Appendix C -
Documents Conditioned for Approval

sencia

OPERATIONAL PLAN OF MANAGEMENT

PROJECT	**Sencia Huntlee Retirement Village**
REVISION	**04**
ISSUE DATE	**13/10/21**

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1. INTRODUCTION

1.1 SENCIA OVERVIEW

The Knowles Group is a privately owned group of companies established in 1976, with interests in residential aged care and retirement living developments.

The Knowles group wholly owns and operates Arcare which is now one of the largest for-profit residential aged careproviders in Australia with more than 4,200 operational residential aged care beds across 43 locations located in Victoria, NSW and Queensland. In addition, they own and operate an in home care business servicing over 875 home care clients in Victoria and Qld.

Sencia is the Retirement Village division of the Knowles Group and will operate the proposed Huntlee Retirement Village.

1.2 HUNTLEE RETIREMENT VILLAGE OVERVIEW

1.2.1 SITE LAYOUT

The Sencia Huntlee Village comprises 206 Independent Living Units (ILUs) a Community Facility, visitor car parking, [redacted] internal private access roads, associated landscaping and servicing infrastructure to provide power, telecommunications, water, recycled water and sewer systems across the site.

The site features a central access spine road that runs from Kesterton Rise through to the Community Building and then connects via a pedestrian link to the future open space to the west of the site.

The site also features several bush fire access paths connecting to the perimeter of the site to allow Fire Brigade access in the event of bush fire emergencies.

1.2.2 INDEPENDENT LIVING UNITS (ILU)

The Village is comprised of 206 Independent Living Units with x 4 typical floor designs (Type A, B, C & D) with 2 and 3-bedroom variants. There are separate design variants (Types A1, B1 & C1) for boundary facing villas adjoining the eastern, southern and eastern boundaries of the site to present to the external perimeter of the site in coordination with the Master Developer's (LWP) Huntlee Design Guidelines.

1.2.3 COMMUNITY BUILDING

The community building is the heart of the community and is available for all residents. It is open between 7:00am to 10:00pm. Residents will be provided with a fob / swipe card (or similar) to access facilities within the building or to access the building after the village management hours.

The Community building will accommodate management services that service the day-today operation of the village and also provide a number of amenities that residents can enjoy. A detailed list of these services and amenities are outlined in Appendix 1 - Community Facilities and Ancillary Uses.

1.2.3 INTERIM COMMUNITY BUILDING

Interim Community Building is to be operational from the first resident occupying the first villa.

Sencia will construct an Interim Community Building for the early stages of the retirement village (until the Community Building is operational) for the benefit of the residents. The Interim Community Building will be located in Unit 17 and feature a custom internal layout and outdoor area (e.g. seating, BBQ) for residents of the early stages to congregate and enjoy. The sites of Units 18 and 19 will be used to provide an interim recreation area in the form of an external Pickleball court for residents to use. The driveway of the interim community building will be used to park the community bus whilst the interim community building is operational.

Once the Community Building has been constructed and available for use the interim community building and Pickleball court will cease operating and Units 17, 18 and 19 will be constructed to be occupied as residential homes. Parking for the community bus will also be relocated to the car parking area adjoining the Community Building.

2. GENERAL MANAGEMENT

2.1 VILLAGE STAFF & DUTIES

Sencia Huntlee Retirement Village shall the operate the site with the following staff:

2.1.1 VILLAGE MANAGER

The Village Manager is responsible for the daily running of the village including supervision of staff, checking on the welfare of residents, participating in resident committee meetings, financial management of the village, sourcing & supervising suppliers and visits from allied health services (podiatry, physio, optometrists etc), welcoming of new residents and management of emergency systems. The Village Manager is also responsible for ensuring the village is well maintained and presentable at all times. The Village Manager is responsible for communicating with residents to keep them informed on village life and any upcoming events, changes to operations etc. The Village Manager will be on call after hours.

2.1.2 CONCIERGE

The Concierge is the front of house person that assists residents with their day to day enquiries. The Concierge assists residents to set up for events, keeps a calendar of events, takes bookings, and organises catering when required. The concierge also assists the manager to ensure new residents are welcomed and that their new villa is presented to them at the highest standard.

The concierge provides training on use of equipment and facilities within the villa. The concierge is also responsible for seeking feedback from residents on what type of events or activities the residents would like to have access to. The Concierge would then source and organise classes in addition to organising special events such as Australia Day BBQ etc.

2.1.3 MAINTENANCE OFFICER

Responsible for the general maintenance and upkeep of the village and grounds.

2.1.4 SALES MANAGER

Responsible for taking enquiries about moving into the village and conducting on site tours [redacted] and Community Centre. The Sales Manager is also responsible for Business Development to promote the village. (the Sales Manager position will be full time role until the village is fully occupied and will then move to a part time role)

2.1.5 COMMUNITY CARE MANAGER

Responsible for coordinating in home care & services to both our Village residents and for growing our business in the Hunter Valley Region. The in-home services can be anything from domestic services right through to nursing care. The Community Care Manager also assists the residents to access government funded aged care packages where applicable.

The Community Bus will be parked in the vehicle driveway of the Interim Community Building (located at Unit 17) for the preliminary stages of development whilst the Community Building is not available.

2.2 AFTER HOURS CONTACT DETAILS

The Village Manager is on call 24/7 in case of emergency. The village manager will be appointed prior to any residents moving in.

Sencia shall also have a 24-hour emergency call system in every villa (Tunstall system or similar) that connects straight through to medical staff and have all family contact details.

Emergency Contact Information shall be updated in this Plan of Management document when available.

2.3 SITE ACCESS/EGRESS

2.3.1 SITE ENTRY

Site entry is open via vehicular (unfettered access for NSW Rural Fire Service) and pedestrian access points from Kesterton Rise.

Secondary site access proposed in the south-east of site from a future planned public road. The public road providing secondary access will be delivered per the Huntlee approval framework. Huntlee have confirmed the roadwill be delivery prior to the completion of the Senior Living Facility.

2.4 GENERAL LIGHTING THROUGH THE VILLAGE

External street lighting shall be designed and constructed installed to comply with relevant standards to ensure resident safety and appropriate wayfinding.

2.5 SAFETY & SECURITY

2.5.1 DURESS NOTIFICATION SYSTEM

Villas shall each be fitted with an emergency alarm system (Tunstall alarm system or similar). Residents have 2 access points (typically one in lounge area and one in bathroom) that can be operated in the case of an emergency which will immediately contact a medical call center response team available 24hrs a day. The residents are also provided with an additional wearable emergency pendant.

If necessary, a response team will call and ambulance and make contact with family members and the Village Manager to advise them of the emergency and outcome.

2.5.2 CCTV

A CCTV system shall be installed throughout the village. CCTV will typically be installed at each access/egress point of the site and around the Community Centre.

CCTV viewing screens are set up in the Village Manager's office so they can monitor multiple screens and monitor high risk areas within the site (e.g. caravan parking area and entry points) and other areas for residential safety reasons (e.g the swimming pool / spa,).

2.6 COMMUNITY BUS TRANSPORT

Sencia Huntlee Retirement Village will operate a Community Bus transport service to pickup/drop-off residents to and from the village to local shops. The Bus shall be a Toyota Hiace - 12-Seater Minibus (or similar) to provide access to the following (as per clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004):

- Local Shops
- Large Shopping Centres (including retail & commercial services)
- Bank Services
- Places of Interest (e.g. beaches, national parks, vineyards etc.)
- Restaurants, Cafes and Markets
- Community Services & Recreation Facilities
- Medical Services
- Public Transportation Services

The bus will be available for residents for pick-up/drop-off from Huntlee Village site to a town centre or regional centre between at least once per morning (8am – 12pm) and once per afternoon (12pm – 6pm) each day (Monday to Friday).

The bus will be driven by the staff (Concierge &/or the Maintenance Officer) and Sencia plans to have approximately 10 residents registered that can drive the bus. Sencia's insurance company allows this, and we will have a policy around requirements for our designated drivers (current license, police checks, no alcohol to be consumed etc.).

Sencia staff may organize to hire a larger bus on occasion to arrange daytrips for larger groups on special occasion.

In the event of consistent and increased demand for use of the Community Bus, Sencia shall operate a second Community Bus. The second Community Bus will be of the same specification and provides access to services and facilities as noted above.

The Sencia Huntlee site will also operate a 6-seater golf cart available for staff and residents to use throughout the village. The Golf cart is particularly useful for any of our residents that have mobility issues, Sencia staff can pick residents up at their villas and bring them over to events/activities at the Community Building as required.

2.7 SOCIAL EVENTS

2.7.1 WELCOMING COMMITTEE

Designated residents will form a Welcoming Committee to ensure all new residents feel welcome. The Welcoming Committee will escort new residents (if they are accepting the offer for this to occur) to the first event post moving in and introduce them to other residents within the village.

2.7.2 RESIDENT COMMITTEES

A Resident Committee will work with Sencia management to advocate for residents. Within the committee there are sub committees that run different areas, for example:

- Social Committee
- Gardening Committee
- Bar Committee
- Bowls Committee etc.

Sencia management will ensure a Lifestyle Calendar is filled with engaging events and activities that appeal to a wide variety of interests (sporting events and competitions, crafts, guest speakers, cinema nights, happy hour drinks, art lessons, Yoga & Pilates sessions, aerobic classes, visiting clubs such as Rotary & Probus may be invited by hold meetings in the Meeting Rooms.

Residents are encouraged to book our private dining room for their own functions. Sencia can cater for the function or they can use the Kitchen in the Community Building to prepare food.

Sencia will always try to engage with the local community to make sure the village community is part of the larger external community. Sencia sponsor local sporting clubs (football, netball, bowls etc.) as well as joining in local competitions (e.g. local bowling competitions)

2.7.3 WASTE MANAGEMENT

The Huntlee Village waste services will be managed by a combination of Council Waste Services (Residential Waste) and one Private Waste Contractor (Community Building) that services all waste generated onsite including:

- **Community Building**:
  General waste, recycling, kitchen waste (incl. grease trap) and sanitary bins. A central waste / bin storage area is provided within the car parking area near the Community Building.

