

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC - 70 – DA2021/00071
PROPOSAL	Mixed use development – seniors living and recreation facility (outdoor) – seniors living development (comprising 148 serviced self-care dwellings, wellness centre and resident amenities), demolition of existing Merewether Golf Club, construction of new club house (including ancillary members services), golf course upgrades, car parking, four lot community title subdivision, temporary facilities (car park, clubhouse and display suites), associated site works, public domain improvements, infrastructure and landscaping (as described in Schedule 1).
ADDRESS	Lots 1, 2 and 3 DP 229558, Lot 6 DP231541, Lot 4 DP 1223244, Lot 3 DP 515310 and Lot 2 DP 239405, 40 King Street Adamstown
APPLICANT	Merewether Golf Club Ltd
OWNER	Merewether Golf Club Ltd
DA LODGEMENT DATE	9 February 2021
APPLICATION TYPE	Integrated Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2 Schedule 7 of the SRD SEPP: General development with a CIV greater than \$30 million
CIV	\$76,892,255 (excluding GST)
CLAUSE 4.6 REQUESTS	No
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No.55 (Remediation of Land) • State Environmental Planning Policy (Housing for Seniors and People with Disability) 2004 • State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development) • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

	<ul style="list-style-type: none"> State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Newcastle Local Environmental Plan 2012 (NLEP 2012) Site Compatibility Certificate issued by Hunter Central Coast Regional Planning Panel for Seniors Living development dated 30 April 2020
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	152 (6 in objection) 6
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Appendix A – Draft Schedule of Conditions</p> <p>Appendix B – Plans/Documents submitted with the application for assessment</p> <p>Appendix C – Site Compatibility Certificate</p> <p>Appendix D – General Terms of Approval – NSW Rural Fire Service</p> <p>Appendix E – General Terms of Approval – Subsidence Advisory NSW</p> <p>Appendix F – Agency Advice – Ausgrid, Transport for NSW</p> <p>Appendix G – Site Photos – Aerial Photos</p> <p>Appendix H – SEPP 65 – Apartment Design Guide Compliance Table</p> <p>Appendix I – Future Development Application – Current Concept Plans for New 'Greenkeeper' Maintenance Shed</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	18 October 2021
PLAN VERSION	20/09/2021 – Plan Schedule Revision C
PREPARED BY	Amanda Gale, Senior Development Officer (Planning)
DATE OF REPORT	5 October 2021

EXECUTIVE SUMMARY

The application (DA 2021/00071) seeks consent for the demolition of existing buildings, the construction of a mixed use development – seniors living and recreation facility (outdoor) – seniors living development (comprising 148 serviced self-care dwellings, wellness centre, and resident amenities), demolition of existing Merewether Golf Club, construction of new club house (including ancillary members services), golf course upgrades, car parking, four lot community title subdivision, temporary facilities (car park, clubhouse and display suites), associated site works, public domain improvements, infrastructure and landscaping.

The subject site is known as 40 King Street Adamstown ('the site') and comprises Lot 1, 2 and 3 DP 229558, Lot 6 DP231541, Lot 3 DP 515310, Lot 2 DP 239405 and Lot 4 DP 1223244. The broader site is an irregular shaped area of 38.5 hectares, with the proposal located on an area of the site comprising approximately 2.9 hectares. The development site is surrounded by the existing Golf course and is within Adamstown locality and has multiple street interfaces including King Street to the north, terminating in an at-grade car park head within the site, June Street to the north-east, terminating in a cul-de-sac head adjacent to the site boundary, City Road to the south, being separated from the site by a bushland corridor and Drew Street to the north-west running parallel to a portion of the site boundary. There are two vehicle access points to the broader site, including the main entrance from King Street and June Street (unformed).

Existing development on the Merewether Golf Club site consists of a clubhouse occupying a two-storey building in the central-north of the golf club site, two detached sheds in the vicinity of the clubhouse. At-grade car parking is provided adjacent to the clubhouse. The remainder of the golf club site incorporates fairways, greens, border vegetation (mature trees and shrubs) and footpaths associated with the golf course. Six waterbodies of varying size are located throughout the golf course, with several sand bunkers also dispersed throughout the golf club site. Vehicular and pedestrian access to the site is facilitated via King Street. From its intersection with the northern site boundary, King Street continues through low rise gates into the site. From the site boundary, King Street continues for a distance of around 100m, before terminating at the at-grade carpark adjacent to the clubhouse. Internal to the site, at-grade angled carparking spaces are provided on both sides of King Street.

The specific site forming the basis of the application is in the central north of the overall Merewether Golf Club site and comprises the clubhouse, a portion of the golf course, the at-grade carpark and King Street (internal to the site). A formal Site Compatibility Certificate established an area of 16.1525 hectares and 'developable area' of 26,095m².

The site is located within Adamstown and is located approximately 5.5km (by road) south-west of Newcastle CBD. The site is adjacent to low density residential suburban areas predominately comprised of single and double storey dwellings with front and rear yards, with varied ancillary structures and some backyard swimming pools. Mature trees are dispersed throughout the suburban area, being planted on the street verges and within private properties.

The surrounding locality is predominately in a suburban context, consisting of single and two-storey dwellings and unit developments reflective of the R2 Low Density Residential Zone with some areas of RE1 Public Recreation and SP2 zoned Pacific Highway to the south of the site. The site is located within 1.8km driving distance of Adamstown train station, 2.2km of Broadmeadow train station and 4.1km of Kotara train station. The nearest bus services are located approximately 550m north-east of the site of the proposed development.

Key features of the surrounding context include:

- North – Adamstown Bowling Club, oval and Adamstown Public School (approx. 700m by road), Merewether High School (approx. 1.2km by road), Newcastle Racecourse (approx. 1.6km by road)
- North-west – Adamstown local centre (approx. 1.2km by road)
- East – Merewether local centre (approx. 2.6km by road), Lingard Private Hospital (approx. 2.5km by road), Merewether Beach (approx. 3.5km by road)
- South – Merewether Heights Public School (approx. 3.4km by road), Murdering Gully and Glenrock State Conservation Area
- West – Westfield Kotara (approx. 3km by road)

Permissibility

The site is located in the RE2 Private Recreation Zone pursuant to Clause 2.1 of the *Newcastle Local Environmental Plan 2012* ('NLEP 2012'). Under the NLEP, development for the purposes of 'dwelling houses' and 'registered clubs' are permissible with consent in the zone. Seniors housing is an innominate use prohibited within the RE2 Zone. Notwithstanding the prohibition under the NLEP 2012, a Site Compatibility Certificate (SCC) was issued on 30 April 2020 by the Hunter and Central Coast Regional Planning Panel under Clause 24(4)(1) of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*.

The application seeks consent for the proposal under *SEPP (Housing for Seniors and People with a Disability) 2004*, as the site is identified as being 'Land Adjoining Land Zoned Primarily for Urban Purposes' under the SEPP, as it adjoins the R2 Low Density Residential Zone to the north, east and west where 'dwelling houses' and 'hospitals' are expressly permitted with consent in the zone under NLEP 2012. Therefore, the proposal may proceed in accordance with subclause 4(1) and 4(4) of SEPP (HSPD) 2004. The site is also not considered to constitute Environmentally Sensitive Land so therefore is not excluded from use of the SEPP.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*, *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* ('SEPP 65'), the *Newcastle Local Environmental Plan 2012* ('NLEP 2012'), and the *Newcastle Development Control Plan 2012* ('NDCP'). The proposal is generally consistent with various provisions of the planning controls as discussed within this report.

The application was lodged as an 'integrated development' pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), requiring approval from:

- NSW Rural Fire Service under the provisions of Section 100(b) of *Rural Fires Act 1997*.
- Subsidence Advisory NSW under the provisions of Section 22 of *Coal Mine Subsidence Compensation Act 2017*.

Both integrated agencies issued their approvals (GTAs) with conditions. Refer to **Appendix D** and **Appendix E** of this report.

A number of external government agencies were consulted for their advice. External agency referrals included Transport for NSW (TfNSW) under the provisions of Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* as a 'traffic generating development', and raised no objections. Referrals to Ausgrid (low voltage) and Transgrid (high voltage) under the provisions of Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007* were

also undertaken. Ausgrid issued their advice and Transgrid advised no assessment was required. Refer to **Appendix F** of this report for agency advice.

NSW Police were also consulted and provided advice and recommended conditions of consent.

Jurisdictional prerequisites to the granting of consent imposed by the following controls have been satisfied including:

- Part 4 'regionally significant development' under Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*.
- Clause 7(1) of *State Environmental Planning Policy No 55—Remediation of Land* for consideration of whether the land is contaminated.
- Clause 24(4)(1) of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* – Site Compatibility Certificate granted by HCCRPP dated 30 April 2020.
- Clause 4(1) and 4(4) of *State Environmental Planning Policy – Housing for Seniors or People with a Disability) 2004* in relation to land adjoining land primarily for urban purposes.
- Clause 28(2)(a) of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development* in relation to the advice of an urban design review panel has been satisfied.
- Clause 45(2) and Clause 104 'Schedule 3' of the *State Environmental Planning Policy (Infrastructure) 2007* in relation to electricity distribution infrastructure and 'traffic generating development'.
- Clause 10 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* in relation to clearing not exceeding the biodiversity offset scheme thresholds.
- Clause 2.3 'Zone objectives and Land Use Table' of Newcastle Local Environmental Plan 2012 (NLEP 2012).
- Clause 6.1 Acid sulfate soils of Newcastle Local Environmental Plan 2012.

The application was placed on public exhibition from 15 February to 4 March 2021 in accordance with CN's Community Participation Plan. A total of 152 submissions were received, of which 6 were in objection to the development.

In summary, most submissions (excluding six objections) were in support of the proposal, with some comments requesting that the development ensure consideration be given to construction management and timeframes. Concerns were also raised requesting confirmation that the upgraded golf course will be orientated away from adjoining residential property boundaries to resolve existing conflicts from ball strikes and certainty of compensatory planting due to loss of trees within this area.

Key objections or issues of concern related to reconfiguration / upgrade of golf course; traffic impacts - increased traffic congestion and lack of on-street parking; noise and waste pollution; construction management / timeframes and likely amenity impacts; and the resolution for the location to a new separate maintenance shed. These issues are considered further in this report and are considered to have been satisfactorily addressed as part of the assessment process with conditions proposed where relevant in **Appendix A** - Draft Schedule of Conditions.

The application is referred to the Hunter Central Coast Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Clause 2 of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* as the proposal is 'general development' with a CIV greater than \$30 million.

A briefing was held with the Panel on 3 May 2021 where key issues were discussed including:

- zoning and ownership – viability of RE2 Private Recreation land post development
- Site Compatibility Certificate (SCC) issued in 2020 identified the developable area of the site
- details and layout of proposed development
- Urban Design Review Panel – largely supportive subject to design changes addressing privacy and safety and recommendations for retainment of trees
- effect of topography and tree cover on visual impact of a building of this height, bulk and scale and ensuring these considerations are clearly documented within the assessment report to the Panel.

The impacts upon the natural and built environment have been discussed in this report in the context of relevant State policy, including the NLEP and NDCP considerations. However, further discussion on several key matters as listed below have been resolved during assessment and where relevant the imposition of conditions in **Appendix A** - Draft Schedule of Conditions have been recommended. These key areas of assessment include context and setting, character, bulk and scale, visual impact and privacy, acoustic privacy and social and economic impacts.

Following assessment of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State environmental planning policies, in particular SEPP Seniors, SEPP 65, SEPP Infrastructure, the NLEP 2012 and the NDCP 2012, the proposal can be supported.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 2021/00071 is recommended for approval subject to the Draft Schedule of Conditions provided in **Appendix A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is known as 40 King Street Adamstown ('the site') and comprises Lot 1, 2 and 3 DP 229558, Lot 6 DP231541, Lot 3 DP 515310, Lot 2 DP 239405, and Lot 4 DP 1223244. The context of the site is shown below in **Figure 1** with the broader site being an irregular shape, with an overall site area of 38.5 hectares.



Figure 1: Site Context (Source: Design Excellence Assessment, Hatch RobertsDay)

The specific site forming the basis of the application is in the central north of the overall Merewether Golf Club site and comprises the clubhouse, a portion of the golf course, the at-grade carpark and King Street (internal to the site). The proposed development is located on an area of the site known as the 'developable area' comprising approximately 2.9 hectares. This 'developable area' was set under a Site Compatibility Certificate (SCC) issued by the Hunter Central Coast Regional Planning Panel on 30 April 2020. Refer to Site and Development Area shaded in **Figure 2** below.



Figure 2: Site and Development Area (Source: SEE, Willowtree Planning Pty Ltd)

The 'developable area' identified for intensification of development is surrounded by the existing Golf course and is within Adamstown locality. The broader site has multiple street interfaces including, King Street to the north, terminating in an at-grade car park head within the site, June Street to the north-east, terminating in a cul-de-sac head adjacent to the site boundary (unformed access), City Road to the south, being separated from the site by a bushland corridor and Drew Street to the north-west running parallel to a portion of the site boundary. There are two vehicle access points to the broader site, from the main entrance in King Street and June Street (unformed).

Existing development on the Merewether Golf Club site consists of a clubhouse occupying a two-storey building in the central-north of the golf club site, two detached sheds in the vicinity of the clubhouse (refer to **Figure 3**). At-grade car parking is provided adjacent to the clubhouse. The remainder of the golf club site incorporates fairways, greens, border vegetation (mature trees and shrubs) and footpaths associated with the golf course. Six waterbodies of varying size are located throughout the golf course, with several sand bunkers also dispersed throughout the golf club site. Vehicular and pedestrian access to the site is facilitated via King Street (refer to **Figure 4**). From its intersection with the northern site boundary, King Street continues through low rise gates into the site. From the site boundary, King Street continues for around 100m, before terminating at the at-grade carpark adjacent to the clubhouse. Internal to the site, at-grade angled carparking spaces are provided on both sides of King Street.



Figure 3: View across from Ella Street properties toward Golf Clubhouse
(Source: Visual Impact Assessment, Hatch RobertsDay)



Figure 4: Public view from King Street (Source: Visual Impact Assessment, Hatch RobertsDay)

Additional site and aerial photos are provided in **Appendix G** Site and Aerial Photos of this report.

The site is identified as being affected by the following risks and land constraints: mine subsidence, bushfire prone, contamination, flood prone and acid sulfate soils (Class 5).

1.2 The Locality

Locational Context

The site is located within Adamstown and is located approximately 5.5km (by road) south-west of Newcastle CBD. The site is adjacent to low density residential suburban areas predominately comprised of single and double storey dwellings with front and rear yards, and backyard swimming pools in some instances. Mature trees are dispersed throughout the suburban area, being planted on the street verge and within private properties.

The surrounding locality is predominately in a suburban context, consisting of single and two-storey dwellings and unit developments reflective of the R2 Low Density Residential Zone with some areas of RE1 Public Recreation and SP2 zoned Pacific Highway to the south of the site. The site is located within 1.8km driving distance of Adamstown train station, 2.2km of Broadmeadow train station and 4.1km of Kotara train station. The nearest bus services are located approximately 550m north-east of the site of the proposed development.

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- West – Westfield Kotara (approx. 3km by road)

Strategic Context

A key consideration in undertaking development of the site for proposed seniors housing development, was the strategic context given the Merewether Golf Club is on land zoned RE2 Private Recreation Zone under the Newcastle Local Environmental Plan 2012 (NLEP). The proposal for seniors housing is a prohibited form of development within the zone under the provisions of the NLEP.

Whilst a range of relevant plans and strategies are discussed within this report, it needs to be acknowledged that a Site Compatibility Certificate (SCC) was granted by the Hunter Central Coast Regional Planning Panel on 30 April 2020 under Clause 24(4)(a) of SEPP (Housing for Seniors or People with Disability) 2004. The SCC is provided in **Appendix C** and certified that in the Panel's opinion:

- *the site described in Schedule 1 is suitable for more intensive development,*
- *the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b) and having taken into account the written comments from the General Manager of Newcastle City Council regarding the proposed development, and*
- *that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.*

Further details on how the development application has responded to the requirements of the Site Compatibility Certificate are discussed within this report. A number of strategic policy documents are also identified and discussed further within this report.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the following main components of the development:

- Seniors Housing – serviced self-care dwellings (148 dwellings) with dwellings having a separate access to the registered club and its ancillary services.
- New Merewether Golf Clubhouse – demolition and construction of new clubhouse facilities and ancillary members services similar to those currently existing on the site and golf course upgrades.
- Community Title Subdivision of the site in stages consisting of 4 lots.
 - Community Lot – 2,824m²
 - Clubhouse Lot (including car park area) - 6,354m²
 - Residential Lot - 1.09 ha
 - Golf Course Lot - 36.67ha

A Community Title Management Statement has been submitted to accompany the proposed subdivision plan.

The development is to be undertaken in stages with the following stages as shown in **Figure 5** below - Proposed Staging Plan, DA1.13 – Rev C prepared by Marcheses Partners.

- Stage 1A: Temporary Facilities
- Stage 1B: Seniors Housing + associated Car parking and Landscaping
- Stage 2A: Clubhouse + associated Car parking and Landscaping
- Stage 2B: Golf course upgrade works
- Stage 2C: Temporary Facilities removal

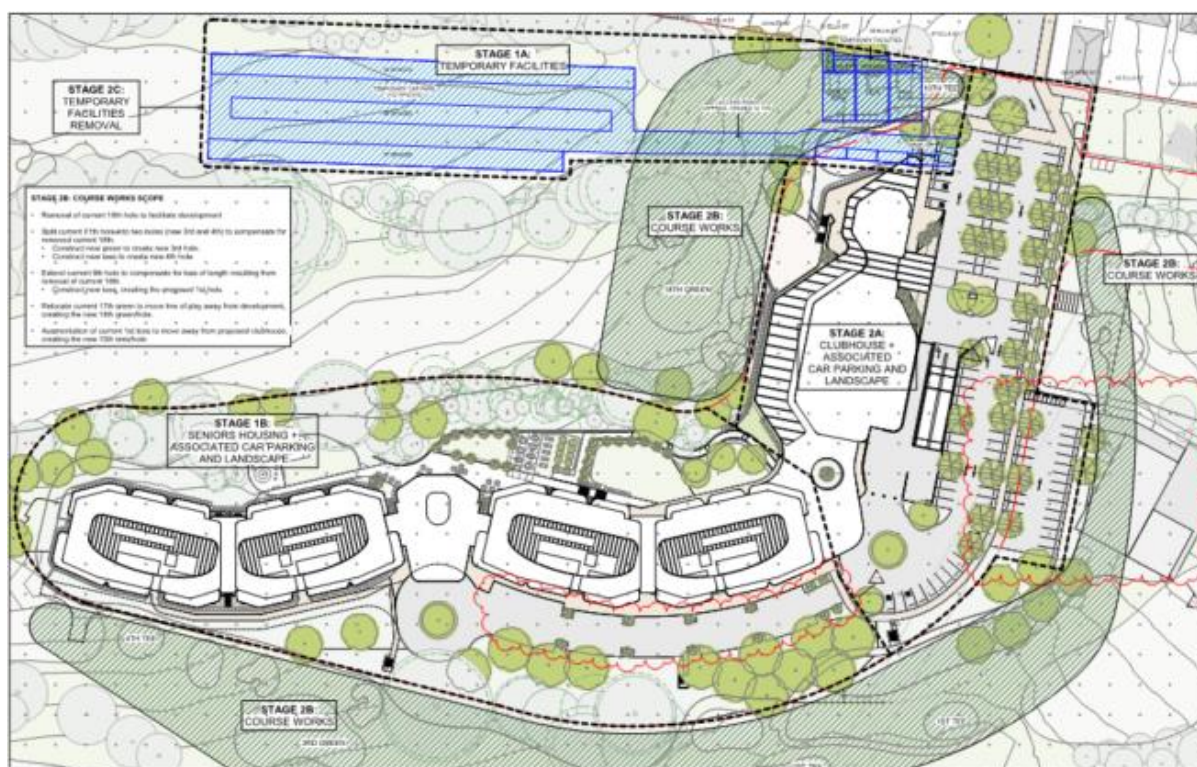


Figure 5: Proposed Staging Plan (Source – Architectural Plan Set, Marcheses Partners)

The specifics of the proposal include:

- Site preparation works.
- New vehicular access.
- Seniors living uses comprising:
 - 148 serviced self-care dwellings
 - Basement car parking accommodating the following:
 - Serviced self-care housing
 - Basement: 209 car parking spaces
 - Ground: 18 visitor car parking spaces
 - TOTAL: 227 car parking spaces
- New Golf Clubhouse building:
 - Basement: 72 car parking spaces
 - Ground: 105 car parking spaces
 - TOTAL: 177 car parking spaces
- Provision of pedestrian and vehicular access to and from the site.
- Wellness Centre, consulting rooms and associated facilities for the use of residents and golf club members and their guests.
- Seniors Living ancillary amenities including wine cellar, cinema, mens shed, library and lounge etc.
- Demolition of existing Merewether Golf Club and construction of new Clubhouse and ancillary member services
- Decommissioning of existing greenkeeper 'maintenance shed'.
- Associated landscaping and public domain improvements.
- Associated course upgrades.
- Extension and augmentation of physical infrastructure utilities as required.
- Temporary facilities including car park, clubhouse, display suites.

Operational Plans of Management for both the Seniors housing development and Merewether Golf Club have been prepared and submitted with the application.

The total proposed Gross Floor Area (GFA) is 24,143m² equating to a Floor Space Ratio (FSR) of 0.15:1, including the construction of the new clubhouse. The maximum proposed building height is 21.3m measured to the ceiling of the uppermost floor (height measured as per the SEPP (Housing for Seniors and People with a Disability) 2004).

The proposal also includes decommissioning of the existing 'greenkeeper shed' as part of this current application. The proposal for construction of a new 'greenkeeper' (maintenance shed) on the site was originally lodged under a separate Development application (DA2020/01525) – Recreation facility (indoor) – ancillary structure (maintenance shed). The application was withdrawn on 13 August 2021 following unresolved issues raised during the assessment process undertaken by the City of Newcastle.

Refer to Site History under this assessment for further information. A summary of the development details is located in the table below.

Table 1: Development Data

Control	Proposal
Site area	38.5 hectares (overall site area) 2.9 hectares (Developable Area – 26,095m ²)
GFA	Clubhouse: 1,608m ² ILU Building 1 (east): 10,986m ² ILU Building 2 (west): 11,516m ² Total GFA: 24,143m ²
FSR (retail/residential)	Seniors Living Development: 0.14:1 Combined Development: 0.15:1
Clause 4.6 Requests	Not Applicable
No of apartments	148 ILU - serviced self-care dwellings
Max Height	21.3m (to the ceiling)
Landscaped area	4,771m ² (43.9%)
Communal Open Space	2,867m ² (26.4%)
Deep Soil Landscaping	2,431m ² (22.41%)
Car Parking spaces	Seniors Serviced Self-care housing: <ul style="list-style-type: none"> - Basement: 209 spaces - Ground Level: 18 Visitor spaces - Total: 227 car parking spaces Merewether Golf Club: <ul style="list-style-type: none"> - Basement: 72 spaces

	<ul style="list-style-type: none"> - Ground Level: 105 spaces - Total: 177 car parking spaces
Tree Removal / Planting	Removal – 144 Replacement Planting - 201

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 22 October 2020 to discuss the future development and continued operation of the Merewether Golf Club. A summary of the key issues and how they have been addressed by the proposal is discussed further within this report. The key issues to consider with any application include:

- Response to Site Compatibility Certificate
- Building Height
- Relevant Newcastle Development Control Plan 2012 sections

A Site Compatibility Certificate (SCC) was granted by the Hunter Central Coast Regional Planning Panel on 30 April 2020 under Clause 24(4)(a) of SEPP (Housing for Seniors or People with Disability) 2004. The SCC is provided in **Appendix C** and certified that in the Panel's opinion:

- *the site described in Schedule 1 is suitable for more intensive development,*
- *the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b) and having taken into account the written comments from the General Manager of Newcastle City Council regarding the proposed development, and*
- *that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.*

The requirements imposed on the determination under Schedule 2 of the SCC by the HCCRPP on 30 April 2020 related to the matters listed below which are discussed in more detail within this report.

The proposed development includes the provision of external footpath works, extending along King Street and connecting to the existing established footpath along Lockyer Street, providing direct and accessible access to the bus stop near Henderson Park / James Street. These works are further discussed within the NDCP 2012 provisions relating to public domain works.

The proposed development for seniors housing is located as required within the area nominated within the SCC as 'developable area'. It was acknowledged that a portion of the at grade car parking, designated to the Merewether Golf Club sits partially outside the 'developable area'. Originally there was provision within the developable area, however due to site constraints, the at-grade car park had to be reconfigured to respond to the operational requirements of the site. During the Pre-DA advisory process, consultation with NSW Department of Planning Assessment Officer was undertaken regarding the assessment of the SCC, which confirmed the Merewether Golf Club and associated carparking is separate to the seniors housing. Therefore, development of the new Golf Club and associated car parking can be within the approved SCC 'developable area' or other parts of the site (outside of the 'developable area' as approved in the SCC. The proposal is to ensure all parking associated with seniors housing is located within the SCC approved 'developable area' on the site. The current proposal is consistent with this requirement and the seniors housing component and associated carparking is contained within the 'developable area' identified under the SCC.

The SCC required a range of information to be submitted with the development application.

An Arboricultural Report has been submitted in accordance with NDCP 2012, that details the existing trees to be retained, the height of those within the immediate proximity of the built form and how building heights sit below those retained canopies. The report was required to index all trees individually associated with the development to be retained and removed. The proposal is also considered a Category 3 development as specified within Section 7.02 Landscape, Open Space and Visual Amenity of NDCP. Given the scale of the development and the context of the site, large established trees and their canopies have been used to present a positive design feature to minimise the impact of the development on the surrounding environment.

A Design Excellence Report, prepared by Roberts Day has been submitted in the context of the proposed height, bulk and scale of the proposed development.

An Arboricultural Report has been submitted, as mentioned above, together with Landscape Plans and a Landscape Management Plan, prepared by Site Design Studios.

Shadow diagrams and solar access analysis, prepared by Marchese Partners has been submitted with the application, demonstrating that sufficient solar access is provided in accordance with Clause 35 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The proposed development is considered to have been designed with respect to the surrounding context in order to protect a higher degree of neighbouring amenity, including solar access. The shadow diagrams demonstrate that the development will not reduce the solar access of nearby residences.

Operational Plans of Management (OPM) prepared by ThirdAge and Merewether Golf Club have been submitted with the application. These operational management plans have been prepared to address the ongoing management and operation of the seniors housing development, establishing such matters as: hours of operation, landscaping and storage, waste management and landscaping. The OPMs are considered important to establish controls and measures to ensure the proposed development can operate in a manner that does not impact on the operations of the golf course and provide an interface between the seniors housing development and Merewether Golf Club is maintained.

A Traffic Impact Assessment, prepared by SECA Solutions was submitted with the application. The proposal as it relates to the requirements for access, parking and traffic matters is discussed within the report under Section 7.03 Traffic, Parking and Access under NDCP 2012.

The development will result in a building height of 21.3m, measured to the ceiling of the uppermost floor, as measured under the provisions of SEPP (HSPD) 2004. The built form presents as a multi-storey development consisting of 6 to 7 storeys and is consistent with the provisions of the Site Compatibility Certificate.

The site does not have any prescribed height limit (height development standard) under NLEP. In addition, the building height prescribed standard under SEPP (HSPD) 2004 applies only to land zoned for residential purposes. Subsequently, given the site is zoned RE2 Private Recreation under NLEP, building height is considered on merit and has been established based on the natural contours of the site and existing vegetation and tree canopy within the Golf course grounds. The development has therefore been designed to maintain this mature vegetation, seeing the built form sitting below the existing tree canopy, resulting in views to the development, centrally located on site to be generally screened, except for the King Street entrance and street frontage.

Building height is further discussed within this report under the NLEP. The proposal is considered to have achieved a built form that is appropriate for the site and surrounding lands, and maintains the height set by the SCC.

The relevant sections of NDCP are discussed within the report. The proposal is considered to have appropriately responded to the requirements of NDCP and is recommended for approval subject to conditions as contained within **Appendix A** - Draft Schedule of conditions.

A number of other matters were included within CN's Pre-DA advice in October 2020, and these are listed below and are discussed within relevant sections of the report.

- SEPP (Housing for Seniors or People with a Disability) 2004
- Urban Design Consultative Group
- View Analysis
- Public Transport, Accessible Pedestrian Routes, and access to services
- Parking and Traffic Impacts
- Stormwater Management
- Non-senior housing uses
- Ausgrid (low voltage), Transgrid (high voltage) and other infrastructure providers
- Subdivision
- Strategic Planning Context
- Waste Management

The development application was lodged on **9 February 2021**. A chronology of the development application since lodgement is outlined below in Table 2 including the Panel's involvement (briefings, deferrals etc) with the application.

