p>	<p>criteria referred to in clause 25 (5) (b) (i), (iii) and (v) are outlined and addressed below:</p> <p>(i) <i>the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</i></p> <p>The site is already used for the purpose of seniors housing, being the established Redhead Gardens. This SoEE and supporting specialist sub-consultant reports and plans establish that the site is entirely suitable for the proposal, subject to appropriate management of key matters where necessary.</p> <p>(iii) <i>the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</i></p> <p>The RCF provides a high level of care to residents with in house nursing care provided 24/7. Specialist medical staff attend the site as required to deliver\y a high level of patient care.</p> <p>In addition, transport services are available via a community bus.</p> <p>(v) <i>without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,</i></p> <p>The proposed development has been architecturally designed to integrate with the established Redhead Gardens development and surrounding residential development. The modest 2 storey</p>

SEPP Requirements	Discussion
	design is appropriately setback and positioned with the site contours to ensure an appropriate bulk and scale. The design and materials have been selected to complement the existing development on the site, and the surrounding residential dwellings.
Part 3 Design requirements	
Division 1 General	In this division clauses 30 and 32 are applicable to this application and are addressed as required below.
<p>30 Site analysis <i>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</i></p> <p><i>A site analysis must:</i></p> <p><i>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</i> <i>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):</i></p> <p><i>explaining how the design of the proposed development has regard to the site analysis, and</i></p> <p><i>explaining how the design of the proposed development has regard to the design principles set out in Division 2.</i></p> <p><i>The following information about a site is to be identified in a site analysis:</i></p> <p><i>(a) Site dimensions:</i> <i>length</i> <i>width</i></p> <p><i>(b) Topography:</i> <i>spot levels and/or contour</i> <i>north point</i> <i>natural drainage</i> <i>any contaminated soils or filled areas</i></p> <p><i>(c) Services:</i> <i>easements</i> <i>connections for drainage and utility services</i></p> <p><i>(d) Existing vegetation:</i> <i>location</i> <i>height</i> <i>spread of established trees</i> <i>species</i></p>	<p>A detailed Site Analysis is included in Section 3 of this report. Supporting site analysis plans are included within Appendix B.</p> <p>The assessment addresses the site analysis requirements.</p>

SEPP Requirements	Discussion
<p>(e) Micro climates: orientation prevailing winds</p> <p>(f) Location of: buildings and other structures heritage features and items including archaeology fences property boundaries pedestrian and vehicle access</p> <p>(g) Views to and from the site</p> <p>(h) Overshadowing by neighbouring structures</p> <p>The following information about the surrounds of a site is to be identified in a site analysis:</p> <p>(a) Neighbouring buildings: location height use balconies on adjacent properties pedestrian and vehicle access to adjacent properties</p> <p>(b) Privacy: adjoining private open spaces living room windows overlooking site location of any facing doors and/or windows</p> <p>(c) Walls built to the site's boundary: location height materials</p> <p>(d) Difference in levels between the site and adjacent properties at their boundaries</p> <p>(e) Views and solar access enjoyed by neighbouring properties</p> <p>(f) Major trees on adjacent properties</p> <p>(g) Street frontage features: poles trees kerb crossovers bus stops other services</p> <p>(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted): architectural character front fencing garden styles</p>	

SEPP Requirements	Discussion
<p>(i) Heritage features of surrounding locality and landscape</p> <p>(j) Direction and distance to local facilities: local shops schools public transport recreation and community facilities</p> <p>(k) Public open space: location use</p> <p>(l) Adjoining bushland or environmentally sensitive land</p> <p>(m) Sources of nuisance: flight paths noisy roads or significant noise sources polluting operations</p> <p>(n) Adjoining land uses and activities (such as agricultural activities)</p>	
<p>32 Design of residential development</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>	<p>The proposed development has been designed with regard to the principles set out in Chapter 3, Part 3, Division 2 of this SEPP, addressed below.</p>
<p>Division 2 Design principles</p>	<p>In this Division, clauses 33, 34, 35, 36, 37, 38 and 39 are applicable to this application and are addressed below as required.</p>
<p>33 Neighbourhood amenity and streetscape</p> <p>The proposed development should:</p> <p>recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p> <p>retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>providing building setbacks to reduce bulk and overshadowing, and</p> <p>using building form and siting that relates to the site's land form, and</p> <p>adopting building heights at the street frontage that are</p>	<p>The proposed development takes advantage of the elevation of the site to ensure access to sunlight for residents and to take advantage of the view corridor to the south east to the sea.</p> <p>There are no heritage conservation areas or heritage items that will be impacted by the proposal.</p> <p>The proposed development will maintain neighbourhood amenity by:</p> <ul style="list-style-type: none"> Improving the overall aesthetics of the site though extensive landscaping Improve the presentation of the existing aged care facility building located toward the northern site boundary. Provide additional development toward the rear of the site, set behind the existing independent

SEPP Requirements	Discussion
<p><i>compatible in scale with adjacent development, and considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></p> <p><i>be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i></p> <p><i>embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i></p> <p><i>retain, wherever reasonable, major existing trees, and</i></p> <p><i>(g) be designed so that no building is constructed in a riparian zone.</i></p>	<p>living units.</p> <p>An arborist report has been prepared to address the proposed removal of trees from the site. No impacts are envisaged in relation to this, noting that extensive landscaping is proposed across the site.</p> <p>The proposed landscaping will complement and positively impact on the streetscape.</p> <p>There are no riparian zones impacting on the site.</p>
<p>34 Visual and acoustic privacy <i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i></p> <p><i>appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</i></p> <p><i>ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i></p>	<p>Visual Privacy</p> <p>The proposed development is orientated to minimise opportunity for overlooking onto neighbouring residential properties. Landscaping will be provided along the southern boundary to further minimise opportunity for overlooking.</p> <p>Acoustic Privacy</p> <p>An Environmental Noise Assessment has been prepared for the proposed development and is included in Appendix L.</p> <p>The assessment determined that subject to compliance with recommendations provided in the assessment, the proposed development will be able to meet acceptable noise level requirements of the NSW Environment Protection Authorities Industrial Noise Policy.</p>
<p>35 Solar access and design for climate <i>The proposed development should:</i></p> <p><i>ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</i></p> <p><i>involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i></p> <p><i>Note.</i></p>	<p>The proposal maximises opportunity for access to sunlight for the proposed lounge and outdoor areas. Where possible, these areas are oriented in a northerly direction.</p>

SEPP Requirements	Discussion
AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.	
<p>36 Stormwater</p> <p>The proposed development should:</p> <p>control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	Stormwater drainage plans are included in the Civil Design Package, include in Appendix F .
<p>37 Crime prevention</p> <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	A Crime Prevention Though Environmental Design assessment has been prepared to ensure the ongoing safety and security of residents. The assessment is included in Appendix S .
<p>38 Accessibility</p> <p>The proposed development should:</p> <p>have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>Bus stops are provided along Redhead Road, immediately in front of the site to access both north and southbound bus services.</p> <p>A pedestrian island provides safe access across Redhead Road to enable people to safely access the southbound bus service.</p> <p>A disability access report is included in Appendix R.</p>
<p>39 Waste management</p> <p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The proposed development adequately addresses waste management requirements.</p> <p>A site waste minimisation and management plan is included in Appendix T.</p>
Part 4 Development standards to be complied with	
Division 1 General	Clauses 40 (1), (2), (3) and (4) are