- **Resident Waste:**

  General & recycle. All residents have their own bins stored either within their garage or behind the building line of their dwelling within their fenced site. Residential Waste shall be serviced via Council Waste collection (including verge side collection as per Councils schedule).

The site shall engage a landscape gardening contractor in on a regular basis to remove any garden waste.

2.7.4 KITCHEN/BAR & CAFÉ MANAGEMENT

The Community Building will be operated solely by Sencia privately to cater to the residents, staff and visitors of the Sencia Huntlee Village.

The Kitchen is to be operated on an ad-hoc basis by hired personnel to cook and prepare food for resident social events as required.

The Bar/Café is to be managed by the Bar Committee (Resident Committee) by designated residents who shall operate the Bar and Cafe at agreed times of day. Refer Section 3.11 - Community Facilities and Ancillary Uses (Annexure 1) for further details.

It should be noted the Kitchen/Bar & Café will not operate as a commercial premise that offers food and drink for sale. The Kitchen/Bar and Café will be accessible for all residents free of charge.

2.7.5 FIRE SAFETY & EMERGENCIES

The Sencia Huntlee site will implement an emergency plan that is updated annually along with Fire Safety maps that will be located in the community centre.

The Fire Safety system in the community building will be connected to the local Fire Brigade authority.

The site will have site specific fire & evacuation drills (prepared in liaison with the fire brigade/external contractor to carry out training and annual drills) that will be tested/practiced annually to confirm:

- Evacuation points established
- Designated resident fire wardens to be appointed for each street in the village
- Contractor engaged to do preventative maintenance on all fire equipment (fire doors, fire hydrants, fire alarms, exit signage etc). Full maintenance program with some serviced monthly others quarterly, ½ yearly and annually)
- PA system throughout community building to make emergency announcements
- Defibrillators located in the community centre
- All staff have first aid training (updated annually)

2.8 COMMUNITY FACILITIES AND ANCILLARY USES

Refer Annexure 1 - Community Facilities and Ancillary Uses for a description of the Community Facilities provided at Sencia Huntlee Village.

2.9 COMMUNICATIONS MANAGEMENT

2.9.1 VILLAGE UPDATES

Sencia will provide village updates to residents via a weekly bulletin (soft and hard copy) that is prepared by Sencia staff and goes out to all the residents notifying them in regard to what is going on in the Village.

2.9.2 COMPLAINTS MANAGEMENT

Sencia will manage all village complaints (both internal and external) through the complaints management system in a village management software (Village Master or similar). Each complaint is logged, and a case number is

allocated, all ongoing communication is logged and every complaint must have an outcome and be closed off. All complaints and outcomes are presented at the Residents Annual General Meeting. Senior Management can track all complaints to ensure they have a successful outcome, and that the complainant is notified of the outcome.

Sencia residents are provided with phone contact numbers of senior Sencia staff where they can escalate a problem if they are not happy with the Village Manager response to a complaint. An external agency also conducts a yearly survey with our residents to ascertain their feedback in regard to living in the Village.

2.10 UPDATING/REVIEW OF OPERATIONAL MANAGEMENT PLAN

The Operational Management Plan will be reviewed by Sencia on an annual basis. All stakeholders will have input into the plan by way of meetings, surveys, suggestion box, audit reports or directly to the manager. Stakeholders include employees, residents, allied health professionals, external contractors and audits by regulatory personnel.

ANNEXURE 1 - COMMUNITY FACILITIES AND ANCILLARY USES

Building	Room / Space	Types of Activities	Staff	Users	Hours of Operation
Community Building	Reception	Reception & Admin Duties	Concierge	Residents & Visitors	Monday to Friday 9:00am to 5:00pm Saturday 10:00am to 2:00pm
	Sales Office / Meeting Room	Meeting with Prospective new residents	Sales Manager	Sales Manager & Prospective residents	9:00am to 5:00pm Monday to Saturday
	Site Managers Office	Meeting with residents, staff, suppliers, contractors. Storage of private resident files etc	Village Manager	Staff, residents, visitors, suppliers, contractors	9:00am to 5:00pm Monday to Friday
	Admin. Office	Occasional staff that require a desk to work	Maintenance Officer & Head Office Staff visiting site	Maintenance Officer & Head Office Staff visiting site	9:00am to 5:00pm Monday to Friday
	Community Office	Meeting with residents that require help in their villa (personal care, cleaning, meals delivery etc)	Care Manager	Care Manager & Residents	9:00am to 5:00pm Monday to Friday
	Mail Room	Sort Mail and Collect Mail	Concierge	Concierge & Residents	7:00am to 10:00pm 7 days a week
	Kitchen	Kitchen must be booked Prepare meals for functions	N/A	Catering Contractors & Residents	7:00am to 10:00pm 7 days a week
	Dining	Resident Functions & sitting with other residents, visitors enjoying a coffee/tea, drinks or meal	N/A	Residents & their Visitors	7:00am to 10:00pm 7 days a week
	Café / Bar	Resident Functions & sitting with other residents, visitors enjoying a coffee/tea, drinks or meal	N/A	Residents & their Visitors	7:00am to 10:00pm 7 days a week
	Craft Room	Room needs to be booked Craft sessions, art classes, guest speakers, training room	Hire External Training Staff for any Training Sessions	Residents	9:00am to 5:00pm Monday to Friday
	Private Dining	Room needs to be booked Birthdays, Xmas Functions, any special event	N/A	Residents & their Visitors	9:00am to 10:00pm 7 days a week
	Activity / Multi-Purpose	As per Private Dining Room but bifold doors would also be opened up for large functions where all residents are invited (example Xmas function for all residents)	N/A	Residents & their Visitors	9:00am to 10:00pm 7 days a week
	Billiards/ Darts	Casual playing plus competitions	N/A	Residents & their Visitors	7:00am to 10:00pm 7 days a week
	Dance	Dance & possible entertainers	N/A	Residents & their Visitors	7:00am to 10:00pm 7 days a week
	Lounge	Casual sitting for drinks, tea or coffee and snacks	N/A	Residents & their Visitors	7:00am to 10:00pm 7 days a week

Building	Room / Space	Types of Activities	Staff	Users	Hours of Operation
	Library	Borrowing books, magazines, jig saw puzzles and quiet sitting and reading	N/A	Residents	7:00am to 10:00pm 7 days a week
	Cinema	Cinema must be booked Screening of films, documentaries, sport etc	N/A	Residents & their Visitors	9:00am to 10:00pm 7 days a week
	Hair & Beauty	Hairdressing (female and male), manicures	N/A	Residents & Contractor	9:00am to 5:00pm Monday to Friday
	Consulting	Physio, Podiatrist, Optometrist, Audiologists, GP's, vaccinations clinics	N/A	Residents	9:00am to 5:00pm Monday to Friday
	Pool & Spa	Swimming, hydro jets and aerobic classes	N/A	Residents & their Visitors	7:00am to 8:00pm for Residents 7 days a week and restricted access for residents' guests (e.g. during school holidays and for visiting grandchildren)
	Gym	Full Gym workouts, bikes, running machines, rowing machines, weights etc	N/A	Residents & their Visitors	7:00am to 8:00pm 7 days per week
	Yoga, Meditation & Pilates	Yoga, Meditation, Pilates & other wellness activities as requested by residents	N/A	Residents	7:00am to 10:00pm 7 days per week
	Bowling Green	Bowling and Competition with local bowling clubs	N/A	Residents & their Visitors	7:00am to 8:00pm 7 days per week

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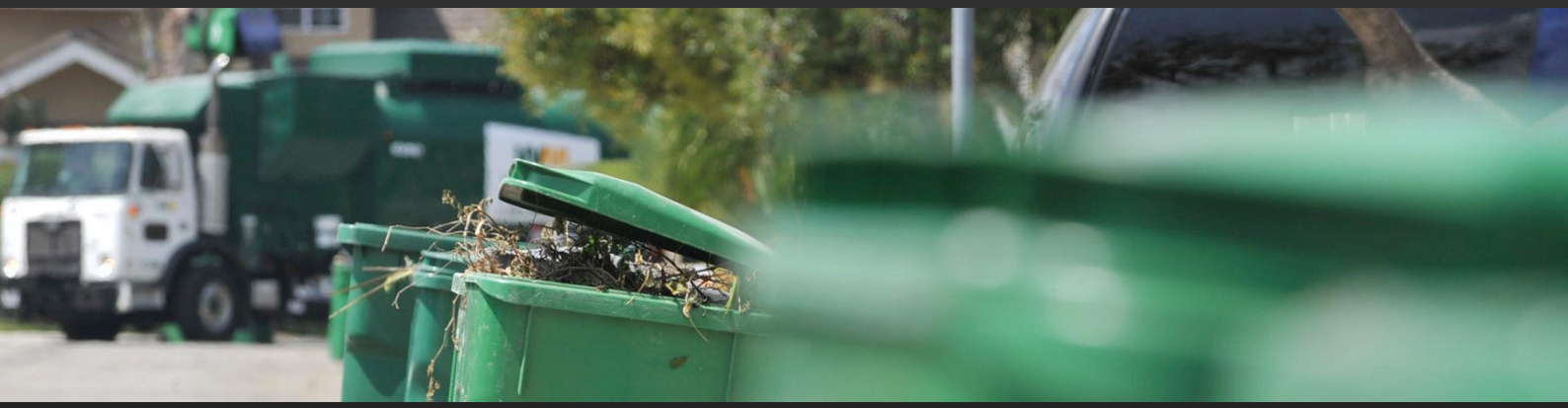
TRAFFIC ENGINEERING

97 Kesterton Rise, North Rothbury

Operational Waste Management Plan



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1 INTRODUCTION

onemile**grid** has been requested by Knowles Group to prepare a Waste Management Plan for the proposed retirement village development at 97 Kesterton Rise, North Rothbury.

The preparation of this management plan has been undertaken with due consideration of the EPA NSW guidelines and relevant Council documentation.

2 EXISTING SITE CONDITIONS

The subject site is located on the eastern side of Wine Country Drive, approximately 300 metres south of the Hunter Expressway, as shown in Figure 1.

Figure 1 Site Location

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The site is irregular in shape and has a frontage to Kesterton Rise along the site's eastern boundary for approximately 210 metres.