Table 2: Chronology of the DA

Date	Event
9 February 2021	DA lodged
15 February 2021	Exhibition of the application (15 February to 4 March 2021)
15 February 2021	DA referred to external agencies – NSW Rural Fire Service, Subsidence Advisory NSW, Transport for NSW, Ausgrid, Transgrid, NSW Police
23 March 2021	Ausgrid advice received by CN
24 March 2021	Request for Information from CN to applicant – Subsidence Advisory NSW
24 March 2021	Request for Information – response from Applicant to CN – mines subsidence
31 March 2021	Urban Design Review Panel Meeting
1 April 2021	NSW Rural Fire Service – Original GTAs received

19 April 2021	Request for Information from CN to applicant – stormwater management, waste management, response to public submissions.
3 May 2021	Hunter Central Coast Regional Planning Panel briefing
6 May 2021	Transport for NSW original advice to CN.
3 June 2021	Request for Information from CN to applicant – development engineering, strategic / urban planning, social planning, environmental health (food), urban design review panel
26 July 2021	Request for Information – response from Applicant to CN – (RFI dated 19 April and 3 June 2021) including: Amended architectural plans, Bushfire Consultant's response, parking & traffic technical design note, swept path analysis, green travel plan, operational plan of management, preliminary construction management plan, hydraulic concept plan, stormwater management plan, civil engineers drawings, waste management plan, response to public submissions, response to UDRP, visual impact assessment, tree removal comments, geotechnical services – mines subsidence.
28 July 2021	Re-referral to integrated agencies including NSW Rural Fire Service and Subsidence Advisory NSW.
12 August 2021	Request for Information from CN to applicant – draft Community Management Statement required to accompany proposed Subdivision Plan.
18 August 2021	Request for Information – response from applicant to council – submitted draft Community Management Statement.
24 August 2021	Subsidence Advisory NSW – GTAs and Stamped plans received by CN.
13 September 2021	Request for Information from CN to applicant – development engineering matters: stormwater, hydrological modelling, civil engineering drawings, vehicle access and parking, subdivision, future maintenance shed development application.
15 September 2021	NSW Rural Fire Service – current GTAs received
17 September 2021	Request for Information from CN to applicant – confirmation of details / timing for future DA for maintenance shed.
20 September 2021	Request for Information – response from Applicant to CN – response to RFI dated 13 September 2021 and 17 September 2021
21 September 2021	Request for Information from CN to applicant – review comments and need to update OPM – Seniors housing.

22 September 2021	Request for Information – response from Applicant to CN – updated Operational Plan of Management for Seniors Housing development.
28 September 2021	Transport for NSW – additional advice received
29 September 2021	NSW Police – Crime Prevention & Licensing advice received

2.3 Site History

A Site Compatibility Certificate (SCC) was granted by the Hunter Central Coast Regional Planning Panel on 30 April 2020 under Clause 24(4)(a) of SEPP (Housing for Seniors or People with Disability) 2004. The SCC is provided in **Appendix C** and certified that in its opinion the proposed development is compatible with the surrounding land uses only if it satisfies certain requirements including a report on Design Excellence in the context of the proposed height, bulk and scale. Refer to the Background section of this report for details of the Pre-Development application (PR2020/00056) meeting held in October 2020.

Development application (DA2020/01525) – Recreation facility (indoor) – ancillary structure (maintenance shed) was lodged, and an assessment undertaken. This application was withdrawn on 13 August 2021 given unresolved issues raised during the assessment process by the City of Newcastle.

Given the withdrawal of DA2020/01525, a new proposal will be lodged under a future development application. Preliminary discussions with the City of Newcastle have been undertaken regarding an initial proposal, which locates the maintenance shed in proximity to the edge of the carparking area, and more centrally located within the site.

The original location of the new maintenance shed (DA2020/01525) was a key contributor to the outstanding concerns that were unable to be resolved. The original location was at the far north-eastern end of the golf course where the site has an unformed vehicular access / street frontage to June Street. The location was near adjoining residential properties and the potential adverse residential amenity impacts remained unresolved. In addition, there remained a question as to the appropriateness of the remote location for the shed away from the centrally located golf clubhouse facilities and services.

DA2020/01525 was withdrawn with a view of lodging a future application for a new maintenance shed proposal, given this will be required to ensure the ongoing maintenance of the golf club course facilities on site. Preliminary discussions with CN were held for an initial proposal, which locates the maintenance shed in proximity to the edge of carparking area and more centrally within the site (refer to **Figure 6**). This central location will contribute positively to addressing key concerns previously, around residential amenity and ensuring all development associated with the golf club remains more centrally located on the site away from the residential property edge of the broader site. This was also an important aspect when the proposal was presented to elected Councillors in the early days of conception and as part of obtaining the Site Compatibility Certificate by the Hunter Central Coast Regional Planning Panel on 30 April 2020.

Following withdrawal of DA2020/01525 initial discussions with CN have allowed for the preparation of concept plans provided in **Figures 7 and 8** below.

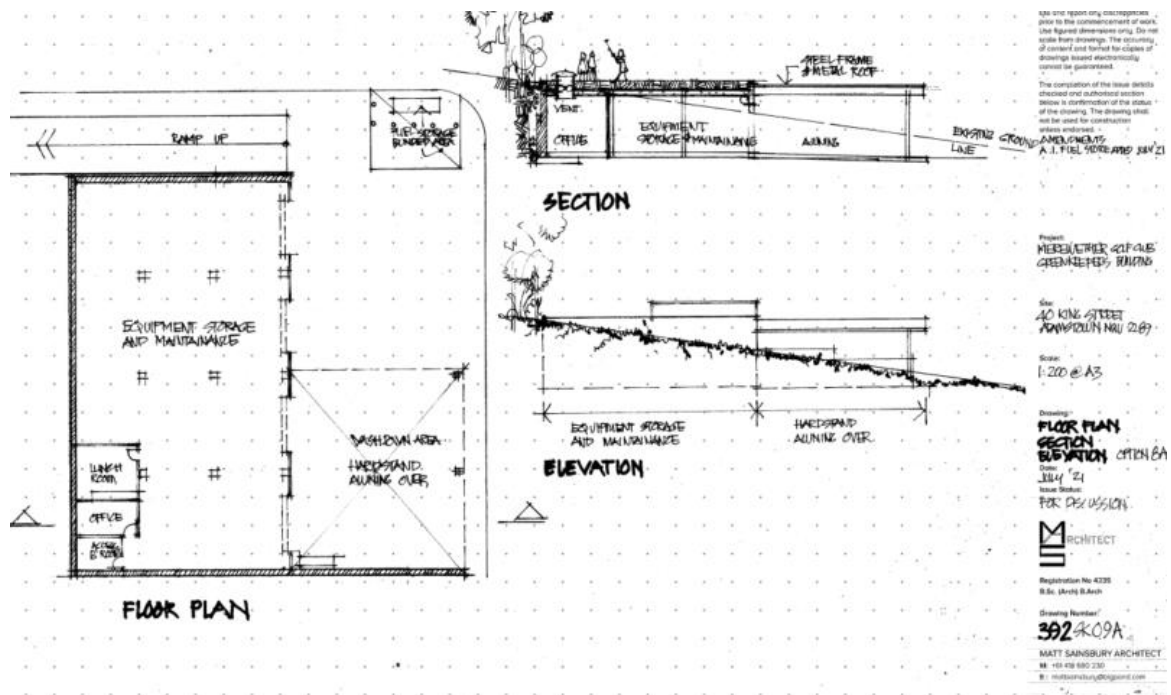


Figure 8: Concept Option 8A – Floor Plan and Section Elevation

Since these initial concept plans were discussed, further refinement has been undertaken in preparation for lodgement of a future development application. The most current version of the Concept Plans for the maintenance shed architectural plans / visual perspectives are provided for information purposes only, in **Appendix I**.

The future location of maintenance shed has now been shown on the plans for the current application, to identify locational context and its future integration (subject to separate development consent) into the site development in **Figure 9**.

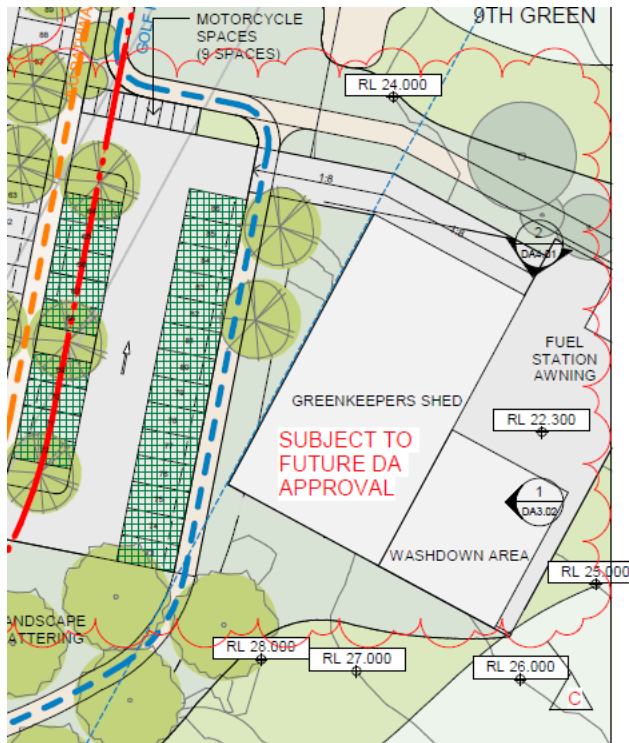


Figure 9: Extract from Current Architectural Plans (Source: Marchese Partners)

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Requiring concurrence/referral (s4.13)

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Newcastle Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies
(Preconditions in **bold**)

EPI	Matters for Consideration	Comply (Y/N)
State and Regional Development SEPP	<ul style="list-style-type: none"> • Clause 20(1) – Development specified in Schedule 7 is declared to be regionally significant development. <p>The proposal under Schedule 7 is regionally significant development pursuant to Clause 2 'General development over \$30 million' of Schedule 7.</p> <p>The proposal has a CIV of \$76,892,255 (incl. GST).</p>	Yes
(Remediation of Land) SEPP 55	<ul style="list-style-type: none"> • Clause 7 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. <p>Refer to further discussion under SEPP 55 within this report.</p> <p>Refer to Appendix A - Draft Schedule of Conditions.</p>	Yes
(Housing for Seniors or People with a Disability) 2004	<ul style="list-style-type: none"> • Clause 4(1) and 4(4) – Land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes. <p>Th site is identified for urban purposes given the site is considered as 'Land Adjoining Land Zoned Primarily for Urban Purposes', being R2 Low Density Residential Zoned land (NLEP). Dwelling houses and hospitals are permitted in the adjoining R2 Low Density Residential Zone (NLEP).</p> <ul style="list-style-type: none"> • Clause 10 – Seniors housing – the proposal relates to 10(c) a 'group of self-contained dwellings'. 	Yes

	<ul style="list-style-type: none"> • Clause 13 – Self-contained dwellings – the proposal is for 'serviced self-care housing', where the following services are available on the site: meals, cleaning services, personal care, nursing care. • Clause 15(b) – the proposal relates to '<i>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</i>'. The site is on land that adjoins land zoned primarily for urban purposes and is for serviced self-care housing. <p>Seniors housing is residential accommodation that is or is intended to be used permanently for seniors or people with a disability consisting: in this instance 'a group of self-contained dwellings'. The proposal seeks consent for 'serviced self-care housing' under the provisions of the SEPP.</p> <ul style="list-style-type: none"> • Clause 16 – Development consent is required for seniors housing under the SEPP. • Clause 17 – Development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for, include 'serviced self-care housing'. <p>The proposal is for serviced self-care housing.</p> <ul style="list-style-type: none"> • Clause 18 – restrictions on occupation of seniors housing allowed under this chapter. <p>This clause requires conditions regarding both who can occupy and restriction as to user placed on titles. Recommended conditions are included in the Draft Scheduled of Conditions in Appendix A.</p> <ul style="list-style-type: none"> • Clause 23 – Development on land that is used for the purposes of an existing registered club – the proposal does provide for measures to separate the golf club from the residential areas and operational management plans for both the seniors housing and golf clubhouse/facilities. In addition, relevant design principles and separate pedestrian access points for the club and residential areas of the seniors housing development are provided consistent with the SEPP. • Clause 24 Site Compatibility Certificate (SCC) – seniors housing is prohibited within the RE2 Private Recreation Zone on the site under the NLEP. 	
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	<p>A Site Compatibility Certificate was issued by the Hunter Central Coast Regional Planning Panel (HCCRPP) on 30 April 2020, confirming the suitability of the site for the development of Seniors Housing making it a permissible land use, notwithstanding the prohibition under the NLEP. Refer to Appendix C for SCC.</p> <ul style="list-style-type: none"> • Clause 25(5)(b) – the SCC issued on 30 April 2020, states the site is suitable for more intensive development than currently exists and that the proposed seniors living development is compatible with the surrounding environment having had regard to the criteria specified in this clause. • Clause 26(1) and (2)(c) Site Related Requirements (Location and Access to Facilities) – There are bus stops located approximately 550m walking distance from the site on both Glebe Rd and James St. The SEPP requires access to a transport service within 400m of the site and access via a suitable pathway. <p>To satisfy this requirement a shuttle bus service (minimum 10 seats) is proposed to be provided, offering at minimum two services per weekday (morning and afternoon) for future residents. There is a parking space for this bus adjacent to the main entry to the foyer / reception area for the units. Suitable services are available at a number of centres including Westfield Kotara, Marketown in Newcastle and the Adamstown town centre. Shuttle services will be determined in consultation with residents to provide access to a variety of shopping and medical services.</p> <p>The Operational Plan of Management (OPM) suggests the shuttle bus will be available weekdays (5 days per week). The SEPP requires 7 days therefore a condition will be imposed to provide an amended OPM prior to issue of any Construction Certificate.</p> <p>Refer to Appendix A - Draft Scheduled Conditions.</p> <ul style="list-style-type: none"> • Clause 27 - Bush fire prone land – NSW Rural Fire Services have granted their General Terms of Approval (GTAs) dated 15 September 2021 in Appendix D. • Clause 28 - Water and sewer – the application was submitted with plans stamped by the Hunter Water Corporation confirming reticulated water and sewer is available to the site and future development. • Clause 30 - Site analysis – the proposal and accompanying plans and documentation that has 	
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	<p>satisfied the undertaking of a suitable site analysis for the site and development.</p> <ul style="list-style-type: none"> • Clause 32 - Design of residential development – the proposal has given adequate regard to the principles set out in Division 2 of the SEPP. • Clause 33 - Neighbourhood amenity and streetscape – the proposal has given adequate regard to these design principles. • Clause 34 - Visual and acoustic privacy – the proposal is considered acceptable in the context of the provision of visual and acoustic privacy. • Clause 35 - Solar access and design for climate – the proposal provides adequate solar access and environmental sustainability in design. • Clause 36 - Stormwater – stormwater management has been appropriately considered and provided inclusive of retention and reuse on site. • Clause 37 - Crime prevention – CPTED principles have been considered and the proposal is considered to appropriate provide for safety and security. • Clause 38 - Accessibility – the proposal is considered acceptable. • Clause 39 - Waste management – appropriate waste management provisions have been provided within the site for storage and collection and disposal. • Clause 40 – Development standards that apply to any form of seniors housing – the proposal complies with the Site area (1,000m²) and Site Frontage requirement (20m). The Building Height requirement (8.5m) does not apply as the development is not on land primarily zoned for residential land use. <p>The proposed development has been designed in accordance with the Site Compatibility Certificate issued on 30 April 2020 and designed on merit taking into consideration the surrounding locality. In addition, the site does not have an identified maximum building height limit under the NLEP.</p> <ul style="list-style-type: none"> • Clause 50 – Standards that cannot be used to refuse development consent for self-contained dwellings – building height, density and scale, landscaped area, deep soil zones, solar access, and parking. 	
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	<p>The proposal is considered acceptable and consistent with the provisions of the SEPP.</p> <p>Refer to Appendix A - Draft Schedule of Conditions.</p>	
(Design Quality of Residential Apartment Buildings) SEPP 65	<ul style="list-style-type: none"> • Clause 28 - Determination of development applications – the proposal has been referred to the CN's Urban Design Review Panel (UDRP), prior to lodgement of the application and on several occasions during the development assessment process. Final advice received from the UDRP on 25 August 2021 was in support of the proposal and that the development was considered to have achieved the requirements of the SEPP and ADG. <p>Refer to ADG Compliance Table in Appendix H.</p> <ul style="list-style-type: none"> • Clause 30(2) – Standards that cannot be used as grounds to refuse development consent or modification of development consent. <p>The proposal is consistent with the design quality principles and the proposal is consistent with the ADG requirements for car parking, internal floor areas, and ceiling heights.</p> <p>Refer to Table 4 under SEPP 65 principles discussion within this report and ADG Compliance Table in Appendix H.</p>	Yes
(Infrastructure) 2007 SEPP	<ul style="list-style-type: none"> • Clause 45 - (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. <p>Ausgrid advice was provided for the application. Refer to External Agencies within this report. A copy of the Ausgrid advice is provided in Appendix F.</p> <ul style="list-style-type: none"> • Clause 101 - Development with frontage to classified road <p>TfNSW advice was provided for the application. Refer to External Agencies within this report. A copy of the TfNSW advice is provided in Appendix F.</p> <ul style="list-style-type: none"> • Clause 102(2) - Impact of road noise or vibration on non-road development 	Yes

	<p>Road noise or vibration has been considered in the Acoustic Report and the proposal is satisfactory subject to conditions.</p> <p>Refer to Appendix A - Draft Schedule of Conditions.</p> <ul style="list-style-type: none"> • Clause 104(3) - Traffic-generating development <p>The proposal is considered a 'traffic generating development' and was referred to TfNSW for their comment.</p> <p>TfNSW advice was provided for the application. Refer to External Agencies within this report. A copy of the TfNSW advice is provided in Appendix F.</p>	
(Building and Sustainability Index: BASIX) 2004 SEPP	<p>A Basix Certificate and NatHERS Certificate has been issued for the development and lodged with the application demonstrating that the proposal achieves relevant requirements.</p> <p>Refer to Appendix A - Draft Schedule of Conditions.</p>	Yes
(Vegetation in Non-Rural Areas) 2017 SEPP	<p>A Flora and Fauna Assessment prepared by Eco Logical dated 17 December 2020 was submitted with the application. In addition, an Arboricultural Impact Assessment prepared by ArborViews dated 10 December 2020 was submitted with the application.</p> <p>The proposal includes the removal of 144 trees (equates of 7,450m² of urban forest canopy) and proposes compensatory planting of 201 new trees of 16 different species (providing for 9,770m² of canopy).</p> <p>The Flora and Fauna Assessment has demonstrated the proposed development will not result in clearance of vegetation exceeding the NSW Biodiversity Offset Scheme (BOS) thresholds and therefore, does not trigger the requirement for preparation of a Biodiversity Development Assessment Report (BDAR). The Arboricultural Impact Assessment Report provided with the application for the trees to be removed and is considered acceptable.</p> <p>The proposal will involve extensive landscaping, common open space areas and public domain works all of which propose appropriate planting of trees and other landscape elements.</p> <p>Refer to Appendix A - Draft Schedule of Conditions.</p> <p>The proposal is acceptable in relation to this policy.</p>	Yes

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP') applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 20(1) of SRD SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of Schedule 7 of the SRD SEPP as the proposal is '*general development with a CIV greater than \$30 million*'. Accordingly, the Hunter and Central Coast Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

The proposal has a CIV of \$76,892,255 (incl. GST).

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of *State Environmental Planning Policy 55 - Remediation of Land* ('SEPP 55') have been considered in the assessment of the development application. Clause 7(1) of SEPP 55 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Geotechnical Report and Detailed Site Investigation for Contamination Report has been prepared for the site.

The subject site has been used as a golf course since the 1930s and during that time the land use has not changed. The proposal involves developing a small portion of the private recreation zoning to seniors living along with recreation facilities and as such, a Preliminary Site Investigation (PSI) was carried out by Douglas Partners (DP) in 2019 to support the development in accordance with *State Environmental Planning Policy 55 – Remediation Land* (SEPP 55).

The aim of the PSI was to identify any potential contaminating activities that may have occurred on site and assess any Areas of Environmental Concern. The PSI was largely a desktop-based assessment with a site walk over conducted on the greens and around the existing buildings as internal access was limited.

The PSI concluded it was highly probable that uncontrolled fill material was likely used at the subject site along with the above ground fuel storage at the maintenance and golf cart storage sheds and a Detailed Site Investigation would be required targeting the areas identified (i.e. fill material and fuel store). Therefore, in accordance with the consultant's recommendations a Detailed Site Investigation was carried out.

The applicant submitted a Detailed Site Investigation (DSI) prepared by Practical Environment Solutions dated August 2020. The DSI advanced 29 boreholes across the site, targeting the areas where uncontrolled fill material was identified and the accessible area surrounding a former fuel storage area. A total of 41 samples were collected across the site with the fill material showing little evidence of gross contamination.

Section 12.3 (Soil Analytical Results) of the DSI states "*There was one (1) minor exceedance (sample MG27 0.0-0.3 - 4.075 mg/kg) of the adopted HIL 'B' criteria for Carcinogenic PAH (B(a)P equivalent).*", with Council noting the adopted criteria for Carcinogenic PAH (B(a)P is 4 mg/kg.

No single summary statistic will fully characterise a site and appropriate consideration of relevant statistical measurements should be used in the data evaluation process. Schedule

B1 of the *National Environmental Protection Measure 2013* allows localised elevated values (hotspots) to be considered for appropriate relevant statistical measurements. The result should meet the following criteria:

- *the standard deviation of the results should be less than 50% of the relevant investigation or screening level, and*
- *no single value should exceed 250% of the relevant investigation or screening level*

The consultant, in accordance with the above criteria demonstrated the single minor exceedance is unlikely to pose a significant human health risk to current or future site users.

The consultant has recommended additional soil sampling be carried out below the concrete hardstand surrounding the above ground fuel tank following its removal. While it is preferable that all necessary sampling is carried out prior to determination, in some cases further sampling can be undertaken post determination to address minor contamination concerns which cannot be readily sampled prior to demolition. CN notes the consultant in section 15 (Conclusions and Recommendations) states a “*Validation Report will be required following the removal of the Above Ground Storage Tank whether contamination above the adopted criteria is identified or not.*”

Given the absence of significant gross contamination across the accessible parts of the site, CN believes it is unlikely the area beneath the slab will be significantly contaminated. As such, given the consultant has committed to validating the site to ensure site suitability, CN has recommended a condition of consent which incorporates the recommended additional sampling regime into the validation report. Should contamination be identified above the adopted land use criteria and requiring remediation, the consultant, under SEPP 55 may choose to remediate the site under Category 2 (Remediation work: works not requiring approval).

If the requirements for Category 2 cannot be met, the applicant will be required to lodge a separate Development Application to address any onsite contamination to ensure site suitability.

The proposal is consistent with SEPP 55, subject to recommended conditions to be imposed on any consent granted in relation to remediation works during construction. Refer **Appendix A** for Draft Schedule of conditions.

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

State Environmental Planning Policy (Housing for Senior and People with a Disability) 2004 (SEPP HSPD) applies to the proposal. Under subclauses 4(1) and 4(4) of the SEPP, the site is identified as 'Land Adjoining Land Zoned Primarily for Urban Purposes', as dwelling houses, residential accommodation and hospitals are permitted in the adjoining R2 Low Density Residential Zone (NLEP 2012).

Clause 10 Seniors housing

The proposal relates to 10(c) a 'group of self-contained dwellings' under the provisions of the SEPP.

Clause 13 Self-contained dwellings

The proposal is for 'serviced self-care housing' where the following services are available on the site: meals, cleaning services, personal care, nursing care.

Clause 15(b)

The proposal relates to 'development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing'. The site is on land that adjoins land zoned primarily for urban purposes and is for serviced self-care housing.

Seniors housing is residential accommodation that is or is intended to be used permanently for seniors or people with a disability consisting: in this instance 'a group of self-contained dwellings'. Further to this, the proposal seeks consent for 'serviced self-care housing' under the provisions of the SEPP.

Clause 16 - Development consent is required for seniors housing under the SEPP.

Clause 17 – Development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for, include 'serviced self-care housing'. The proposal is for 148 serviced self-care housing apartments within a six-storey building.

Clause 18 – Restrictions on occupation of seniors housing allowed under this chapter.

This clause requires conditions regarding both who can occupy and restriction as to user to be placed on titles. Recommended conditions are included in **Appendix A - Draft Schedule of Conditions**.

Clause 23 – Development on land that is used for the purposes of an existing registered club.

The proposal provides measures to separate the golf club from the residential areas and has operational management plans for both the seniors housing and golf club house / facilities. Relevant design principles and separate pedestrian access points for the club and residential areas of the seniors housing development have been used as part of the development.

Clause 24(4)(a) of the SEPP - a Site Compatibility Certificate (SCC) was issued dated 30 April 2020 by the Hunter Central Coast Regional Planning Panel certifying the sites suitability for the construction of a seniors living development on the site, given the prohibition of seniors housing under the NLEP in the RE2 Private Recreation Zone.

The SCC outlines that:

The panel certifies that in its opinion:

- *the site described in Schedule 1 is suitable for more intensive development.*
- *the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b) and having considered the written comments from the General Manager of Newcastle City Council regarding the proposed development; and*
- *that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.*

Clause 25(5)(b) – the SCC issued on 30 April 2020, states the site is suitable for more intensive development than currently exists and that the proposed seniors living development is compatible with the surrounding environment having had regard to the criteria specified in this clause.

25(5) The relevant panel must not issue a site compatibility certificate unless the relevant panel —

- (a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and*
- (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria —*
 - (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
 - (ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,*
 - (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
 - (iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,*
 - (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*
 - (vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation,*
 - (vii) the impacts identified in any cumulative impact study provided in connection with the application for the certificate*

Clause 26(1) and (2)(c) Site Related Requirements (Location and Access to Facilities) – There are bus stops located approximately 550m walking distance from the site on both Glebe Road and James Street. The SEPP requires access to a transport service within 400m of the site and access via a suitable pathway.

The proposal to satisfy this requirement will provide a shuttle bus service (minimum 10 seats), offering at minimum two services per weekday (morning and afternoon) for future residents. There is a parking space for this bus adjacent to the main entry to the foyer / reception area for the units. Suitable services are available at a number of centres including Westfield Kotara, Marketown in Newcastle and the Adamstown town centre. Shuttle services will be determined in consultation with residents to provide access to a variety of shopping and medical services.

Clause 27 Bush fire prone land

The application was referred to the NSW Rural Fire Services, as an 'integrated development' and NSW Rural Fire Services granted their General Terms of Approval (GTAs) dated 15 September 2021. Refer to **Appendix A** - Draft Schedule of Conditions.

Clause 28 Water and sewer

The application was submitted with plans stamped by the Hunter Water Corporation confirming reticulated water and sewer is available to the site and future development.

Clause 30 Site Analysis

The proposal and accompanying plans and documentation has satisfied the undertaking of a suitable site analysis for the site and surrounding context and proposed development outcome.

Clause 32 Design of residential development

The proposal has given adequate regard to the principles set out in Division 2 of the SEPP. These are discussed below Clauses 33 to 39 under the SEPP.

Clause 33 Neighbourhood amenity and streetscape

The proposal has given reasonable regard to the location's current character so that new buildings contribute to the quality and identify of the area. The proposal does not have an adverse impact on heritage items within vicinity of the site and this is discussed further within the report under Clause 5.10 of NLEP.

The proposal is considered to maintain a reasonable neighbourhood amenity and appropriate residential character by, providing building separation and setbacks to reduce bulk and overshadowing. The design of the built form and siting more centrally located assists with the provision of good separation / setbacks from external boundaries. The design of the built form within the 'developable area' has been influenced by the site's natural topography and location of mature vegetation on-site, to ensure both through landform and retention of mature vegetation, the design will respond positively to amenity and minimise the overall height, bulk and scale when viewed from adjoining properties and the surrounding lands. This assists greatly with ensuring the building form is compatible with surrounding development, notwithstanding the proposed building form is of larger scale, than the lower scale building form that is characteristic of surrounding properties. Through both tree retention and proposed landscaping the existing and future character of the area will be positively influenced and ensure the intensification of development centrally located on the site is visually softened and screened from surrounding lands.

Clause 34 Visual and acoustic privacy

The proposal has considered both visual and acoustic privacy of neighbours as required through appropriate site planning and central location within the broader site. In relation to the seniors housing development, the building design has achieved design excellence principles and compliance with the SEPP 65 Apartment Design Guide. An Acoustic Assessment, prepared by Reverb Acoustics has been submitted with the application and is considered to have appropriated addressed acoustic privacy.

Clause 35 Solar access and design for climate

Solar access and shadow diagrams were submitted with the application. The development has no impact on the daylight to main living areas of neighbours in the vicinity, given the central location of the 'developable area' on the broader site and extensive separation / setbacks from external property boundaries. In relation to adequate daylight and solar access within the seniors housing development for residents and adequate sunlight to substantial areas of private open space, solar access is discussed in more detail in SEPP 65 – Design Quality of Residential Apartment Development principles within this report and the Apartment Design Guide – Compliance Table in **Appendix H**.

The development is appropriate and has satisfied the needs of this clause.