SEPP Requirements	Discussion
<p>40 Development standards—minimum sizes and building height</p> <p>General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.</p> <p>Site size The size of the site must be at least 1,000 square metres.</p> <p>Site frontage The site frontage must be at least 20 metres wide measured at the building line.</p> <p>Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p>the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</p> <p>a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p> <p>Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</p> <p>a building located in the rear 25% area of the site must not exceed 1 storey in height.</p> <p>Development applications to which clause does not apply subclauses (2), (3) and (4)(c) do not apply to a development application made by any of the following:</p> <p>The Department of Housing, Any other social housing provider.</p>	<p>applicable to this application and are addressed below.</p> <p>Site size: The site has an area of 5.292 Ha consistent with the site size requirement.</p> <p>Site frontage: The site has a frontage to Redhead Road of 263.31m, consistent with the site frontage requirement.</p> <p>Height: The development is compliant with the 8m building height standard as defined in the SEPP. A height of 8m is proposed to the ceiling.</p> <p>The SEPP defines maximum building height as follows: "height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point."</p> <p>The proposed development fails to comply with the development standard that requires that a building located in the rear 25% area of the site must not exceed 1 storey in height.</p> <p>An objection to this development standard is included in Appendix D.</p>
<p>Division 2 Residential care facilities—standards concerning accessibility and useability</p> <p>Note. Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the</p>	<p>The proposal has been designed in accordance with these standards.</p>

SEPP Requirements	Discussion
Commonwealth aged care accreditation standards and the Building Code of Australia.	
Division 3 Hostels and self contained dwellings – standards concerning accessibility and useability.	Not Applicable.
Part 5 Development on land adjoining land zoned primarily for urban purposes	Not Applicable.
Part 6 Development for Vertical Villages	Not Applicable.
Part 7 Development standards that cannot be used as grounds to refuse consent	Applicable. See assessment below
Division 1 General	46(1) is applicable to this application.
<p>46 Inter-relationship of Part with design principles in Part 3</p> <p>(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.</p> <p>Note.</p> <p>It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.</p>	
Division 2 Residential care facilities	In this division, clause 48 is applicable to this application and is addressed as required below.
<p>48 Standards that cannot be used to refuse development consent for residential care facilities</p> <p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:</p> <p>building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</p> <p>density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p>landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</p> <p>parking for residents and visitors: if at least the following is provided:</p> <p>1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and</p> <p>1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>1 parking space suitable for an ambulance.</p>	<p>Building height</p> <p>The proposed development exceeds the 8m building height standard and an objection to this development standard is included in Appendix D.</p> <p>Density and scale</p> <p>The proposed development complies with this standard.</p> <p>Landscaped area</p> <p>The proposed development complies with this standard.</p> <p>Parking for residents and visitors</p> <p>The proposed development complies with this standard.</p>

SEPP Requirements	Discussion
Note. <i>The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</i>	
Division 3 Hostels	Not applicable
Division 4 Self-contained dwellings	Not applicable
Chapter 4 Miscellaneous	Clause 55 is applicable to this application and addressed below.
55 Residential care facilities for seniors required to have fire sprinkler systems <i>A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.</i>	A fire sprinkler system is proposed as part of this application.

4.4.2 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State.

Clause 10 of the ISEPP provides that any development listed within Schedule 3 is classified as “traffic generating development” and requires a referral to the RMS.

Schedule 3 identifies the following:

Column 1 - Purpose of development	Column 2 - Size or capacity (site with access to any road)	Column 3 - Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Subdivision of land	200 or more motor vehicles	

As the proposed development provides for new 123 bedrooms, the proposal is not considered to be traffic generating development and will not require the concurrence of the RMS pursuant to Clause 104 of the ISEPP.

4.4.3 SEPP (State and Regional Development) 2011

The proposed development does not comprise State Significant Development under this SEPP and hence the provisions of this SEPP are not relevant.

It is noted that Clause 20 of this SEPP cross-references to Schedule 4A of the EP&A Act which identifies a range of developments that – either due to their nature, scale, value, impact or location – are deemed to be of regional significance and which, as a result, require that the JRPP become the consent authority.

As the proposed subdivision has a capital investment value that exceeds \$20 million, this triggers the JRPP to become the consent authority for this development application.

See estimate Capital Investment Value in **Appendix V**.

4.4.4 SEPP 14 Coastal Wetlands

State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14) aims to protect coastal wetlands in NSW. According to clause 7(1) of SEPP 14, a person shall not:

- (a) clear that land,
- (b) construct a levee on that land,
- (c) drain that land, or
- (d) fill that land,

except with the consent of the council and the concurrence of the Director.

The nearest mapped SEPP 14 wetland occurs 1km north east of the proposed work area and this will not be impacted by the proposed works.

4.4.5 SEPP 19 Urban Bushland

The objectives of SEPP 19 – Urban Bushland is to protect and preserve bushland within urban areas due to natural and biodiversity values to the community, aesthetic values and their use as a recreational, educational and scientific resource.

Where a proposed development adjoins land zoned 'Public Open Space' then potential biodiversity impacts resulting from a proposed development should be addressed. The proposed works area is situated on land zoned R2, however a large portion of the surrounding vegetation to the west and north west of the proposed works area is zoned E2 and considered as a 'public open space'. Therefore, potential impacts to this vegetation have been considered within this assessment.

4.4.6 SEPP 44 Koala Habitat Protection

The proposed work area is located within the Lake Macquarie LGA, which is listed on Schedule 1 of SEPP 44.

There were no primary, secondary or supplementary feed tree species present within the study area.

According to SEPP 44, the vegetation within the study area cannot be considered "potential Koala habitat". "Core koala habitat" is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females and recent sightings, and historical records of a population.

As there are no listed Koala sightings within the study locality within the last 10 years, the proposed works area is not considered core koala habitat according to SEPP 44.

4.4.7 SEPP 55 Remediation of Land

Clause 7 of SEPP 55 requires that Council consider whether the land is contaminated before consenting to a development.

To our knowledge, there are no known potentially contaminating activities that historically may have been carried out on the subject land. It is understood that the proposed development area to the rear of the site was previously bushland.

Consequently, the subject land is considered to present a low risk of contamination associated with historical use.

4.4.8 SEPP 71 Coastal Protection

This SEPP was gazetted on 1st November 2002 and has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

Development within the Coastal Zone must consider Clause 8 Matters of Consideration and Part 4 Development Controls. The following points address these matters:

Table 6. Clause 8 Matters for Consideration

Clause 8 Matters for Consideration	Compliance
(a) the aims of this Policy set out in clause 2,	The proposed development is consistent with the aims of the Policy which are generally to protect and manage the natural, cultural, recreational, and economic attributes, vegetation and visual amenity of the NSW Coast as it applies to the site.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	Not applicable. The site does not provide public access to and along the coastal foreshore.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	Not applicable. The site is not strategically located to provide public access to and along the coastal foreshore.
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	The site is suitable for the proposed development, as established by this SoEE and given the existing seniors housing development on the site.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	The proposed development will not result in any detrimental impact to the amenity of the coastal foreshore.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	The proposed development is not located within a visually sensitive location and will have no visual impact to the scenic quality of the NSW coast. A Visual Impact Assessment has been prepared by DWP and is included as Appendix J of this report.
(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	The proposal is consistent with the aims of this policy and will have no adverse impacts on flora and fauna. A Biodiversity Assessment has been prepared by NGH and is included as Appendix H of this report.
(h) measures to conserve fish (within the	Not applicable.

meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats,	
(i) existing wildlife corridors and the impact of development on these corridors,	Lake Macquarie Council's DCP 2014 mapping identifies the site as being located within a wildlife corridor. A Biodiversity Assessment has been prepared by NGH, included in Error! Reference source not found. which confirms that the proposed works will not impact on existing habitat corridors.
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	Not applicable.
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The proposed development will not result in any conflict between land or water based activities.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	Not applicable.
(m) Likely impacts of development on the water quality of coastal waterbodies,	The proposal will have no adverse impact on the water quality of coastal waterbodies. This will be ensured by the implementation of the stormwater plan prepared by Opus and provided within Appendix F of this report.
(n) The conservation and preservation of items of heritage, archaeological or historic significance,	The subject site is not located within a heritage conservation area under the Lake Macquarie LEP 2014, nor is it within close proximity to any heritage items listed under Schedule 5 of Lake Macquarie LEP 2014.
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	Not applicable.
(p) Only in cases in which a development application in relation to proposed development is determined:	See below.
(i) The cumulative impacts of the proposed development on the environment.	No significant cumulative effects have been identified or are likely given that it can be demonstrated how each issue in relation to the proposal can be adequately managed.
(ii) Measures to ensure that water and energy usage by the proposed development is efficient.	A BCA compliance statement is included in Appendix P .