The site is currently vacant with no vehicular access currently provided to the subject site.

Land use in the immediate vicinity is mixed in nature, with the surrounding area generally consisting of regional bushland or rural residential which is currently undergoing development as part of the Huntlee Development Control Plan (DCP). The DCP identifies commercial uses to the west and residential uses to the southeast.

Further afield, established townships are located to the north and south of the site and the remaining area is rural in nature.

3 DEVELOPMENT PROPOSAL

3.1 General

It is proposed to develop the subject site for the purposes of a retirement village with a mix of two and three-bedroom unit options. In addition, a community building with associated lawn bowls green will provide a range of ancillary facilities for residents of the village including a bar, gymnasium, cinema, pool, hairdressing salon and a consulting room.

The components of the proposed development are shown in Table 1.

Table 1 Proposed Development

Use	*Component*	*No. / Area*
Dwellings	2-Bedroom Unit	17
	3-Bedroom Unit	189
	Total Units	**206**
Community Building	Gymnasium (including yoga/pilates)	99 m^2
	Swimming Pool	102 m^2
	Hairdressing Salon	25 m^2
	Consulting Room	15 m^2
	Café / Bar	111 m^2
	Dining (including kitchen)	77 m^2
	Lounge	115 m^2
	Office	84 m^2
	Theatre/Library/Craft/Multipurpose	216 m^2

3.2 Waste Management

It is proposed to utilise Council's waste collection services for the residential component of the use, and a private contractor to manage the collection and disposal of waste generated at the Community Building.

All dwellings will include a dual bin system to ensure garbage and recyclables are sorted at the time of disposal. The bins will be stored within the garages of each unit or behind the building line, noting that the internal dimensions for the garages exceeds the design standards of the Huntlee DCP. Bins will be transferred by residents from their garages onto the internal road for collection on the specified collection day. Following collection, the residents will be responsible for returning their bins into their garage. Should residents require assistance with this task, it can be arranged with the operator.

Bins for the community building will be stored west of the community building, adjacent to the car park. In addition, one recycling bin and one garbage bin will be stored within the bin room inside the community building. Staff will be responsible for disposing of recyclables or bagged garbage into the appropriate bins located within the bin storage room. Staff will also be responsible with swapping full bins with empty bins between then bin room and bin enclosure.

Cytotoxic and clinical waste (medical, infectious, sharps, chemical, pharmaceutical, radioactive, etc.) shall be managed as required in accordance with Cytotoxic Drugs and Related Waste – Risk Management Guidelines prepared by the NSW Government.

The private contractor will be responsible for transferring the community building bins from the bin enclosure to the truck and then return them into the bin room.

On collection days, the waste collection vehicle (nominally a 9.8m rigid truck) will access the site via the proposed access to Kesterton Drive. It will then circulate the site via the internal road network and dispose of all waste directly into the truck. After collecting all waste, it will exit the site onto Kesterton Drive in a forward direction.

Swept paths are provided in Appendix A which show up to 10.5m rigid vehicle's are able to circulate the site.

The collection location and expected transfer route is shown in Figure 2.

Figure 2 Bin Storage Enclosure and Collection Details

4 WASTE GENERATION

4.1 Adopted Council Rates

Cessnock City Council has identified the following rates for residential uses. It is noted that the Cessnock DCP which provides the Council's standard bin sizes recommends providing senior housing waste collection at half the standard rate.

Table 2 EPA NSW Recommended Rates – Residential

Dwelling Type	*Garbage (Weekly Collection)*	*Recycling (Fortnightly Collection)*	*Garden Organics (Fortnightly Collection)*
Free-standing house	240L	240L	240L
Seniors housing	240L for two dwellings	240L for two dwellings	240L for two dwellings

4.2 EPA NSW Recommended Rates

Waste generation rates published within the NSW Environment Protection Authority "Better Practice Guide for Resource Recovery in Residential Developments" provides waste generation rates for commercial uses. No specific rate is listed for community facilities within retirement villages, so in the absence of this information, each component of the use has been assessed separately.

It is noted that the below waste generation rates are considered to be extremely conservative as they are intended for commercial uses open to the public, whilst the community building will largely service residents of the retirement village.

For the purposes of this assessment the 'medical' rate will be adopted for the consulting rooms, the 'café' for the shared café/bar use and the 'restaurant' rate for the dining and associated kitchen which will be used by residents.

Table 3 EPA NSW Recommended Rates

Use	*Garbage Rate*	*Recycling Rate*
Cafes	100L per 100 m^2 per day	120L per 100 m^2 per day
Cultural and recreational services (theatres, cinemas etc)	50L per 100 m^2 per day	10L per 100 m^2 per day
Gymnasiums	20L per 100 m^2 per day	15L per 100 m^2 per day
Hair and beauty	50L per premises (assumed 80 m^2)	40L per premises (assumed 80m^2)
Medical	20L per consulting room	10L per consulting room
Offices	10L per 100 m^2 per day	15L 100 m^2 per day
Restaurant	400L per 100 m^2 per day	280L per 100 m^2 per day

4.3 Expected Waste Generation

4.3.1 Garbage, Organics and Recycling

It is proposed to provide garbage, organic and recycling bins in accordance with Council standard bin provision for the retirement units. Furthermore, it is anticipated that the recommended green organics waste will also accommodate any food organics generated by residents.

In regard to the community building, it is expected that a portion of the garbage waste generated by the café and dining/kitchen components will consist of organic (food) waste. EPA NSW has published several waste fact sheets for various industries based on waste audits. The fact sheet shows that for cafes and restaurants approximately 62% of all waste is food waste and 22% is recyclable, equating to approximately 70% of garbage waste could be organic food waste for the café and dining/kitchen area.

Based on Council's adopted waste generation rates and EPA's waste generation rates, and applying the above organic waste percentages, the following weekly waste generation is expected. To allow for organic waste that is not disposed of in the correct manner, a rate of 50% will be attributable to organic waste (of the overall garbage waste) for café and dining/kitchen area.

Table 4 Expected Waste Generation – Retirement Units

Component – Stream	*No of Dwellings*	*Rate/Dwellings*	*Total Waste/Week*
Garbage	206	120 litres	24,720 litres
Recycling	206	60 litres	12,360 litres
Organics	206	60 litres	12,360 litres

Table 5 Expected Waste Generation – Community Building

Component – Stream	*No. / Floor Area*	*Rate/100m²/Week*	*Total Waste/Week*
Café / Bar			
Garbage	111 m²	350 litres[1]	389 litres
Recycling	111 m²	840 litres[1]	932 litres
Organics	111 m²	350 litres[1]	389 litres
Theatre/Library/Craft/Multipurpose[3]			
Garbage	216 m²	35 litres[1]	76 litres
Recycling	216 m²	60 litres[1]	151 litres
Gymnasium			
Garbage	99 m²	140 litres[1]	139 litres
Recycling	99 m²	105 litres[1]	104 litres
Hair and Beauty			
Garbage	1 premises (25 m²)	69 litres[2,4]	69 litres
Recycling	1 premises (25 m²)	55 litres[2,4]	55 litres
Consulting Rooms			
Garbage	1 consulting room	100 litres[2]	100 litres
Recycling	1 consulting room	50 litres[2]	50 litres
Office			
Garbage	84 m²	50 litres[2]	42 litres
Recycling	84 m²	75 litres[2]	63 litres
Dining / Kitchen			
Garbage	77 m²	1,400 litres[1]	1,078 litres
Recycling	77 m²	1,960 litres[1]	1,509 litres
Organics	77 m²	1,400 litres[1]	1,078 litres
Total Garbage			**1,891 litres**
Total Recycling			**2,865 litres**
Total Organics			**1,466 litres**

[1]*Based on a 7-day per week operation.*
[2]*Based on a 5-day per week operation.*
[3]*Based on Cultural and recreational services rate*
[4]*Reduced proportionally as EPA rate is for 80m²*

4.3.2 Green Waste

It is expected that any maintenance and gardening undertaken on common property will be managed by a contractor appointed by the operator. The appointed contractor will be responsible for the disposal of any green waste accumulated during the course of their duties.

All retirement village units will be provided with an organics bin which will also accommodate green waste from their garden/courtyards. In relation to collection, green waste will be collected fortnightly, on opposite weeks to the recycling collection, therefore the collection of green waste can occur in a similar manner to the recycling collection, utilising the proposed collection points.

Furthermore, two community vegetable gardens will be provided on-site where residents may dispose of green waste when considered appropriate.

4.3.3 Hard Waste

Hard waste services will be provided by a private contractor, under the management of the operator. Hard waste will be stored within individual dwellings or the community building bin area between collections, with collection to occur along the internal road network.

4.3.4 Electronic Waste (E-Waste)

E-waste includes all manner of electronic waste, such as televisions, computers, cameras, phones, household electronic equipment, batteries and light bulbs.

E-waste contains valuable materials that can be recovered and reused such as tin, nickel, zinc, aluminium, copper, silver and gold.

A 120 litre E-waste bin will be provided within the bin storage area at the community building. The operator will arrange for the disposal of E-waste as required.

4.3.5 Medical Waste

The private waste contractor will provide a 120-litre clinical and cytotoxic waste bins to accommodate medical waste generated by the small medical facility contained within the community centre, with weekly collection, or as required.

4.3.6 Secure Document Disposal

The private waste contractor will provide a 120-litre secure document waste bin to accommodate the office and health consulting room, with monthly collection, or as required.

5 BIN REQUIREMENTS

5.1 Bin Provision and Specifications

Based on the expected waste generation per dwelling, and with the proposal to provide individual bins for each dwelling, it is proposed to provide one 120 litre garbage, one 120 litre recycling bin and one 120 litre organics bin per dwelling. The recycling and organics bins will be collected fortnightly on alternating weeks.

The following bins will be required for the community building.