Clause 36 Stormwater

Stormwater management plans have been submitted with the application. The development satisfies the needs of this clause by controlling and minimising the disturbance and impacts of stormwater runoff on adjoining properties and minimises where possible hardstand areas. The proposal satisfies the need to provide on-site stormwater detention and re-use for second quality water uses. Further detailed discussion on stormwater management is provided within Section 7.6 Stormwater under NDCP of this report.

Clause 37 Crime prevention

The development is considered to have appropriately responded to the provision of personal property security for residents and visitors and encourage crime prevention by site planning that allows observation of the approaches to dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such areas, driveway, or street. Shared entries are provided for only a small number of dwellings. Safety and security are discussed in more detail in SEPP 65 – Design Quality of Residential Apartment Development principles within this report and the Apartment Design Guide – Compliance Table in **Appendix H**. In addition, some discussion is also within Section 4.04 Safety and Security under NDCP of this report.

Clause 28 Accessibility

The development provides for clear and safe pedestrian links from the site, providing for access to public transport services or local facilities. A shuttle bus is proposed as part of the seniors housing development to ensure sufficient and accessible transport is available, from within the site to services and facilities in line with the requirements of this SEPP. Within the development, an attractive and safe environment is provided for pedestrian and motorists with convenient access and parking for residents and visitors. Aspects of traffic, parking and access, together with public domain works is discussed in more detail within Section 7.03 of NDCP.

The proposal is considered to have satisfied the needs of this clause.

Clause 39 Waste management

The development has been provided with appropriate waste management on-site, also catering for the need to recycle. A Waste Management Plan has been submitted with the application. Waste management is discussed further within Section 7.08 Waste Management of NDCP of this report.

Clause 40 Development standards that apply to any form of seniors housing

The proposal complies with the Site area requirement of 1,000m² (site area of 38ha and developable area of 26,095m²) and Site Frontage requirement of 20m (site frontage to King Street is 33.953m width of frontage). The Building Height requirement does not apply as the development is not on land primarily zoned for residential land use. Therefore, the proposed development has been designed in accordance with the Site Compatibility Certificate issued on 30 April 2020 and designed on merit taking into consideration the surrounding locality.

In addition, there is not prescribed height limit for the site under the Height of buildings map under the provisions of NLEP.

Clause 42 Serviced self-care housing

The proposal for serviced self-care housing on land that adjoins land zoned primarily for urban purposes has satisfied the requirement that residents will have reasonable access to home delivered meals, personal care and home nursing and assistance with housework.

Clause 43 Transport services to local centre

The proposal has included as part of the operations that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development and is able to comply with the provisions of this clause, with access to local centres that provide access to necessary shops, services, and facilities.

Clause 44 Availability of facilities and services

The proposal has clearly outlined that any facility or service provided as part of a proposed development that adjoins land zoned primarily for urban purposes will be available to residents when housing is ready for occupation.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings include:

- building height – if all buildings are 8m or less
- density and scale – density and scale as a floor space ratio is 0.5:1 or less
- landscaped area – a minimum 30% of the area of the site is to be landscaped
- deep soil zones – minimum area of 15% of the area of the site
- solar access – living rooms and private open spaces for minimum of 70% of dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.
- parking – if at minimum – 0.5 spaces for each bedroom where the development is made by a person other than a social housing provider.

The proposal is considered acceptable and consistent with the provisions of the SEPP.

State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building

This policy applies to the development of new residential flat buildings and aims to improve the quality of residential flat development. Clause 28(2) of SEPP 65 requires the consent authority to take into consideration the advice of a Design Review Panel (constituted under Part 3 of the Policy) and the design quality of the development when evaluated in accordance with the nine Design Quality Principles and the Apartment Design Guide (ADG).

CN's Urban Design Consultative Group (UDCG) considered the proposal prior to lodgement of the current development application on 28 October 2020 (UDCG No.2020/00018), with advice provided on 5 November 2020.

The current development application was considered by CN's Urban Design Review Panel (UDRP - formerly UDCG) on 31 March 2021, at which time the panel recommended a limited number of refinements to achieve design quality (see extract from March 2021 UDRP advice provided below for reference).

"Further consideration is encouraged of the retention of some limited groups of mature trees, currently designated for removal. The overall master-planning of the course, and its back of house facilities should be undertaken as part of this major redevelopment, and the proposal for maintenance sheds etc considered with the same thoroughness as has been applied to the clubhouse and dwellings. The need for vehicles to diagonally cross paths near the entry to the clubhouse basement ramp should be further considered."

In response to matters raised by CN in a request for information, which included matters raised by UDRP, amended architectural plans (dated 23 July 2021) and written response to UDRP comments were submitted to address concerns identified.

These amended architectural drawings and the changes made in response to the UDRP concerns were discussed as General Business during the UDRP meeting held 25 August 2021. The following was identified:

That the proposal had been amended in accordance with the recommendations from the March 2021 UDRP advice, and the panel had no further recommendations.

As such, it is considered that the proposal has sufficiently incorporated and resolved the concerns raised by the UDRP.

A summary of the UDRP (formally known as UDCG) advice in relation to the nine Design Quality Principles is provided in **Table 4** below.

Clause 30 of the SEPP provides 'standards that cannot be used as grounds to refuse development consent or modification of development consent'. These include:

- a) *If the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the ADG.*
- b) *If the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the ADG.*
- c) *If the ceiling heights for the building will be equal to or greater than, the recommended minimum ceiling heights specified in Part 4C of the ADG.*

Table 4: UDCG advice in relation to the nine Design Quality Principles

Design Quality Principles	Assessment
Principle 1. Context and Neighbourhood Character	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>Merewether Golf Club has operated on the site for a period of some 85 years and has entered into an agreement which proposes the use of a limited area of the site as a seniors housing development. Part of the development is proposed to include the demolition of the existing Clubhouse and several existing maintenances and refueling structures on the site, and the removal of stands of mature trees.</i></p> <p><i>The site is an attractive one but is not without its constraints. It is viewed from surrounding low-scale residential development which is almost all freestanding houses of one and occasionally two storeys. Houses in Henry St, Merewether are elevated above the eastern side of the course, and most houses have been designed to take in the very attractive views across the course to the hills beyond. Houses accessed from Ella St, Lockyer St, and Bryant St Adamstown also overlook the site, across their common rear boundaries.</i></p> <p><i>The site falls moderately to steeply from the south-east towards the north-west. At its lowest points, a</i></p>	<p><u>Officer Comments</u></p> <p>Noted</p> <p>The development and design of buildings is considered to have responded to the existing natural topography and the neighbouring context.</p> <p>In addition, the central location of the development / buildings, with greater setbacks from neighbouring properties to the north (130m) and to the south (150m) minimum setbacks.</p> <p>The building form has used the existing natural level changes utilising the existing contours to achieve minimal visual impact when viewed from southern neighbouring properties. These properties also are approximately 25m above the existing ground levels of the golf course site.</p>

small area of the site is subject to flooding. Parts of the site, in particular its southern side, are steep and are heavily wooded. These areas are mapped by the RFS as bushfire hazard zones. The Asset Protection Zones (APZs) for these areas extend close to the south-western end of the proposed residential component of the development.

The golf course is defined by groves of mature trees that are in a number of instances of 20m to 25m in height. The applicant indicated that in seeking approval for the Site Compatibility Certificate, the HCCPP concurred with the proposition that, rather than providing lower-scale development across a broader area of land, it was a preferable approach to concentrate the Independent Living Units (ILSs) into a much more limited footprint. It is intended that the existing tall trees retained on the site will visually filter and soften views of the taller blocks from both the surrounding residences and the course and its surrounds.

UDRP – 31/03/2021 (UD2020/00018.01)

The Visual Impact Assessment submitted as part of the DA documentation has largely confirmed the Group's earlier observations that the combined influences of the proposed development being located at some distance from any neighbouring property, the topography of the site and the presence of mature trees on the site generally provide an acceptable context for a form of development that is more massive than the surrounding built form. It was noted that both the height of the proposed residential blocks, and the bulk and scale of the development, were considered acceptable in no small part, due to the retention of the majority of tall, mature trees surrounding the identified development site.

One aspect that the Visual Impact Assessment did not address in detail, is the existing visual dominance of the site brought about by the high voltage power lines and towers that traverse the site. The scale of existing trees goes some way to reducing the adverse visual impacts of the lines, and any consideration of the removal of existing trees and replacement with new plantings should be informed in part by this consideration.

The existing tree lines or treescape of relevance, in part informs the location and orientation of the design, runs east-west across the golf course. Therefore, the proposal sits within the existing treescapes visually screening the development from the surrounding properties. A key focus of the proposal is the retention of as many native established trees as possible to maintain the tree line within the landscape.

Officer Comments

The Visual Impact Assessment submitted with the application establishes the key elements that assist greatly in ensuring the development's bulk and scale is appropriate within the context of the site and surrounding lands.

These are considered to relate to the following:

- the centrally located 'developable area' which achieves good separation / setbacks from surrounding properties.
- The topography of the site which assists given the scale and building form is uncharacteristic of development on surrounding lands.
- The retention of existing mature vegetation across the site and compensatory planting which in time will assist with both the longevity of vegetation generally across this site but also in further protecting or providing an effective visual screen or buffer whereby lessening the scale of the development on surrounding lands.

	<p>Additional information was provided to supplement the Visual Impact Assessment in response to the dominance of high voltage powered lines and towers that traverse the site, prepared by Hatch RobertsDay and dated 16 June 2021.</p> <p><i>Visual analysis has confirmed that dense vegetation and mature trees in close proximity to the existing high voltage towers are retained to ensure the visual impact is not increased as a result of the proposal. This includes the mature trees fronting the existing residential buildings along northern and southern boundary. In addition, the proposed landscaping along the main entry will cover the power lines/towers further reducing the impact perceived from King Street as the main public view.</i></p> <p>The proposal is considered acceptable in relation Principle 1. Refer to further discussion on visual impact within the report.</p>
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Principle 2. Built Form and Scale

<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>The ILU residences are located in two main blocks of six to seven storeys in height, each laid out in a boomerang shape. These blocks are further divided into two wings, each of which has a lift core accessing seven units on typical floors. At the lowest level, located to the northern side of the westernmost wing, are six units facing the proposed communal open space (POS) and the 18th hole. Also, on this lower ground level are a foyer and “cellar” opening onto the POS and several residents’ activity rooms. At ground level, a continuous central corridor joins all of the ILU blocks, with the main entry to the ILU being centrally located. At this Ground Level towards the eastern and southern parts of the footprint, there are a number of communal spaces, including a gym, swimming pool, cinema a “wellness centre” and an admin space. Some residential units intersperse these Ground floor spaces and share a similar floorplan and direct entry with the other ILUs.</i></p>	<p><u>Officer Comments</u></p> <p>In response to the concerns raised, further refinement was undertaken to ensure that the apartment buildings would be a secure environment.</p> <p>Access will be by electronic security devices at both the vehicle entry point to the secure basement carpark and at the ground floor residential entry foyers. Shared and secured common lobbies and entries serve a small number of units per floor. Each independent living unit lobby provides access to a maximum of seven apartments per level which provides a lower scale and private environment for the residents.</p>
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A concern is the lack of privacy for these residential units from the thoroughfare corridors which will often be busy. Further consideration should be given to wayfinding, separation of public, communal and private areas, and an internal layout of residences that provides a degree of visual screening of the residential interior when the front door is opened.

While accepting that the existing trees on the site will to a degree visually soften and provide an appropriate scale of landscaping for the six (6) to seven (7) storey buildings, the Group noted its view that a maximum height of four (4) to five (5) storeys would have been a better contextual fit. It is therefore crucial to a good visual outcome, that throughout the design and construction of the development, and into the future, forest scaled trees are protected, maintained in good health, and supplementary planted. This requires detailed documentation.

The proposal also involves the construction of a new Golf Clubhouse, and associated function spaces, in addition to new at-grade and basement parking for both the ILU and Club.

The Group raised concerns in respect to the access to the site from King St, in particular the convergence of two, 2-way roads at the narrow entry – which appears unworkable as laid out. The entry is also constrained by the presence of a large electricity substation, which is fed by the high-voltage lines that traverse the site and that are also visually prominent. It is proposed also to install fire booster-pumps in this area, which combined with the predominance of parking and roadways at the entry, would benefit from further planning and a greater emphasis on soft landscape. Managing waste and recycling collection is a related important consideration, and there appears with the present arrangement, that bins may be left visually exposed, as there is no screening around the collection area. It is also crucial that the back-of-house areas for the activities associated with the Clubhouse should be fully accommodated within screened areas.

It is necessary for several buildings and other structures that facilitate the maintenance of the golf course to be demolished for the ILU buildings. The documentation for the proposal should include details of any structures, fuel stores, etc. that will be required in the foreseeable future to accommodate the maintenance and upkeep of the course.

UDCG – 31/03/2021 (UD2020/00018.01)

Apartments have been reconfigured to provide an improved visual privacy for the front entries from the corridor, with direct visual access unrestricted.

In response to the aspects of Height, Bulk and Scale, the SEPP 65 Verification Statement submitted in support of the application outlines the below response.

The built form and scale adopted for this project delivers a superior design outcome than what a low scale/larger development footprint design response may have delivered. Although, a low scale development may be responsive to the existing surrounding context, due to the larger development footprint required, the golf club would not be able to continue functional operations as an 18-hole golf course.

The plan of the proposed built form follows the existing contours and established treescapes forming a distinctive organically shaped built form reflecting the sites natural topography. The built form takes advantage of the existing natural level changes utilising the existing contours to allow development not to be seen from the neighbouring properties to the southern boundary with these southern residential properties being approximately 25m above the proposal.

The proposed buildings present up to six habitable storeys in height plus rooftop terrace and plant areas on the south elevation and up to seven habitable storeys in height plus rooftop terrace and plant areas on the north elevation. All elevations directly face out onto the golf course. Building have been centrally located on the site as far as possible away from existing neighbouring dwellings along the northern and southern boundaries. The nearest boundaries to the north

The issues previously raised relating to residential privacy and security, and potential conflicts arising between the needs of residents versus those of visitors to the facilities, have been addressed and are considered acceptable. Likewise, the creation of screened back-of-house areas and waste collection zones appear to have addressed the previously raised concerns in relation to catering for these needs.

While the issue of converging two-way roads at the King Street entry has been addressed, it appears that the point near the northern end of the service facility and entry to the Clubhouse basement requires some further design consideration. North bound traffic at this point is required to move back to the left-hand carriageway that continues to the property exit. This occurs at the same point that entering south-bound traffic has to cross the path of north-bound vehicles to gain access to the ramp down to the clubhouse basement. One possible means of addressing this conflict may be to introduce a small roundabout in this location.

The Panel had previously recommended that, given the extensive nature of the proposal, and the inherent changes it will impose upon the broader site including the overall course, that the opportunity should be taken to prepare a long-term master plan for the overall site. This should include the relocation of any infrastructure and back of house facilities displaced by the development, and the landscape master-planning of the overall site, including the identification of trees to be removed, and supplementary / replacement planting that is intended or anticipated. It was noted that a separate Development application had been lodged for new maintenance facilities to be accessed off June St Merewether, which will replace infrastructure within the footprint of the residential development. While the separation of the applications may have some justification, it was recommended that since the proposals are interrelated, it is highly desirable that they be considered in parallel.

are 130m away and 150m away to the south.

The seniors housing and ancillary wellness centre is proposed on land zoned RE2 Private Recreation zone with no statutory height control. Considering the disadvantages of a low scale / larger development footprint option, the design team carefully identified the proposed height based on the existing vegetation and tree canopy height within the golf course. Both a surveyor and arborist have completed comprehensive assessment and provided detailed tree data to ensure the approach is grounded. The average height of the existing trees to be retained surrounding the development is approximately 23m. The tallest part of the building measured from natural ground is 21.3m measured to the underside of the ceiling on the uppermost habitable floor as per the SEPP (HSPD 2004). Therefore, the proposal sits below the existing tree canopy height visually screening the development from neighbouring community.

A Visual Impact Assessment was also undertaken to ensure the prominent view corridors will not be affected by the proposal. Key vantage points included the public view (King Street / entry point), the surrounding public and private views along existing residential dwellings.

Conclusion drawn is that the proposal will have minimal visual impact, primarily due to the existing dense vegetation / established trees, generous setbacks from the course boundary and the land topography with the southern residential properties approximately 25m above the proposal.

A Traffic Impact Statement prepared by SECA Solutions has been submitted with the application. The report considers the road

	<p>networks and traffic circumstances, assesses the potential traffic implications, the adequacy of proposed parking and vehicle access, internal circulation, and servicing arrangements.</p> <p>Access, traffic, and parking matters, some of which were raised by the UDRP, have been resolved during the development assessment process.</p> <p>In relation to servicing requirements, such as on-going waste management services for the site, the proposal was refined to ensure its compliances with the City of Newcastle's servicing.</p> <p>The proposal involves the decommissioning of existing maintenance shed facilities associated with the golf club / course.</p> <p>Whilst discussed in more detail elsewhere in this report, a separate Development application was lodged for proposed new 'green keeper' maintenance shed and the north-eastern extremities of the site, off June Street. This application was withdrawn due primarily to locational issues and adverse residential amenity impacts on adjoining residential properties.</p> <p>Initial concept plans have been discussed with Council officers, and further refined in preparation for lodging a future development application. The new location is more centrally located within the site and better placed in respect to the golf clubhouse and course facilities and has been shown in concept on the current architectural plan set.</p> <p>The intention (subject to approval) is that the new maintenance shed</p>
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	<p>facilities will be operational prior to decommissioning the existing maintenance shed facilities.</p> <p>Refer also to Appendix I for current refined concept plans.</p>
Principle 3. Density	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>The proposal is considered to be medium/high density and represents a very different level of density to that found in the immediate surrounding residential areas of Merewether and Adamstown. The nearest retail and service area is located approximately 750m to the west of the site at Adamstown town centre. Being located upon a Growth Corridor, which permits greater density development than the surrounding R2 zoned land, the main street of Adamstown (Brunker Road) has had several developments approved for residential buildings approaching the scale of the subject development. Overall FSR of the proposal is readily numerically compliant, thanks to the extensive area of the broader site.</i></p> <p><u>UDRP– 31/03/2021 (UD2020/00018.01)</u></p> <p><i>The density of the proposal was considered satisfactory in the light of the Site Compatibility Certificate.</i></p>	<p><u>Officer Comments</u></p> <p>The proposal sits within the existing Merewether Golf Club site. The Site Compatibility Certificate issued for this proposal, provides a 'Developable Area' of 26,095m² as defined within the SCC.</p> <p>The site does not have any prescribed height or floor space ratio limits within the NLEP.</p> <p>However, the SCC – Scheduled 2, Item 2 requires the seniors housing and ancillary wellness centre must remain in the area nominated as 'development area' under the provisions of the SCC.</p> <p>The proposal incorporating seniors housing an ancillary wellness centre and new Golf clubhouse and ancillary facilities, centrally located within the broader golf course site and within the specific 'development area' is considered to sit comfortably within the site and in relation to density.</p> <p>As advised by the UDRP, the proposal is considered acceptable in relation to the density principle.</p>
Principle 4. Sustainability	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>The development would benefit from the inclusion of solar PV panels, which might usefully be integrated with pergolas, to contribute to some shading of proposed rooftop private open space areas.</i></p> <p><i>While BASIX requirements and Section J provisions are likely to require performance glass for the extensive areas of residential and Clubhouse glazing, shading of fenestration from undesirable summer sun provides a more sustainable overlay. If dark window and glazed door extrusions are to be used (a black finish is proposed) extrusions including thermal</i></p>	<p><u>Officer Comments</u></p> <p>SEPP65 Design Verification Statement states:</p> <p><i>The proposed seniors housing development has immediate proximity to transport, on-site facilities for residents and provides for local employment opportunities, is in itself, an efficient use of resources by minimising the reliance on the local infrastructure and individual motor vehicle use.</i></p>

breaks should be specified. The inclusion of some sun shading of balconies - in particular from the afternoon summer sun - would also make these private open spaces more comfortable and more useful.

UDRP– 31/03/2021 (UD2020/00018.01)

The proposal to provide for an extensive PV generation array was supported. While it was noted that the relevant BASIX and Section J compliances had been addressed, the issues around unshaded glazing and the desirability for thermal breaks in exposed window mullions was reiterated. The additional sun shading of balconies and windows was welcomed.

In addition, the following is noted inclusions as part of the proposal which contribute to minimising resources and energy –

- *Solar access and cross ventilation is achieved to a significant proportion of apartments, therefore internal spaces are not reliant on-air conditioning to maintain thermal comfort.*
- *3 hours of solar access in mid-winter provided to 112 out of 148 self-contained apartments between 9am and 3pm. This represents 76% exceeding the 70% and minimum 2 hours required under the ADG.*
- *Natural cross ventilation to 70% of units.*
- *All units with access to common open space, with good amenity and situated in the centre of the development to receive maximum solar exposure.*
- *Recessed and screened balconies providing shading in summer months but allow lower winter sun to enter internal spaces for passive solar heating in all north facing apartments.*
- *Oversized private open space and balconies to enhance residential amenity.*
- *The overall development has potential to be serviced by an 'off-grid' capable solar electricity system. Solar panels are able to be accommodated on the roof space of both the clubhouse and residence foyer roof to generate electricity for the development.*
- *A shuttle bus service will be provided to residents.*
- *Sustainable stormwater and reuse systems will ensure good water efficiency practices by the overall development. This in turn will also benefit the broader golf course grounds.*

	<p>This is considered acceptable.</p> <p>A current BASIX Certificate has been submitted which lists the commitments to achieve appropriate building sustainability. If consent were granted, recommend a condition be included requiring compliance with BASIX commitments to ensure that the development incorporates an environmentally sustainable design. Habitable rooms of all apartments proposed are provided natural ventilation (operable glazing). Furthermore, the proposal complies with the ADG requirements for natural ventilation.</p> <p>The proposal is considered acceptable.</p>
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Principle 5. Landscape

<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>As an acceptable urban outcome is very dependent upon the retention and ongoing maintenance of existing forest-scaled trees surrounding the development, careful mapping of individual trees, combined with a conservative approach to building near root zones, and a comprehensive ongoing plan for the maintenance of trees, is essential. This plan should also make provision for the ageing of trees and should ensure that supplementary planting is carried out at appropriate intervals to ensure an ongoing visual filtering of the development.</i></p> <p><i>The basement car park extends quite close to an important group of trees on its southern side – including trees no 662, 663, 664, 666, 667, 672, 673, and 691. These trees are shown for retention on most plans but are shown in red (for removal) on the basement plan. Trees 638, 639 and 640 are also valuable contributory trees that should be retained but are also similarly inconsistently designated. It is likely that the excavation for the car park would intrude into the root zone of some of the larger southern side trees, which is not acceptable. Likewise, trees should not be removed simply to allow battering of earth banks. Further investigation is</i></p>	<p><u>Officer Comments</u></p> <p>An Arboricultural Impact Assessment (AIA) prepared by Arbor Views was submitted with the application.</p> <p>The report provides for the assessment of the impact the development will have on existing vegetation across the 'developable area'. As per the report, there are currently 317 trees on or immediately adjacent to the development site that have been considered in the assessment, including the species of the individual tree.</p> <p>The proposal includes removal of 144 trees, of which the report states 120 have high or moderate retention value. The remaining vegetation within proximity of the 'developable area' will be retained and protected through the construction process and in</p>
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required of this, and most probably some rearrangement of the basement is required.

Several new “feature” trees are proposed on structure and should have soil volumes that will permit the trees to grow to an appropriate scale. These include the tree outside the Wellness Centre near the Clubhouse, and the trees in each of the two roundabouts near the residential drop off and the Wellness Centre drop off. Provision for an increased soil volume appears readily possible for each of these trees by creating a deep set-down into the basement below.

The entry driveway and eastern area adjacent to the Clubhouse is visually dominated by hard-stand and vehicle parking. There is also a very limited capacity for tree planting within the electricity high voltage line easement in this area. Further opportunities should be pursued for visually softening this area with trees and other vegetation such as climbers on structures. Trees on the northern and eastern side of the 18th hole are currently proposed for removal, which further exposes this side of the Clubhouse. It is desirable that these trees be retained if possible.

Similarly, the requirements for limited tree and shrub planting within the Asset Protection Zone (for bushfire) on the south-western side of the ILU building, need to be offset by increased tree planting in the other areas adjacent outside the APZ.

Landscape Sections should be provided of the battered landscaped area around the Wellness Centre drop-off roundabout area, and beyond this to the ILU drop-off. This area must be of a grade that allows for safe access for landscape maintenance.

Any temporary car parks or other interim arrangements should, like the permanent development, be carefully sited to protect all retained trees. Compaction of root systems altered levels near trees and changed waterflows should be avoided.

Although shown on the renderings as heavily greened spaces, the plans of the ILU rooftop private open spaces indicate that these are virtually devoid of soft landscape treatment. This planting is essential to create pleasant surroundings, to define paved areas and to provide a visually attractive buffer between neighbouring private open spaces.

UDRP – 31/03/2021 (UD2020/00018.01)

While the development of the landscape design was

accordance with the recommendations of the AIA.

The report acknowledges that adequate and appropriate tree planting will be required to compensate for the loss of 7,450m² of urban forest canopy. Given the loss of trees, a comprehensive landscaping scheme is proposed including replanting of 201 mature trees within available areas in prominent locations, with the capacity to provide 9,770m² of canopy over several decades.

The report suggests that the new compensatory trees will have the potential to reach significant heights without excessive inconvenience and be sustainable into the long term, improving the potential of the site to contribute to local amenity and character.

The focus on retention of as many existing mature trees as possible, will contribute to a development that co-exists with the natural and built environment within which it is located and therefore, maintains that tranquil natural character and vegetated setting enjoyed by the surrounding properties and broader community.

A Landscape Description and Management Plan prepared by Site Design Studios was submitted with the application. The plan identifies that the existing vegetation and newly planted areas will require protection during construction and establishment.

Temporary fencing is proposed during construction and establishment periods, with temporary fencing placed at the extent of the area to be protected, beyond the dripline of trees to be protected.

considered to be positive, the underlying principles outlined in the panel's previous comments in respect to landscape were reiterated. Good urban, residential and recreational outcomes are highly dependent upon an excellent landscape design, implementation and maintenance in this location.

The panel supported the inclusion of planters on structure providing they have adequate soil volumes and automated watering-systems. Some additional planters have been included as a buffer separating previously continuous balcony structures. It was strongly recommended that these planters be centrally maintained by the body corporate (or equivalent) and that they be automatically watered.

The panel welcomed the proposed retention of the significant stand of trees to the south of the residential basement, which are considered crucial to providing the scale of vegetation that justifies the height of the proposal. Protection of these trees during construction will be critical and could usefully be included as conditions of approval. Some trees have been identified for removal just to the north-west of the clubhouse, and another group that are towards the junction between the clubhouse and the wellness centre outdoor area are also designated for removal. It was suggested by the consultants that the species of trees, and the degree of shade cast by them rendered them unsuitable for retention, which may be the case. None the less, it was recommended that further consideration be given to retaining at least some of these trees, or possibly retaining some while new plantings reach semi-maturity.

Planters proposed as part of the seniors housing are confirmed to be maintained by the body corporate and additional details regarding the management of the common planter boxes is included in the Operational Management Plan.

Additional information and justification for tree removal within the area of the Wellness Centre / Communal Open Space Lawn has been prepared by Site Design + Studios, for the stand of trees that the UDRP suggested should be reconsidered for retention.

The additional advice states that being able to create a useable open space for the residents on a level area is key to the development's viability and success for its universal access outcomes.

Regarding trees to be removed (Trees 643, 642, 641, 640, 639, 638) the following explanation is provided for removal within the communal open space.

The species Tree 639, 640, 641 pose an issue with maintaining a comfortable and usable open space for the new residents and their guests. The Grevilia Robusta is best used on large open space areas and not in such close quarters to public and private space and in proximity to buildings. The tree does not allow for a viable open space outcome as the level of the trees means that usable communal space cannot be achieved. Additionally, there should be concern for allergies as its sap can cause contact dermatitis as well as eye irritation.