Table 7. Part 4 Development Controls

Part 4 Development Control	Compliance
12 Application of Part This Part applies to all development on land to which this Policy applies.	Noted.
13 Flexible zone provisions A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	Not Applicable. The proposed development does not rely on a flexible zone boundary provision for permissibility.
14 Public access A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	Not applicable. The site does not provide public access to and along the coastal foreshore, nor is it strategically located to provide new public access to and along the coastal foreshore.
15 Effluent disposal The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The proposed development will be connected to reticulated water and sewer serviced by Hunter Water.
16 Stormwater The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	A Stormwater Design has been prepared by Opus and is included in Appendix F , in accordance with Council's requirements and best practice principles. The recommendations of the Stormwater Management Plan will be implemented to ensure that no untreated stormwater is discharged in the ocean or local creek.

4.4.9 SEPP (Vegetation in Non-Rural Areas) 2017

An authority to clear vegetation is not required under this Policy as it comprises clearing of a kind to be authorised under other legislation, as per clause 8 of the SEPP (and section 60O of the *Local Land Services Act, 2013*).

4.4.10 SEPP (Building Sustainability Index: BASIX) 2004

The Environmental Planning and Assessment Regulation 2000 defines a BASIX affected building and a dwelling as follows:

"BASIX affected building means any building that contains one or more dwellings, but does not include a hotel or motel."

“dwelling, in relation to a BASIX affected building, means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.”

As the proposed development does not include any premises capable of being used or adapted as a separate domicile, the provisions of the SEPP are not considered relevant.

4.5 REGIONAL PLANNING CONTROLS

4.5.1 Hunter Regional Plan 2036

The NSW Government has developed the Hunter Regional Plan 2036 as an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years.

The Plan sets priorities and provides a direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits. It sets in place line-of-sight land use planning for the region, regional districts like the Greater Newcastle metropolitan area and each council area.

The vision of the Hunter Regional Plan 2036 is for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle and set the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity-rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

The Greater Newcastle area comprises the closely connected urban areas of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens local government areas.

Figure 13 below provides the indicative boundaries of the Greater Newcastle area and identifies the location of the subject site within the Greater Newcastle area.

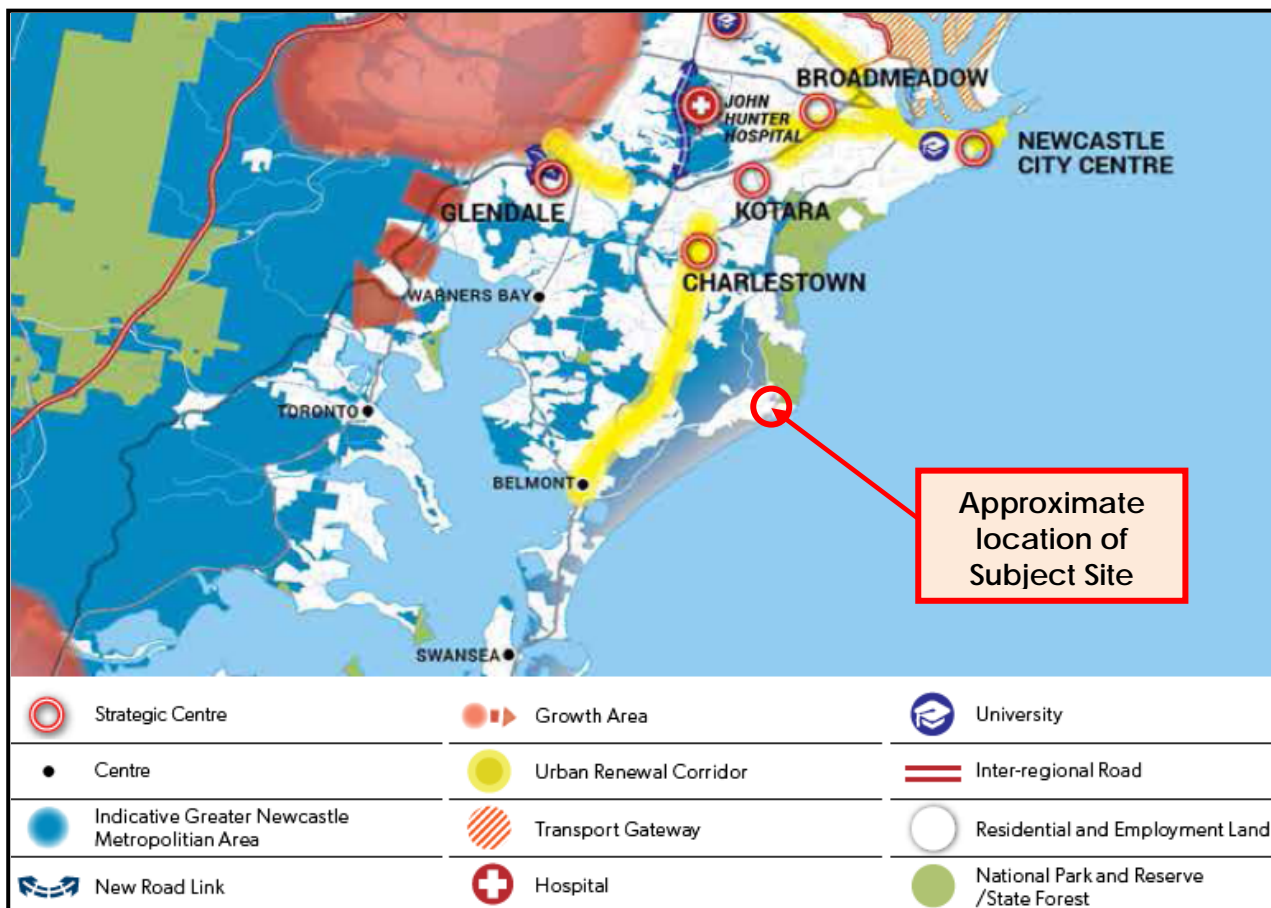


Figure 13 Extract from Hunter Regional Plan 2036 - Greater Newcastle area.

The subject site is located within an identified residential and employment land area.

The Plan identifies that an additional 70,000 dwellings will be needed in the region by 2036, and providing the land and infrastructure to meet this demand is central to the Plan.

Greater housing choice is sought by delivering diverse housing, lot types and lot sizes including seniors housing.

The proposed residential care facility will contribute to the delivery of the required additional 70,000 dwellings within the region, within a locality that has established infrastructure, and is within close proximity to the strategic centre of Charlestown.

It is considered that the proposal is consistent with the Hunter Regional Plan 2036.

4.6 LOCAL PLANNING CONTROLS

4.6.1 Lake Macquarie Local Environmental Plan 2014

The proposed development is subject to the provisions of Lake Macquarie Local Environmental Plan 2014. The subject site is zoned R2 Low Density Residential Zone. The objectives of the R2 Low Density Residential Zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To encourage development that is sympathetic to the scenic, aesthetic and cultural heritage qualities of the built and natural environment.

The proposed development is entirely consistent with the objectives of the R2 zone, in particular noting the following:

- The proposal will contribute to meeting an identified need in the area for increased residential care facilities for seniors and people with a disability.
- The proposal is compatible with low density residential characteristics and environment of the locality.
- The proposal has been sympathetically designed with regard to the scenic and aesthetic attributes of the locality.
- Overall the proposal will contribute to the residential amenity and character of the area through the provision of an architecturally designed residential care building.

Figure 14 provides an extract from LMLEP 2014 Zone Map and illustrates the R2 Low Density zoning of the site in the context of the surrounding locality. Land adjoining immediately to the north and west is zoned E2 Environmental Conservation, and land immediately adjoining to the south and east of the site is zoned R2 Low Density Residential.