Table 6 Bin Provision – Community Building

Component – Stream	*Total Waste/Week*	*Bin Size*	*Collection Frequency*	*Bins Required*
Garbage	1,891 litres	240 litres	2 x Week	4 bins
Recycling	2,865 litres	240 litres	2 x Week	6 bins
Organics	1,466 litres	240 litres	2 x Week	3 bins
Paper & Secure Documents	Weekly	120 litres	Monthly	1 bin
Clinical Waste	N/A	120 litres	Weekly	1 bin
Cytotoxic Waste	N/A	120 litres	Weekly	1 bin
E-Waste	N/A	120 litres	As required	1 bin
Total				**17 bins**

5.2 Bin Specifications

Table 7 Bin Specifications

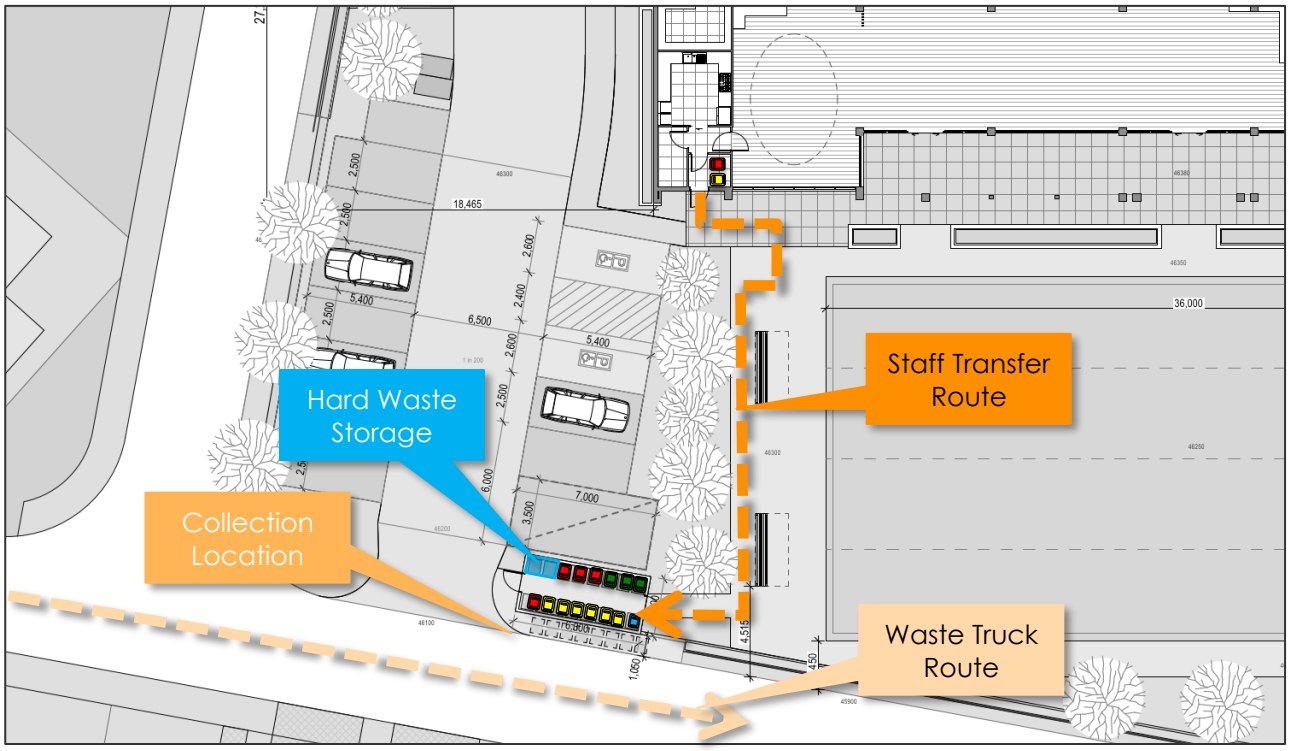
Capacity	*Width*	*Depth*	*Height*
120 litres	0.50m	0.55m	0.95m
240 litres	0.60m	0.75m	1.10m

Bin lids will be colour coded to the Australian Standard (AS4123) or to the standard colour specifications of the private contractor.

5.3 Bin Storage

It is proposed to provide a bin storage enclosure to the west of the community building and adjacent to the car park, capable of accommodating 13 bins. In addition, a small bin room is provided within the community building where one of each bin is able to be stored. A view of these bin storage areas is provided in Appendix A.

Figure 3 Community Centre Bin Storage Areas



The proposed bin storage enclosure is therefore appropriately sized to accommodate the provision of bins in accordance with the EPA NSW waste generation rates. Some additional area is also provided within the bin storage room to allow for the temporary storage of bulky items and packaging before hard waste collection days.

Furthermore, the bin storage enclosure and room is located appropriately for access by all staff, and is secured from the common areas.

The bin storage enclosure and room should be vermin proof, and have appropriate ventilation, lighting and drainage.

The bin storage enclosure shall be naturally ventilated (by virtue of being outdoors), and shall be cleaned regularly by the operator or waste collection contractor, to minimise odour.

The secure document disposal bin is proposed to be stored within the consulting room component to provide convenient disposal for staff.

Each retirement village dwelling will be responsible for the storage of their individual bins, and sufficient area is provided within each garage or behind the building line to accommodate the required bin storage.

5.4 Bin Collection

Residential waste will be collected by Council as per their typical waste collection schedule.

Garbage, recycling and organic waste will be collected two times per week from the Community Building. Whilst all other waste will be collected weekly or monthly.

Swept paths are provided in Appendix A which show up to 10.5m rigid vehicles are able to circulate the site.

5.5 Bin Cleaning

Residents are responsible for the maintenance and cleaning of their own bins, through regular cleaning.

The operator shall ensure that the larger bins are kept in a clean state, to minimise odours and to discourage vermin. This may include regular cleaning by staff or bin swapping by the waste contractor.

6 WASTE MANAGEMENT

6.1 Best Practice Waste Management

Best Practice Waste Management is an initiative designed to reduce the amount of waste generated through encouraging a change of behaviour and action on waste management and moreover recycling.

The benefits of reducing waste generation are far reaching and has been identified as significantly important by Council and the New South Wales Government.

The "NSW Waste Avoidance and Resource Recovery Strategy 2014-21" has been prepared by the New South Wales Government and the Environmental Protection Authority to provide clear guidance for waste management up until 2021 and aligns with the NSW Governments waste reforms to make NSW number one.

The objectives and targets outlined within the guidelines are summarised below:

- Avoid and reduce waste generation;
- Increase recycling;
- Divert more waste from landfill;
- Manage problem waste better;
- Reduce litter; and
- Reduce illegal dumping

The operator shall encourage staff and residents to participate in achieving the above targets by:

- Reduce and avoid waste generation through improved resource efficiency measures and industrial ecology partnerships;
- Separate recycling streams at source to enable collection separate from residual waste;
- Work with suppliers to reduce packaging and waste in supply chains;
- Implement and maintain best practice resource recovery systems;
- Actively seek other businesses that may use your waste as an input material in their business;
- Ensure that waste and recycling streams are collected by legitimate operators and taken to appropriate facilities;
- Specify and purchase recycled materials;
- Work with other producers to take responsibility for the end-of-life management of problem wastes; and
- Comply with regulations.

6.2 Food Waste Minimisation

Cafes can do a lot to minimize or reduce waste, by incorporating simple recycling and waste reduction programs and procedures that will eliminate much of the waste otherwise disposed of. These can include the following:

- Avoid over-purchasing. Over-purchasing causes spoilage and waste. Take inventory frequently and adjust orders where necessary;
- Store items in the order you purchase them. Use older items first. Place newly purchased items at the back of the shelves and train employees on the order of use;
- Inspect deliveries. Many deliveries include unusable meats and perishable items which may have opened or spilled during shipment;
- To avoid spoilage, store food tightly and appropriately, eliminating air in containers;
- Use storage containers that can be reused and request that food be delivered in reusable and recyclable containers;
- Use up all of a food product by reviewing your menu; and
- Consider the use of composting for all perishable items instead of discarding them as waste.

6.3 Bin Usage

Residents will bag and dispose of garbage and recycling in the provided bins, located within their garages. Cardboard boxes should be flattened, and containers rinsed and cleaned prior to disposal in the provided bins.

Staff of the community centre will dispose of recyclables and bagged garbage directly into bins within the bin store.

6.4 Signage

To avoid contamination between garbage streams, bin lids will be colour coded in accordance with contractor standards, to ensure the bin type is easily distinguishable. Furthermore, bins should include typical signage (preferably on the bin lid) to reinforce the appropriate materials to be deposited in each bin. Example signage available from Department of Environment and Climate Change NSW is shown below.

Figure 4 Example Waste Signage

6.5 Noise Control

To minimise the disturbance to the surrounding residential areas and retirement dwellings on-site during waste collection, the collection should follow the criteria specified by the EPA, as below:

- Collections occurring once a week should be restricted to the hours:
  - 6:30am to 8:00pm, Monday to Saturday;
  - 9:00am to 8:00pm, Sunday and Public Holidays;
- Collections occurring more than once a week should be restricted to the hours:
  - 7:00am to 8:00pm, Monday to Saturday;
  - 9:00am to 8:00pm, Sunday and Public Holidays;
- Compaction should be carried out while the vehicle is moving;
- Bottles should not be broken up at the collection site;
- Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances; and
- Noisy verbal communication between operators should be avoided where possible.

6.6 Food Standards Code

Division 2 of the Food Standard Code details requirements for the design and construction of food premises. With regard to garbage and recycling, Section 6 of Division 2 details 3 requirements for the storage of garbage and recyclable matter. A review of these requirements with respect to the proposed café waste storage area follows:

> *(a) adequately contain the volume and type of garbage and recyclable matter on the food premises;*

The proposed bin enclosure has been designed to accommodate the required number of bins for the volume of garbage and recycling generated by the café on-site.

> *(b) enclose the garbage or recyclable matter, if this is necessary to keep pests and animals away from it; and*

The proposed bin storage enclosure is enclosed, secured and will be vermin proof.

> *(c) are designed and constructed so that they may be easily and effectively cleaned.*

The proposed bin storage enclosure will be constructed to ensure effective cleaning.

6.7 Staff Information

To ensure all residents and staff are aware of their responsibilities with regard to waste and bin management, an information package should be provided by the operator to all residents and staff, including the following information:

- A copy of this Waste Management Plan;
- Methods and techniques for waste reduction and minimisation;
- Information regarding bin collection days and requirements;
- Resident and staff responsibilities with regard to bin usage, storage, and collection; and
- Resident and staff responsibilities with regard to litter and waste removal from the common property.