Trees 638, 642, 643 Pinus elliotii create permanent shade to the new area. Whilst maintenance will be at a high level on this site the needles

	<p>of the pine and its cone drop will make the open space unviable even due to suppression if planting and turf as well as cone drop issues affecting safety for residents and their guests. The level of the trees meant that usable communal space cannot be achieved. In addition, the tree is considered an environmental weed in NSW.</p> <p>The focus of the development has been to maintain as many existing trees as possible, however in this instance based on the above justification for their removal. Furthermore, to keep the trees while others are established is not a realistic outcome as the two trees described above are suppressive species so the growth of the new trees will be inhibited. The level of the trees makes the open space north facing open space unviable if they are to remain.</p> <p>Supplementary planting has been placed within the design to replace trees being removed. The strategy for layering planting from boundary to building should also be noted as a way of minimising the visual impact to the north. The new trees to be planted are in context with the development and will do well over the next 50 years plus to create canopy and memory of the area.</p> <p>Based on the additional information and justification above, it is considered acceptable to remove these trees given their location.</p>
Principle 6. Amenity	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>The ILUs generally would provide a good level of amenity to residents. The proposal indicates compliance with the Apartment Design Guide requirements for solar access and cross-ventilation - however 36 units will not receive winter sun to their POS or Living areas. Cross ventilation is considered satisfactory.</i></p>	<p><u>Officer Comments</u></p> <p>In response to both CN staff assessment and UDCG advice, amendments were made to ensure privacy and security and reasonable separation between resident living and entrances / interactions within the golf clubhouse facilities.</p>

<p><i>Residential units would benefit from a greater degree of privacy for their front entries from the corridor, which currently allow direct visual access into the unit.</i></p> <p><i>Noise impacts on residents arising from functions held at the club need to be considered and addressed whether with acoustic provisions or by management procedures.</i></p> <p><i>Wind screening should also be considered particularly to decks about the opening slots between apartments at the centre of the accommodation blocks.</i></p> <p><i>Wayfinding and further separation of Golf Club patrons and residential pathways should be examined. Ground floor residential corridors should not be the primary means of circulation for all visitors and residents of other floors.</i></p> <p><u>UDRP – 31/03/2021 (UD2020/00018.01)</u></p> <p><i>The issues previously raised in respect to amenity have been largely addressed in the developed design, and subject to ensuring that the design intent of items such as sun and privacy screens, is carried through to the CC documentation, the level of amenity within apartments was considered to be quite good. The provision of sunny communal spaces provides some offset to those apartments that do not receive the ADG recommended duration of mid-winter sunlight.</i></p>	<p>Whilst 36 out of 148 apartments are south facing representing 24% of apartments that receive no direct sunlight between 9am and 3pm at mid-winter, the design maximises the north aspect and the number of single aspect south facing units are minimised. These south aspect units have uninterrupted view corridors down the 1st and 4th fairways as well as direct views onto the 3rd green and 1st tee. The outlook of the south aspect units has a more private leafy setting and have been provided with two facades (corner unit configuration) with significantly higher proportion of glazing on both facades to allow for natural light and cross ventilation and acceptable levels of amenity.</p> <p>These amendments were considered by the UDCG and as acknowledged in the UDRP March 2021 advice the amendments have addressed the concerns in relation to amenity raised in the UDCG October 2020 advice.</p> <p>The amenity of the development overall and in particular as it relates to the seniors housing development has achieved a reasonable level of amenity for future residents.</p>
Principle 7. Safety	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>It is evident that a layered approach to security and privacy for residents is required. Providing a welcoming arrival for visitors to residents' homes is desirable, but it is essential that residential corridors are not freely accessible to non-residents, including visitors to consultation rooms and the Wellness Centre.</i></p> <p><u>UDRP – 31/03/2021 (UD2020/00018.01)</u></p> <p><i>The development design has generally addressed the undesirable privacy conditions that the panel had previously identified in a few instances.</i></p>	<p><u>Officer Comments</u></p> <p>The development has sought the opportunity to minimise crime using Crime Prevention Through Environmental Design (CPTED) principles.</p> <p>As outlined within the SEPP 65 Design Verification Statement submitted with the application:</p> <p><i>The proposal is considered to promote safety for residents and visitors and will encourage crime prevention by:</i></p> <ul style="list-style-type: none"> • <i>Through site planning and internal layout planning the</i>

	<p><i>design allows for significant devices at both the vehicle entry point to the secure basement carpark and at the ground floor residential entry foyers. Shared, and secured common lobbies and entries serve a small number of units per floor. Each independent living unit lobby provides access to a maximum of 7 units per level.</i></p> <ul style="list-style-type: none"> <i>• All car park areas for residents are located in a basement level and are to be well lit and the stairs and lift areas will have security control.</i> <i>• The common areas are to be well lit, with clearly defined paths. All residential entries will be lit with ceiling mounted down lights and monitored with security cameras. There is a clear definition between public and private spaces.</i> <i>• The development will be provided with security access control, video surveillance and active site security monitoring through the Club's and/or Third Age Village's general operation.</i> <i>• Windows and balconies will provide good natural surveillance to the golf course.</i> <i>• New golf clubhouse will provide some level of passive security for the site due to its active uses and operating hours. Each drop-off area has its own reception area providing safe and secure entry points for the residents and their visitors.</i> <i>• Common open space design allows for surveillance and supervision by the staff of the club and staff operating the seniors housing and ancillary wellness centre.</i> <i>• A fence line is proposed to create a legible boundary between the public space of the golf course and restricted private area of the communal open space for the residents. Designed to be an effective</i>
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	<p><i>access control without creating a barrier that is too tall or hostile, creating the effect of a compound. The fence line or landscaped feature will blend into the natural surrounds of the golf course.</i></p> <ul style="list-style-type: none"> <i>• Providing mitigation measures for managing safety from ball strikes as per the respective plans of management.</i> <i>• Clear separation of club-related activities and seniors housing. This will avoid landuse conflict and appropriate protocols are proposed to manage the relationship between the development and the gambling facilities of the club.</i> <p>The proposal is considered acceptable.</p>
Principle 8. Housing Diversity and Social Interaction	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>The proposed housing mix is considered appropriate. The proposal allows for excellent social interaction between residents.</i></p> <p><i>While it is likely that many ILU residents will bring cars with them when they move into the residences, it is likely that over time these will be little if at all used, in favour of alternatives, including the proposed “courtesy bus”. The management plan for the bus should be responsive to residents’ needs over time and should cater for greater use of the facility as residents age in place.</i></p> <p><u>UDRP – 31/03/2021 (UD2020/00018.01)</u></p> <p><i>The proposal offers an attractive lifestyle – particularly for those interested in golf.</i></p>	<p><u>Officer Comment</u></p> <p>The development with seniors housing ancillary wellness centre and new golf clubhouse facilities, provides benefits of co-location for both uses. The proposal provides good amenity and infrastructure within an established golf club. The club will provide facilities on site which will appeal to its existing and future members and the residents of the seniors housing development. This interaction of the wider community with the seniors housing residents will assist to minimise social isolation of the senior community.</p> <p>The cafe/bar, bistro, wellness centre, day spa, consultation rooms, lounge areas, gym, cinema and 25m lap pool are all located within the proposed development.</p> <p>The proposal provides a diversity of suitable housing for the ageing population that is not serviced by traditional housing types or apartment buildings. The development is considered to</p>

	<p>provide a mix of apartment sizes and layouts including 1 bed, 2 bed, 2 bed plus study and 3 bed apartments, designed for and attractive to 'downsizing' seniors.</p> <p>The proposal is considered acceptable.</p>
Principle 9. Aesthetics	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>The proposal utilises high quality finishes and is generally sophisticated in its aesthetic approach. The Group suggested that strongly expressed “striped” banding of the residential blocks created by the continuous balustrades would benefit from greater variety of form. This might usefully incorporate some screening of balconies, as well as some full-height solid elements of the balustrades, in addition to the current use of a solid concrete upstand with glazed top. Some external sun shading – possibly adjustable - of west facing glass would also add greater depth and texture to the facades.</i></p> <p><i>A prime objective should be to minimise the visual assertiveness of the buildings and reduce to the extent possible their impact on nearby residential areas.</i></p> <p><i>Skillful incorporation of the detailed measures recommended above would considerably assist in reducing the dominance of the horizontal ‘bands’ which are over-prominent as proposed. Whilst some reduction in height would also have been preferred, it is recognised that this is already part of the existing approval.</i></p> <p><u>UDRP – 31/03/2021 (UD2020/00018.01)</u></p> <p><i>The design development undertaken has addressed the key issues previously identified by the panel. The proposal offers a well-considered aesthetic approach.</i></p>	<p><u>Officer Comment</u></p> <p>The proposed design has undergone changes in response to the UDRP advice over time.</p> <p>The modulation of building forms, the use of a restrained palette of materials that blend with the natural surrounds of the golf course and the green character of the local area and building articulation elements result in a design that has responded to both the built and natural environment within which, it is located.</p> <p>The design response is considered to have achieved an appropriate aesthetic which is also considered to pose minimum adverse impact on the context of the site and surrounding properties and maintain good amenity both on site and on surrounding lands.</p>
Amendments required to Achieve Design Quality:	
<p><u>UDCG – 28/10/2020 (UD2020/00018)</u></p> <p><i>The proposal is a complex one that has evidently received a considerable degree of professional interrogation and planning, which has contributed in April 2020 to granting of the Site Compatibility Certificate, which includes a maximum development height.</i></p>	<p><u>Officer Comments</u></p> <p>As detailed in the officer comments provided above for each of the nine Design Quality Principles, the current amended plans and documentation is considered to address the recommendations of the UDRP and Council's</p>

<p><i>Further development of the master plan should be undertaken, in the light of the advice under the above headings, which will inform the subsequent Development application plans. Particular attention should be directed to landscape, amenity and aesthetic issues.</i></p> <p>UDRP – 31/03/2021 (UD2020/00018.01)</p> <p><i>The majority of matters identified by the panel previously have been well addressed by the consultants. Further consideration is encouraged of the retention of some limited groups of mature trees, currently designated for removal. The overall master-planning of the course, and its back of house facilities should be undertaken as part of this major redevelopment, and the proposal for maintenance sheds etc. considered with the same thoroughness as has been applied to the clubhouse and dwellings.</i></p> <p><i>The need for vehicles to diagonally cross paths near the entry to the clubhouse basement ramp should be further considered.</i></p>	<p>assessment and is an acceptable form of development within the context of the site and its location.</p> <p>Furthermore, the UDCG confirmed in their final advise dated 25 August 2021 <i>that the proposal had been amended in accordance with the recommendations from the March 2021 UDRP advice, and the panel had no further recommendations.</i></p>
<p>Summary Recommendations</p>	
<p>UDCG – 28/10/2020 (UD2020/00018)</p> <p><i>The Group commends the applicant for bringing the proposal for its consideration pre-DA and encourages further development of the Master Plan in response to its detailed comments, prior to launching into DA lodgement.</i></p> <p>UDRP – 31/03/2021 (UD2020/00018.01)</p> <p><i>Subject to the small number of identified issues being satisfactorily addressed, the proposal is fully supported.</i></p> <p>UDRP – 25/08/2021</p> <p><i>That the proposal had been amended in accordance with the recommendations from the March 2021 UDRP advice, and the panel had no further recommendations.</i></p>	<p>Officer Comments</p> <p>As detailed in the officer comments provided above for each of the nine Design Quality Principles, the current amended plans and documentation is considered to address the recommendations of the UDRP and Council's assessment and is an acceptable form of development within the context of the site and its location.</p> <p>Furthermore, the UDCG confirmed in their final advise dated 25 August 2021 <i>that the proposal had been amended in accordance with the recommendations from the March 2021 UDRP advice, and the panel had no further recommendations.</i></p>

Further to the nine Design Quality Principles, the ADG provides greater detail on how residential development proposals can meet these principles through good design and planning practice.

The application has been assessed for compliance with the required topic areas within Parts 3 and 4 of the ADG pursuant to Clause 6A under SEPP65. This assessment only addresses compliance with the objective and design criteria of the required topic area. Where a required

topic area is not specified a design criteria, or where it is not possible for the development to satisfy the design criteria, the compliance comments in the Table SEPP 65 – ADG Compliance Table provided in **Appendix H** will have regard to the design guidance relevant to that topic area.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency.

Clause 45 – requires the consent authority to give written notice to the electricity supply authority and invite comments about the potential safety risk and the application has triggered referral to Ausgrid under the provisions of the SEPP.

Note: A referral was also undertaken to Transgrid who advised that the proposal did not affect Transgrid and therefore no assessment was required.

Ausgrid advice was received on 23 March 2021 (refer **Appendix F**) confirming Ausgrid has multiple overhead electricity circuits within the Merewether Golf Course grounds. Circuits are 132000 Volt and 33000 Volt Transmission lines and 11000 Volt & 415 Volt Distribution mains. These assets are protected in their current location under Section 53 of The Electricity Supply Act for the purpose of repairing, replacing, modifying or upgrading.

Ausgrid advised that in relation to the supply of electricity, the developer has previously been in contact with Ausgrid in 2018 and Ausgrid has undertaken significant preliminary assessments and provided advice to Council.

Ausgrid provided a number of conditions that apply to the development in proximity to Ausgrid assets. This advice was forwarded onto the proponents for their information and future actions in direct consultation with Ausgrid.

Clause 104 – refers to traffic generating development. Schedule 3 relates to traffic generating development and requires certain applications to be referred to Transport for NSW.

The application was referred to Transport for NSW (TfNSW) and advice was received dated 6 May 2021 (refer **Appendix F**).

This advice confirmed TfNSW's primary interests are the efficiency and safety of the classified road network, the security of property assets and integration of land use and transport.

Glebe Road (MR188) is a classified regional road and King Street is a local road. Council is the roads authority for both roads and all other public roads in the area.

This advice raises no objection to the proposal and provides TNSW's Response and Requirements outlined below.

TfNSW provided comments to assist the consent authority in making a determination.

- If development approved and Council determine the intersection of Glebe Rd and King St requires upgrading, such as roadworks to address safety associated with increased turning movements, TfNSW concurrence is required under Section 138 of the Roads Act 1993. As such works are to be designed in accordance with specified standards to the satisfaction of both TNSW and Council.*
- Furthermore, TfNSW highlights that in determination the application under Part 4 of the EP&A Act 1979 it is the consent authority's responsibility to consider the environmental*

impacts of any road works which are ancillary to the development, such as (inter alia) removal of trees, relocation of utilities, stormwater management etc. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and the nature of the works, the Council may require the developer to undertake further environmental assessment for any ancillary road works.

- *The property has a common boundary with the Pacific Highway (City Road) which has been declared as a Controlled Access Road (CAR) and accordingly any direct access across this common boundary is restricted.*

It is recommended the new subdivision create an 88B Instrument to accompany the survey plan by adding a "Restriction to User" to be reflected on the plan and title to add the terms in the 88B document to restrict any direct access across the common boundary of the Pacific Highway. The new lot identifying the Golf Course area should only have access via an alternate option only and currently being King Street.

The authority to rescind, vary, modify and/or revoke the access restriction in the 88B will be Council being the consent authority, the owner and the roads authority of the Pacific Highway but not without the concurrence of TfNSW. The survey plan and 88B document must be forwarded for concurrence prior to them being lodged and registered with the Land Registry Services (LRS) of NSW. The terms of the 88B restriction can be applied to access restrictions under the provisions of the Conveyancing Act.

TfNSW provided their Advice to Council as outlined below.

TfNSW recommends that the following matters should be considered by Council in determining this development.

- *TfNSW has no proposal that requires any part of the property.*
- *Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.*

Further emailed advice was received from TfNSW dated 28 September 2021 which offered the following comments:

Glebe Road is a regional classified road, managed by Newcastle City Council. TfNSW is satisfied those comments made by TfNSW with regards to this development application in a letter dated 6 May 2021 have been addressed by Council. As the Roads Authority, Council sets standards, determines priorities and carries out works on this road. It is appropriate for Council to consider and determine if proposed arrangements for the development are acceptable from a safety and efficiency perspective. Give the above, TfNSW entrusts Council to assess and manage the traffic implications of this development application.

TfNSW recognizes that any proposed or conditioned works on Glebe Road would require Section 138 consent from Council and concurrence from TfNSW under Section 138 of the Roads Act, 1993. Provided Council is satisfied the design for the works is acceptable (taking relevant standards and guidelines into consideration), TfNSW would issue its concurrence under Section 138 of the Roads Act, 1993.

The development is acceptable in regard to the provisions of SEPP (Infrastructure) 2007 and subject to recommended conditions of consent as contained in **Appendix A** - Draft Schedule of Conditions.

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

State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 ('BASIX SEPP') applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No.1161523M and NatHERS Certificate No. 0005510700 prepared by Evergreen Energy Consultants Pty Ltd and dated 15 December 2020 committing to environmentally sustainable measures. The Certificates demonstrate the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended conditions of consent included in **Appendix A** - Draft Scheduled of Conditions.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the state through the appropriate preservation of trees and other vegetation.

Clause 10 of the SEPP, states that Council may issue a permit for clearing of vegetation, provided it is satisfied that clearing does not exceed the biodiversity offset scheme threshold and that in relation to heritage items or heritage conservation areas, that clearing is minor or for maintenance of the heritage item and would not adversely affect the heritage significance of the item.

A Flora and Fauna Assessment, prepared by Eco Logical and dated 17 December 2020 was submitted with the application. An internal referral to CN's Environmental Services team was undertaken and the assessment of potential biodiversity impacts is provided below.

The consultant who prepared the Flora and Fauna Assessment prepared by Eco Logical dated 17 December 2020 has demonstrated the proposed development will not result in clearance of vegetation exceeding the NSW Biodiversity Offset Scheme (BOS) thresholds and it therefore does not trigger the requirement for the preparation of a Biodiversity Development Assessment Report (BDAR).

Council notes Section 5 (*Impact Assessment*) of the report has however carried out a Significance (5-part test) and a EPBC Significant Impact Criteria assessment as part of the works proposed on site. Section 5 states *“Overall, approximately 0.079 ha of remnant vegetation / trees will be directly impacted by the proposal. This loss primarily relates to tree number 189 which is a moderate sized Eucalyptus resinifera currently located adjacent to the 18th tee.”*

The Section goes on to state *“Tree number 189, which is a moderate sized Eucalyptus resinifera, has potentially four (4) small hollows of less than 5 cm diameter. These hollows are particularly small and may not constitute good fauna habitat. There is potential that the hollows may provide as a temporary roost site for microbat species on occasion (including threatened species such as the Little Bent-wing Bat), however, is unlikely to provide any core breeding habitat.”*

Section 6 (Mitigation Measures and conclusions) addresses the potential habitat loss by recommending (along with other protection measures) the installation of nesting boxes within the retained trees outside of the project footprint. A total of up to 10 nesting boxes have been recommended for the loss of the four (4) small hollows associated with tree 189 and the potential habitat present within the buildings and structures which are to be removed. The nesting boxes that are recommended are to target microbat species, small birds (e.g. Pardalote) and mammals (e.g. Feather-tail Gliders). Council will recommend conditions of consent addressing the above matters.

The potential for flora and fauna impacts have been addressed and the development is considered acceptable subject to recommended conditions of consent.

The proposal is considered consistent with the provisions of the SEPP.

Newcastle Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Newcastle Local Environmental Plan 2012* ('the LEP'). Clause 1.2 aims of the NLEP include:

Clause 1.2(2) The particular aims of this Plan are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle,*
- (b) to conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development in the City of Newcastle,*
- (c) to contribute to the economic well being of the community in a socially and environmentally responsible manner and to strengthen the regional position of the Newcastle city centre as a multi-functional and innovative centre that encourages employment and economic growth,*
- (d) to facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor vehicle dependency,*
- (e) to encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services,*
- (f) to facilitate the development of building design excellence appropriate to a regional city.*

The proposal is consistent with these aims as the proposal is providing for diversity of housing types for seniors, with the opportunity to age in place whilst also within the immediate and local community in a tranquil and natural setting which will enhance the amenity of the site, its residents, and the surrounding residential context. The design of the development is considered to have achieved design excellence under the provisions of SEPP 65 and the ADG. City of Newcastle's Urban Design Review Panel considers the design outcome for the site to be appropriate in the context of the natural environment, taking advantage of the natural

landform and topography and established tree canopy to assist with minimising visual impact on site and when viewed from surrounding properties and particular vantage points. The proposal has also demonstrated it can deliver an ecologically sustainable development outcome.

Zoning and Permissibility (Part 2)

The site is located within the RE2 Private Recreation Zone pursuant to Clause 2.3 of the LEP as shown in **Figure 10** Zoning Map extracted below. The seniors housing development component is prohibited within the RE2 zone under NLEP.

Notwithstanding the prohibition under the NLEP, a Site Compatibility Certificate (SCC) was issued on 30 April 2020 by the Hunter and Central Coast Regional Planning Panel under Clause 24(4)(a) of State Environmental Planning Policy (Housing for Seniors and People with Disability) 2004.

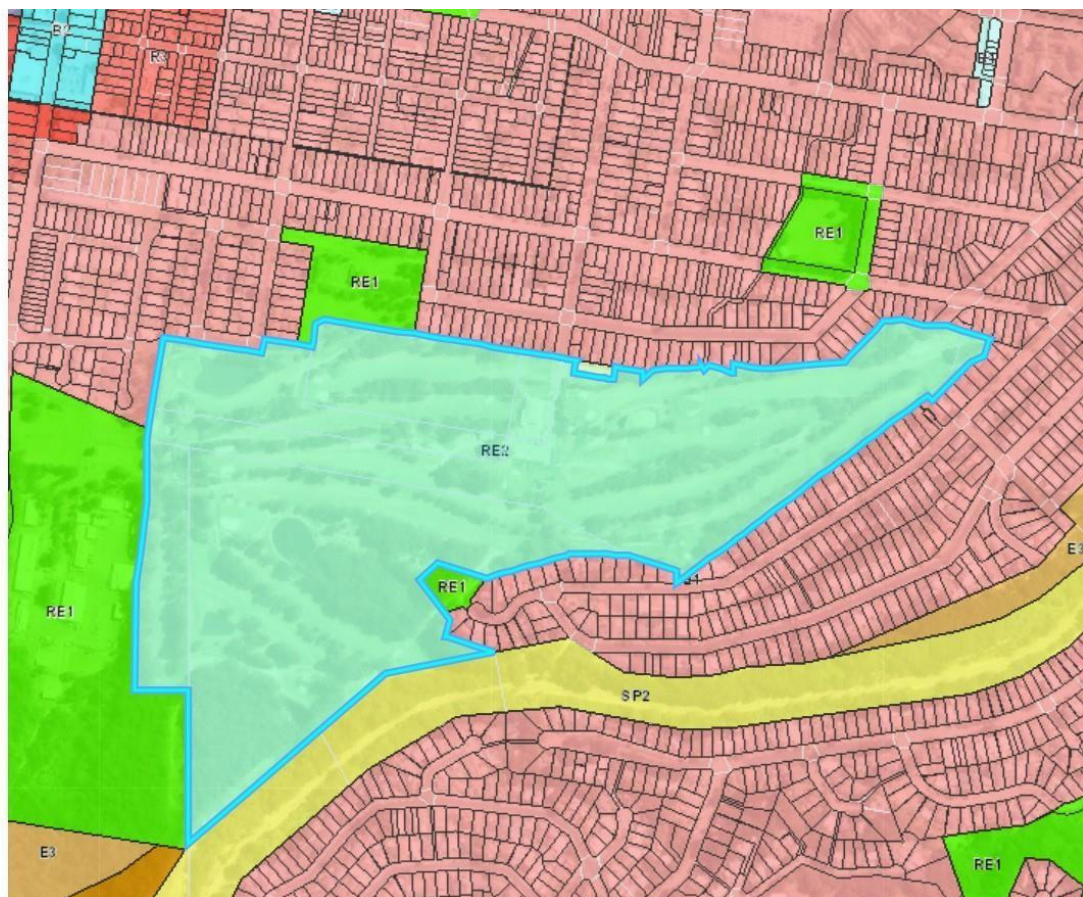


Figure 10: Zoning map extract (Source: OneMap)

The RE2 Private Recreation zone land uses (pursuant to the Land Use Table in Clause 2.3) – 'Permitted without consent' include:

Environmental facilities: Environmental protection works; Home occupations.

The RE2 Private Recreation zone land uses (pursuant to the Land Use Table in Clause 2.3) – 'Permitted with consent' include:

*Amusement centres; Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; **Dwelling houses**; Emergency services facilities; Entertainment facilities; Flood mitigation works; Food and drink premises; Function centres; Helipads; Home-based child care; Jetties; Kiosks; Marinas; Markets; Moorings; Neighbourhood shops; Passenger transport facilities; Recreation areas; **Recreation facilities (indoor)**; Recreation facilities (major); **Recreation facilities (outdoor)**; **Registered clubs**; Respite day care centres; **Roads**; Signage; Water recreation structures.*

The RE2 Private Recreation zone land uses (pursuant to the Land Use Table in Clause 2.3) – "prohibited" include:

Pubs; Any development not specified in Item 2 or 3.

According to the definitions in Clause 4 (contained in the Dictionary), the main other land use components of the proposal satisfy the definition of *recreation facilities (outdoor)* and *registered club* both permissible uses with consent in the Land Use Table in Clause 2.3.

Under the provisions of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* the proposed development is for 'seniors housing' which is defined under the SEPP as follows:

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 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.

Seniors housing is considered an innominate use prohibited within the RE2 Private Recreation zone under the NLEP, and a Site Compatibility Certificate was issued on 30 April 2020 as discussed above.

The SEPP enables the seniors housing proposal subject to the Site Compatibility Certificate to be permissible on the site, despite the RE2 Private Recreation zoning under the NLEP, as the site adjoins the R2 Low Density Residential zone to the north, east and west where 'dwelling houses' and 'hospitals' are expressly permitted with consent. The site is considered 'Land Adjoining Land Zoned Primarily for Urban Purposes' in accordance with subclauses 4(1) and 4(4) of the SEPP (Housing for Seniors and People with a Disability) 2004.

The RE2 Private Recreation zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The recreation uses proposed on the site meet the objectives of the zone. The Merewether Golf Club has been in existence trading for some 85 years, with a reputation as an important golf course within the Newcastle Local Government Area. What attributes to this is that it is a full-size course (18-hole course), and not all golf courses, particularly within proximity to City centres, are full size 18-hole courses, which would also contribute to the success of the club over the decades, as well as its proximity to services and facilities, an attractor to community use.

The Site Compatibility Certificate issued by the Hunter Central Coast Regional Planning Panel, resulted in the site being considered as a suitable location for seniors housing, notwithstanding the prohibition of this housing in the RE2 zone.

In relation to whether the development is acceptable in the context of the zone objectives, the proposal will enable the continuation of the Merewether Golf Club / Course operations and provision of facilities and services consistent with the use of private open space and recreational purposes. The proposal is considered to have been designed to address the existing and desired surrounding character, with the overall built form design, bulk and scale of development appropriately considered and positively responded to, to ensure the protection of and enhancement of the natural environment for recreation purposes.