The opposite side of Redhead Road (east of the site) is zoned R2 Low Density, with a strip of RE1 Public Recreation land adjoining the Road, providing a buffer between the two developments.

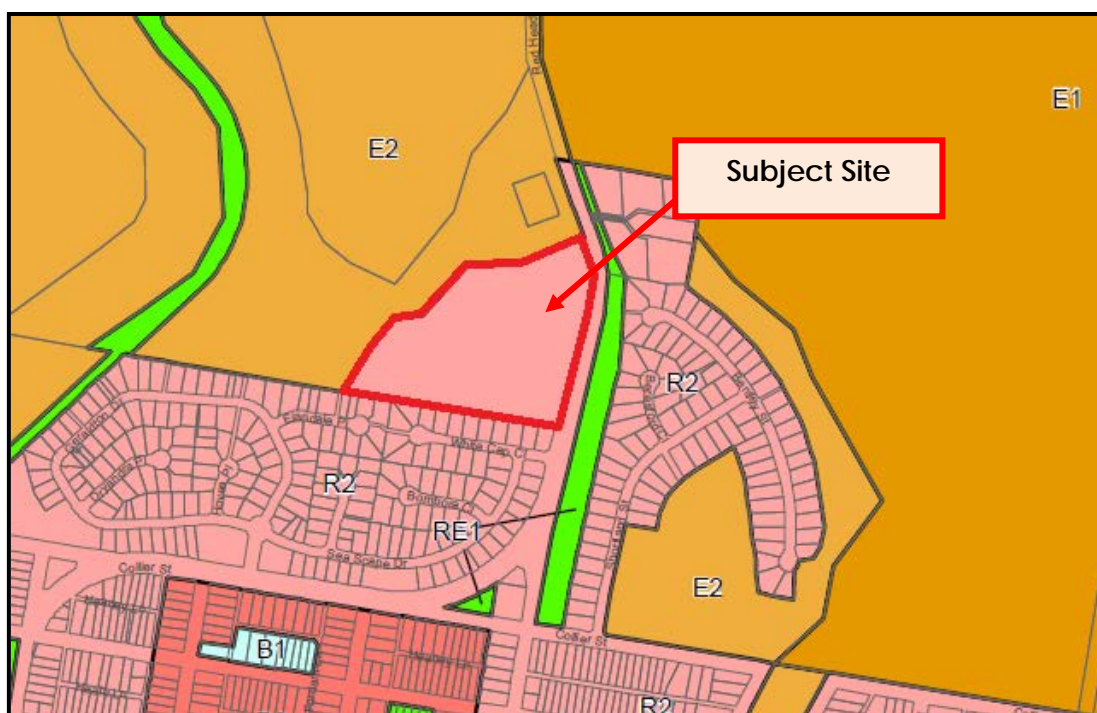


Figure 14 Zoning map extract from Lake Macquarie LEP 2014.

4.6.2 Land Use Definitions & Permissibility

The proposed development is permissible under SEPP (Housing for Seniors or People with a Disability) 2004.

Notwithstanding, the proposal is also permissible under the Lake Macquarie LEP as 'seniors housing' is a permissible land use in the R2 zone with consent. Seniors housing is defined as:

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
but does not include a hospital.

Note.

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

4.6.3 Specific Lake Macquarie LEP 2014 Clauses

- **Clause 4.3 – Height of Buildings**

The objectives of this clause are to ensure the heights of buildings are appropriate for their location, and to permit building heights that encourage high quality urban form. The height of a building on any land (were it not for the concept approval over the site) is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The height of buildings map for the subject site is shown in **Figure 15** below and prescribes a maximum building height of 8.5m.

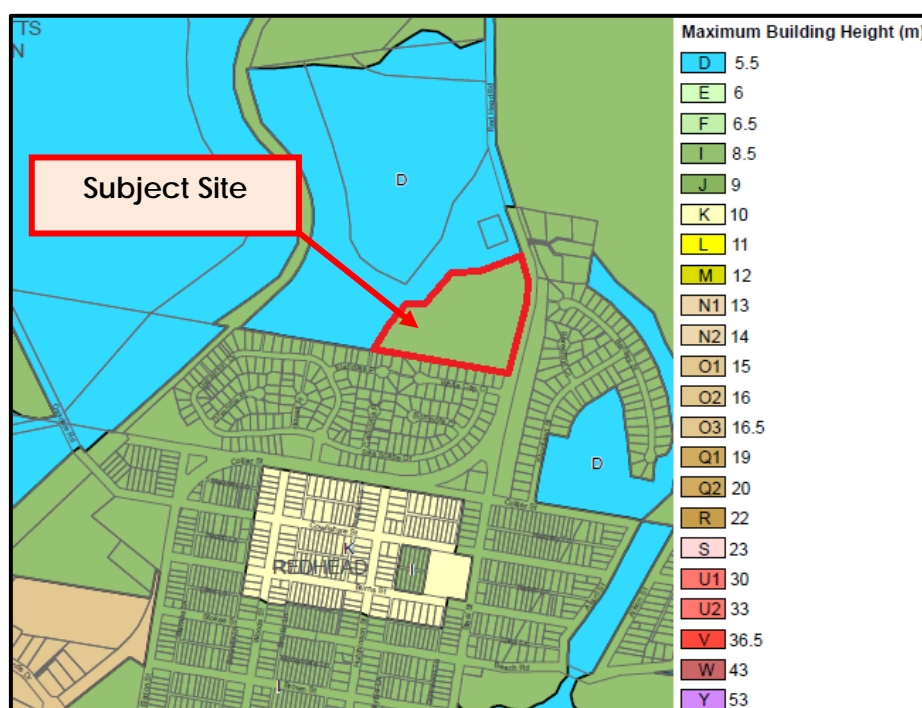


Figure 15 Height of Buildings Map extract from Lake Macquarie LEP 2014.

The proposed development nominally exceeds this requirement as identified below:

- From foyer level to East-West Wing Roof Ridge level: 9890mm
- From ground level to East-West Wing Roof Ridge level: 9040mm
- From ground level to services exhaust: 9550mm
- From basement level to South Wing Roof Ridge level: 9440mm

It is noted that building height controls are included within SEPP (Housing for Seniors or People with a Disability) 2004. Clause 5(3) of this SEPP reads as follows:

"If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency."

Based on the above, it is considered that the building height controls contained within the SEPP take precedence over the height controls contained within the LEP. Notwithstanding, a submission under Clause 4.6 of the LEP has been prepared to demonstrate that compliance with the building height controls is both unreasonable and unnecessary. The submission is included within **Appendix E**.

• **Clause 5.5 – Development within the Coastal Zone**

The objective of this clause is to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development; and to implement the principles in the NSW coastal policy. The clause applies to all development located within the coastal zone.

Coastal protection has been addressed above in Section 4 of this report, in considering SEPP 71.

• **Clause 5.9 – Preservation of Trees or Vegetation**

This Clause refers to the requirement that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent, or a permit granted by Council.

The proposed development is consistent with this clause of the LEP and seeks approval for the removal of existing trees and vegetation from the development site.

A Biodiversity Assessment of the site is included at Error! Reference source not found. and an Arborist Report is included in **Appendix I**.

Ecology and tree removal is discussed further in **Section 5** of this report.

• **Clause 7.2 – Earthworks**

This Clause requires development consent to be granted for earthworks that are not exempt development, or ancillary to development permitted without consent.

The proposed development is consistent with this clause of the LEP and seeks approval for the associated earthworks on the development site. A civil design package has been prepared by Opus and are included as **Appendix F** of this report.

- **Clause 7.12 Development for the purpose of seniors housing**

In accordance with subclause 7.12(4) this clause is no longer applicable.