6.8 Waste Management Plan Implementation

The implementation, coordination and funding of the Waste Management Plan is the responsibility of the operator, and should be a dynamic document, reflecting changes in on-site and off-site conditions e.g. varying bin requirements, or changing waste collection methodology. As such, the plan should be regularly revisited and amended to provide the most accurate and relevant information to achieve the desired objectives of effectively managing the storage and disposal of waste generated on-site.

Should any significant operational changes occur on-site, a new or amended Waste Management Plan prepared by a suitable qualified and experienced person or firm may be required, detailing changes to the storage and disposal of the general, recyclable and e-wastes, responsibility in management and maintenance of the bins, location and area of bin rooms, etc.

7 DEVELOPER COMMITMENTS

The operator commits to the following::

- Signing of an indemnity form, relinquishing Council of damage and associated costs whilst providing waste services to private roads;
- Understanding that the domestic waste charge will be applied for the 206 residential sites and charged against the commercial entity; and
- Road design that meets the construction and manoeuvrability standards of Council.

8 OCCUPATIONAL HEALTH & SAFETY RESPONSIBILITIES

The site operator shall ensure compliance to all relevant OH&S regulations and legislation, including the following:

- Better Practise Guide for Resource Recovery in Residential Developments;
- Collection of Domestic Waste: Code of Practise (WorkCover); and
- Cytotoxic Drugs and Related Waste – Risk Management Guide

9 CONTACT INFORMATION

9.1 Council

Cessnock City Council

Phone: (02) 4993 4100 (Customer Service)

Web: www.cessnock.nsw.gov.au

Email: council@cessnock.nsw.gov.au

9.2 Contractors

Cleanaway

Services: Private contractor

Phone: 13 13 39

Web: www.cleanaway.com.au

SUEZ

Services: Private contractor

Phone: 13 13 35

Web: http://www.suez.com.au/

Cleanaway Clinical Waste (clinical waste contractor)

Services: Private contractor

Phone: 131 339

Web: www.cleanaway.com.au

Stericorp Limited (clinical waste contractor)

Services: Private contractor

Phone: 1300 66 77 87

Web: http://www.sterihealth.com.au/

9.3 Equipment

Purifying Solutions (odour control equipment)

Phone: 0411 335 753

Web: www.purifyingsolutions.com.au

Email: sales@purifyingsolutions.com.au

9.4 Others

EPA NSW

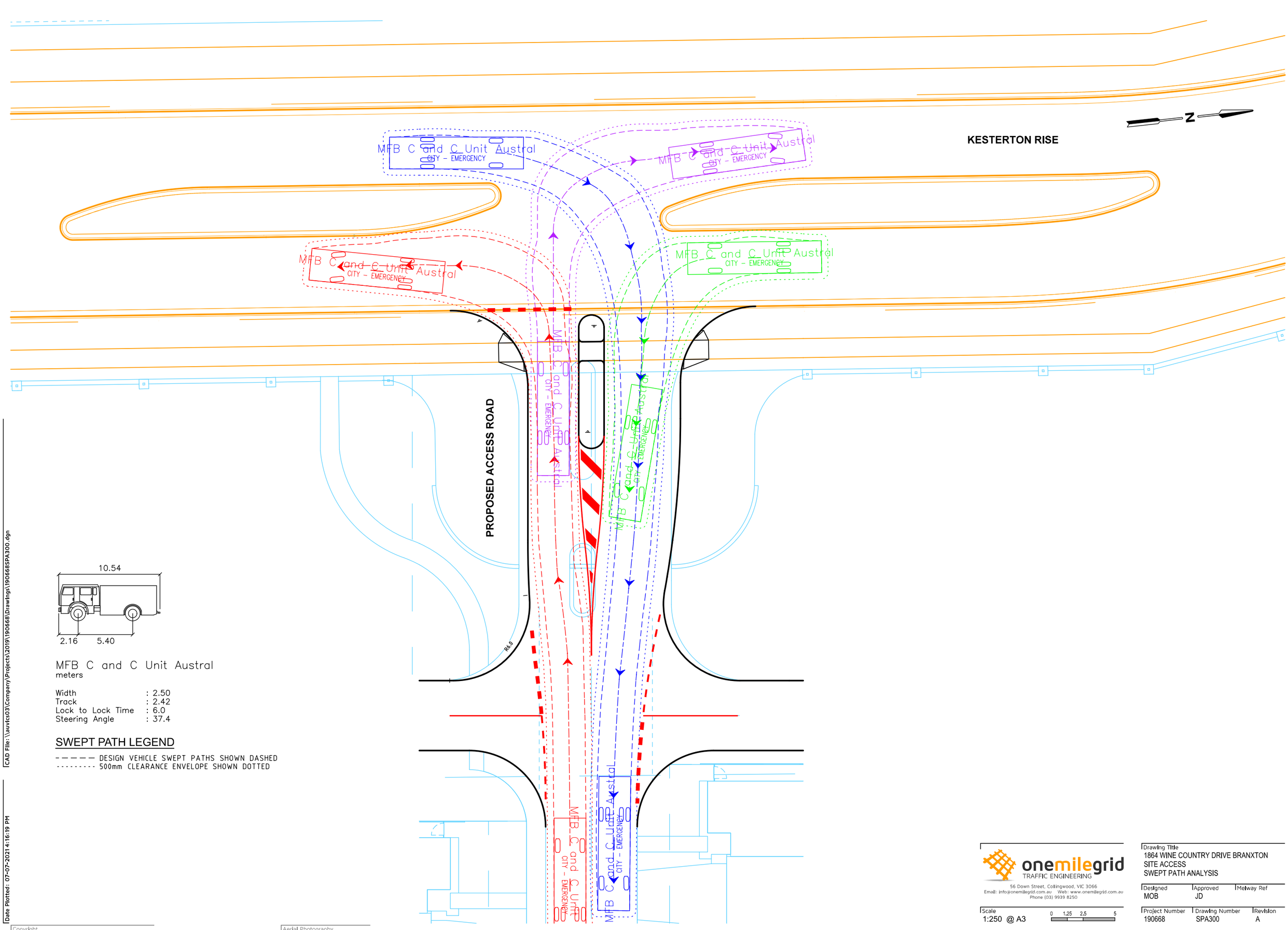
Services: Sustainable Waste Management initiatives and information

Phone: 131 555

Web: www.epa.nsw.gov.au

Email: info@epa.nsw.gov.au

Appendix A Swept Paths



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SWEPT PATH LEGEND

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Drawing Title
1864 WINE COUNTRY DRIVE BRANXTON
SITE ACCESS
SWEPT PATH ANALYSIS

Designed	Approved	Melway Ref
MOB	JD	

Project Number	Drawing Number	Revision
190668	SPA300	A

TRAFFIC ISLAND TO BE FULLY MOUNTABLE WITH NO SIGNAGE

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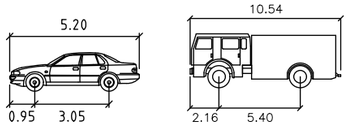

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MFB C and C Unit Austral

	meters
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Track	: 2.42
Lock to Lock Time	: 6.0
Steering Angle	: 37.4

SWEPT PATH LEGEND

– – – – – DESIGN VEHICLE SWEPT PATHS SHOWN DASHED

--------- 300mm CLEARANCE ENVELOPE SHOWN DOTTED

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1864 WINE COUNTRY DRIVE BRANXTON
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SWEPT PATH ANALYSIS

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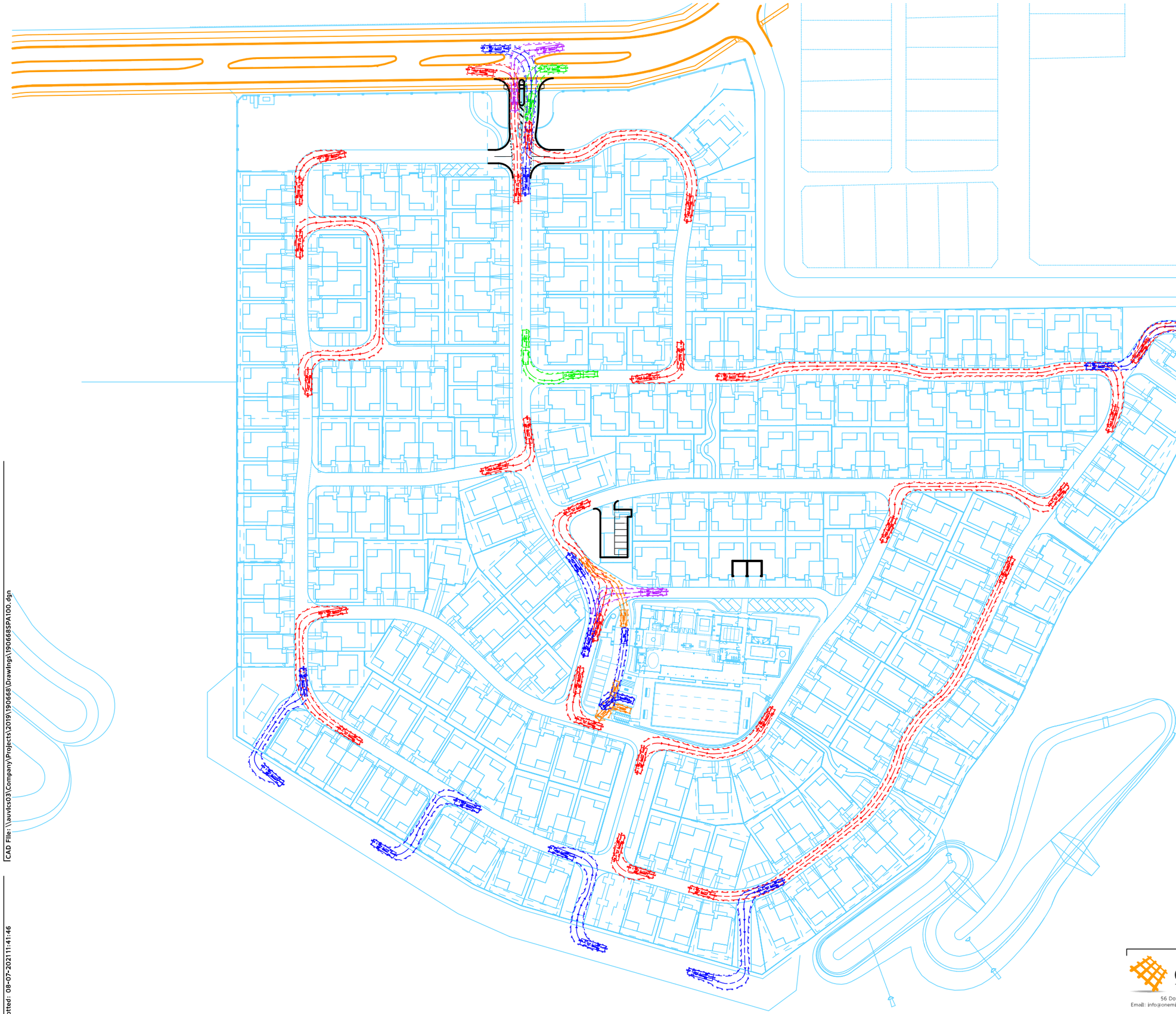