An element of master planning has taken place, as part of the Site Compatibility Certificate process, to ensure the development could proceed under the provisions of the SEPP (HSPD) 2004. The SEPP identifies registered clubs (such as a golf course) as an ideal site for co-location of recreation and aged care facilities. Therefore, it is considered that the proposal responds to the broader strategic need for aged care facilities in an appropriate location and maintains the site's use as a golf course. Whereby, achieving the underlying objectives of the RE2 Private Recreation Zone under the provisions of NLEP.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 5** below.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Demolition requires consent (Cl 2.7)		<p>The application for mixed-use development includes demolition of existing buildings and ancillary structures and decommissioning of the 'greenkeepers' maintenance shed associated with the golf course.</p> <p>Conditions are recommended to ensure demolition works and the disposal of</p>	Conditions

		materials is managed appropriately and in accordance with relevant standards.	
Height of buildings (CI 4.3(2))	No Height limit for site	<p>The Height of Buildings Map does not prescribe a maximum building height limit for the site.</p> <p>Clause 40(4) SEPP (HSPD) 2004 conflicts by prescribing a maximum 8m limit for sites located on land zoned for residential purposes. This control only applies to developments undertaken on sites within residential zones where development for the purposes of residential flat buildings, are also prohibited.</p> <p>The site is zoned RE2 Private Recreation, not residential therefore, the 8m height limit does not apply.</p> <p>As outlined within the SEE, the objectives of Clause 4.3 have been considered and the development has been designed to respond to existing and future characteristics of the locality, as the strategic planning environment encourages future higher density development along the Adamstown Renewal Corridor in close proximity of the site.</p> <p>The proposed building has a maximum height of 21.3m, measured to ceiling of the uppermost floor (as measured under the SEPP (HSPD) 2004). The building presents as a 6 - 7 storey development with a lower ground floor, in line with the provisions of the Site Compatibility Certificate.</p> <p>There are some built form elements that extend above the 21.3m main building height, on the roof such as rooftop open space areas, pergolas and lift overruns. The design of the elements and the extent of footprint are minimal in the context of the overall building form and mass and are not considered to present an adverse impact in terms of height, bulk and scale and visual amenity both on site and from surrounding properties.</p> <p>The proposal is considered acceptable on merit. Whilst large in scale compared to</p>	Not Applicable Merit

		<p>the immediate surrounding environment, the existing vegetation and tree canopy within the large Golf course site to be retained, the centrally located placement of the development with suitable distance to surrounding neighbours and articulation within the design has assisted in achieving an acceptable built form on the site. The development has also achieved support from the City of Newcastle's Urban Design Review Panel.</p>	
FSR (CI 4.4(2))	No FSR limit for site	<p>The Floor Space Ratio Map does not prescribe a maximum FSR limit for the site. Surrounding lands zoned R2 Low Density Residential have an FSR limit of 0.6:1.</p> <p>Clause 50(b) of SEPP (HSPD) 2004 identifies for Self-Contained Dwellings Serviced (Self-Care Housing) a limit of 0.5:1.</p> <p>The Site Compatibility Certificate granted approval for a footprint area of total 16.1525ha (ie. 161,525m²).</p> <p>The Seniors development has a combined GFA of 22,502m², equating to an FSR of 0.14:1. The combined GFA across the entire development of 24,110², equates to an FSR of 0.15:1.</p> <p>The combined GFA across the entire development of 24,110m², equates to an FSR of 0.06:1 if taken over the broader site of 38ha - Merewether Golf Course site.</p> <p>The proposal is considered acceptable on merit.</p>	<p>Not Applicable</p> <p>Merit</p>
Heritage (CI 5.10)		<p>A Statement of Heritage Impact (SHI) has been submitted with the application by Eco Logical Australia.</p> <p>Conclusions drawn from the report include:</p> <ul style="list-style-type: none"> The proposal does not involve altering the heritage item or disturbing or excavating an archaeological site or an Aboriginal place. 	Yes

		<ul style="list-style-type: none"> • The proposal retains or reinstates dense vegetation, established trees and other landscaping surrounding the site for screening. • There are no significant views or vistas from the rifle range to the study area and the proposal is located at a significant distance from the development area. • No development is proposed in or near the heritage curtilage. <p>CN's Development Officer - Heritage reviewed the proposal.</p> <p>The site is not a listed heritage item or archaeological site and is not within a heritage conservation area.</p> <p>Heritage items in the vicinity include:</p> <ul style="list-style-type: none"> • Former Rifle Range – 351 Brunner Rd Adamstown (Item 17: local significance) • Henderson Park Community Hall – 42 Lockyer St Merewether (Item 1314: local significance) • Henderson Park – 42 Lockyer St Merewether (Item 1315: local significance) <p>The site is adjacent to a listed item above – Former Rifle Range (Item 17) under NLEP 2012. The State Heritage Inventory provides the following Statement of Significance for the heritage item – <i>Has potential to contribute to the understanding of local history. Associated with National Defence.</i></p> <p>In considering the provisions of the NLEP the proposal will not have any adverse impact on the heritage significance of the adjacent heritage item or its associated fabric, setting and views, and can be supported in respect of heritage matters, without the need for conditions.</p> <p>The proposal is considered acceptable.</p>	
Acid sulphate soils (CI 6.1)	Class 5 – Works within 500m of adjacent	The site is within 500m of land identified as Class 2 Acid Sulfate Soils (ASS).	Yes

	Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum (AHD) by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1,2,3 or 4 land.	<p>ASS generally form in low lying alluvial environments typically below RL 10 AHD. An assessment was undertaken by Douglas Partners and the results indicate the site is:</p> <ul style="list-style-type: none"> - Located in an area mapped as having 'no known occurrence of ASS'. - Underlain by Permian aged bedrock of the Newcastle Coal Measures (Lambton Subgroup) with alluvial soils located to the north of the site. - Located between about RL 22 AHD and RL 30 AHD surface levels. - Underlain by residual soils (as encountered in bores) rather than alluvial soils. <p>Based on findings of the report, the site is not located in an area of actual or potential ASS and therefore, no ASS Management Plan is required for this development.</p> <p>The proposal is considered acceptable.</p>	
Earthworks (CI 6.2)		<p>The level of earthworks proposed to facilitate the development, which includes a building design with basement / lower ground excavation works is considered acceptable having regard to this clause.</p> <p>The natural topography of the site, provide good opportunity to design the built form with regard to this topography and minimise earthworks where possible. Given the topography of the site, provides the opportunity for the design to minimise earthworks where possible.</p> <p>Appropriate mitigation measures will be implemented prior to any earthworks commencing on the site, in accordance with the erosion and sedimentation plans submitted with the application.</p> <p>The proposal is considered acceptable.</p>	Yes
Public safety – licensed premises (CI 6.5)		<p>The application was referred to NSW Police for comment and their comments included the following (inclusive of suggested areas to be conditioned):</p> <ul style="list-style-type: none"> • No CPTED report attached, and nothing linked to crime prevention 	Yes Subject to conditions

		<p>strategies in the CPTED discussion in the SEE.</p> <ul style="list-style-type: none"> • No mention of CCTV needed given business premises on site (Wellness Centre, Golf clubhouse). • A suitable CCTV system approved to Australian Standards and Conditions be installed in and around the entire premises, covering the critical and strategic areas of where people are within the premises, the entry and/or exits of the premises, car parks, and if possible, covering the nearby footpaths and street areas, being the approach and departure areas to the premises. • A suitable technical level of camera should be installed to enable identification of persons within the premises to a standard that can be utilised in Court matters, including in low light areas and can clearly identify people approaching and leaving the area. • The system should have a recording ability to store images and footage for at least 30 days to allow the investigation of any incident and the ability to retrieve and obtain any footage required in the investigation process. • A person or number of persons should be trained in the use of the system so that police can have immediate access to the footage contained within the system if needed after an incident has occurred. • Appropriate signage is required to warn patrons that a CCTV system is installed and recording. • Lighting should be assessed to ensure that sufficient lighting is complementing the use of the CCTV system. • The main entry/exit points for this development should be fitted with appropriate locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia. • A suitable security plan needs to be prepared to cover where there is a risk of robbery. This plan should 	
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		<p>cover cash handling, robbery awareness training for staff, security upgrades to these areas to restrict access and to improve the safety of the employees. Attached is a standard Robbery and Fraud Action Plan).</p> <ul style="list-style-type: none"> • A lighting maintenance policy needs to be established for the development. • Install security lighting in and around the development, particularly over entry/exit points to create an even distribution of light with no glare, eg. Sensor lighting, floodlighting. <p>The entire site is easily accessible from all directions. The premises are in an area that provides ample escape routes for offenders and as such may be seen as a vulnerable target for offences such as steal from retail, robbery, armed robbery, malicious damage, and break and enter. On foot an offender/s could quickly access the golf course and use the tree lines to avoid detection. The lovely, landscaped grounds make the development look fantastic, but it does make it easy for offenders to avoid detection, especially at night. The location being in walking distance to the community housing precinct in Hamilton South also raises concerns if some of the above recommendations are not implemented.</p> <p>Whilst a separate CPTED report was not submitted, suitable comment was provided within the SEE, NDCP and through design assessment under SEPP (HSPD) and SEPP 65 / ADG provisions. A Social Impact Assessment was also provided with the application. The proposal is considered to have been designed taking into consideration some aspects of the areas indicated by Police – such as safety and security within the buildings, CCTV, appropriate lighting, clear sightlines within the development and passive surveillance over public domain areas.</p> <p>Appropriate conditions have been included in Appendix A - Draft Schedule of Conditions.</p>	
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The proposal is considered to be generally consistent with the LEP.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

Review of Clause 4.6 of the Standard Instrument LEP: Explanation of Intended Effect

The review of Clause 4.6 seeks to ensure that applications to vary development standards have a greater focus on the planning outcomes of the proposed development and are consistent with the strategic context of the site. The EIE was exhibited from the 31 March to 12 May 2021 and outlines those amendments to Clause 4.6 will include new criteria for consideration.

The proposed development does not include a Clause 4.6 variation request and is therefore not considered to be inconsistent with the proposed changes to Clause 4.6 of the Standard Instrument and NLEP 2012.

Proposed Design and Place State Environmental Planning Policy (Design & Place SEPP)

The proposed Design and Place SEPP will bring together a range of considerations that impact the design of places in NSW and will give effect to the objectives of the EP&A Act and the Premier's Priorities for building a better environment. The Explanation of Intended Effect (EIE) was exhibited from 26 February to 28 April 2021. The EIE is broad and indicates that the proposed Design and Place SEPP applies to all scales of development including residential flat buildings.

Assessment of the proposal has considered character, context, and overall design principles in accordance with current policy. This assessment has determined that on merit the proposal is consistent with the sites context, character, and design principles. The proposal is consistent with the intent of the proposed Design and Place SEPP.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Newcastle Development Control Plan 2021* ('the DCP')

Section 3.01 Subdivision

The proposal includes a Community Title subdivision of the land to create 4 lots, with subdivision plan prepared by Monteath and Powys which outlines the boundaries of various subdivision lots. The supporting draft Community Management Statement has been submitted, which details the Bylaws established between the various lots. The subject lot is proposed to be subdivided into 4 lots as: 1. Community Lot, 2. Clubhouse Lot, 3. Residential Lot, 4. Golf Course Lot. In addition, the plans detail the shared facilities and the division of costs.

The proposed subdivision is planned to meet the needs of the end users / owners. The proposal includes communal open space areas and sufficient landscaped areas and private open space. Privacy is maintained between dwellings, with apartment layout and orientation configured to ensure good levels of privacy is achieved. Vehicular access to the site will be via the existing driveway off King Street. The driveway will be provided in accordance with AS2890, allowing for two-way traffic movements.

The lots resulting from the development are able to achieve adequate solar access and essential services such as water, sewer and electricity.

The proposal is satisfactory having regard to the requirements of section 3.01 of NDCP.

Section 3.03 Residential Development

Site Frontage Widths

The subject site has a main entrance / driveway off King Street. The frontage to the street is 33.9 m.

SEPP (HSPD) applies to the proposal and Clause 4 - the site identified for urban purposes given the site adjoins land zoned primarily for urban purposes being R2 Low Density Residential zoned land.

Clause 40(3) of SEPP requires the site frontage to be at least 20m wide measured at the building line. Whilst the site has multiple street interfaces, the main site frontage / driveway entry to the site / facility is the King Street frontage.

The frontage of the site satisfies performance criteria of the NDCP, as for a 'residential flat building' within the R2 zone, a minimum site frontage of 18m is required.

Front Setbacks

The development meets the applicable performance criteria of the NDCP which are:

1. Setbacks are consistent with the existing or intended local streetscape.
2. Garages and carports are integrated into a development and do not dominate the streetscape.
3. Setbacks provide suitable space for site landscaping.
4. Setbacks provide suitable privacy and amenity for the building occupants.

The proposed building setbacks from the boundaries include:

- Northern boundary: 25.98m (clubhouse) and 130m – 148m (seniors living building)
- Southern boundary: 150m – 158m (seniors living building)
- Eastern boundary: 498m (clubhouse)
- Western boundary: 320m (seniors living building)

The closest neighbouring property is approximately 25.98m from the proposed built form, closest point from the golf clubhouse to northern boundary. The majority of the adjoining properties are located between 130m and 498m from the proposed development.

Side and Rear setbacks

Side and rear setbacks are required to be considered on merit, as the site is zoned RE2 Private Recreation, immediately adjoining land zoned R2 Low Density Residential.

Therefore, the requirements within the R2 zone include:

- Side setbacks are a minimum of 900m from each boundary up to a height of 4.5m, then at an angle of 4:1 up to the maximum height permitted under NLEP 2012.
- Rear setbacks are minimum of 3m for walls up to 4.5m in height and 6m for walls greater than 4.5m.

The proposed building envelope has primarily been determined by planning controls in SEPP (HSPD), NLEP 2012, SEPP 65 – ADG and NDCP 2012.

The side and rear setbacks for the development meet the performance criteria of the NDCP by providing sufficient separation to minimise any potential amenity impacts, including privacy, daylight access, acoustic amenity and natural ventilation.

Landscaped Area

A Comprehensive Landscape Strategy has been prepared by Site Design + Studios and submitted with the application.

The strategy outlines that the proposal seeks to deliver arrange of diverse spaces for residents to enjoy at their leisure that are both aesthetically pleasing and functional. The aim is to retain the existing trees where possible whilst maximising solar access opportunity to the communal open space and providing a positive interface between the Seniors living housing and the Golf course.

It is proposed to provide landscaping across the developable area, including a variety of communal and private spaces.

- Landscaped area - 4,771m² (43.9%)
- Deep soil landscaping – 2,431m² (22.41%)
- Communal open space – 2,867m² (26.4%)

The proposal will require the removal of 144 trees, of which 120 have high or moderate retention value. The remaining vegetation within proximity to the developable area will be retained and protected during the construction process.

The proposal includes compensatory planning of 201 mature trees to be planted which have the capacity to provide 9,770m² of canopy cover over a couple of decades to compensate the loss of 7,450m² of urban forest.

The development satisfies the performance criteria of the NDCP controls in respect to landscaping requirements on merit and also in comparing the requirements within the R2 Low Density Resident zone that adjoins the site.

An analysis of the landscaping plan is contained within Section 7.02 of this report.

Siting the development

Local character

The subject site is made up of multiple allotments of land within total site area of 38.5ha, of which the proposal is located within a 'developable area' of approximately 2.9ha within the existing Merewether Golf Club.

The Site Compatibility Certificate established a footprint of 16.1525ha and developable area of 26,095m².

Existing buildings and infrastructure on the Golf Club site consist of a two-storey clubhouse building in the central-north of the site, two detached sheds in the vicinity of the clubhouse, at grade car parking, an 18 hole golf course, existing vegetation and 6 dams throughout the golf course fairways / greens.

Land directly adjoining the broader site comprises the following:

- North – single and double storey dwellings, Belmore Street Children's Park and a substation.
- East – single and double storey dwellings.
- South – single and double storey dwellings and the City Road bushland corridor.
- West – Newcastle branch of Australia Air Force Cadets, Bullecourt Barracks and an un-named reserve.

The built form, articulation and scale have taken into account the existing local character and context of the area. The development does not unreasonably impact on the amenity and privacy of adjoining dwellings or pose a significant impact to the views across the site by surrounding properties.

Public domain interface

The proposed development is located within the boundaries of the existing Merewether Golf Club. Designated private open space will be located behind the building line.

Proposed windows and balconies will overlook the golf course and will provide passive surveillance. Layout of the development has been designed to ensure direct visibility is provided along pathways and driveways from the public domain. Perimeter fencing currently existing for the Golf club will be retained.

In the context of the site and location of the proposed development centrally located within the site, the proposed development provides an appropriate interface with the public domain and allows for clear delineation between the private and public space. Direct visibility is provided to facilities along paths and driveways from the public domain.

The design and orientation of the dwellings living, and outdoor areas is not likely to unreasonably impact upon the amenity or privacy of adjoining dwellings. The internal amenity is also considered to be satisfactory.

A detailed landscape strategy has been provided with the application. Conditions are proposed in relation to completion of landscaping and waste management.

Pedestrian and vehicle access

The proposed development provides an appropriate area for vehicular circulation/manoeuvrability. Sufficient and safe pedestrian access has been provided.

An analysis of the pedestrian and vehicular access, circulation and car parking is contained within Section 7.03 of this report.

Orientation and siting

The proposed development has been suitably laid out having due regard for orientation and aspect. Its siting is appropriate for the nature of the surrounding built and natural environment and uniqueness of the site. The private open space and living areas of apartments dwellings receive a northerly aspect.

Refer to discussion under SEPP 65 – ADG requirements.

The proposal seeks a variation to the solar access requirements as a maximum of 15% of apartments in a building is to receive no direct sunlight between 9am and 3pm during mid-winter, with 36 apartments (out of 148) or 24% not achieving this requirement. The design maximises north aspect apartments and the number of single aspect south facing apartments is minimised, due to the siting of the development between the existing treescapes to minimise impacts to the operation of the golf course, the development and the seniors housing has a predominantly north-south orientation with an internal access road running east-west.

The justification put forward is based on the uniqueness of the site and the importance that the development addresses all orientations of the natural surrounds to ensure there is no front and back to the development rather all elevations are viewed as a main elevation from all aspects of the site. In addition, the south aspect apartments enjoy good amenity and have been provided with two facades (corner unit configuration) with a higher proportion of glazing on both facades to allow for natural light and cross ventilation.

In accordance with the provisions of the SEPP 65 – ADG a total of 76% of apartments living rooms and private open spaces are provided with a minimum of 3 hours direct sunlight between 9am and 3pm at mid-winter.

Ground floor apartments comply with the provisions of this section, with ground floor levels not more than 1.3m above existing ground level and not more than 1m below existing ground level.

Building separation

The minimum separation between two or more building on the same lot is:

- 3m where a wall height is less than 7.5m

- 6m where a wall height is 7.5m or greater

SEPP 65 and the Apartment Design Guide (ADG) specifies separation distances between windows and balconies to ensure visual privacy is achieved:

- Up to 25m (5 – 8 storeys)
 - Habitable rooms and Balconies = 18m
 - Non-habitable rooms = 9m

The proposal complies with these ADG requirements to neighbouring sites and will accommodate any future increase in density on these neighbouring sites.

Building separation between the two buildings on the site achieves the requirement within the ADG and provides for reasonable amenity within apartments.

The proposal provides for a minimum building separation between the two building envelopes comprising the Seniors Living development of 18m considered to achieve reasonable amenity and privacy.

Amenity

Solar and daylight access

The proposal is required to address solar access as identified in SEPP 65 – ADG, SEPP (HSPD) and NDCP 2012.

Under the ADG provisions, solar access requirements apply as follows:

- living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.

In accordance with the provisions of the ADG a total of 76% of apartments living rooms and private open spaces are provided with a minimum of 3 hours direct sunlight between 9am and 3pm at mid-winter.

Each habitable room will have a window in an external wall relative to the floor area of the room.

The ADG requires a maximum habitable room depth of 8m from a window usually to the back wall of the kitchen. In relation to seniors housing (ILUs) it is generally accepted that this depth is extended to 8.6m to accommodate for the 1550mm clearance between the kitchen and the kitchen bench.

A number of proposed unit layouts offer a solution to both comply with the 8.6m maximum depth to ensure amenity to the back of the apartment, as well as maximise the living space and practical clearances around furniture, as required for all seniors living developments. This

solution involves a kitchen type that has full height joinery on the back wall. This joinery line becomes the point where the depth is measured from the glazing line.

Private open space is provided in the form of landscaped courtyards for ground floor apartments and balconies for dwellings located above ground.

Sufficient solar access is available to habitable rooms and private open space areas within the development to generally satisfy the relevant NDCP objectives and is considered adequate with respect to the orientation of the site.

Natural ventilation

The ADG recommends that at least 60% of apartments in the first nine storeys of buildings be naturally cross ventilated. The spatial layout of the proposed development incorporates cross ventilation to 70% of residential dwellings and meets this requirement.

Therefore, also meeting the requirements of the DCP.

Ceiling heights

The proposal complies with the provisions of SEPP 65 – ADG with all residential levels complying for seniors housing.

The floor to floor for the Clubhouse and Wellness Centre is 4.3m allowing for a minimum ceiling height of 3.3m at ground level.

The proposal is considered acceptable regarding this clause.

Dwelling size and layout

The proposal complies with relevant provisions of SEPP 65 – ADG regarding minimum apartment size and layout, ensuring practical clearance and circulation spaces are appropriate for seniors living apartments.

The internal layout and spatial arrangement of the development is in accordance with the NDCP requirements and provides appropriate levels of amenity for future occupants.

The proposal is considered to satisfy relevant requirements of this section.

Private open space

The proposal is required to comply with SEPP 65 – Apartment Design Guide and therefore, this element within the NDCP is not applicable.

Storage

Adequate storage has been provided within each apartment as well as within the basement adjacent to each car space in accordance with SEPP 65 – ADG.

Car and bicycle parking

The proposal provides entry to basement car parking setback approximately 74m from the property boundary and approximately 37m being the front building line (newly refurbished Golf clubhouse).

Entry to basement car park has a maximum width of 7.7m allowing for dual access.

An analysis of the access, traffic and car parking is contained within Section 7.03 of this table.

Visual privacy

The development does not adversely impact on the privacy of adjoining or adjacent neighbours. The development has also been designed to ensure adequate visual privacy between the two seniors ILU buildings. Proposed building separation between the two ILU buildings is 18m to achieve amenity and privacy in accordance with the SEPP 65 – ADG requirements.

Acoustic privacy

A Noise Impact Assessment has been prepared by Reverb Acoustics and submitted with the application.

The assessment considered the likely noise sources that may impact nearby residential receivers from activities and equipment associated with the new club and seniors living development.

- Patron activity in outdoor areas
- Vehicle movements in the carpark
- Mechanical plant (ie. air conditioning, refrigeration and exhaust)

The findings of the report outline that the proposal can achieve compliance with relevant standards relating to meeting noise intrusion criteria, noise emission requirements. In addition, the report advises that mechanical plant will be assessed during the detailed design phase to ensure compliance with the nominated noise emission objectives is achieved.

Further detailed discussion on noise is considered within Section 3.6 of this report.

Noise and pollution

There is no development or infrastructure within proximity that generates noise levels that will detrimentally impact upon the use of the living and bedrooms spaces within the seniors ILU buildings.

Configuration

Universal Design

The proposal has been designed under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004. Further detailed discussion on the SEPP is considered under the SEPP section of this report.

Communal area and open space

The proposed seniors living component provides for 148 serviced self-care dwellings.

A total of 2,867m² (26.4%) of communal open space is provided across the developable area of the site which achieves the requirements of this section. The communal open space is located along the northern interface with proposed seniors living development.

This section requires communal open space to be not less than 3m from private open space or 6m from windows of a habitable room. Despite the proximity of the proposed communal open space to the ground floor apartments, the landscaping strategy at ground level will provide adequate landscaping for privacy and provides a clear delineation between the public and private domain ensuring future residents are protected from the activities of the golf course.

The communal open space in the development is appropriately sized and provides common circulation spaces to achieve good amenity, promote safety and social interaction between residents.

Architectural design and roof form

The development includes articulation within the built form. The design incorporates a mixture of building elements and materials which adds visual interest and amenity to the development. The flat roof treatment is integrated into the building design and is in keeping with the existing streetscape character and surrounding developments.

Visual appearance and articulation

Articulation is achieved through the provision of the length of buildings broken up into four block-forms articulated using deep indentations in the facade and physical breaks at the upper levels (Level 5) and roof terraces creating distinct roof forms. The upper floors and indentations in facades are designed to be recessive with the use of dark bronze cladding and timber soffits that contrast with the light colours of the residential floors below. Building elements (e.g. plant equipment, substations, air conditioning units and like) are integrated into the overall building form and facade design.

Energy efficiency

A valid BASIX certificate has been submitted for the development. Conditions requiring compliance with BASIX requirements ensures that the development will incorporate passive environmental design.

Water management and conservation

Subject to the inclusion of conditions of consent the proposed development achieves compliance with water management and conservation requirements.

Waste management

Suitable waste storage and collection can be achieved for the development, with collection occurring within the boundaries of the Golf club site, not dissimilar to the existing arrangements for the Golf club.

The proposed method of waste storage and collection is discussed further in section 7.08 of this report.

Section 4.01 Flood Management

A small portion of the broader site is identified as flood prone land. However, having received internal assessment advice from CN's Development engineering team, the proposed 'developable area' is not flood prone land. Therefore, no further controls are required to be implemented for compliance with this section of the NDCP.

Section 4.02 Bush Fire Protection

The site is located within a bushfire prone area (refer to **Figure 11**). A Bushfire Protection Assessment, prepared by Ecological dated 7 December 2020 was submitted with the application.

The proposal includes a Community Title subdivision of the land whereby requiring a Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*. The proposal also includes a seniors housing component considered a 'special fire protection purpose' under the provisions of Planning for Bushfire Protection 2018 and *Rural Fires Act 1997*.

The broader site includes:

- Lot 1, Lot 2 and Lot 3 DP 229558
- Lot 4 DP 1223244
- Lot 3 DP 515310
- Lot 2 DP 2394305

Lot 1 – 3 DP 229558 and Lot 4 DP 1223244 are not mapped as bushfire prone land under NLEP 2012. Notwithstanding, Clause 27 of SEPP Seniors provides that a development of this type is considered to be in the vicinity of bush fire prone land.

Lot 3 DP 515310 is mapped as bush fire prone land as it contains both Vegetation Buffer and Category 2 Vegetation at the southern end of the allotment which has the potential to sustain a bushfire or contribute to bushfire attack. Lot 3 DP 515310 is around 14.29ha in size and the proposed development is located approximately 79m from this bushfire prone land.

The predominant vegetation affecting the Merewether Golf Club site is the Category 2 vegetation located to the south of the proposed development. This vegetation has been identified as Coastal Foothills Spotted Gum – Ironbark Forest which is classified as 'forest' under Planning for Bushfire Protection. In all other directions, there are managed lands in the form of existing residential development and associated infrastructure.



Figure 11: *Bushfire hazard assessment (Source: Ecological)*

The application was referred to the NSW Rural Fire Service as an 'integrated development' under the provisions of Section 100B Rural Fires Act. NSW Rural Fire Service granted their 'general terms of approval' (GTAs) subject to conditions dated 15 September 2021 (superseding their original GTAs issued dated 1 April 2021). Refer to **Appendix D**.

The proposal complies with the Planning for Bushfire Protection guidelines, with all bushfire protection works (asset protection zones) within the site, considered as part of the overall vegetation loss and biodiversity considerations discussed within this report.

By satisfying the referral requirements and obtaining GTAs from NSW Rural Fire Service, with appropriate conditions the requirements of Section 4.03 of the NDCP have been satisfied.

Section 4.03 Mine Subsidence

The site is located within a proclaimed Mine Subsidence District.

The application was referred to Subsidence Advisory NSW as an 'integrated development' under the provisions of Section 22 of *Coal Mine Subsidence Compensation Act 2017*. Subsidence Advisory NSW granted their 'general terms of approval' (GTAs) subject to conditions dated 24 August 2021. Refer to **Appendix E**.

By satisfying the referral requirements and obtaining GTAs from Subsidence Advisory NSW, with appropriate conditions the requirements of Section 4.03 of the NDCP have been satisfied.

Section 4.04 Safety and Security

The development's design has taken into consideration the Crime Prevention through Environmental Design (CPTED) principles. The CPTED guidelines aim to: limit opportunities

for crime, manage space to create a safe environment through common ownership and encouraging the general public to become active guardians and increase the perceived risk involved in committing crime.

Four key principles to limit crime include: surveillance, access control, territorial re-enforcement, space / activity management.

The development is considered to have been designed with clear resident's pick up / drop off area located at the main entrance Port-Cocheres. Additionally, clear sight lines will be provided across the site to improve safety and security to the public domain, which will be further complemented through effective lighting and landscaping. Basement areas, parking areas, internal and external common areas and foyers are to be suitably illuminated. Under-awning lighting will ensure appropriate standards of lighting at the entrances. Lighting will be provided across the car park entry and exit and within each area of the basement. All lighting will comply with AS/NZS 1158 (2010) Lighting for roads and public spaces and will also meet the requirements for illumination suitable for safe operation of CCTV.

Street numbering and signage are proposed to be installed and maintained to enable easy identification and wayfinding. Signage will appropriately identify the use of the building and provide clear directions for visitors and staff. Additionally, signage is to convey information to the public regarding allowable access for specific areas within the facility, including ownership and management.

Section 4.05 Social Impact

A Social Impact Assessment prepared by Barr Property and Planning was submitted with the application. CN's Community Planning team reviewed the application and raised no objections subject to some amendments to the Operational Plans of Management for the Seniors housing and golf clubhouse.

As discussed within the SEE, the SIA has identified several social impacts that may arise from the development:

- Short term construction related impacts on the immediate locality, such as noise, dust and vibration, and location of the temporary facilities. These are proposed to be managed in accordance with recommendations outlined in Acoustic Report and through implementation of the Construction Management Plan.
- Short term cumulative construction impacts on residents nearest the site, at the King Street access. These can be managed through additions to the Construction Management Plan.
- The potential for visual impacts, which have been abated through design responses to the site as outlined in the Visual Impact Assessment.
- Physical safety of residents in the vicinity of the golf course, to be managed through incorporation of safety measures within the Operational Plan of Management (POM).

A number of positive impacts have been identified including:

- The ability to retain the 18-hole golf course as a recreational asset.
- The retention of a green backdrop to Adamstown.
- The addition of housing stock to meet demand for seniors living options.
- Additional on-site health resources.
- Improvement of the Club house creating additional opportunities for social recreation and entertainment.

- The creation of additional jobs within the locality in construction and operation of the site.

The SIA has made the following recommendations for mitigation measures:

- Maintain community liaison during construction in accordance with the consultation strategy developed in the Construction Management Plan.
- Incorporate the recommendations of the Acoustic Report within the Construction Management Plan.
- Locate temporary built facilities a minimum of 3m from the northern property boundary and orientate these buildings towards the south, with no overlooking of residential backyards located to the north.
- Construct temporary car park of material that will minimise noise disturbance to adjacent residences, avoiding gravel or loose road base.
- Include the operation of temporary facilities within the Club Operational POM, detailing the operation of liquor and gaming activities as well as measures to reduce disturbance to adjoining residents.
- Avoid queuing and /or parking of construction vehicles in King Street. Provide nominated parking, queuing and overflow areas on site for the duration of construction.
- Include safety provisions dealing with the interaction of residents and golf course users within the Seniors Living Operational POM, including ball strike, and adequate separation of pedestrian and vehicle movement networks.

An internal referral to Social Planning has considered the proposal against the relevant social impact provisions of NLEP 2012, NDCP 2012, Newcastle Social Impact Assessment Policy for Development Applications 1999, and Newcastle Social Impact Assessment Guidance Notes for Development Applications 1999.

4.04.03 Safety and Security: Principles for specific uses

Registered Clubs

- New clubhouse is orientated to the golf course.
- Basement parking provided. Ground parking is to the east of the clubhouse.
- Lighting information recommended via condition of consent.
- Outdoor dining areas provide natural surveillance.
- POM provides adequate safety (players/guests/adjoining residences) and security measures (members and members guests' sign in, CCTV monitoring inside, outside and surrounding area) at 3.5 and 3.6 respectively.
- POM contains measures for parking (3.2), operating hours (2.3), safety and security, alcohol management (2.3,4,5), patron movement between the parking area and clubhouse (3.2). Capacity numbers are not specified but would be capped according to the current Covid requirements.