- **Clause 7.21 Essential Services**

This clause states that development consent must not be granted to development unless the consent authority is satisfied that any essential services for the development (water, electricity, sewer, stormwater drainage, or vehicular access) are available, or adequate arrangements have been made to make them available when required.

The proposed development is provided with adequate vehicular access, and all public utility services including reticulated water and sewer, electricity and telecommunications are available, or will be upgraded as necessary to service the proposal.

4.6.4 Lake Macquarie Development Control Plan 2014

Lake Macquarie Development Control Plan 2014 applies to the proposed development.

Careful consideration of the requirements of DCP 2014 has been made with respect to this application and the requirements of the relevant sections of the DCP have been addressed within the DCP 2014 Checklist provided at **Appendix A** of this report. Further DCP justification is also provided within **Section 5** of this SoEE.

4.6.5 Other Relevant Policies, Strategies & Controls

Lifestyle 2030 Strategy

The Lifestyle 2030 Strategy is a Strategic Plan that provides the direction for the future urban and rural land use pattern that is based on achieving the principles of ecological sustainability.

The Strategic Plan is made up of the following elements, city vision, core values, aims, strategic directions, strategic plan maps, and statements of intent.

The city vision sets out the ideals being sought during the life of the Strategic Plan, the core values are the foundations of decisions and actions, the aims support the overall vision and core values, the strategic directions contain the desired outcomes to be achieved, and objectives which describe how the outcomes will be achieved, the Strategic Plan maps geographically describe the preferred pattern of development for the City, and the statements of intent explain the various land categories described in the Strategic Plan maps.

The proposed development is consistent with the Lifestyle 2030 Strategy and its aims, particularly *Strategic Direction 6 – A City responsive to the wellbeing of its residents*, in supporting the needs of the community with additional well designed and located aged care facilities.

5.0 Development Issues

5.1 ZONE OBJECTIVES & PERMISSIBILITY

As indicated in **Section 4** of this report, the subject site is zoned R2 Low Density Residential Zone. The proposed residential care facility is permissible on the site under SEPP (Housing for Seniors or People with a Disability). Seniors housing, including development for the purpose of a residential care facility, is also a permissible land use with Council consent in the R2 zone under the Lake Macquarie LEP 2014.

The proposed development is compliant with the relevant zone objectives.

5.2 DEVELOPMENT DESIGN & BUILT FORM

The proposed development offers a high-quality design and built form that will substantially improve the overall amenity and presentation of the development.

The architectural and landscape design have been influenced by key site features and opportunities to improve the overall amenity of the development. These opportunities are highlighted in **Figure 16 - Figure 19** below.



Figure 16 Promote connection to nature.



Figure 17 Creation of a village heart.



Figure 18 Improved vehicular nodes and legibility.



Figure 19 Improved pedestrian connectivity.

(Source: TaylorBrammer, 2017)

5.3 LANDSCAPING

Extensive landscaping across the site will further contribute to the amenity and appearance of the development.

Landscape plans are included within **Appendix C**.

5.4 STORMWATER MANAGEMENT

Stormwater drainage plans are included as part of the civil design package included in **Appendix F**.

5.5 ACCESS, TRAFFIC & PARKING

5.5.1 Access

Access to and from the site is via a single access crossover from Redhead Road. There is a right turning bay into the site and a pedestrian refuge south of the entrance connecting the footpath on the eastern side of Redhead Road to the southbound bus stop.

There is an asphalt internal road and carpark at the north and east of the site. There are pedestrian footpaths throughout the site connecting the ILU's to the RACF. There are bus stops on Redhead Road adjacent to the property access.

5.5.2 Traffic

Traffic Impact Statement has been prepared by Opus International Consultants (Australia) Pty Ltd and is included in **Appendix K**.

The assessment determined that the development is anticipated to generate up to 30 AM and 60 PM peak vehicle movements per hour and there is sufficient capacity within the surrounding road network to cater for the traffic generated by the development.

5.5.3 Servicing, Loading and Turning Areas

The loading facility is on the southern side of the building and is accessed via Redhead Road. The loading facility is in accordance with LMCC specifications;

Turning paths have been prepared by Opus and are appended to the Traffic Impact Assessment.

5.5.4 Parking

The statutory car parking requirements for this development are based upon State Environmental Planning Policy SEPP (Seniors Living).

- 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia);
- 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time; and
- 1 parking space suitable for an ambulance.

Table 8. Calculation of parking requirements

Use	Beds	Car parking rate	Predicted Car Parking Demand
RACF	121	1 spaces per 10 beds	12
Staff	60 employees	1 spaces per 2 employees	30
Total			42

The development proposes to use the existing 12 car parking spaces at the east of the site, plus an additional 44 car parking spaces totalling 56 car parking spaces. Consequently, all statutory car parking requirements have been met.

The parking layout is in accordance with the Australian Standards 2890.1 Parking Facilities – Off-street Parking;

5.5.5 Pedestrian and bicycle network

Pedestrian network will be established to the front of the site.

The bicycle facilities required for the development are 2 employees and 3 visitor bicycle spaces as in accordance with the LMCC's bicycle strategy and bicycle storage will be provided as part of the proposed development.

5.6 FLORA AND FAUNA

A Biodiversity Assessment has been completed by NGH Environmental and is included in **Appendix H**. The assessment determined that with the effective implementation of mitigation measures, risk of impacts to biodiversity is considered negligible.

Likely flora and fauna impacts are summarised below.

5.6.1 Flora Impacts

Loss of Vegetation

The amount of native vegetation to be cleared for the proposed works is approximately 0.82 ha. This excludes approximately 0.22 ha of exotic vegetation. The majority of clearing for construction of the new facility would consist of the total removal of vegetation in this area.

Minor clearing works predominately within exotic or disturbed vegetation will occur for upgrades to road and car parking infrastructure. Immature Eucalypt species are required to be removed however they do not contain significant habitat features.

Threatened Ecological Communities (TEC's)

There are no TECs within the study area. Mitigation measures would ensure no indirect impacts should occur on any TECs within the study locality or broader region.

Threatened Flora Species

15 threatened flora species under the TSC Act were recorded previously within the study locality of which 12 have potential habitat present. Targeted surveys were conducted for these species with one species, *Tetratheca juncea*, recorded within the study area and would be impacted.

A total of 65 individual clumps were recorded within the impact area with a further eight (8) individual clumps identified outside of the impact area. However, investigations outside of the proposed works area were only preliminary and it is highly likely that *Tetratheca juncea* is abundant throughout the surrounding study area and vegetation beyond.

A summary of previous records in the region was undertaken based on OEH and Lake Macquarie City Council records and an Assessment of Significance (AoS) was undertaken. There are 1,120 records within 10 km, 595 within 5km and 295 within 2km of the proposed works area. The Assessment concluded that the removal of 65 individual clumps of *Tetratheca juncea* is likely to be less than 25% of the total number of plants or plant clumps on a site or total connected population (>500) in the broader area. Therefore, the proposed works are considered unlikely to have a significant impact on this species.

As a precautionary approach, an AoS for *Chamaesyce psammogeton* was completed and determined that the proposed works would be unlikely to have significant impact on this species.

Other threatened flora species with potential to occur within the study area were detectable at the time of season that the inspection was undertaken and were not observed within the study area, and are therefore unlikely to be impacted. Additionally, habitat for these species is abundant within the broader region and the loss of this habitat is unlikely to cause an adverse impact to threatened flora species.

Habitat Loss

The proposed works would result in the removal of 0.82 ha of habitat for birds, small mammals and reptiles, with only a small portion considered potential breeding habitat (0.13 ha) however, this is not considered significant when compared to the broader

landscape surrounding the study area.

The vast majority of native vegetation to be removed (0.69 ha) has been previously disturbed and influenced by exotic flora species. This habitat may be used for foraging on occasion by protected and threatened fauna moving through the area.

The loss of approximately 0.82 of foraging habitat or 0.13 ha of potential breeding habitat is unlikely to cause a significant impact to any threatened fauna species occurring within or near the study area. This is due to the limited scope of clearing and the remaining good condition vegetation containing complex structure surrounding the proposed works area providing a continuing corridor for foraging, breeding and movement.