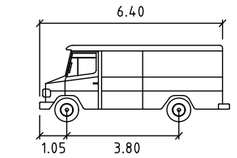

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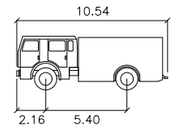

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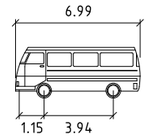

COASTER

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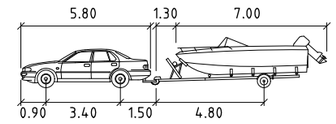

AS CAR - BOAT

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Car Track	:2.10	Articulating Angle	:70.0
Trailer Track	:2.50		

SWEPT PATH LEGEND

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Drawing Title
1864 WINE COUNTRY DRIVE BRANXTON
SITE VEHICLE ACCESS
SWEPT PATH ANALYSIS

Designed	Approved	Melway Ref
MOB	JD	

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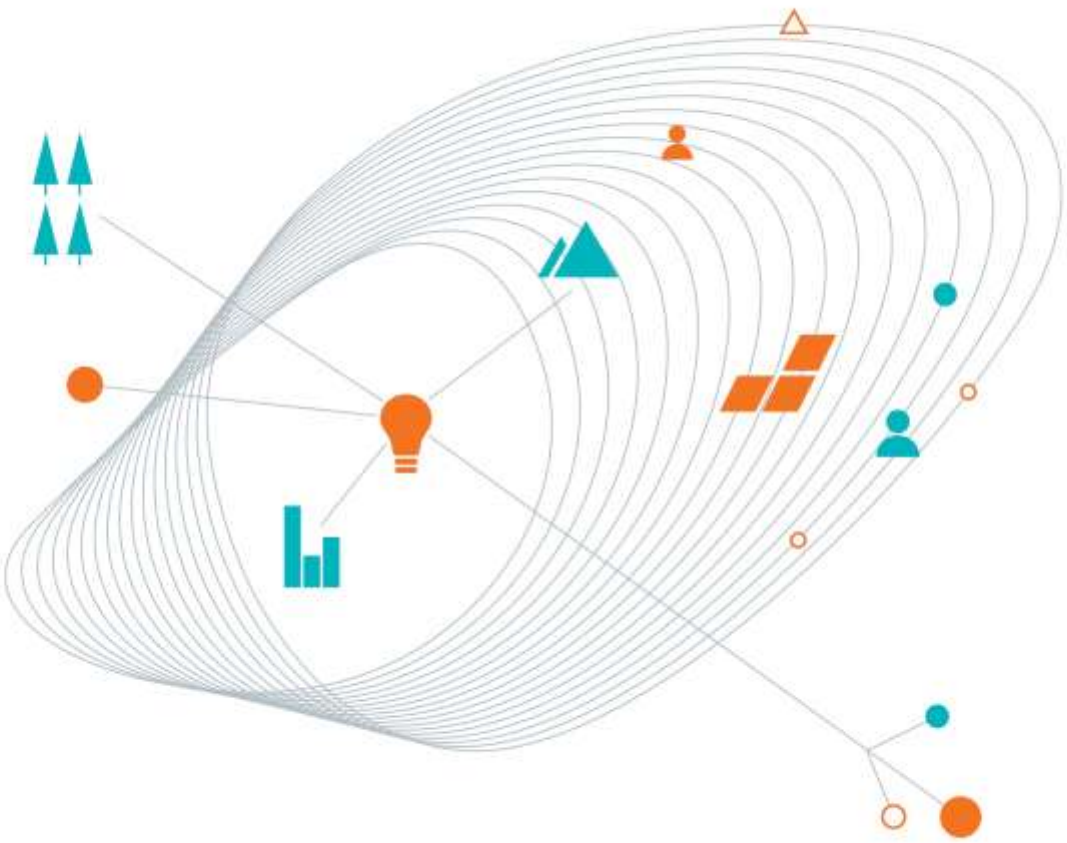

Environmental Management Plan for the Huntlee Development – Stage 1

Worley Parsons Services Pty Ltd

ENAUWARA04423AA-R01

25 September 2013

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coffey.com

Worley Parsons Services Pty Ltd
3 Warabrook Boulevard
WARABROOK NSW 2304

25 September 2013

Attention: Glenn Swan

Dear Glenn

RE: ENVIRONMENTAL MANAGEMENT PLAN FOR THE HUNTLEE DEVELOPMENT – STAGE 1 WINE COUNTRY ROAD, NORTH ROTHBURY NSW

Coffey Environments Australia Pty Ltd (Coffey) is pleased to provide this Environmental Management Plan (EMP) for the Huntlee Development – Stage 1 Project at North Rothbury, NSW. The EMP refers to the management procedures for contaminated soils and unexpected finds.

We draw your attention to the enclosed sheet entitled '*Important Information about your Coffey Environmental Report*', which must be read in conjunction with this report.

We trust that this document meets with your requirements at this time. If you require any further information regarding this document, please do not hesitate to contact Emma Coleman or the undersigned on (02) 4016 2300.

For and on behalf of Coffey Environments Australia Pty Ltd

Laurie Fox

Principal Environmental Geologist

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Appendices

Appendix A: Asbestos Management Plan

1 Introduction

1.1 General

This document contains an Environmental Management Plan (EMP) prepared by Coffey Environments Australia Pty Ltd (Coffey) for the Huntlee Development – Stage 1 Project. The 'site' is located off Wine Country Drive, North Rothbury NSW. The EMP refers to the management procedures for contaminated soils, including asbestos, and unexpected finds.

The EMP was commissioned by Worley Parsons Services Pty Ltd (Worley Parsons) in response to a Coffey fee proposal (Reference ENAUWARA04423AA-P01 dated 15 July 2013). Based on information provided by Worley Parsons, we understand that the Stage 1 Conditions of Consent require the preparation of an EMP which is to be submitted for approval by the Department of Planning. It is envisaged that the EMP would form part of construction documentation which would include other management plans and protocols.

AECOM Australia Pty Ltd (AECOM) has previously undertaken contamination assessments at the site. A number of Areas of Environmental Concern (AECs) were identified at the site, including aboveground storage tanks (ASTs), areas of dumped waste and potential former mining activities. These AECs were considered to pose a low to moderate risk to human health and/or the environment. Elevated concentrations of hydrocarbons were recorded at various locations in a minor spill area and around a former diesel AST, and elevated levels of lead were recorded in a stockpile of material including scrap metal. Asbestos Containing Materials (ACM) were also identified across the site.

An EMP was required due to the Consent conditions for the development. An Asbestos Management Plan (AMP) was also required. An AMP for the construction works is included in Appendix A of this EMP.

This EMP must be read in conjunction with the enclosed sheet entitled *'Important Information about your Coffey Environmental Report'*, which can be found attached to this report.

We understand that a separate Construction Management Plan (CMP) is being prepared in order to address noise, soil and water management, flora and fauna, and other potential construction issues. Therefore, this EMP does not address those items, and addresses issues related to encountering contamination during construction only.

1.2 Objective

The objective of the work was to prepare an EMP that contains management procedures to follow in the event that evidence of contamination is encountered during construction, and includes a protocol should unexpected contamination be encountered.

2 Site Description

2.1 Site Location and Identification

A summary of the site identification details, detailed in the previous AECOM assessments, is presented below in Table 2.1.

Table 2.1 – Summary of Site Identification

SITE ADDRESS	Wine Country Drive, North Rothbury NSW
TITLE IDENTIFIERS	• Lots 200 & 201 DP 828486 • Lots 230 & 231 DP 879198 • Lots 33-34, 36-39 and 43 DP 755211 • Lot 211 DP 828787 • Lots 6-12 DP 729973 • Lot 1 DP 745450 • Lot 21 DP 1050597 • Lot 221 DP 1064738 • Lot 10 DP 1105639
AREA OF SITE	Approximately 367 hectares
LOCAL GOVERNMENT AREA	Cessnock City Council
PARISH	Branxton
COUNTY	Northumberland
CURRENT LAND USE	Predominantly used for grazing purposes and timber furniture manufacturing
SURROUNDING LAND USE	• North – Regional rail line with the New England Highway beyond • East – Agricultural and/or grazing land • South – Agricultural and/or grazing land • West – Black Creek, agricultural and/or grazing land

2.2 Topography and Drainage

Based on information provided in the previous AECOM assessments, the site topography and drainage has been summarised below:

- The northern area of the site has an elevation of approximately 60 to 80m AHD;
- The southern area of the site has an elevation of approximately 40m AHD;
- The gradient across the northern area of the site is generally low, sloping towards the dams on the site;
- Several tributaries of Anvil Creek are located in the northern area of the site, which flow to the north;
- A contoured embankment is located across the site, directing surface water towards the dams on site;
- Surface water is considered likely to infiltrate the unsealed surface of the site; and

- In the event of heavy rainfall, excess stormwater is anticipated to flow towards the dams on site via the contoured embankments, with undirected water flowing towards Black Creek and Anvil Creek, located close to the western boundary and the north boundary of the site respectively.