Residential accommodation (10+ dwellings)

- Residential units face north, with outlook across the golf course.

- Single driveway services both the golf club and residential apartments. Due to scale of development not all dwellings will face the driveway.
- Appropriate access control is addressed under the SEPP 65 Design Verification Statement (points (b) and (e)).
- Each independent living unit lobby provides access to a maximum of seven apartments per level (refer to Design Verification Statement).
- Development provides for observation and surveillance of the golf course and the common areas (refer to Design Verification Statement).

Social Impact Assessment Policy for DAs

- Pre-lodgement meeting held with Council on 22 October 2020.
- No change to golf course and green space so no impact.
- Positive impact – indicators show increased future demand for housing for older people.
- Additional health care resources (wellness centre) provided - in principle a positive impact relating to on-site support services for residents.
- Increased opportunities for social interaction, particularly important in the context of ageing.
- Increase in employment opportunities – only two permanent positions associated with seniors housing (concierge and wellness centre manager). Job creation in construction, as well as maintenance, cleaning, operation / surveillance of wellness centre activities (pool, gym) and other areas throughout the facility.
- Negative impacts – most affected residential receivers are properties facing Ella, Lockyer, King and Drew Streets. Noise report recommends various strategies to deal with noise and vibration – included in the Construction Management Plan.
- As temporary facilities also included non-club related items (car park, display suites) it may be preferable to locate these mitigation measures within the final Construction Management Plan.
- Increased traffic movement, likely to impact intersections of Lockyer St and King St, but largely outside of peak periods (ie. Traffic Impact Statement).
- New clubhouse will be visible from Ella Street, but in same view envelope as current clubhouse. Residential units will be largely screened by trees and are distant from neighbouring residential streets. In some cases, views are already compromised by presence of electricity poles / overhead wires.
- Clause 3.5 of the Golf Club Operation Plan of Management adequately addresses safety issues and relationship between two main users – seniors housing and clubhouse facilities.

On balance, the social impacts of the development are more positive than negative, and mitigation and monitoring measures are targeted at reducing negative impacts during construction and operation of the proposal. The proposal is supported on social grounds with recommended conditions relating to final Construction Management Plan, Operational Management Plans for Seniors housing and Golf Club.

It is considered that the development and potential negative impacts are short term and relate to managing construction impacts on residents in the immediate locality. In the long term, the

proposal is considered likely to have a positive social impact within the locality and broader community.

Section 5.01 Soil Management

Temporary measures to minimise soil erosion and migration of sedimentation during construction are provided in the Concept Sediment and Erosion Control and Bulk Earthworks which forms part of the application. The measures adopted are in accordance with Managing Urban Stormwater, Soil and Construction Volume 1 (Landcom 2004) and include the following:

- Minimisation of disturbed areas.
- Temporary catch and diversion to divert upstream runoff around disturbed areas.
- Direct sediment laden runoff through sediment traps or filters to minimise discharge of pollutants downstream.
- Locate material stockpiles clear of drainage areas and install suitable erosion protection or stabilisation measures for long term stockpiles (more than 10 days).
- Place sediment fences downstream of work areas to capture sediment and minimise sediment discharge.
- Appropriate storage of construction materials on site as to prevent leaching, leaking or other transfer of material into groundwater or onto land.

The proposal includes earthworks for proposed basement / lower ground excavation works as part of the application. Appropriate mitigation measures will be implemented prior to any earthworks commencing on the site, in line with the erosion and sedimentation plans submitted with the application.

Section 5.02 Land Contamination

Land contamination has been considered in more detail in this report under *State Environmental Planning Policy No.55 – Remediation of Land*.

By satisfying the provisions of the SEPP and with appropriate recommended conditions the requirements of Section 5.02 of the NDCP have been satisfied.

Section 5.03 Vegetation Management

An Arboricultural Impact Assessment (AIA) prepared by Arbor Views dated 10 December 2020 was submitted with the application. This provides an assessment of the impact of the proposed development on existing vegetation across the 'developable area'. The report undertook to assess 317 trees on or immediately adjacent to the development site, including the species of individual tree. The results of the report found that approximately 90% of the trees assessed had high or moderate retention value with useful life expectancy (ULE) usually more than 40 years, or at least 15 to 40 years, reflective of the favourable growing conditions across the golf course.

The proposed development located within the 'developable area' will require removal of 144 trees of which 120 have high or moderate retention value. The remaining vegetation within proximity of the developable area will be retained and protected through the construction process and in accordance with the recommendations of the AIA. Refer to **Figures 12 to 15**.

The report found, significant encroachment in the TPZ of four trees (Tree Nos. 664, 667, 673 and 691) has been assessed and is considered acceptable given the good health of the trees and the ability for them to garner resources away from the area of encroachment. In addition, amending the line of the basement further decreased the encroachment into the TPZs and

resulted in a more appropriate outcome for the four identified trees. Compensatory planting is required to address the loss of 7,450m² of urban forest canopy. In the context of the loss of trees, a comprehensive landscaping scheme is proposed including the replanting of 201 mature trees (16 different species) within available areas in prominent locations, which have the capacity to provide 9,770m² of canopy over several decades. The new trees have the potential to reach substantial heights and without excessive maintenance and be sustainable into the long term, whereby improving the potential of the site to contribute to local amenity and character.

The proposal proposes compensatory planting of 201 new trees of 16 different species, providing for 9,770m² of canopy into the future. The proposal will involve extensive landscaping, communal open space areas, upgrade and maintenance of the broader site's golf course grounds and public domain works all of which propose appropriate planting of trees and other landscape elements.



Figure 12: *Trees along the southern side of Hole 17 that will be retained.*
(Source: Arboricultural Impact Assessment, Arbor View)



Figure 13: *Tree No.195 – Flooded Gum is one of many high retention value trees being retained that will add value to and provide benefits for the new seniors living development*
(Source: Arboricultural Impact Assessment, Arbo View)

The photo above shows the existing greenkeeper (maintenance shed) on site which will be decommissioned as part of the demolition works.



Figure 14: Tree 691 *Eucalyptus botryoides* and 8 trees on the southern side of this group will be retained. (Source: Arboricultural Impact Assessment, Arbor View)



Figure 15: The line of basement below intersects this group of trees. Some trees along the southern (right hand) side of the group will be retained despite enduring major encroachment. (Source: Arboricultural Impact Assessment, Arbor View)

In summary, of the 144 trees to be removed, these comprise of 83 high retention value trees, 37 moderate retention value trees, 23 low retention value trees and one very low retention value. A total of 57 trees are directly impacted by the seniors housing building and basement.

Internal roads and parking areas will require removal of 43 trees. The remainder are proposed to be removed to facilitate communal open space and the reconfiguration / upgrade of the course design, established via a golf course master plan for the existing established Merewether Golf Course.

The report acknowledges that the Newcastle Urban Forest Technical Manual which accompanies the NDCP requires compensatory planting at a rate of 372 new trees of 20m². However, a 20m² mature tree is relatively small such as a small crepe myrtle or bottlebrush. The large eucalypts for which compensation is being provided have up to 300m² canopy area. Therefore, to plant 372 smaller trees to replace the generally larger trees will not provide the best outcome for this site. Smaller trees will occupy more space at ground level and be of less benefit than larger species trees. In this instance the report recommends that is appropriate to plant larger species trees that reflect the type of trees that will be removed. The canopy achieved by 372 small trees can be better achieved with a deeper canopy provided by a lesser number of large species trees. The landscaping plans have established that 201 new trees of 16 different species are proposed, with estimated canopy coverage of up to 9,770m² in 20 years. Compensatory planting of trees is proposed as super advanced stock, minimum 75 litres container with two thirds of the new trees being at least 400 litres stock ensuring immediate benefits from a screening and urban forest perspective.

The proposal is considered to have adequately addressed the provisions of this section.

Section 5.05 Heritage Items

A Statement of Heritage Impact (SHI) has been submitted with the application by Eco Logical Australia. The site is not a listed heritage item or archaeological site and is not within a heritage conservation area.

The site is within the vicinity of heritage items. Further discussion on heritage is provided within Clause 5.10 Heritage of NLEP.

The proposal is consistent with the provisions of this section.

Section 7.02 Landscape, Open Space and Visual Amenity

A Comprehensive Landscape Strategy prepared by Site Design + Studios was submitted with the application.

Existing trees and vegetation are preserved where possible, as the focus of the design of the development was to ensure a reasonable built form and scale was achieved through use of existing natural form and topography and vegetation coverage across the site was maintained. However, to accommodate the development, a total of 144 trees are to be removed, of which 120 have high to moderate retention value. The remaining vegetation within proximity of the 'developable area' will be retained and protected through the construction process and in accordance with the recommendations of the Arboricultural Impact Assessment report submitted with the application.

Compensatory planting is proposed to compensate for the loss of approximately 7,450m² of urban forest canopy. In the context of the loss of trees, a comprehensive landscaping scheme is proposed including replanting of 201 mature trees within available areas in prominent locations, which have the capacity to provide 9,770m² of canopy over several decades. The new trees are expected to reach significant height without excessive inconvenience or maintenance and be sustainable into the long term, improving the contribution the site makes to the local amenity and character.

The proposal includes a developable area of 2,431m² (22.41%) of deep soil landscaping, complying with the requirements of SEPP (HSPD) 2004. Landscaping across the developable area is proposed, including a range of communal and private spaces. The proposal includes 4,771m² (43.9%) of landscaped area and 2,431m² (22.41%) of deep soil landscaping across the landscaping scheme. A total of 2,867m² (26.4%) of communal open space is provided across the developable area. The NDCP requires that landscape treatments within the front setback are to be substantial enough to enhance the appearance and integration of the development with the streetscape. The existing northern boundary (front boundary) is in the site line of the proposed development and is key for the adjacent dwellings to be screened from the development as this is the first line of screening for the development. The proposal includes four large forest native canopy trees on the boundary to be initially planted at a minimum of 6m tall. The canopy will link with the existing canopy along the northern boundary. It is noted that these trees are to be planted prior to construction commencing to enable early establishment for screening, to achieve an enhanced appearance and integration with the streetscape.

The design aims to provide a range of diverse spaces for residents to enjoy at their leisure that are both aesthetically pleasing and functional. Retention of trees where possible, while having to maximise solar access opportunities to communal spaces and providing a positive interface between the seniors housing and golf club. Landscaping is proposed along the northern and western interfaces of the proposed development to provide shade during summer and adequate solar access in winter.

The landscaping strategy identifies the new golf course car park as an area for deep soil planting with the parking to create a forest scale canopy that will create shade to the hard surface area, provide visual relief and sense of arrival and screening opportunities to King Street. The new landscape canopy is considerably more than that existing now at the club site. Permeable paving and raingardens are to help achieve a soft and subtle car park space. The significant palm species to Golf Club entry can be referenced visually to other similar species scattered around the development. Existing trees located within the car park area are to be removed but replaced with larger canopy cover and distribution around the hardstand area.

The proposal is considered consistent with the provisions of this section of the NDCP.

Section 7.03 Traffic, Parking and Access

Vehicular access, Driveway Design and Crossing Location

- *At Grade Car park Access and Driveway design*

The car park for Golf Course and Seniors residential development can be classified as a mix of User Class 2, 1 and 1A. Table 3.1 of AS2890.1 requires a User Class 2 car park with 300-600 parking spaces, accessed from a local road, to provide a Category 4 access facility. Category 4 access facility should comprise of 6-8m wide entry driveway and 6-8m wide exit driveway separated by 1-3m wide separation as per Table 3.2 of AS2890.1.

The development proposes a 10.1 m wide driveway crossover on King Street which further expands to a 6m wide entry, 6m wide exit and 10m wide median. Which is compliant with Table 3.1 of AS2890.1.

The vehicular sight distance requirement is met as per the AS2890.1, which requires a 2.5 x 2 m wide sight triangle for pedestrian's safety. The development proposes a boundary wall on the western side of the driveway, which restricts the sight of the driver coming out of the site. It is recommended that the boundary wall be removed to meet compliance with Figure 3.3

AS2890.1. Noting that the lack of footpath on the western side of King Street will restrict any pedestrian movement and amended plans show the reduced height of boundary wall to 1.5m, thus, the proposed driveway arrangements can be accepted on-merit based assessment.

The amended plans have proposed the whole site car park to be a shared zone. To highlight the change in the environment to the road user the applicant has proposed a raised threshold at the entrance of the site. This is considered a better outcome. It is required that the gradient of the transition to the raised threshold to meet the compliance with AS2890.1.

Table 3.3 of AS2890.1 recommends a minimum queuing length of 6 cars (36m) between the vehicle control point (roller door) and property boundary. The applicant has proposed a sliding gate at the entrance of the site and has proposed to be open during the operational hours of the Clubhouse. As the vehicular movement generated due to residential towers is minimum during the night-time. This is acceptable and is recommended to be conditioned on the consent.

The architectural plans show a 3.6m wide pedestrian crossing near the entrance of the site. DRG DA9.04 shows a shared zone and the proposed signage wall height of 600mm. Therefore, meeting the sight distance requirement. To ensure the pedestrian crossing meets compliance with AS2890.1 standards it is recommended to be conditioned on the consent.

A similar issue of sight distance has been detailed in the drawing no. DA9.05 ensuring the compliance to Australian standards.

- *Ground Level Car Park*

The ground level accommodates 16 visitor parking spaces, four disabled parking spaces, four staff and 105 parking spaces. The yield summary in SOEE states that the 16 visitor parking spaces are allocated to seniors living and 105 spaces allocated to Merewether Golf Club.

The parking spaces provided for the Merewether golf course and visitor parking can be classified as User class 2 as per Table 1.1 AS2890.1:2004. The width of the parking spaces required is 2.4m x 5.4m with an aisle width of 5.8m as per Figure 2.2 AS2890.1:2004. The proposed width of parking (2.5 m x 5.4 m) is compliant with AS2890.1.

The parking spaces provided for disabled spaces can be classified as User class 4 as per Table 1.1 AS2890.1:2004. The width of the parking spaces required is 2.5m x 5.4m with an aisle width of 5.8m as per AS2890.6. The proposed width of parking (2.5 m x 5.4 m) is compliant with the AS2890.

The architectural drawing shows most of the parking spaces with the wheel stop provision. Table 2.1 AS2890.1 states the wheel stop distance for rear-end parking and front in parking. It seems that the proposal submitted is for rear-in parking and kerb height greater than 150mm. Therefore, the wheel stop distance of 1.1m from the front of the parking space is compliant with AS2890.1. Furthermore, it will be required that all the angle parking spaces be marked as rear in for customers to identify. A suitable condition is recommended.

A 14.5sqm bin service area has been allocated for the waste collection to be conducted. A loading zone to park an SRV vehicle in the service area has been provided. The arrangements are acceptable from a design perspective.

Aisle width across the site is maintained to a minimum of 5.8m which is compliant with Figure 2.2 AS2890.1, which requires a minimum aisle width for angle parking and User class 1A/2 to be 5.8m.

The development will require clear access of at least a heavy rigid vehicle for waste collection purposes and this is to be demonstrated by the submission of turning templates, C04.1 -C04.4 Rev 2 Prepared by Northrop. These are considered acceptable.

The amended architectural plans DA2.22 Rev C Dated 20/09/2021 shows the signs and line marking to deal the conflicting movements at the entrance of the basement ramp. These are acceptable. The plans demarcate the specific priorities of various traffic movements. Reduction in the signage wall height to deal the sight distance issue and convex mirror for exiting vehicles of the basement ramp has been proposed.

Minimum width of the perimeter road fronting the ILU building required is 6.5m as per Table 3.1 AS2890.2. The revised plan shows a 6.5m wide road excluding the parking spaces.

The CI 3.3.2 AS2890.2 proposes where parallel parking on the circulation roadway of the trucks is provided, the width of the vehicle parking spaces is to be increase to 2.4m and truck parking spaces be increased to 3m. The applicant seems to have provided a 2.2m wide width for car parking and 3.5m width for truck parking. It is recommended to condition the consent ensuring the parking dimensions meet the requirement. A suitable condition of consent is recommended.

Similarly, the revised plans show three loading bays near the entrance of the ILU buildings. While the AS2890.2 recommends minimum 3m wide width, the length of the vehicle is recommended based on the design vehicle length and draw in and draw out length. It is anticipated that the that most of the removalist truck catering the residential development will be mostly Medium Rigid vehicle and courier or deliveries will be small rigid vehicles (Last Mile Tool Kit TfNSW). Thus, revised architectural plans show three bays of length 6.5m. The usual length of an SRV is 6.4m as per AS2890.2. Therefore, the need to extend the length of the loading bays is required. This is recommended to be conditioned in the consent.

The AS2890.2 requires minimum height clearance for a HRV vehicle to be 4.5m clearance. The revised architectural plans show a clearance of minimum 4.5m for the awning proposed at the entrance of the ILU building. This is considered acceptable.

- *Basement Ramp*

The amended architectural plans show DA2.22 Rev C Dated 20/09/2021 proposes a central median on the eastern aisle and line marking plans to set the priorities of the various vehicle movements. Further stop sign and left only signs are provided to address the concerns.

The width of the ramp (6.9m) complies with Figure 2.8 AS2890.1. The ramp provided access to 281 car parking spaces which can be classified as user class 1A / 2 as per table 1.1 AS2890.1. Based on this information the basement level car park can be classed as class 3 as per table 3.1 AS2890.1. Therefore, this would require a 6m wide entry and a 4-6m wide exit width of the ramp. The basement ramp has been amended to include a 6m wide landing, 3.1m wide lane and 600mm median. As the applicant has proposed only left out arrangement and one way entry to the car park. The proposed arrangement on merit-based assessment is considered acceptable.

DRW DA4.04 REV A details the gradient of the basement ramp (20%) which complies with Clause 2.5.3 B of AS2890.1 which recommended maximum gradient of 20% for straight ramps. Further, 2m long transition ramp to avoid scrapping and bottoming is shown on the plans

Overall, the proposed arrangement seems acceptable and compliant to AS2890.1.

- *Basement Car Park*

The basement level car park provides 281 car parking spaces. The yield summary provided by the applicant states the allocation of 209 spaces to the residential component of the development and the rest 72 car parking spaces to the club. It also provides golf cart parking facilities.

The architectural plans show a roller door access on the south of the basement ramp providing access to 209 car spaces.

Considering the service rate of the roller door as 300 veh/hr Appendix D AS 2890.1 and expected peak hour traffic volume 60 vehicle/hr (50 one-way) (Expected vehicle movement based on the RMS Trip generation guide). The required queue length to meet the requirement 95% of the times is 1.7~ 2 vehicles. The revised architectural plans DA2.01 REV C Dated 20/09/2021 show two vehicle queuing storage. Therefore, the arrangement is deemed acceptable and compliant.

The development provides 10 disabled parking spaces of width (2.4x5.4 m) out of 281 parking space in the basement car park, which is compliant with AS2890.6. Rest spaces can be classified as User class 2 as per table 1.1 AS2890.1 and therefore require width for car parking spaces is 2.5 x 5.4 m. The plans demonstrate the required width of the car parking spaces compliant with AS2890.1 Figure 1.1.

Aisle width along the basement car park is maintained at 5.8m which is compliant with AS2890.1.

Most of the parking spaces seem to be compliant with the design envelope around the car park Figure 5.2 AS28901.:2004.

Clause 2.3.3 AS2890.1 requires a speed hump to be placed along the parking aisle length if the length exceeds 100m. The revised architectural plans show the proposal of speed humps in basement car park parking aisle.

Drg DA4.04 section of the basement plan shows the clearance of the minimum 2.4m through the roller door and height of the basement as 3.56m. The minimum required height clearance as per AS2890.1 is 2.2m. Therefore, the development is compliant with AS2890.1 and AS2890.6.

- *Access for Emergency vehicles*

Fire vehicle access- The latest NSW Rural Fire Service (GTAs) details the approval condition of the access and perimeter road. The plans would appear generally compliant with the requirements, recommended consent conditions will include the NSW Rural Fire Service (GTAs) issued dated 15 September 2021.

Ambulance: The proposed aisle width and turning paths on site are considered generally compliant with the requirement of AS NSW Ambulance access requirements.

Parking Demand

The development has proposed several landuses such as Golf Course, residential towers and wellness centre requiring assessment of parking demand linked to individual land uses.

The development proposes 148 Independent living units providing 294 bedrooms, a clubhouse, and a wellness centre. The traffic report states 20 staff members operate the clubhouse.

Parking rates of Griffith Council DCP for the calculation of demand generated by the Golf course and ancillary club house has been proposed by the applicant. Considering the lack of specific rates this was deemed acceptable in this instance.

All other land uses are to comply with the requirement of NDCP and SEPP (Housing for seniors or people with a disability) 2004, Part 7 Division 2.

Table 6 below details the parking demand and supply by the development.

Table 6: Car Parking Requirements

Use	DCP Rate/SEPP 65/ SEPP (Housing for seniors or people with a disability) 2004, Part 7 Division 2	Car Parking requirement	Car Parking Supplied
<u>Independent Living = 294 beds</u> Applicable Rate: SEPP (Housing for seniors or people with a disability) 2004, Part 7 Division 4	Car spaces: 0.5 for each bedroom where the development application is made by a person other than a social housing provider.	Car: 147	Car: 209 Visitors:16 Staff :5
	Bicycle: None	Bicycle: 0	0
	Motorbike: None	Motorbike: 0	0
<u>Golf Course and registered Clubhouse = 1170m² and 18 Holes</u> Applicable Rate: CN DCP 2012	Car: 2 space per hole plus Registered club demand. Registered club: 1 space per 5 seats of 1 space per 10 sqm GFA, whichever is greater.	Car: 153 Spaces	112 Spaces
	Motorbike: 1 space per 20 car spaces	8 spaces	9 spaces
	Bicycle: 1 space per 25m ² bar area plus 1 space per 100m ² lounge, beer garden (Class 2) for staff 1 space per 25m ² bar area plus 1 space per 100m ² lounge, beer garden (Class 3) for visitors	16 (Class 2) 16 (Class 3)	25 Class 3 17 Class 2
Wellness Centre: 985m² area	Car	Car: 23 spaces	22 spaces

Applicable Rate: CN DCP 2012 50% discount as per mixed use.	Minimum 4.5 spaces per 100m ² Maximum 7.5 spaces per 100m ²		
	Bicycle: 1 space per 20 staff (Class 2) 1 space per 10 staff (Class 3)	Bicycle: 1 (Storage) 1 (Class 3)	1
	Motorbike: 1 space per 20 cars	Motorbike: 2	0
Loading and deliveries	Residential flat buildings (50% of spaces adequate for trucks) = 200 flats or home units 1 space per 50 flats or home units Commercial premises (50% of spaces adequate for trucks) = 20,000m ² GFA 1 space per 4,000m ² GFA	3 spaces for residential development 1 space for clubhouse	Service Laneway 3 additional delivery spaces for residential
Total Off-Street parking	Car:	ILU -147 Rest- 176	ILU- 209 ILU Visitor- 16 ILU Staff-5 Commercial-177
	Bicycle:	17 (Class 2) 17 (Class 3)	26 (Class 3) 17 Class 2
	Motorbike:	8 spaces	9 spaces
	Minibus	1	1

Based on the above table the development proposes 209 parking spaces in the basement allocated to ILU building development. Additional 16 visitor parking space and five staff parking spaces allocated to the ILU building has been proposed at ground level. Therefore, the development has provided 77 additional parking spaces than the required 147 spaces to meet *SEPP (Housing for seniors or people with a disability) 2004*, Part 7 Division 2 requirement. This is deemed acceptable.

Moreover, a 50% discount rate for the wellness centre has been accepted based on the use of the use of facilities limit to the club member, guest, and ILU residents. Based on which cumulative demand for parking of Wellness centre and Club house is 176 spaces. The development has proposed 177 parking spaces. This is considered compliant with the NDCP.

The applicant has also accepted CN's request by providing three loading/delivery spaces to cater for the seniors ILU development. This is in accordance with the NDCP requirement and is acceptable.

Overall, the parking supply proposed as part of the application is considered acceptable.

Section 7.04 Movement Networks

Traffic Generation

- *Vehicular traffic*

The development has proposed to use standard traffic generation rates provided by the RMS Guide to Traffic Generating Developments as a basis for determining the future traffic flows associated with the development.

The RFI response letter dated 26 July 2021 by Willow Tree Planning specifies the use of Wellness centre to be restricted to residents, club members and club guests. On this basis the adopted 50% discount rate for wellness centre is acceptable.

The letter also clarifies the use of cinema, amphitheatre, games lawn restricted to residents of the seniors ILU building.

The Traffic Assessment Report proposes to use standard traffic generation rates provided by the RMS Guide to Traffic Generating Developments as a basis for determining the future traffic flows associated with the development. The following trip generation rates have been adopted.

Land Use	Rms Rates	Trips
<u>Independent Living = 148 dwellings</u>	RMS rates (TDT 2013/04A), a peak generation rate of 0.4 vehicles per dwelling in the evening peak and 2.1 trips per dwelling per day.	Peak Hour = 60 trips Per Day = 311 trips
Golf Course and clubhouse	Survey required for current facilities.	Current volume observed is 75 trips max (traffic report)
Wellness Centre: 985m² area 50% discount applied	Evening peak hour vehicle trips = 9 per 100m ² GFA Daily vehicle trips = 45 per 100m ² GFA	Peak hour = 45 Per Day = 222

Figure 16 below taken from the submitted Traffic Report shows the pre and post development traffic flows from the development.

The Sidra results are provided below.

Table 5 - Sidra Results - Existing Situation 2019 (AM/PM)

Approach	Critical Movement(s)	Level of Service	Average Delay (seconds)	95% Queue (m)
Glebe Road (Westbound)	Left turn	A / A	5.6 / 5.6	0.0 / 0.0
Glebe Road (Eastbound)	Right turn	A / A	9.5 / 11.2	1.9 / 2.3
King Street	Left turn	A / A	6.8 / 8.0	0.6 / 0.9
	Right turn	B / B	19.6 / 16.6	2.8 / 0.7

The above results indicate that the intersection operates well, with the worst movement being the right turn out of King Street which operates at LoS B. The remaining movements see very minimal delays and queuing during the peak hours.

Allowing for the traffic generated by the proposed development (Section 4.2.1) gives the following Sidra results.

Table 6 - Sidra Results - Existing Situation 2019 with full development (AM/PM)

Approach	Movement	Level of Service	Average Delay (s)	95% Queue (m)
Glebe Road (Westbound)	Left turn	A / A	5.6 / 5.6	0.0 / 0.0
Glebe Road (Eastbound)	Right turn	A / A	9.6 / 11.7	2.8 / 4.1
King Street	Left turn	A / A	6.7 / 8.1	1.0 / 1.2
	Right turn	B / B	21.0 / 17.3	5.0 / 1.1

Figure 17: Table 5 Sidra Results – Existing Situation 2019 (AM/PM)
(Source: Seca Solutions P/L)

The increase in the flow is deemed acceptable, however, the increase in flow does trigger a need for upgrade of public infrastructure. This is further detailed in Public Domain below.

- *Alternative Transport*

The site is not within proximity to public transport. The nearest train station is located in Adamstown, 1.4 kilometres to the west of the subject site.

The closest bus stop is approximately 550m walking distance from the entrance of the site on both sides of Glebe Road Rd (**Figure 18**).



Figure 18: Figure 2 Bus stops in the development vicinity (Source: Seca Solutions P/L)

SEEP (Housing for seniors or people with Disability)2004 Part 5 clause 43 states

Transport services to local centres

A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development—

(a) that will drop off and pick up passengers at a local centre that provides residents with access to the following—

(i) shops, bank service providers and other retail and commercial services that residents may reasonably require,

(ii) community services and recreation facilities,

(iii) the practice of a general medical practitioner, and

(b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.

(2) Subclause (1) does not apply to a development application to carry out development for the purposes of the accommodation of people with dementia.

Noting that the item 3.2.6 Traffic Report by Seca Solutions mentions the provision of bus services to the future residents.

However, the revised operational plan of management submitted 22/09/2021 mentions the Shuttle Bus service will only be provided for five days, whereas the above clause requires it to be provided for seven days. A condition is recommended to ensure the bus is available

seven days per week. An amended Operational Management Plan will also be required to be submitted as part of the condition. Refer to **Appendix A** - Draft Schedule of Conditions.

- *Pedestrian connectivity*

The development is expected to create a significant pedestrian volume by introducing seniors housing residential development, new clubhouse, and wellness centre. **Figure 19** shows the lack of pedestrian connectivity on King Street. Noting the development has proposed a new footpath on the Eastern side of King Street till Lockyer Street to complete the connection (**Figure 20**). This is recommended to be conditioned as a part of public domain works. Upgrade of street lighting is also recommended.

CI.23(1) of SEPP Seniors requires that the proposal provide appropriate separation between the club and the seniors housing to avoid land-use conflicts.

For internal circulation of pedestrians two parallel footways segregating the clubhouse traffic and residential traffic has been proposed. Each footway is 2m wide which is acceptable.