Following completion of the works, significant landscaping works and vegetation plantings will reinstate some potential foraging opportunities to threatened fauna.

Loss of Hollow-bearing Trees and Logs

No hollow bearing trees would be removed from the proposed works area. A small amount of woody debris would be disturbed, however, safeguards implemented, such as relocating logs into areas that would not be disturbed, would ensure impacts would be negligible.

Threatened Fauna Species

Of the 30 threatened fauna species recorded within the study locality, none are recorded within the proposed works area or were observed during the site inspection.

Historical records of threatened species such as Masked owl and various microbat species occur within close proximity to the proposed works area, however, as the proposed works would have a minor impact on foraging habitat only and no roosting sites would be impacted, significant impacts are unlikely.

As a small amount (0.13 ha) of habitat considered suitable for small threatened mammals would be removed as a result of the proposal, namely the Long-nosed Potoroo (*Potorous tridactylus*) and New Holland mouse (*Pseudomys novaehollandiae*), AoS were undertaken for these species. The AoS concluded that with appropriate mitigation measures, the proposed works are unlikely to have an adverse effect on these species such that a viable local population is likely to be placed at risk of extinction and Species Impact Statements are not required. It is considered unlikely that further threatened species listed under the TSC Act or EPBC Act would be impacted by the proposed works.

Wildlife Connectivity and Habitat Fragmentation

The proposed works would not significantly result in further fragmentation or isolate any areas or habitat.

The urban environment to the south and east of the proposed works area contribute to the fragmentation of vegetation within the area currently. To the north of the proposed works area, a significant vegetation corridor is present that connects to Awabakal Nature Reserve however, the proposed works would not impact on this. Additionally, the study area is exposed to edge effects of exotic flora and fauna due to its location immediately adjacent to Redhead Road and the Redhead township. The loss of approximately 0.82 ha of native vegetation would not significantly alter the existing environment and or

significantly decrease connectivity.

5.7 BUSHFIRE THREAT

A Bushfire Assessment Report has been prepared by Newcastle Bushfire Consulting to establish suitable bushfire mitigation measures for the proposed aged care facility. The report is included in **Appendix G**.

The assessment identifies that there is buildable area onsite for the proposed development with appropriate services and asset protection zones available. The proposed development can comply with the requirements of Planning for Bushfire Protection 2006 guidelines as required under section 100b of the Rural Fires Act 1997.

This report is to be referred to NSW Rural Fire Service for the issue of a Bushfire Safety Authority.

An alternate solution is proposed to determine the Bushfire Attack Level (BAL) using an AS3959 (2009) Method 2 Detailed Fire Model and parallel assessments of the shrubland burning at the top of the hill to shrubland burning immediately at the site boundary.

The development departs from the acceptable solutions of AS 3959-2009 due to the detailed fire modelling of the site including radiant heat shielding. Investigations into the slope analysis at varying points in the vegetation model the fire transitioning over the hill as the pre-heat phase of the vegetation will be retarded and the rate of spread and flame lengths reduced. The proposed alternate solution will establish the asset protection zone required to ensure that a firefighter evacuating a resident from any building will be exposed to less than 10kW/m² radiant heat.

The assessment recommends that development consent be granted subject to conditions.

5.8 ABORIGINAL HERITAGE

The subject site is not identified as containing any items of Aboriginal Heritage Significance.

The site has been extensively disturbed with extensive development across the site (approximately 78% of the total site area, including access tracks for emergency service vehicles) and is not mapped as comprising Sensitive Aboriginal Landscape as identified on the LEP Sensitive Aboriginal Landscape Map. It is however noted that land adjoining the north-western boundary is mapped as sensitive Aboriginal landscape.

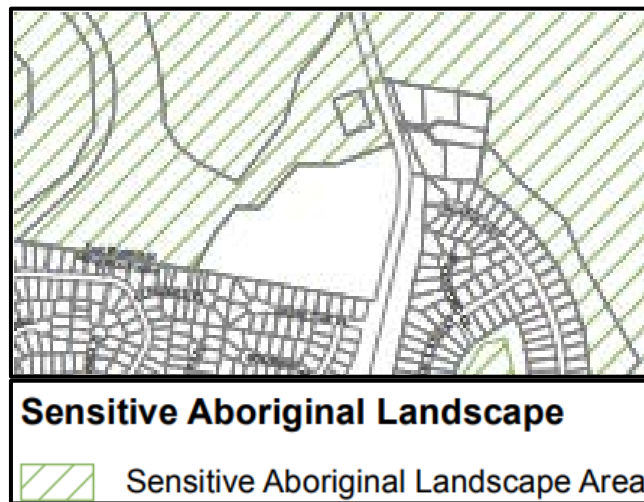


Figure 20 Sensitive Aboriginal Landscape.

The Aboriginal Heritage Information Management System (AHIMS) search has shown that:

- No Aboriginal sites are recorded within 200m of the subject land
- No Aboriginal places have been declared within 200m of the subject land.

Copies of the AHIM's searches are included in **Appendix U**.

5.9 EUROPEAN HERITAGE

The subject site is not identified as containing any items of European Heritage Significance, nor is it identified as being located within either a heritage conservation area.

5.10 ACOUSTIC IMPACT

An Environmental Noise Assessment has been prepared by Day Design Pty Ltd to assessment the environmental noise impact of the proposed development. The report is included in **Appendix L**.

The majority of noise generated from the proposed development is expected to be from rooftop plant decks generated by the air conditioning units servicing the aged care rooms and common areas. Additional impacts may arise from car park noise emissions.

Environmental noise logger was set out to the location of the noise logger and identified receptors is shown in **Figure 18**.