2.3 Geology and Soils

The site geology has been summarised below:

- The site is underlain by Permian aged geology;
- The northern area of the site consists of mudstone, sandstone, shale and limestone of the Farley Formation of the Dalwood Group, and also sandstone, conglomerate, shale and coal seams of the Greta Coal Measures; and
- The southern area of the site consists of mudstone, sandstone and conglomerate of the Branxton Formation of the Maitland Group, with mudstone, sandstone and shale of the Rutherford Formation of the Dalwood Group.

The soil profile observed within Stage 1 of the Huntlee Development generally comprised:

- Topsoil, Silty Sand, fine to medium grained, pale brown, encountered from the surface to 0.2m to 0.5m depth; overlying
- Alluvium, Sandy Silt and Silty Sand, fine to medium grained sand, low to medium liquid limit silt, pale grey with orange mottling. Generally encountered from the surface to about 0.3m depth, but occasionally to greater than 1.0m depth; overlying
- Residual Soil, Clay and Sandy Clay, low to medium plasticity, grey and pale grey with orange mottling, underlies topsoil and alluvium to depths of 0.5m to 1.6m; overlying
- Weathered Sandstone, fine to medium grained, pale grey and grey, sometimes with orange mottling, underlying the residual soil to the depth of investigation.

2.4 Hydrogeology

Regional groundwater beneath the site is anticipated to be present in a confined or semi-confined aquifer within the underlying sandstone or shale bedrock between approximately 30m and 50m below ground surface (bgs). Groundwater beneath the site is anticipated to flow to the north-east, towards the Hunter River, though localised perched groundwater, at shallower depths, may be present and flow to the west towards Black Creek or to the north towards Anvil Creek.

AECOM undertook a review of registered groundwater bores within a 1km radius of the site as part of their Phase 1 ESA. The review identified 24 bores located within the northern site area and one bore located inside the southern site area. The majority of the registered bores appeared to be used for domestic and stock purposes.

3 Previous Contamination Assessments

3.1 AECOM (2011) Phase 1 Environmental Site Assessment

AECOM undertook a Phase 1 ESA at the site in 2011 (Reference 60162904 dated 10 March 2011), as part of a proposed redevelopment of the site for residential land use. The objective of the Phase 1 ESA was to identify potential sources of contamination and/or potentially contaminating activities that may have been undertaken on the site, and to make an assessment of the current environmental conditions at the site.

The Phase 1 ESA consisted of a site walkover and a review of historical information, including historical titles, aerial photography, and Council and NSW EPA records. The findings from the site walkover and the historical review were used to identify AECs and associated Chemicals of Concern (COCs).

The site history is summarised below:

- The site has been owned by individuals generally described as farmers, graziers, barristers, and truck/machine operators since the late 1800's;
- The site appears to have been open-space bushland or used for low intensity grazing and cropping purposes;
- AECOM stated that *'The site history review did not identify evidence of potentially contaminating activities that may have been undertaken at the site. AECOM notes however, that the former Ayrefield Colliery operated adjacent to the Site, as identified on aerial photographs. A former landfill is also present within the former colliery'*.

AECs identified in the northern area of the site included:

- A scrap metal storage area (including two ASTs);
- A number of abandoned sheds;
- Stockpiles of soil (potential imported fill);
- Dumped car bodies;
- An unbunded former diesel AST; and
- A cleared area in the north-western corner potentially related to historic mining activities at an adjacent site.

AECs identified in the southern area of the site included:

- A rusted drum; and
- A dam with contouring near the southern boundary.

In addition, AEOM considered that due to the historic and current use of the majority of the site as bushland, open space and grazing/cropping, the possibility of widespread use of pesticides / herbicides couldn't be discounted.

The COCs related to the above AECs were identified as follows:

- Heavy Metals – associated with imported fill, the scrap metal storage area, the abandoned sheds and the dumped car bodies;
- Organochlorine Pesticides (OCPs) and Organophosphorus Pesticides (OPPs) – associated with the potential use of pesticides for farming across the site and adjacent lands;

- Asbestos – potentially present in fill materials across the site; and
- Total Petroleum Hydrocarbons (TPH) and Benzene, Toluene, Ethylbenzene and Total Xylenes (BTEX) – associated with the ASTs.

Based on the findings of the Phase 1 ESA, AECOM indicated that there was a potential for contamination to exist at the site. The contamination risk was assessed to range from very low (e.g. dams and potential pesticide use) to moderate (e.g. ASTs and abandoned sheds). AECOM recommended that further investigations and/or remediation was required with regards to the ASTs, the abandoned sheds, the scrap metal storage area and the stockpiles.

3.2 AECOM (2012) Stage 1 Preliminary Site Investigation

AECOM undertook a Stage 1 Preliminary Site Investigation at the site in 2012 (Reference 60266102 dated 31 July 2012). The objective of the investigation was to assess the AECs previously identified that were considered to pose a moderate risk of harm to human health and/or the environment, in order to identify areas of significant contamination which could potentially impact upon the proposed development.

The investigation involved the following works:

- Collection of eight surface soil samples;
- Drilling of 11 boreholes to approximately 6m depth;
- Installation of three groundwater monitoring wells;
- Laboratory analysis of samples for potential COCs; and
- Data assessment and reporting.

The results of the investigation indicated the following:

- Elevated concentrations of TPH were recorded in soil samples collected from two areas:
  - A minor oil spill from a small drum of transmission oil located on a residential property; and
  - A small spill from the unbunded former diesel AST located in the northern part of the site.
- Elevated concentrations of lead were recorded in one soil sample collected from a stockpile of waste material including scrap metal near the former diesel AST;
- Asbestos containing material (ACM) was identified in two locations in the northern portion of the site in Precinct 6, one locations was a fragment of ACM, and the other location was ACM in a soil sample. No free asbestos fibres were detected in the soil samples analysed; and
- Concentrations of BTEX, Polycyclic Aromatic Hydrocarbons (PAH), OCP and OPP were not detected above adopted assessment criteria.

Based on the results of the investigation, AECOM considered that the contamination identified at the site was unlikely to have a significant impact on the proposed development. AECOM considered that the site was suitable for the proposed development, provided the following recommendations were carried out:

- Excavation and removal of the TPH contaminated soils in accordance with the NSW DECCW (2009) Waste Classification Guidelines;
- Preparation of an Asbestos Management Plan regarding works around asbestos-contaminated areas of the site;
- A hazardous materials survey of the buildings prior to refurbishment or demolition; and

- Preparation of an EMP, including procedures to be followed in the event that evidence of significant contamination is encountered during the development works.

It is understood that the TPH contaminated soils and the hazardous materials survey will be carried out progressively as the development works proceed into areas where these are required.

4 Environmental Management Plan

Based on the results of previous contamination assessments undertaken at the site, and the proposed development, the activities that are considered to pose the highest risk of workers coming into contact with contamination are:

- Excavation of contaminated soils;
- Removal of potentially contaminated surface water from dams;
- Handling of surface water or groundwater that may have come into contact with contaminated materials; and
- Disturbance of ACM, generating airborne asbestos fibres.

This section of the EMP outlines the management measures to be adopted by construction workers involved with excavation of potentially contaminated soils.

Management measures for works involved with asbestos-contaminated areas of the site are included in the Asbestos Management Plan, included in Appendix A.

4.1 Areas and Contaminants of Concern

Based on the findings of the previous assessments undertaken on the site, the following areas and contaminants of concern have been identified:

- Former AST locations – hydrocarbon impacted soils;
- Stockpiles comprising scrap metal – lead impacted soils;
- Asbestos containing materials – within existing buildings, fragments on the ground surface, and ACM within soils.

Areas of known contamination will be remediated. The validation of excavations and stockpiles resulting from removal of contamination is described in the sections below.

Coffey notes that other areas of potential contamination (i.e. buried waste, fibrous materials, stained or odorous soils) may be encountered during construction, and should be managed as per the 'unexpected finds' procedure outlined in Section 5 Management of Unexpected Finds.

AECOM (2011) noted that 'crops' were visible in the Southern Portion of the Huntlee Development (located south of Dominicks Circuit) in an aerial photograph from 1952. A review of the aerial photograph indicates that areas of potentially farmed ground or 'crops', as indicated by different shading in the photo, appear located on the creek floodplain to the west of Wine Country Drive. The remainder of the Huntlee Development site (including Stage 1) has a history of being either bushland and/or used for stock grazing. Based on this, and the results of AECOM (2012) investigation, it appears that widespread pesticide use in the Northern Portion (north of Tuckers Lane) of the Huntlee Development is unlikely to have occurred.

4.2 Potential Exposure Pathways

Potential exposure pathways to sensitive receptors with respect to human health are considered to include:

- Direct dermal contact with contaminated soil or water;
- Inhalation of dust; and
- Ingestion.

These pathways are considered to potentially impact on construction workers and/or visitors.

4.3 Management of Contaminated Soils

Works that may involve the excavation and/or movement of contaminated soils include:

- Construction of concrete pads;
- Installation of underground wastewater tanks;
- Establishment of storage areas;
- Construction of roads; and
- Installation of underground services.

The following management measures should be adopted in order to manage potentially contaminated soil:

- Observations (visual and olfactory) of the soils as they are excavated and/or moved;
- Temporary stockpiling of soils suspected of being contaminated, based on site observations;
- Assessment of suspected contaminated soil including laboratory analysis; and
- Treatment and/or disposal of contaminated soil.

These steps are discussed in more detail in the sections below.

4.3.1 Visual and Olfactory Assessment of Contaminated Soils

Soils should be observed for obvious indications of contamination as they are excavated and moved around the site. The observations will initially be used to identify indicators of potential contamination. Such indicators may include:

- Soils that exhibit a strong hydrocarbon odour;
- Soils that appear to be oil-stained, fibrous or have unusual colours;
- Soils that appear to be black, metalliferous or shiny;
- Fragments of potential Asbestos Containing Materials (ACM) that may be currently buried in the soil; and
- Presence of waste materials such as buried drums, chemical containers, scrap metals and other wastes.