Figure 19: Footpath facilities around the development (Source: Seca Solutions P/L)



Figure 18. External Footpath Works (Source: Northrop, 2020)

Figure 20: Proposed Footpath in SOEE (Source: Willowtree Planning)

- Construction traffic

It is acknowledged that a preliminary traffic management plan has been submitted with the application. Considering the location and size of the development it is recommended to condition a construction traffic management plan be submitted before the commencement of the construction.

Public Domain

Having regards to the above engineering aspects the following public domain works are considered to be required in connection with the development, and will be subject to separate approval under *Section 138 of the Roads Act*:

- Full footpath construction (1.5m) wide along King Street from the site frontage to the intersection of Lockyer and King Street, Adamstown.
- Associated drainage, kerb ramps, raised pedestrian crossing and changes to traffic signage.
- Upgrade intersection of Ella and King Street to ensure the compliance of kerb ramps on all sides of the intersection.
- Upgrade intersection of Lockyer and King Street to ensure the compliance of kerb ramps on all sides of intersection and associated kerb and gutter works.
- Install no-stopping signs at the intersection of Lockyer and King Street to improve the sightline according to the RMS no-stopping technical direction TD2002/12c.
- Upgrade the Island at the intersection of Lockyer and King Street to meet the latest compliance with technical direction TDT 2011/01a.

- g) Kerb and gutter at intersection of Lockyer and King Street associated with the kerb Ramp upgrade.
- h) Installing no-stopping signs at the intersection of Glebe Road and King Street to ensure a clear line of visibility. No-stopping to be extended on King Street approaching Glebe Road increasing the storage capacity of the right turn lane. Also, no-stopping to be considered on the Glebe Road northern side of the intersection to provide storage capacity for car turning right on King Street.
- i) Centre Line marking on King Street at the intersection of Glebe Road and King Street.
- j) Street lighting upgrade of King Street till the intersection of Lockyer and King Street.

Section 7.05 Energy Efficiency

Energy efficiency has been considered in this report under *State Environmental Planning Policy (BASIX-Index) 2004*.

The application is accompanied by BASIX Certificate No.11615R23M and NatHERS Certificate No. 0005510700 prepared by Evergreen Energy Consultants Pty Ltd and dated 15 December 2020 committing to environmentally sustainable measures. The Certificates demonstrate the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP.

The proposal is consistent with the BASIX SEPP subject to the recommended conditions of consent. Therefore, by satisfying the provisions of the SEPP and with an appropriate recommended condition the requirements of Section 7.05 of the NDCP have been satisfied.

Section 7.06 Stormwater

A Conceptual Water Management Plan along with the Stormwater Management Plans were submitted with the application. Further Civil Design Plans have been provided to assist the development application process. Internal referral advice received from CN's Development engineering team, outlines the below assessment based on the latest report provided.

The Stormwater Management Concept prepared by Northrop dated 17 September 2021 details the proposed arrangement of stormwater compliance with the NDCP.

The development includes the proposed management of the run-off by dividing the catchment area into western and eastern catchment area according to the natural ground level. The centre line of the western (12b) and eastern (13a) catchment is as per the snip below from the proposed model in the submitted report.



Figure 21: Figure 1 Development catchment (Source: Northrop)

- *Site Coverage*

• Proposed Development Area	=	20,150 m ²	
○ Roof Area	=	7,657 m ²	(100% impervious)
○ Driveway/ Carpark	=	6,203 m ²	(100% impervious)
○ Landscaped Area (Impervious)	=	3,619 m ²	
○ Landscaped Area (Pervious)	=	2,671 m ²	

Based on the above catchment area the development can be predominantly considered as impervious (87%). Therefore, the total rainfall depth storage requirement in accordance with the NDCP Element 7.06 works out to be 22mm i.e., 335 KL for 15,226 m² of impervious area.

The applicant has proposed following storage provisions on-site:

1. 40 KI rainwater harvesting tank proposing to reuse the water in the Wellness centre, clubhouse, and nearby recreational lawns.
2. 15 KI detention above the proposed biofiltration basin.
3. 22 KI above the proposed rain gardens in the car park.
4. Rest of the storage is proposed to be directed to the existing dams on-site, proposed location as per Figure 22 below.



Figure 22: Location of the proposed dams on site (Source: Northrop)

The report submitted proposes to redirect the stormwater runoff from the eastern catchment through a series of rain gardens to the existing dam 3 to be reused for irrigation purposes. This is acceptable.

Further, the stormwater plans submitted propose the runoff from western catchment to be redirected to a 50m² bioretention basin following which it is proposed to be redirected to an existing dam on the western side of the catchment.

Note: The applicant has only proposed the reuse of stormwater for public toilets of the proposed development and not for the private toilets on-site. The intention of the development is to reuse the water redirected to the dams for irrigation purposes and thereby reducing the potable water demand of the overall site. This approach has been deemed acceptable.

Considering the above approach, the subject site is considered to generally meet the storage requirement of the site.

- *Water Quality*

The proposed development has a potential to affect the quality of the stormwater due to increased impervious area of the site. As the development qualifies as a large-scale development, the applicant is required to and has conducted Music modelling of the proposed treatment trains of the stormwater on-site. A summary of the proposed water quality management measures on-site is as follows:

Treatment Train Strategy

The proposed treatment train incorporates:

- A rainwater tank is proposed to collect runoff from all roof areas,
- OceanGuard pit inserts (or approved equivalent) are proposed in the Seniors Living carpark.
- Hardstand landscaped areas are to drain across a buffer areas.
- A bio-retention basin is located prior to discharge of the western catchment.
- Raingardens have been distributed throughout the Golf Club carpark area.

Figure 23 below shows the proposed schematics of the Music model prepared by Northrop in the proposed stormwater management plan. While the western catchment area is proposed to be mainly treated by the Ocean Guard pit inserts and Bioretention basin, the eastern catchment is proposed to be treated by the raingardens. The applicant has also proposed porous pavement within the Clubhouse carparking areas, which is acceptable. These areas can be used to reduce the overall impervious areas but is not to be included as a treatment train measure.



MUSIC Model Layout Schematic

Figure 23: *Music Model Layout Schematic (Source: Northrop)*

Overall, based on the above model, the submitted Music modelling results show the output of the water meets the compliance with Table 4 Element 7.06 NDCP.

• Hydrological modelling

The increase in impervious area due to the proposed development has potential to increase the post development run-off from site. Therefore, to review the impact of the development on the existing flow regime, the applicant has submitted a hydrological model developed using XP-RAFTS.

The modelling results show reduction in the peak flow discharge in western as well as eastern catchment area, while insignificant increase in the flow during initial rain event.

This is considered acceptable.

- *Civil Engineering drawings*

Basement Level - Drawing no. DA-C04.01 REV 3

The Civil drawing prepared by Northrop to support the proposed stormwater management plans demonstrate the collection of drip water from cars in basement hard stand area by series of surface inlet pits finally draining to western catchment area.

Drawing no. DA-C04.01 REV 3 by Northrop shows the connection of all the roof water directed towards the proposed 40KL rainwater tank. The plans further show the connection of overflow and runoff to the sediment control devices and 50sqm rain garden on site, finally draining to the dam on western catchment.

At Grade- DAC04.11 Rev 3

DAC04.11 Rev 3 by Northrop proposes collection of runoffs from hardstand area of clubhouse through series of pits, directing water to the raingardens proposed in the landscaping area. Final disposal is proposed to the downstream dam. This is considered to be acceptable.

Further, the stormwater for the road fronting the residential towers is directed to the downstream sediment basin on western catchment area through a series of underground pit and pipes. This is considered acceptable.

The proposed Rain Garden section on Drg DACA09.01 to include the castellated kerb as a part of the rain garden to ensure the safety to all the road users. Additional information via email dated 24 September 2021, has confirmed that the depth of the rain garden with castellated Kerb will not exceed 300mm. This is considered acceptable.

Overall, the stormwater and water management proposal generally meets the requirement of Section 7.06 of NDCP and is considered acceptable.

Section 7.07 Water Efficiency

This section applies to commercial/business and industrial development. The plumbing fixtures and water appliances proposed have been designed to utilise sustainable development and minimise the consumption of potable water and discharge of waste.

It is considered that the development meets the objectives of the NDCP.

Section 7.08 Waste Management

A Waste Management Plan outlining the capacity of the waste storage rooms, expected waste generation quantities and a waste collection plan has been submitted. The plan elaborates on a collection of operational wastes through series of waste chutes in the building and Golf club area. Respective waste storage rooms have been nominated in the buildings and the proposal includes transporting the waste bins to a dedicated service area on the ground floor level.

The proposed arrangement for waste collection purposes is considered acceptable.

The architectural plans were also amended to ensure clear access is provided to a heavy rigid vehicle to the waste collection areas. A swept path analysis has also been provided.

Based on the submitted information, the development is considered acceptable having regard to the requirements of Section 7.08 of NDCP.

The following contributions plan is relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Newcastle S7.12 Newcastle Local Infrastructure Contributions Plan 2019*

The development is affected by Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019: Effective 9 September 2019.

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

It is considered that the carrying out of the proposed development would result in an increased demand on public amenities and public services within the area. A contribution of \$768,922.55 would be required for the proposed development under the contributions plan. This Contributions Plan has been considered and included in the recommended draft consent conditions.

- *Non-Statutory Planning Framework*

The following non-statutory planning framework overview is provided, notwithstanding the application under the Site Compatibility Certificate issued by the Hunter Central Coast Regional Planning Panel has considered the site is suitably located for the seniors housing development under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Hunter Regional Plan 2036 (2016)

The Hunter Regional Plan 2036, released in November 2016 is a 20-year strategy guiding the future development of the Hunter area, including the Greater Newcastle area. The plan provides an overarching framework to guide the future development of the Hunter as a leading regional economy, with a focus on maintaining and enriching biodiversity, enhancing communities and providing a greater choice of housing and jobs.

The Hunter Regional Plan (HRP) focuses on concentrating development in existing areas with good access to public transport, established services and infrastructure to increase the appeal of these places for new residents and enhance a sense of community. In addition, the HRP promotes a well-planned, functional and compact settlement that does not encroach on sensitive land uses. Expecting growth to occur in strategic centres, local centres and urban renewal corridors to support economic and population growth, as well as a mix of uses over the next 20 years. The nominated areas for the delivery of housing and employment include Newcastle City Centre; Wickham–Hamilton– Broadmeadow (Tudor Road Corridor); Broadmeadow–Adamstown (Bunker Road Corridor); and Wickham–Islington– Mayfield (Maitland Road Corridor).

This position is supported by the relevant planning directions:

- Direction 20: Revitalise existing communities
- Direction 21: Create a compact settlement
- Direction 23: Grow centres and renewal corridors

It is noted that the proposed development is not within the nominated areas for the delivery of housing, but it is located in an existing area close to services and facilities and was supported under the Site Compatibility Certificate.

Greater Newcastle Metropolitan Plan 2036 (2018)

The Greater Newcastle Metropolitan Plan 2036 (GNMP) was launched on 17 September 2018 and comprises the first Metropolitan Plan for a non-capital city in Australia. The Plan outlines strategies for the delivery of services, infrastructure and development across the Greater Newcastle area. It prioritises the provision of additional housing in infill areas, aligned with the provision of infrastructure. The prioritised areas reflect those in the HRP, being strategic centres and urban renewal corridors. The GNMP sets a target for 60% of new dwellings in Greater Newcastle Councils being in infill areas. This is reinforced through Strategy 16: Prioritise the delivery of infill housing opportunities within existing urban areas and the action (16.1) to “focus new housing in existing urban areas, particularly within strategic centres and along urban renewal corridors”.

The Statement of Environmental Effects (SEE) submitted with the application, refers to *the Plan which states how Greater Newcastle's ageing population will be supported through improvements to aged care facilities, community-based health services and the introduction of private providers of care and wellness for older residents. It also states how Hunter New England Health and the private health sector, working with Greater Newcastle councils and Transport for NSW will:*

Facilitate the development of allied health, education, training, hotels, aged care services and research facilities at the John Hunter and East Maitland health precincts, strategic centres, and other major health precincts.

The Plan identifies that in 2016 the population of the Hunter Region aged 65 and over, represented 17.9% of the population and predicted that in 2036 this will increase to 23.5% of the Region's population. It also states that providing housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size. To achieve increased housing, is accepted through a variety of housing types, including secondary dwellings, apartments, townhouses and villas.

The Plan furthermore sets out a target of 25% small lot and multi-dwelling houses by 2036 to increase housing diversity in urban areas. It is considered that this may include a mix of apartments, dual occupancies, townhouses, villas and homes on lots less than 400m². Moreover, urban densities of between 50-75% per hectare are recommended for specified catalyst areas and urban renewal corridors. This would influence housing affordability and diversity, focus new housing in areas close to jobs and green spaces, support efficient transport, and reduce urban sprawl. Local strategies are required to consider local housing needs based on household and demographic changes. It is recommended these local strategies plan for a range of housing choices, including retirement villages, nursing homes, and opportunities to modify existing dwellings to enable occupants to age in place. Local strategies should identify the infrastructure necessary to support local communities and provide access to transport and community services and facilities. The strategic direction established through local strategies would then be implemented through local planning controls to provide housing choice and diversity and liveable homes that are responsive to the changing needs of households.

The proposal for serviced self-care housing allows for individuals to downsize to a form of residential accommodation that provides seniors living assistance whilst also providing the

amenity and independence of regular apartment accommodation. It provides an opportunity for Newcastle resident to age in place, particularly in the case of couples and individuals who do not yet require high-level aged care. The site is located in the vicinity of several Major Health Precincts, in particular John Hunter, Charlestown and Calvary Mater Waratah. The proposal is considered to assist in meeting the strategic need for more diverse housing in order to meet the needs of an ageing population as recognised in the Metropolitan Plan.

The site is also located in the near vicinity of, and adjacent to, the mapped Urban Renewal Corridor (Stage 1 and 2) for Adamstown area and the site marked as being for environmental and open space purposes.

The Housing Opportunities mapped within the Plan, identifies the site as an 'Other Existing Urban Area' and identifies the site as being immediately adjacent to other parcels of land, to the north mapped as being 'Existing Urban Areas with Infill Opportunities' under the Plan.

The development will provide an opportunity for infill housing by providing accommodation that is suited to ageing in place.

Newcastle 2030 Community Strategic Plan (2018)

The Plan identifies that over the next 20 years there is a need to facilitate – new homes, jobs and services for an additional 38,000 people, while maintaining the aim of Newcastle Urbanism to retain our liveability, valued heritage, natural environment and diverse local character.

Key elements of the Plan include mixed use urban villages supported by integrated transport networks. Areas of change include:

- Housing Release areas
- Urban renewal corridors – five identified corridors
- Catalyst Areas – seven areas including – Newcastle City Centre, Beresfield / Black Hill, Broadmeadow, Callaghan, John Hunter Health and Innovation Precinct, Kotara and Newcastle Port

The development site is not located within the urban renewal areas or catalyst areas identified in the Community Strategic Plan. However, the site is located in an existing area close to services and was supported under the Site Compatibility Certificate as an appropriate site to deliver additional housing choice to the community.

Newcastle Local Planning Strategy 2015

The local planning strategy underpins Newcastle Local Environmental Plan 2012. The strategy looks to implement the land use directions from the Newcastle 2030 Community Strategic Plan and aims to guide the future growth and development of Newcastle up to 2030 and beyond. The strategy identifies a number of neighbourhood specific visions and objectives to guide future growth and development.

Local Strategic Planning Statement (LSPS)

The LSPS is our 20-year land use vision and identifies how we will sustainably manage the growth and change of our City. It gives effect to the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036, implements priorities from our Community Strategic Plan, Newcastle 2030 and brings together land use planning actions in other adopted strategies. The LSPS will inform changes to the Newcastle Local Environmental Plan 2012, Newcastle Development Control Plan 2012 and other land use strategies. It is accompanied by an

Implementation Plan that identifies a program for the delivery of each of the planning priorities and actions.

The LSPS identifies the five renewal corridors (Islington, Mayfield, Hamilton, Broadmeadow and Adamstown) as having opportunities for housing and economic growth. These existing corridors align with the Stage 1 Urban Renewal Corridors identified in the Greater Newcastle Metropolitan Plan 2036.

The proposal does not seek to concentrate housing within any of these areas. However, the development will provide housing in close proximity to services and provides an important housing type for the community in a distinct setting.

As outlined within the SEE submitted with the application, *the proposal is considered to provide the opportunity to achieve outcomes, particularly in relation to Planning Priority 12 Sustainable, Accessible and Inclusive Housing, which acknowledges the gap in social and affordable housing to suit a range of household's income. In addition, it also recognises the need for more housing for people with specific need, including the elderly and people with a disability.*

The proposed development provides a direct and positive response to the LSPS's desire to provide greater housing diversity and choice in the form of seniors housing that will allow individuals to age in place, whilst retaining the recreational facilities of the Merewether Golf Club. Accordingly, the proposed development is considered to reflect the needs for the Hunter Region as identified in the LSPS.

The proposal is considered to provide the opportunity to achieve outcomes, particularly in relation to Planning Priority 12 *Sustainable, Accessible and Inclusive Housing*, which acknowledges the gap in social and affordable housing to suit a range of household's income. In addition, it also recognises the need for more housing for people with specific need, including the elderly and people with a disability.

The proposal is considered to provide a positive response to this desire to provide greater housing diversity and choice in the form of seniors housing that will allow individuals to age in place, whilst importantly retaining the recreational facilities of the Merewether Golf Club.

Newcastle Local Housing Strategy (June 2021)

The Newcastle Local Housing Strategy (LHS) is a local response to the housing actions within the HRP, GNMP and the LSPS. The LHS highlights that CN's population is ageing slightly and recognises the importance that the housing needs of this demographic are identified and factored into future planning.

The strategy identifies that the number of Independent Living Units is set to double, suggesting that the current supply of dedicated seniors housing appears to be keeping pace with projected growth. It is acknowledged that there may be unmet and growing demand for two and three bedroom attached dwellings, which enable local seniors to 'age in place'.

The proposed development will assist in meeting with some of this housing need and will allow for a diversity of housing types to be provided in the inner city location.

NSW Ageing Strategy 2013 to 2020

As outlined within the SEE submitted with the application, it is stated that, *the Ageing Strategy recognises how the number of older people in NSW is increasing and the proportion of older people within the total population is also growing. In 1991, there were almost 700,000 people*

aged 65 and over in NSW, and more than 800,000 aged 50 to 64. In 2011, more than one million people in NSW were aged 65 and over, and more than 1.3 million were aged between 50 to 64. By 2031, around 20% of NSW, or 1.8 million will be aged 65 and over, and more than 1.5 million will be aged 50 to 64. Together, more than 1 in 3 NSW residents will be aged 50 or above by 2031.

The strategy aims for Government to plan health services and infrastructure in light of NSW's ageing population and encourage private sector partners to provide services for older people.

The proposal incorporating serviced self-care housing for the purposes of seniors housing assists in catering for the increased population's needs and aligns with the following objectives of the Ageing Strategy:

- *Older people in NSW have opportunities to remain in the workforce, are financially secure and independent in retirement, and plan their finances based on their circumstances and needs.*
- *Older people in NSW travel safely and appropriately to participate in social and economic life and access services.*
- *Older people in NSW stay connected and contribute to their communities.*

The proposal provides for serviced self-care housing, permitted with consent under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the validity of the Site Compatibility Certificate granted by the Hunter Central Coast Regional Panel. In addition, the site is also in proximity to a major road and public transport network, in reasonable proximity to public services and facilities and due to the location allows for future residents to stay connected with their local community.

Having considered the underlying strategic directions and plans, whilst the proposal is not located within identified catalyst areas or renewal corridors, the uniqueness of the site and the opportunity to provide seniors housing in a natural environment, with more than sufficient space surrounding the development has been considered. The proposal also maintains good amenity for surrounding residential properties and provides a desirable lifestyle for the ageing population, outside the density and high-rise environment of the city centre, or commercial type precincts. These areas, are then also equipped to provide additional capacity for those that need to be better placed for employment opportunities and possibly more equipped to adapt to the lifestyle and amenity present in busy centres and renewal corridors.

The proposal is considered to contribute toward fulfilling the needs for increased housing for an ageing population within an urban context and in proximity to services and facilities, as facilitated by the Site Compatibility Certificate and the provisions of SEPP (HSPD) 2004.

3.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations (and other plans and policies)

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- If demolition of a building proposed - provisions of AS 2601.

Demolition is required by the regulations to be completed in accordance with the provisions of AS2601 -1991: *The Demolition of Structures*.

These provisions have been considered and addressed in the draft conditions (where necessary). Refer to **Appendix A** Draft Scheduled of Conditions.

A number of planning strategy documents have been considered to assist in terms of strategic context and to help inform the appropriateness of the seniors housing development which would otherwise be prohibited within the RE2 Private Recreation Zone under NLEP. These strategic documents identify key priorities and objectives and identify growth areas and renewal corridors within the Newcastle LGA and have been discussed previously in this report.

- NSW Address Policy and User Manual

In accordance with NSW Government policy, Local Governments are responsible for providing clear and logical addressing to ensure quick and accurate location by delivery, utility and emergency services, and the public. The *NSW Address Policy and User Manual* outlines the Geographical Names Board (GNB) and NSW Spatial Services policy, principles, processes and procedures for addressing in NSW.

The proposed development will result in the production, aggregation, publication or usage of a new address and as such, the development application was referred to CN's Geospatial Information Services (GIS) team for comment.

GIS recommended a condition be imposed that prior to making an application for a Construction Certificate that the developer is to submit a request to City of Newcastle to obtain the necessary house numbering. Refer to **Appendix A** Draft Schedule of Conditions.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

Impacts upon the natural and built environment have been discussed in this report in the context of relevant State policy, including the NLEP and NDCP considerations. However, further discussion on a number of key matters is listed below.

- Context and setting

In relation to strategic context the site sits outside the identified growth corridors and renewal area for Adamstown under the relevant strategic policies / plans for the Newcastle LGA, as discussed elsewhere in this report. However, it needs to be acknowledged that a Site Compatibility Certificate has been issued by the Hunter Central Coast Regional Planning Panel dated 30 April 2020 under the provisions of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*. It determined the site was suitable for intensification of development within an identified 'developable area' and therefore, from a strategic planning perspective for proposed seniors housing development. Strategically, the proposed development achieves several deliverables in relation to strategic policy, by providing additional housing options for seniors within the existing Newcastle community, and whilst outside of the identified renewal corridor remains in reasonable proximity to ensure this form of housing for seniors remains connected to the existing established residential setting and community that adjoins the broader golf club site. In addition, the context and site characteristics, reflective also of the RE2 Private Recreation zone under NLEP provides a unique opportunity within this central location to provide seniors with good residential amenity in a tranquil and natural environment, vastly different to that experienced in growth and renewal corridors and city centres.

In relation to local context, the design of the development has responded by providing a reduced footprint, enabling Merewether Golf Club to continue its long-standing operations as an 18-hole course into the future. Whilst the building form itself is uncharacteristic of immediately adjoining properties, which are lower scale, the design of the built form and its placement within a centrally located area of the site achieves greater separation and setbacks from boundaries and contributes greatly to reducing the impact on the existing character and context of the site and setting. The ability to achieve this has also relied on maximising mature tree retention on site and use of existing natural landform topography to ensure the overall height, bulk and scale of the development sits well within its local context.

The proposal is considered appropriate for the site and has responded well to the surrounding context.

- Height, bulk and scale

The height of the development has been carefully considered, with the Golf Clubhouse, the only built form visible from the public street (King Street), of 1 and 2 storeys to provide height transition and consistency with the existing height in the surrounding area. Furthermore, it maintains the existing established building height of the existing clubhouse building and general footprint. Height for the remainder of built form, being the seniors development was informed by the height of the tree canopy to ensure given the intensification of development that was evident with this proposal, the overall bulk and scale was appropriate and without adverse impact, particularly on prominent view corridors across the site from surrounding lands.

The average height of the existing trees to be retained surrounding the proposed development and across the broader golf course site is approximately 23m. The tallest part of the building measured from natural ground is 21.3m measured to the underside of ceiling on the uppermost habitable floor in accordance with SEPP (Housing for Seniors and People with a Disability). There are some elements of roof top, open terrace garden areas and lift overruns that extend beyond the 21.3m, however these through design are considered minor and will not significantly add to the overall height, bulk and scale of the development on the site. These structures also provide elements of articulation, interest and relief to the top of the buildings and also provide some opportunity for soft greenspace plantings to further soften the overall building form.

The built form of the proposed development whilst larger in bulk and scale than that of the surrounding properties, is considered acceptable given its central location on the site, the use of the existing topography and retention of existing mature vegetation across the site. In addition, with additional compensatory planting of a scale that will over time reinstate vegetation lost and will further enhance the natural setting and screening of the development on the site.

It is acknowledged that the proposed intensification or expansion of facilities on this site are considerable. However, when balanced with the merits of the application, the design and built form remain acceptable within the context of the site and setting. In addition, the nature of the land use being for seniors housing which is known to be a compatible and likely land use that would be co-located with a Golf course, also ensures the viability and longevity of the existing Merewether Golf Club.

The orientation and central location of the development with reasonable separation and setbacks achieved when combined with the broader golf club course grounds assists greatly with reducing the overall bulk and scale of the development on surrounding lands. The discussion below regarding visual impact and visual privacy will also provide further evidence that the proposal will not present significant adverse impacts on both the views enjoyed across

the site from adjoining properties and the visual privacy both within and external to the site boundaries.

- Visual impact and privacy

A Visual Impact Assessment prepared by Hatch / RobertsDay and dated December 2020 was submitted with the application. Additional information dated 16 June 2021 was provided in response to some aspects of visual impact and dominance of high voltage power lines and towers that traverse the site raised during assessment by CN's Urban Design Review Panel.

The summary of findings of the Visual Impact Assessment reveal that the proposal incorporates several key measures designed to mitigate the potential visual impacts including:

- The proposal is in the central north of the Merewether Golf Club course with generous setbacks in all directions.
- Retaining and in part, reinstating dense vegetation, established trees and other landscaping surrounding the site for screening.
- Additional landscaping to reduce the visual impact.
- Use of facade treatment, articulation, and colour selection to reduce the height impact.

The view formed was that the design proposal sits most favourably in the context of its environment and residential buildings located to the north and south of the proposal will experience minimal visual impact because of the proposed development. On balance, the visual impacts assessed from multiple viewpoints surrounding the site consistently result in impacts considered to be in the low to negligible ranges.

The report outlines that the site has a confined area of visibility due to the extent of separation and setbacks from the Golf course boundary, dense vegetation and established trees along the boundary and within the course that effectively reduces any potential visual impact on surroundings. In addition, the topography of the site (the proposal sits approximately 25m lower than residential buildings along the southern boundary).

The report established key vantage points, and these included: King Street as the only public street with views to the proposal, private views from residential buildings along the Golf course particularly, where the views are more likely to be affected due to – a gap in existing vegetation / trees or closer proximity to the proposal, and public views along the residential buildings. The report identified and discussed a total of 12 viewpoints. However, for the purposes of inclusion within this report, only several more prominent viewpoints are provided for discussion purposes.

Viewpoint 1 – King Street (The Entrance to the Golf Club)



Figure 24: Existing View – King Street
(Source: Visual Impact Assessment, Hatch Roberts/Day)



Figure 25: Proposed View – King Street

Both sensitivity and magnitude of the view was assessed as low in the report, given an entry road with lower number of users, receptors are road users in cars and/or pedestrians that are passing through – short term views, the public view does not have a high visual value and the site is distant and not visually prominent. The proposal is appropriately setback and will largely be screened by trees fronting the street. In addition, the new design, additional buildings and materials are not considered to pose an adverse impact on the existing local character of the area. The visual impact was considered low as it will have low expression in comparison to the existing landscape.

Viewpoint 2 – 49 Ella Street Site Boundary



Figure 26: Existing View 2

(Source: Visual Impact Assessment, Hatch Roberts/Day)



Figure 27: Proposed View 2

Generally, it was established that the dense vegetation with mature trees along the northern boundary blocks any potential views to the proposal in most parts. However, the report identified two gaps in existing vegetation which has formed the selection of Viewpoints 2 and 3.

Viewpoint 2 represents the private view from the residential building's backyard (or just outside of). The sensitivity of the view was considered as moderate, as it represents the views from the existing residential building and occupiers adjacent to the proposal and that they will view changes to the visual setting more critically. In relation to the magnitude of this view, it is considered low due to proposed built forms are consistent with the existing building in terms of massing and scale and do not change the views composition. In addition, there is minimal additional visual obstruction and effect on the overall quality of the scene.

Viewpoint 5 – Backyard of 116 Henry Street



Figure 28: Existing View 5

(Source: Visual Impact Assessment, Hatch Roberts/Day)



Figure 29: Proposed View 5

The visual impact for this view is assessed as negligible as it will not be visible from this viewpoint. Whilst there is no building structure within this view, therefore sensitivity increased, it then decreases when not in close proximity. The proposed built form that would be in view is similar to the existing club building in terms of massing and scale.

The conclusions drawn from the Visual Impact Assessment is that when assessed from multiple viewpoints surrounding the site, the results are considered to be in the low and negligible ranges. This is mainly due to existing dense vegetation / established trees, generous setbacks from the golf course boundary and the land topography with southern residential properties being approximately 25m above the proposal.