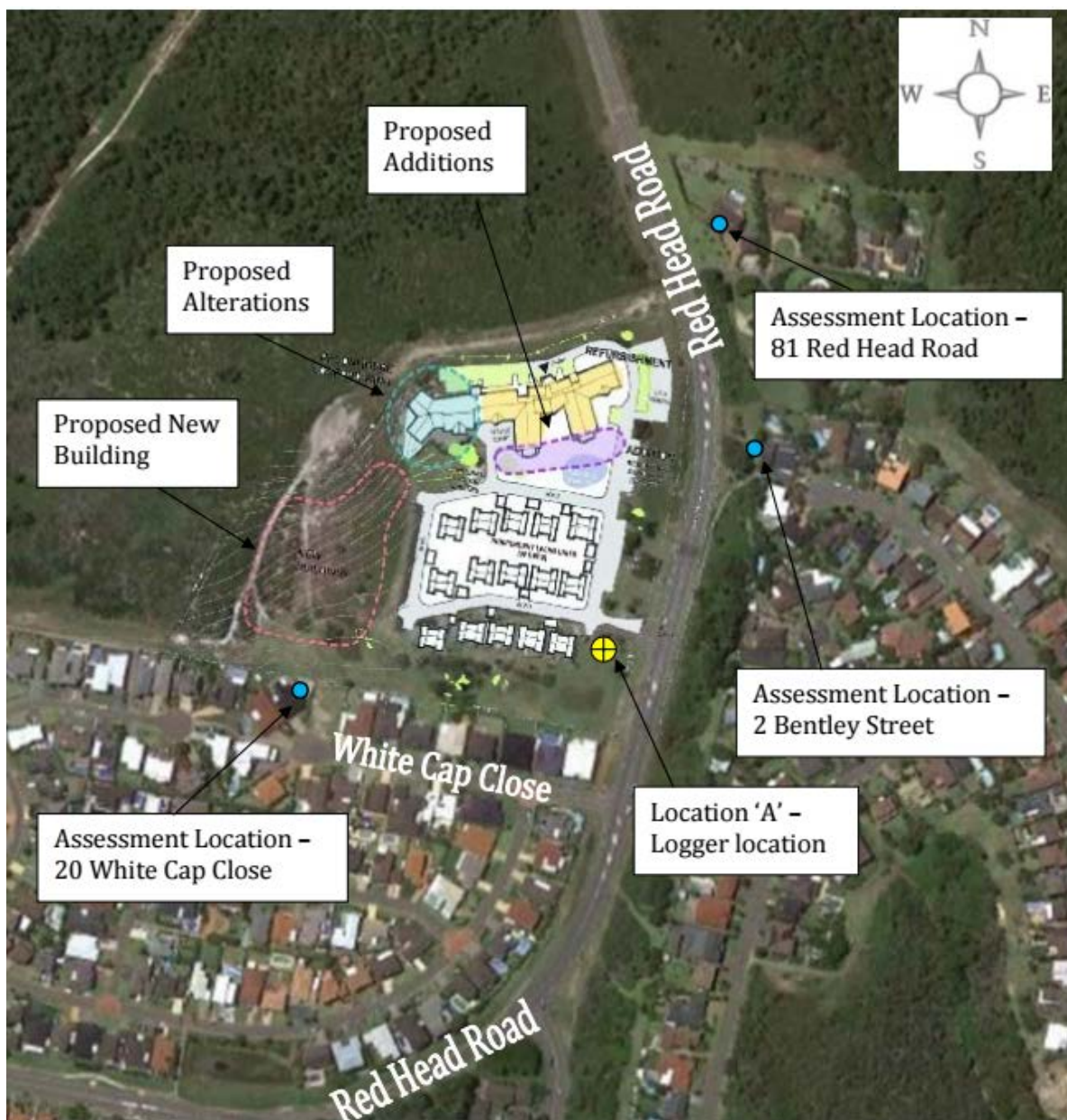


Figure 21 Noise Logger and Assessment Locations.

5.11 GEOTECHNICAL

A geotechnical Investigation over the site was completed by Coffey Geotechnics and is included in **Appendix M**.

Recommendations are provided relating to:

- Site preparation;
- Excavation conditions;
- Suitability of the site soils for use as fill;
- Foundations;
- Retaining wall and temporary shoring design parameters;
- Batter stability; and
- Construction risk.

The site is located within a proclaimed mine subsidence area and requires approval from the Mine Subsidence Board.

5.12 SCENIC VALUES, VIEWS & VISUAL IMPACT

A Visual Impact Assessment has been completed by DWP and is included in **Appendix J**.

The site is situated within the Gateshead (12) landscape setting under the Lake Macquarie City Council Scenic Management Guidelines 2013 as shown in **Figure 22**. This area has a moderate and in some parts low scenic quality rating.

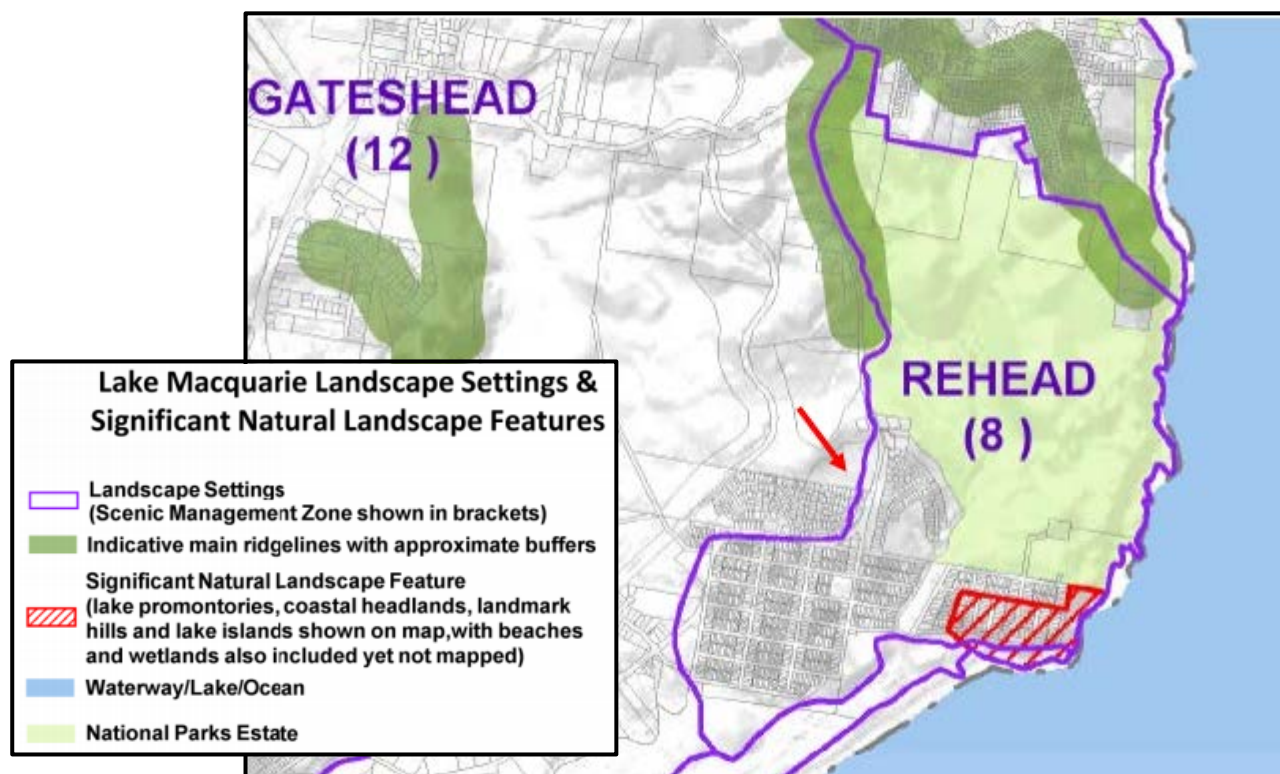


Figure 22 Landscape Setting and Scenic Management Zone.

With the exception of the White Cap Close viewpoint, external public vistas into the Whiddon Redhead site are limited to relatively distant views through gaps in landscaped buffer zones with existing structures in the foreground. The new buildings and major siteworks are located at the rear of the site or form extensions in front of, and at a similar scale to, the existing developments. The larger bulk of the new main building is mitigated by being cut into the site, by largely following the contours and by staying below the distant ridgelines.

Landscape impacts visible from outside of the site are minor and will mainly consist of enhancements to the amenity of the development and improvements to screening for visual and acoustic privacy.

New landscaping treatments are proposed to the Redhead Road frontage to improve the presentation of the facility and will provide more extensive screening of the development from the road.

The design character of the new works blends with the scale, forms and materials of the existing structures while being contemporary in style and complimentary to the Redhead coastal location.

In summary, the assessment of the landscape and visual impact of the proposed development reveals that there will be little or no impact on the scenic quality of the surroundings, with potential for significant improvements to the amenity and public presentation of the existing facility for site residents, visitors and the surrounding residences.

5.13 SOCIAL & ECONOMIC IMPACTS

The proposed development will provide accommodation and health care for seniors and these much-needed services will respond to the considerable demand for additional beds within the region, accommodating an ageing demographic and the general increase in high care needs as cohorts age and duration of life is extended.

The RACF and ILU campus at present provides considerable social infrastructure through provision of care for the elderly.

The proposed expansion includes significant upgrades to services offered within the premises, including:

- A central campus green space hub;
- Club facilities available to both RACF and ILU's;
- Café available for residents and visitors; and
- Improved hairdressing facilities.

Redhead Gardens aims to provide wider community benefits encourages interaction between its residents and the surrounding community. This is achieved by the following services:

- Transport from the site on as needs basis for special events;
- Transport 2 days per week to different local amenities;
- Independent Community Care offices for those ageing at home in the region;
- Preschools and primary schools come to give concerts and spend time visiting residents approx. once per quarter;
- External voluntary groups come approximately once every fortnight to provide performance; and
- Church group is held once per wing, led by external chaplain.

The existing development has 72 employees, with 27 employed over the duration of a full day shift.