In considering the Visual Impact Assessment undertaken and matters of visual privacy, it is considered that the proposal is appropriate in relation to the exiting context and setting within which the site is located. Residential properties are located to the south, east and west of the site. Through the Site Compatibility Certificate, the 'development area' has meant the bulk of the building form is more centrally located within the broader golf course site resulting in larger setbacks to the surrounding neighbouring properties. Through building design, orientation, placement, retention of existing mature vegetation and proposed landscaping any potential visual privacy impacts to surrounding properties will be minimised. The potential for visual privacy impacts within the development and between the residential seniors housing and golf club facilities has also been minimised through setback / separation and design measures as discussed within this report. The architectural design of the built form also ensures that privacy impacts both within the site and toward adjoining properties is minimised. The existing topography of the site also assists minimising any visual impact of the larger scale building form in the context of the site and surrounding lower scale residential properties.

It is considered that the development has appropriately considered the visual impact that may arise from this development and through design, topography and tree retention has achieved a development appropriate within this surrounding to the low scale residential, tranquil location of the golf course natural setting. It is considered that the requirements of the Site Compatibility Certificate in relation to proper view analysis and tree retention has been appropriately addressed and demonstrates the development is suitable for this site in this location.

- Acoustic privacy

A Noise Impact Assessment, prepared by Reverb Acoustics dated November 2020 was submitted with the application. An internal referral to CN's Environmental Services team was undertaken and the assessment of potential noise impacts is provided below.

A theoretical acoustic assessment was carried out by Reverb Acoustics dated November 2020 to support the proposal. The assessment modelled the impacts from the activities and equipment associated with the new club (i.e. entertainment, patrons, mechanical plant) along with the commercial/residential buildings (mechanical plant) with vehicles entering, leaving and manoeuvring on the site to ensure that the amenity of the surrounding sensitive receivers is not adversely affected.

The acoustic assessment demonstrated that, provided the recommendations in Section 8 (which set out the operating requirements for the club along with glazing and construction requirements for the residential component of the development) are applied, internal noise levels will be compliant with all relevant adopted NSW guidelines along with satisfying the project noise goals for the site. This will be addressed by an appropriate condition of consent.

Section 8.3 addresses mechanical plant associated with the development, where generic data was used for modelling purposes. No plant has been selected at this stage and all external

noise emissions as part of this assessment are theoretical. The acoustic consultant however has recommended that a detailed assessment be carried out once the plant has been selected so that any potential acoustic treatments necessary can be incorporated into the design of the building to ensure compliance with the relevant noise criteria. This will be addressed by an appropriate condition of consent.

CN also notes that the acoustic consultant has recommended restricting all amplified music in the proposed gym and pool areas to background music at a level of 70dB(A) at 3 metres from the speaker. In addition, a further condition is recommended relating to deliveries being restricted to daytime hours.

The potential for acoustic impacts on both the natural and built environment have been considered and the development is considered acceptable subject to recommended conditions of consent.

- Social and Economic impacts

A Social Impact Assessment (SIA) prepared by Barr Property and Planning has been submitted with the application. There are a number of potential social impacts that may arise including: short term construction related impacts on the immediate locality, such as noise, dust and vibration, and location of the temporary facilities and these are considered to be appropriately managed in accordance with the recommendations of the Acoustic report and implementation of the Construction Management Plan. In addition, physical safety of residents in the vicinity of the golf course, which will be appropriately managed through the Operational Plan of Management. It is also noted that the upgrade and course reconfiguration is also intended to eliminate some of the existing ball strike safety issues for adjoining residential properties, by reorientating some existing T-off areas for particularly problematic holes within the existing course. The SIA has identified mitigation measures and recommendations to ensure the potential negative impacts can be mitigated.

The SIA also identified a number of positive impacts including: the ability to retain the 18-hole golf course as a recreation asset, the retention of a green backdrop to Adamstown, the addition of housing stock to meet demand for seniors living options, additional on-site health resources, improvement of the Club house creating additional opportunities for social recreation and entertainment and the creation of additional employment opportunities within the locality in construction and through the operational aspects on site for the overall development.

The application includes a Access Design Review detailing that the proposal is capable of compliance with the relevant requirements.

On balance, the proposal will have a positive social and economic impact as it relates to the upgrade of Merewether Golf Clubhouse facilities and golf course reconfiguration for existing and new patrons and the broader community. The Merewether Golf Club has been operating since 1933 and will remain an 18-hole golf course within an area that is accessible to both residents of the Newcastle community and visitors to the area. In addition, the proposal will provide additional housing and associated facilities for seniors able to age in place but remain within the immediate community and in reasonable proximity to services and facilities. Given site context, the proposal to provide seniors housing on this site, also affords future residents a tranquil and peaceful setting to enhance residential amenity and assist in facilitating and maintaining the Merewether Golf Club and course facilities into the future.

The proposal will achieve the orderly and economic continuation of use of the land for the purposes of a golf club and introduces a needed form of housing, that being seniors housing,

whilst also aiming to protect the environment and the conservation of native vegetation. The development will operate in accordance with the Operational Plans of Management.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

The site is considered to be suitable for the proposed development having had regard to the characteristics of the site and the locality within which it sits and the more immediate surrounding lands bordering the overall Merewether Golf Club and course grounds.

SEPP (Housing for Seniors or People with a Disability) 2004 permits the development for the purposes of 'seniors housing' on land that adjoins land zoned primarily for urban purposes (namely the adjoining R2 Low Density Residential Zone under the NLEP). Under Clause 25(4)(a) of the SEPP, a Site Compatibility Certificate (SCC) was granted by the Hunter Central Coast Regional Planning Panel on 30 April 2020.

The SCC, in Schedule 1 considered the site suitable for more intensive development, and that the development is compatible with the surrounding environment having had regard to the criteria under Clause 25(5)(b). In addition, that development for the purposes of seniors housing of the kind proposed is compatible with the surrounding land uses, provided it satisfies certain requirements specified in Schedule 2 of the SCC. The proposal is considered to have satisfied the Panel's Schedule 2 requirements as outlined within relevant sections of this assessment report. This is achieved by appropriately accommodating the intensification of the development, whilst addressing a number of infrastructure and design considerations, the natural and scenic environment and preserving the amenity of surrounding properties. Whilst the site from a strategic planning perspective, is outside of the identified growth and renewal corridors, it was considered suitable for this type of development through the Site Compatibility Certificate process. The site remains within reasonable distance to the growth corridors and will ensure occupants of the seniors housing development have good levels of amenity and proximity to services and facilities.

The broader site is affected by natural hazards including bushfire, mines subsidence and flooding. The natural hazards of bushfire and flooding are not identified within the 'developable area' of the site. General Terms of Approval were granted by NSW Rural Fires Service and Subsidence Advisory NSW. Refer to the integrated provisions of this report for further detail and in **Appendix D** and **Appendix E** for copies of agency General Terms of Approval (GTAs). In addition, flooding has been appropriately addressed under the flooding and stormwater management sections of this report.

The site is considered suitable for the proposed development.

3.8 Section 4.15(1)(d) - Public Submissions

The submissions are considered in Section 4.3 of this report.

3.9 Section 4.15(1)(e) - Public interest

The Merewether Golf Club as outlined within the Statement of Environmental Effects (SEE) has been operating since 1933. Whilst the Club has in more recent years, considered various options to achieve economic uplift of its existing land at the site, which in turn contributes to the longevity of the Club operations, the proposed development is considered the most suitable solution that preserves the historic integrity of the site as a golf club, whilst only

developing a small portion of the site for seniors housing. In addition, the developable area is more centrally located, whereby retaining the remainder of the site as a Golf club (with 18-hole golf course) and continuing the primary outdoor recreation facility land use at the site consistent with the RE2 Private Recreation Zone and zone objectives under NLEP. The central location of the intensification of development on the site, assists greatly in maintaining reasonable amenity to the surrounding properties and maintaining a large extent of natural vegetation and overall scenic quality enjoyed by the Club, immediately adjoining properties and broader community. This in turn also ensures consistency with the RE2 Private Recreation zone objectives.

The proposal is also considered to assist in the provision of additional housing for seniors in an ageing population experienced across NSW. The proposal for Serviced Self-Care Housing, allows individuals to downsize to a form of residential accommodation that provides seniors living assistance whilst also providing the amenity and independence of regular apartment accommodation. Current residents of the Newcastle area would be able to age in place, particularly in the case of couples who do not yet require a high-level of aged care, whereby contributing to meet the strategic need for more diverse housing in order to meet the needs of an ageing population as recognised in the Metropolitan Plan and the Local Strategic Planning Statement. This is further supported by adjoining landholdings towards the north of the site which are identified for future infill residential and supporting urban development under the strategic planning framework. The development will also generate employment opportunities both during the construction phase of the development and operationally once completed.

On balance the proposed development is considered to be within the public interest and adequately responds to environmental, social and economic impacts from the development.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 7**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 7: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	<p>The subdivision is considered under the provisions of Section 100B of the Rural Fires Act 1997 and requires approval from NSW Rural Fire Service.</p> <p>The proposed seniors housing component of the development is considered a Special Fire Protection Purpose which requires</p>	Y

		<p>approval under the NSW Rural Fires Act 1997.</p> <p>NSW Rural Fire Service granted their General Terms of Approval (GTAs) dated 15 September 2021.</p>	
Ausgrid	CI 45 – Infrastructure SEPP Development near electrical infrastructure	<p>The proposal is in the vicinity of existing Ausgrid overhead and underground electricity infrastructure assets located within the site.</p> <p>Ausgrid has provided their advice, and this is further discussed in the Infrastructure SEPP section of this report. The applicant is required to confer with Ausgrid directly to ensure compliance with their requirements.</p>	Y
Transgrid	CI 45 – Infrastructure SEPP Development near electrical infrastructure	<p>The proposal was originally referred to Transgrid.</p> <p>Their advice received was that the proposal does not impact Transgrid and no assessment is required.</p>	N/A
Transport for NSW (TfNSW)	CI 104 – Infrastructure SEPP Development that is deemed to be traffic generating development in Schedule 3.	<p>The proposal is considered a 'traffic generating development' requiring referral to TfNSW.</p> <p>TfNSW letter of advice was received dated 6 May 2021 and further email advice dated 28 September 2021.</p> <p>TNSW has provided their advice which is further discussed in the Infrastructure SEPP section of this report.</p>	Yes
Design Review Panel	<p>CI 28(2)(a) – SEPP 65</p> <p>Advice of the Design Review Panel ('DRP').</p>	<p>The advice of the City of Newcastle's Urban Design Review Panel (UDRP) has been considered in the proposal and is further discussed in the SEPP 65 Principles assessment and in Section 4.15(1)(b) - Likely Impacts of Development section this report.</p>	Yes
Integrated Development (S 4.46 of the EP&A Act)			

RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	The proposal includes a Community Title subdivision of the land, and a seniors housing component considered a 'special fire protection purpose'. NSW Rural Fire Service granted their General Terms of Approval (GTAs) dated 15 September 2021.	Yes
Subsidence Advisory NSW	Section 22 of the Coal Mine Subsidence Compensation Act 2017	The proposal is on land identified as mines affected. Subsidence Advisory NSW granted their General Terms of Approval (GTAs) dated 24 August 2021.	Yes

4.2 Council Referrals (internal)

The development application has been referred to various Council officers for technical review as outlined **Table 8**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Urban Planning	<p>CN's Urban Planning team reviewed the proposal and provided a background on the strategic policies in terms of the demand for housing, the urban renewal centres and the catalyst areas. The demand for seniors housing in inner city areas was acknowledged.</p> <p>The proposal has been considered on its merits, following the granting of a Site Compatibility Certificate by the Hunter Central Coast Regional Planning Panel on 30 April 2020. The SCC considered the site appropriate for a seniors housing development, under the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.</p>	Yes On Merit
Urban Design Review Panel	<p>CN's UDRP considered the proposal on several occasions and considered that there were no objections to the development, and it had achieved design excellence.</p> <p>Refer to discussions under the SEPP 65 principles section within this report and Apartment Design Guide Compliance Table in Appendix H.</p>	Yes

Engineering	<p>CN's Development Engineering Officer reviewed the submitted stormwater concept plan, and responses to requests for additional information during the assessment process. The latest information submitted in response is considered to be acceptable, with no objections to supporting the application subject to conditions.</p> <p>Stormwater is discussed in more detail in Section 4.15(1)(b) - Likely Impacts of Development section this report.</p>	Yes
Traffic	<p>CN's Development Engineering Officer reviewed the proposal, and responses to requests for additional information during the assessment process. The current proposal is considered to be acceptable, with no objections to supporting the application subject to conditions.</p> <p>Traffic generation, parking and access is discussed in more detail in Section 4.15(1)(b) - Likely Impacts of Development section this report.</p>	Yes
Public Domain / Assets	<p>CN's Development Engineering Officer reviewed the proposal, in consultation with CN's Assets Team, and responses to requests for additional information during the assessment process. The current proposal is considered to be acceptable, with no objections to supporting the application subject to conditions.</p> <p>Public domain works is discussed in more detail in Section 4.15(1)(b) - Likely Impacts of Development section this report.</p>	Yes
Environment (Contamination, Ecology and Acoustics)	<p>CN's Environmental Services Team reviewed the proposal and submitted Architectural plans and Detailed Site Investigation for Contamination, Practical Environmental Solutions, August 2020, Noise Impact Assessment, Reverb Acoustics, November 2020 and Merewether Golf Club Flora & Fauna Assessment, Eco Logical, 17 December 2020.</p> <p>Environmental Services raised no objections subject to recommended conditions. Refer to discussion within relevant sections of this report including SEPP 55 – Remediation of land, SEPP – Vegetation in Non-Rural Areas) 2017 and Section 4.15(1)(b) – Likely Impacts of Development section of this report.</p>	Yes
Environment (Food)	<p>CN's Environmental Health Services team considered the proposal which will include the demolition and construction of a new clubhouse</p>	Yes

	<p>including a kitchen, café, bar, cellar, bistro and lounge within the larger facility.</p> <p>Additional information was requested to assess compliance with the Australian Standards (AS4674-2004 Design, Construction & Fit-out of Food Premises and Chapter 3 Food Standards Code, Food Safety Standards prior to finalising assessment of health and food related matters including:</p> <ul style="list-style-type: none"> • Wall construction • Ventilation • Disposal of waste – grease arrestor • Disposal of waste – garbage and recyclable <p>Additional information was submitted by the applicant in response and CN's Environmental Health Services team provided their final advice raising no further objections to the proposed development subject to recommended conditions of consent.</p> <p>Recommended conditions relate to – food premises standards and food notice to relevant agencies.</p>	
Environment (Health & Beauty)	<p>CN's Environmental Health Team reviewed the proposal, noting that the seniors housing development will include a wellness centre which includes a 25m lap pool and a hydrotherapy pool. In addition, other facilities will include a health and day spa. No objections were raised from a health and beauty perspective, subject to recommended conditions of consent.</p> <p>Recommended conditions relate to – fitout and use of the premises relating to pools, health and beauty and skin penetration procedures.</p>	Yes
Waste	<p>CN's Waste Services team reviewed the proposal and provided advice inclusive of a request for additional information to ensure waste service arrangements and servicing of the site can be accommodated by Council.</p> <p>The additional information received was considered acceptable in response to advice and no objects were raised subject to conditions.</p>	Yes

Heritage	<p>Council's Development Officer - Heritage reviewed the proposal and submitted Statement of Heritage Impact (SIH) prepared by Eco Logical.</p> <p>The site is not a listed heritage item or archaeological site and is not within a heritage conservation area.</p> <p>Heritage items in the vicinity include:</p> <ul style="list-style-type: none"> • Former Rifle Range – 351 Brunner Rd Adamstown (Item 17: local significance) • Henderson Park Community Hall – 42 Lockyer St Merewether (Item 1314: local significance) • Henderson Park – 42 Lockyer St Merewether (Item 1315: local significance) <p>The site is adjacent to a listed item above – Former Rifle Range (Item 17) under NLEP 2012. The State Heritage Inventory provides the following Statement of Significance for the heritage item – <i>Has potential to contribute to the understanding of local history. Associated with National Defence.</i></p> <p>In considering both the provisions of NLEP 2012 and NDCP 2012 the proposal will not have any adverse impact on the heritage significance of the adjacent heritage item or its associated fabric, setting and views, and can be supported in respect of heritage matters.</p> <p>No conditions are recommended.</p>	Yes
GIS House Numbering)	<p>The proposed development will result in the production, aggregation, publication or usage of a new address and as such, the development application was referred to CN's Geospatial Information Services (GIS) team for comment.</p> <p>GIS recommended a condition be imposed that prior to making an application for a Construction Certificate the developer is to submit a request to City of Newcastle to obtain the necessary house numbering.</p>	Yes

4.3 Community Consultation

The proposal was notified in accordance with the City of Newcastle's Community Participation Plan from 15 February 2021 until 4 March 2021. The notification included the following:

- Notification letters sent to adjoining and adjacent properties.
- Notification on the Council's website.

The Council received a total of six unique submissions of objection and 146 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 9**.

Table 9: Community Submissions

Issue	No of submissions	Council Comments
In support of application noting positive impacts on the wider community and benefits of redevelopment of the existing golf course and facilities.	146	<p>The majority of submissions were in support of the proposal.</p> <p>Key points included – positive benefits to the wider community, such as upgraded golf course and associated facilities, increased seniors housing within an appropriate area, much needed within the community, and would ensure the viability of the golf club into the future. In addition, the overall design was considered appropriate and not thought to adversely impact on the built or natural environment to any great extent.</p>
<p>Traffic and parking</p> <p>Concern raised regarding the impact of the proposal on traffic and parking in surrounding area. Additionally, regarding pedestrian safety around the site and the impact of vehicles during construction.</p>	4	<p>The application was accompanied by a Traffic Impact Assessment which demonstrated that the site and surrounding road network have sufficient capacity to accommodate the additional traffic demands associated with the development.</p> <p>The parking area and ingress / egress of vehicles to the site has been designed to maximise pedestrian safety and meets relevant Australian standards.</p> <p>A Preliminary Construction Management Plan was submitted which proposes management measures to mitigate any impacts on the surrounding area.</p> <p>Further discussion regarding traffic, access and parking and public domain works is provided in Section 7.03 Traffic, access and parking under NDCP.</p> <p>The issues raised have been considered as part of the assessment and satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
Resolution of DA2020/1525	3	DA2020/1525 lodged for proposed relocation / new greenkeeper shed has been withdrawn.

<p>Concern was raised regarding the greenkeeper shed currently located on the site. The relocation of the shed is currently under separate assessment. Concern raised this DA cannot be determined prior to the relocation of the shed.</p>		<p>The withdrawal came following a number of outstanding issues identified during the assessment that could not be resolved satisfactorily.</p> <p>Initial discussions with City of Newcastle have been undertaken in relation to the future proposal and its location closer to the edge of the carparking area associated with this subject DA2021/00071.</p> <p>The applicant for this proposal is currently refining and working up the new proposal and intends on submitting a new Development application soon.</p> <p>This issue has been addressed with the withdrawal of DA2020/1525. The main concerns associated with the application, primarily related to its remote location away from the golf club facilities and the impact on neighbouring dwellings. The future application will consider a more central location of the new greenkeeper shed.</p>
<p>Safety</p> <p>Concern raised regarding potential safety issues with golf balls and neighbouring properties / occupants and future residents of the Seniors Living.</p>	<p>1</p>	<p>The application includes modifications to the existing golf course layout / design, with a key focus on resolving some existing safety issues associated with golf ball strikes on adjoining residential properties.</p> <p>Design together with vegetation appropriately positioned will also maintain a good level of safety.</p> <p>The Plan of Management submitted outlines that the safety of residents will be constantly reviewed.</p> <p>The issues raised have been considered as part of the assessment and satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
<p>Noise</p> <p>Concern raised regarding potential noise impacts on the surrounding area.</p>	<p>1</p>	<p>A Noise Impact Assessment was submitted with the application. The report determined subject to implementation of recommendations the development would not result in any long-term adverse noise impacts on nearby properties. Recommendations will form part of any conditions of consent.</p> <p>CN's Environmental Team have also considered acoustics under Acoustic impacts within this</p>

		<p>report and have not raised any concerns, subject to the imposition of conditions.</p> <p>The issues raised have been considered as part of the assessment and satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
<p>Waste collection</p> <p>Concern raised regarding waste collection.</p>	1	<p>The application was accompanied with a Waste Management Plan, subsequently amended to include the City of Newcastle's recommendations regarding the collection and management of waste on-site.</p> <p>CN's Waste Services provided advice and additional information was submitted by the applicant in response, ensuring that waste management and disposal could be undertaken in line with CN requirements.</p> <p>The issues raised have been considered as part of the assessment and satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>
<p>Noise and Light overspill</p> <p>Concern raised in submission from the Department of Defence regarding noise and light overspill from the adjacent Adamstown Multi Use Depot and requested that this information be clearly communicated to future residents through mechanisms such as notations placed on Certificates of Titles at the time of subdivision advising that the subject land is in close proximity to a Defence establishment that may generate noise and lighting overspill from its activities.</p>	1	<p>No subdivision is included of the seniors living units proposed under this application.</p> <p>The subdivision proposed under this application is a Community Title – four lot subdivision.</p> <p>CN would not normally place notations on Certificates of Title for such matters.</p> <p>The applicant has suggested in response that if CN considers it necessary to advise future occupants of the potential, then appropriate conditions of consent could be imposed.</p> <p>It is suggested that this could be in the form of advice for future residents, as part of the Operational Plan of Management and required as part of any sales / marketing material offered by the development to future potential residents of the seniors housing development.</p> <p>The issues raised have been considered as part of the assessment and satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.</p>

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Response to Site Compatibility Certificate

A Site Compatibility Certificate (SCC) was granted by the Hunter Central Coast Regional Planning Panel on 30 April 2020 under Clause 24(4)(a) of SEPP (Housing for Seniors or People with Disability) 2004. The SCC is provided in **Appendix C** and certified that in its opinion the proposed development is compatible with the surrounding land uses only if it satisfies certain requirements including a report on Design Excellence in the context of the proposed height, bulk and scale.

Schedule 2 of the SCC detailed a number of requirements that needed to be met.

The proposal has appropriately responded to these requirements. The proposal includes the provision of an extension to the footpath network as discussed within the public domain works in Section 7.03 Traffic, Access and Parking of NDCP of this report. A Traffic Impact Report has been submitted with the application.

The application was required to be accompanied by documentation relating to tree retention and removal and both a Flora and Fauna Assessment and Arboricultural Impact Assessment (AIA) has been submitted. As discussed within this report, the AIA has assessed the existing trees within the 'developable area', those to be retained and removed, their height and canopy and this has assisted in demonstrating that the overall built form and scale of the development, will be considerably screened and softened by the vegetation to be retained on site. Existing mature vegetation within the broader golf course site will assist greatly in ensuring the development sits appropriately within its local context.

A Design Excellence Report prepared by Hatch / RobertsDay was submitted as required for the development. The conclusions drawn from the report have identified that the location of the proposal is appropriate and positioned well within the site context and addresses the demands of seniors housing whilst ensuring the continued operations of the Merewether Golf Course. The proposal addresses mitigating bulk, massing and visual impacts through appropriate height transitions to the street, increased building separation and building articulation. The retention of existing trees enhances the natural landscape character of the context and lessens the overall bulk and scale of the development on the site and surrounding lands.

An assessment of the proposal has concluded that the proposal has addressed the concerns of bulk, massing, scale and architectural design to achieve design excellence. The benefits of the development include functional and sustainable benefits including its reduced development footprint, enabling the Golf Club to continue its operations, minimal visual impacts due to its consolidated built form, retention of a large number of mature trees and an appropriate height transition response to the street.

Operational Management Plans for both the seniors housing development and Merewether Golf Club have been provided with the application to ensure clarity around both land uses and their co-existence on the site, without impact to the long-standing operations of the Golf course. The upgrade and reconfiguration of parts of the golf course form part of this proposal and this is in part to improve safety for people on-site but also for those residing in the surrounding properties. The course upgrade has been professionally designed to ensure the

club retains its 18 hole course, remains competitive and ensures the longevity of a successful Golf club into the future.

The proposal is considered to have responded appropriately and achieved the requirements of Schedule 2 of the Site Compatibility Certificate. A number of conditions are recommended for various aspects of the proposal in **Appendix A** - Draft Schedule of Conditions.

5.2 Contamination

The subject site has been used as a golf course since the 1930s and during that time the landuse has not changed. The proposal involves developing a small portion of the private recreation zoning to seniors living along with recreation facilities and as such, a Preliminary Site Investigation (PSI) was carried out by Douglas Partners (DP) in 2019 to support the development in accordance with *State Environmental Planning Policy 55 – Remediation Land* (SEPP 55).

The aim of the PSI was to identify any potential contaminating activities that may have occurred on site and assess any areas of environmental concern. The PSI was largely a desktop-based assessment with a site walk over conducted on the greens and around the existing buildings as internal access was limited.

The PSI concluded it was highly probable that uncontrolled fill material was likely used at the subject site along with the above ground fuel storage at the maintenance and golf cart storage sheds, a Detailed Site Investigation would be required targeting the areas identified (i.e. fill material and fuel store). Therefore, in accordance with the consultant's recommendations a Detailed Site Investigation was carried out.

The applicant submitted a Detailed Site Investigation (DSI) prepared by Practical Environment Solutions dated August 2020. The DSI advanced 29 boreholes across the site, targeting the areas where uncontrolled fill material was identified and the accessible area surrounding a former fuel storage area. A total of 41 samples were collected across the site with the fill material showing little evidence of gross contamination.

Section 12.3 (Soil Analytical Results) of the DSI states "*There was one (1) minor exceedance (sample MG27 0.0-0.3 - 4.075 mg/kg) of the adopted HIL 'B' criteria for Carcinogenic PAH (B(a)P equivalent).*", with Council noting the adopted criteria for Carcinogenic PAH (B(a)P is 4 mg/kg.

No single summary statistic will fully characterise a site and appropriate consideration of relevant statistical measurements should be used in the data evaluation process. Schedule B1 of the *National Environmental Protection Measure 2013* allows localised elevated values (hotspots) to be considered for appropriate relevant statistical measurements. The result should meet the following criteria:

- *the standard deviation of the results should be less than 50% of the relevant investigation or screening level, and*
- *no single value should exceed 250% of the relevant investigation or screening level*

The consultant, in accordance with the above criteria demonstrated the single minor exceedance is unlikely to pose a significant human health risk to current or future site users.

The consultant has recommended additional soil sampling be carried out below the concrete hardstand surrounding the above ground fuel tank following its removal. While it is preferable

that all necessary sampling is carried out prior to determination, in some cases further sampling can be undertaken post determination to address minor contamination concerns which cannot be readily sampled prior to demolition. CN notes the consultant in section 15 (Conclusions and Recommendations) states a “*Validation Report will be required following the removal of the Above Ground Storage Tank whether contamination above the adopted criteria is identified or not.*”

Given the absence of significant gross contamination across the accessible parts of the site, CN believes it is unlikely the area beneath the slab will be significantly contaminated. As such, given the consultant has committed to validating the site to ensure site suitability, CN has recommended a condition of consent which incorporates the recommended additional sampling regime into the validation report. Should contamination be identified above the adopted land use criteria and requiring remediation, the consultant, under SEPP 55 may choose to remediate the site under Category 2 (Remediation work: works not requiring approval).

If the requirements for Category 2 cannot be met, the applicant will be required to lodge a separate Development Application to address any onsite contamination to ensure site suitability.

The proposal is considered to be consistent with SEPP 55, subject to recommended conditions to be imposed on any consent granted in relation to remediation works during construction. Refer **Appendix A** for Draft Schedule of conditions.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported. On balance the proposed development is suitable for the site and adequately responds to environmental, social and economic impacts from the development and therefore, is within the public interest.

It is considered that matters discussed within this report have been satisfactorily addressed during the assessment, through amendments to the proposal and/or in the recommended draft conditions at **Appendix A**.

7. RECOMMENDATION

That Development Application [DA No 2021/00071] for Mixed use development – seniors living and recreation facility (outdoor) – seniors living development (comprising 148 serviced self-care dwellings, wellness centre, and resident amenities), demolition of existing Merewether Golf Club, construction of new club house (including ancillary members services), golf course upgrades, car parking, Community Title subdivision (4 lots), temporary facilities (car park, clubhouse and display suites), associated site works, public domain improvements, infrastructure and landscaping at 40 King Street Adamstown be APPROVED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Appendix A**.

The following attachments are provided:

Appendix A – Draft Schedule of Conditions

Appendix B – Plans/Documents submitted with the application for assessment

Appendix C – Site Compatibility Certificate

Appendix D – General Terms of Approval – NSW Rural Fire Service

Appendix E – General Terms of Approval – Subsidence Advisory NSW

Appendix F – Agency Advice – Ausgrid, Transport for NSW

Appendix G – Site Photos – Aerial Photos

Appendix H – SEPP 65 – Apartment Design Guide Compliance Table

Appendix I – Future Development Application – Current Concept Plans for New 'Greenkeeper' Maintenance Shed