Following completion of the proposed works, it is anticipated that the development will employ a total of 150-170 staff, with approximately 60 people employed over a full day shift.

5.14 ENERGY EFFICIENCY

A BCA compliance assessment is included within **Appendix P**.

5.15 CRIME PREVENTION

A Crime Prevention Through Environmental Design (CPTED) assessment has been carried out by James Marshall and Co (July 2017). The assessment is included in **Appendix S**.

The assessment gives consideration to the four key principles of CPTED assessment, namely:

- Territorial Enforcement;
- Surveillance;
- Access Control; and
- Space / Activity Management.

The crime trend data and hot spot maps show that the proposed development site and surrounding area is not an area where there is a high incidence of crime.

The report provides a range of recommendations relating to the implementation of CPTED principles for the proposed development.

5.16 NON-DISCRIMINATORY ACCESS

Lindsay Perry Access have prepared a Disability Access Report to review compliance with the requirements of the Building Code of Australia 2016 and The Disability Discrimination Act 1992 with regard to access for persons with a disability.

The requirements of the Disability Standards for Access to Premises (Buildings) and the Access Code for Buildings have also been addressed. The report is included in **Appendix R**.

The assessment considers that the drawings presented for assessment generally comply with The Building Code of Australia 2016 and the intent of the Disability Discrimination Act 1992, subject to the recommendations made in this report being implemented during the construction process.

The following items should be addressed to ensure accessibility / compliance within the proposed development:

- Provision of an accessible link from the street boundary to the new building – Item 5.1;
- Provision of an accessible link between accessible carparking and building entrances – Item 5.2;
- Provision of an accessible link between new and existing buildings – Item 5.3;
- Modification of doorways within the accessible path of travel with inadequate circulation spaces for compliance – Item 6.7;
- Modification of accessible toilet facility floor dimensions (ground floor of new building) to accommodate a complying facility – Item 8.1;
- Provision of ambulant toilets generally – Item 8.3.

Construction is to be in accordance with the recommendations made in the Disability Access Report to ensure compliance. Where construction differs from the drawings, further assessment will be required to ascertain compliance.

5.17 UTILITIES & SERVICES

5.17.1 Telecommunications

It is proposed that the existing incoming telecommunications supply shall remain.

The existing communications infrastructure within the existing RACF shall generally remain. A new communications room and building distributor shall be established as part of the proposed extension works and connected to the existing RACF via fibre optic and copper backbone cabling.

It is understood that NBN Co have recently made their service available to the property. If Whiddon wishes to upgrade the connection to the NBN, an application would have to be submitted to NBN Co. We recommend that the connection be made to the new RACF communications room which would back-feed the existing RACF. This would ensure that an appropriate space is allocated and would minimise downtime.

5.17.2 Power

There is an existing kiosk substation (number 23827) located on site in front of the existing RACF.

Following assessment of the existing electrical demand and the calculated maximum demand for the proposed works, the existing substation is not sufficient. A new 1,000kVA kiosk substation will be required to replace the existing kiosk substation. These works will be staged so that the new substation will be installed and then the existing removed.

An application for connection has been submitted to the supply authority and we have received the assessment response. The ASP/3 has submitted the proposed design scope (PDS) to the supply authority and is awaiting the release of the design information package (DIP). Once the DIP is received, the ASP/3 will be able to commence the design documentation for the proposed substation.

5.17.3 Water

BSE have received a statement of available pressure and flow from Hunter Water. Based on the available pressure and flow there appears to be adequate pressure in the water main supplying the site.

It is anticipated that the existing connection to the authority main will remain and the water meter at the entrance to the site be upgraded. The existing service within the site will then be adjusted to accommodate the new RACF.

An application for developer services has been lodged with Hunter Water and Hunter Water stamped plans are included as part of the DA documentation package.

5.17.4 Gas

There is an existing site gas boundary regulator located at the front of the property which shall remain. This service reticulates throughout the site to gas meters located at each ILU and at the existing RACF.

The existing meter for the existing RACF shall be relocated to accommodate the proposed landscaping. A new gas meter shall be provided for the new RACF and connected to the existing site service.

The hydraulic contractor shall submit an application for connection to Jemena to finalise the arrangements during construction.

5.17.5 Sewer

It is anticipated that the existing connection to the authority sewer main will remain. A new connection to the existing service within the site will be made to accommodate the new RACF.

An application for developer services has been lodged with Hunter Water and Hunter Water stamped plans are included as part of the DA documentation package.

5.18 WASTE MANAGEMENT

A Waste Management Plan is included within Appendix U and addresses waste management during the demolition, construction and operational phases of development.

6.0 Conclusion

The proposed development presents an opportunity for additional housing for seniors and within the Lake Macquarie local government area through a high quality and well-articulated development that will provide a high level of amenity for residents and enhanced opportunity for interaction between residents and the broader community.

Additionally, employment opportunities will be provided over an extended period of time during both the construction and operational phases of the development.

The proposed lot configuration is generally consistent with the relevant provisions of the SEPP (Housing for Seniors or People with a Disability) and the Lake Macquarie Local Environmental plan and Development Control Plan. A minor exception to these standards is requested as follows:

- Variation to the maximum building height of 8m required under SEPP (Housing for Seniors or People with a Disability); and
- Variation to the maximum building height of 8.5m identified in the Lake Macquarie LEP.

The proposal provides a balanced outcome between the objectives of the R2 Low Density Residential zone and the intended character for the site.

The site is ideal for the proposed development, as it will directly support existing services and housing currently provided on the site and offers transport via a community bus to local shops and facilities.

The overall design promotes a pleasant living environment, and maximises access to daylight and solar access for living areas and open space.

The proposal is successful in responding positively to the zoning opportunity and objectives, without significant adverse impacts on the surrounding future neighbours, or the natural or built environment.

In summary, it is considered that the proposed development is compatible with the surrounding area and is a suitable development for this location.

Appendix A

DCP COMPLIANCE ASSESSMENT (ADW JOHNSON)

Appendix B

ARCHITECTURAL DESIGN PACKAGE (DWP)

Appendix C

LANDSCAPE DESIGN REPORT AND DESIGN PACKAGE (TAYLOR BRAMMER)

Appendix D

SEPP 1 OBJECTION TO DEVELOPMENT STANDARD

Appendix E

CLAUSE 4.6 REQUEST TO VARY DEVELOPMENT STANDARD

Appendix F

CIVIL DESIGN PACKAGE (OPUS)

Appendix G

BUSHFIRE THREAT ASSESSMENT (NEWCASTLE BUSHFIRE CONSULTING)

Appendix H

BIODIVERSITY ASSESSMENT (NGH ENVIRONMENTAL)

Appendix I

ARBORIST REPORT (ACCURATE TREE ASSESSMENT)

Appendix J

LANDSCAPE & VISUAL IMPACT STATEMENT (DWP)

Appendix K

TRAFFIC AND PARKING ASSESSMENT (OPUS)

Appendix L

ACOUSTIC ASSESSMENT (DAY DESIGN)

Appendix M

GEOTECHNICAL INVESTIGATION (COFFEY)

Appendix N

SERVICING REPORT (BSE)

Appendix O

SERVICES DESIGN CERTIFICATES (BSE)

Appendix P

BCA COMPLIANCE (NEWCERT)

Appendix Q

FIRE SERVICES SUMMARY (BSE)

Appendix R

ACCESS DESIGN REVIEW (LINDSAY PERRY)

Appendix S

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (JAMES MARSHALL)

Appendix T

SITE WASTE MINIMISATION MANAGEMENT PLAN (NGH ENVIRONMENTAL)

Appendix U

AHIMS SEARCHES

Appendix V

QUANTITY SURVEYORS REPORT (WILDE AND WOOLARD)

Appendix W

CERTIFICATE OF TITLE AND DEPOSITED PLAN

Appendix X

DETAIL SURVEY PLAN (MARSHALL SCOTT)