Particular attention should be made as soils are excavated and/or moved from the AECs previously identified at the site, including areas around the ASTs and areas of dumped or stored scrap metal.

If potentially contaminated materials are identified, these should be stockpiled in a location separate from the other site works and further assessed, in accordance with the procedures outlined in the following sections.

Procedures for assessing soils that may be contaminated with asbestos are covered in the attached Asbestos Management Plan.

4.3.2 Stockpiling of Potentially Contaminated Soil

The following general procedures should be followed during stockpiling of excavated potentially contaminated soil. We note that additional procedures may be applicable based on local government regulations:

- Potentially contaminated soil should be stockpiled separately from other stockpiled soils in an isolated area of the site;
- Access to stockpiles of potentially contaminated soil should be limited by keeping the stockpiles within the site's fencing or within a separately fenced compound on the site;
- Stockpiles should be placed on level ground. If this is not possible, stockpiles should not be placed on slopes greater than 5°;
- Stockpiles should be placed at least 40m from creeks and dams to prevent sediment run-off into these surface water receptors;
- Stockpiles should be placed on strong impermeable plastic sheeting such as high-density polyethylene (HDPE) or a hardstand area (such as concrete or bitumen pavements). If this procedure is not followed there is the potential for contaminants to leach into the surface soils;
- The stockpile heights should be kept to a maximum of approximately 2m;
- Where stockpiles are proposed to remain in a location overnight, the stockpiles should be covered by weighted HDPE sheets or tarpaulins to prevent erosion of stockpiled materials. Heavy objects not containing sharp edges should be placed on the sheets to prevent them from being blown by winds;
- Adequate hay bales and/or silt fences should be placed around the perimeter of the stockpile area to filter runoff from the stockpiles and prevent overland stormwater flow from affecting the base of the stockpiles; and
- A stormwater diversion bund should be created up-gradient of the stockpiles to prevent stormwater running through the stockpiles.

4.3.3 Management of Open Excavations

Excavations resulting from the removal of potentially contaminated soil should be barricaded in order to restrict access to the excavation areas. Appropriate warning signs should be placed around the excavations, in accordance with applicable regulations and codes of practice.

The excavations should remain barricaded until such time when the excavations have been validated and backfilled (where appropriate).

We note that additional procedures may be applicable based on local government regulations.

4.3.4 Assessment of Potentially Contaminated Stockpiled Soils

4.3.4.1 Sampling Rates

The stockpiled material and the excavation will be visually assessed by a suitably qualified environmental consultant.

The rate of sampling will be dependent on the volume and nature of stockpiled material, Table # below outlines suggested sampling rates.

Table 4.1 - Suggested Stockpile Sampling Rates

Stockpile Volume	Suggested Sampling Rate*
<500m^3	One sample per 50m^3
500 to 1,000m^3	One sample per 250m^3
1,000 to 5,000m^3	One sample per 500m^3
5,000 to 10,000m^3	One sample per 1,000m^3
>10,000m^3	One sample per 2,000m^3
NOTE: These sampling rates assume the soil is reasonably homogeneous. If multiple material types are present in the stockpile, additional samples may be required.	

4.3.4.2 Laboratory Analysis of Stockpile Samples

The stockpile samples should be analysed by a NATA-accredited laboratory for the potential COCs, depending on the locations where the soil was excavated/moved from. Soils excavated/moved from areas around the ASTs should be analysed for TPH, BTEX and PAH. Soils excavated/moved from areas containing scrap metal should be analysed for heavy metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc). Soils excavated from near buildings or within fill materials should also be analysed for asbestos.

4.3.4.3 On-Site Re-Use of Stockpiled Soils

If the stockpiled soils are to be re-used on site, the results of the laboratory analysis should be compared to NEPM (2013) or other relevant published human health guidelines. If the results meet the adopted guidelines, the material would be able to be re-used on site. If the results exceed the adopted guidelines, the soils would be either disposed offsite, or remediated on site.

Where remediation of contaminated soils is required, a Remedial Action Plan (RAP) should be prepared by a suitably qualified environmental consultant.

4.3.4.4 Offsite Disposal of Stockpiled Soils

If the stockpiled soils are to be disposed offsite, the results of the laboratory analysis should be compared to the NSW DECCW (2009) *Waste Classification Guidelines*, in order to provide a waste classification for the stockpiled soils.

Stockpiled soils given a waste classification can be disposed of at a landfill licensed to accept that type of waste. Hazardous waste can only be disposed of to a landfill licensed to accept hazardous waste. Pre-treatment of the soils would be required in order to dispose the soils to a landfill licensed to accept a lower type of waste (eg. when intending to dispose hazardous waste to a general solid or restricted solid waste licensed landfill).

Materials of different waste classifications should not be mixed prior to offsite disposal. Should they become mixed; the material will take on the higher classification. For example, should hazardous waste be mixed with general solid waste, then the entire stockpile will be classed as hazardous waste.

Waste classification letters should be prepared by experienced environmental consultants. Waste disposal dockets should also be provided for material being disposed offsite. The dockets will record the amount of material being disposed and the final destination of the material.

If contaminated material is disposed offsite, a wash down bay or tyre grid should be installed at entrance/exit point of the site in order to minimise potentially contaminating material being tracked offsite in vehicle tyres.

4.3.5 Validation of Excavations

Excavations resulting from the removal of potentially contaminated material will need to be validated prior to works re-commencing in those areas. Validation will be required in order to assess whether the potentially contaminated material has been adequately removed, or if further excavations are necessary. Excavation validation works should be undertaken by a suitably trained environmental consultant.

Excavation validation will occur through collection of validation soil samples. Depending on the size of the excavation, a suitable sampling programme should be prepared. At a minimum, a validation sampling programme should consist of collecting one soil sample from the base of the excavation and one sample per 10 lineal metres from each wall.

The validation samples should be analysed by a NATA-accredited laboratory for the potential COCs, depending on the location of the excavation. Excavations in areas around the ASTs should be analysed for TPH, BTEX and PAH. Excavations in areas of scrap metal should be analysed for heavy metals. Excavations near buildings and within fill materials should also be analysed for asbestos.

4.4 Management of Contaminated Water

Potentially contaminated water may be present at the site in the following locations:

- Surface water in dams formerly used for farming/grazing purposes; and,
- Excess stormwater run-off from contaminated areas collected in stormwater diversion bunds or basins installed during construction works.

Given the anticipated depth to groundwater, it is considered that the risk of groundwater contamination is low. Therefore, this section of the EMP outlines the management measures to be adopted by construction workers involved with handling potentially contaminated surface water.

4.4.1 Preferred Management Strategy

Based on the proposed construction works, removal of some surface water may be required. Additionally, contaminated surface water may be collected in stormwater diversion bunds or basins area that may require disposal. Therefore, the preferred strategy to be adopted for the management of water at this site will be as follows:

- Sampling and analysis of the water prior to disposal; and
- Depending on the sampling and analysis results, disposal of the water via land irrigation or used as dust suppression, or to local stormwater or sewerage systems, or offsite disposal to a licensed liquid waste disposal facility.

These steps are discussed in detail in the sections below.

4.4.1.1 Sampling and Analysis of Water

- Water stored in the existing dams, or stormwater run-off from contaminated areas collected in stormwater diversion basins or holding ponds, should be sampled and analysed by a suitably qualified environmental consultant to assess appropriate disposal options;
- The samples should be dispatched to a NATA-accredited laboratory for analysis. The analysis required will depend on the proposed disposal option;
- The sample(s) should be analysed for:
    - pH;
    - Electrical Conductivity (EC);

- Heavy Metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, iron and manganese);
- Alkalinity;
- Sulfate, Chloride, Fluoride, Ammonia and Nitrate;
- Calcium, Magnesium, Potassium and Sodium;
- Dissolved Organic Carbon (DOC) and Biochemical Oxygen Demand (BOD);
- Polycyclic Aromatic Hydrocarbons (PAH);
- Organochlorine and Organophosphorous Pesticides (OCPs / OPPs)
- Total Petroleum Hydrocarbons (TPH); and
- Benzene, Toluene, Ethylbenzene and Total Xylenes (BTEX).

- In addition, if the groundwater is to be disposed to sewer, the sample(s) may also need to be analysed for Turbidity and Oil & Grease (depending on Council requirements);
- The results should be compared to relevant assessment criteria;
- Following receipt of the results, recommendations for disposal of groundwater can be made.

4.4.1.2 Disposal of Water

- If offsite, stormwater, disposal is envisaged, Council will need to be notified.
- If the results of the testing indicate that the water is suitable for land disposal, it can be disposed via land irrigation.
- If the water is to be disposed to sewer, approval from Council and/or the NSW Office of Water will need to be obtained prior to disposal, in addition to a trade waste agreement from Hunter Water Australia.
- Records of disposal should be maintained by the contractor, including the method and location of disposal, and the volume of water disposed.

4.5 Management of Surface Water Run-Off from Non-Contaminated Areas

Excess stormwater, run-off from non-contaminated areas, may accumulate in stormwater diversion bunds or basin areas that may require disposal. Therefore, the preferred strategy to be adopted for the management of water from non-contaminated areas at this site will be as follows:

- Field quality measurements of water prior to disposal; and
- Depending on the field quality results, disposal of the water via land irrigation or used as dust suppression, or offsite disposal to stormwater or local creeks.

These steps are discussed in detail in the sections below.

4.5.1.1 Field Quality Measurements

- The water should be monitored in the field, using a water quality meter, for temperature, dissolved oxygen, conductivity, pH, and turbidity.
- The results should be compared to relevant assessment criteria;
- Following receipt of the results, recommendations for disposal of water can be made.

4.5.1.2 Disposal of Water

- If a managed offsite discharge is proposed, the Principal Certifying Authority shall be notified. The Principal Certifying Authority will be provided with the results of water quality testing, if requested.
- If the results of the testing indicate that the water is suitable for land disposal (i.e. water quality parameters between the limits outlined below), it can be disposed via land irrigation.
- Records of disposal should be maintained by the contractor, including the method and location of disposal, and the volume of water disposed.

For land irrigation, the following limits apply for water quality parameters:

Analyte	**Limits Range**
pH	6.5 to 8.0 pH units
Electrical conductivity	125 to 2,200 µS/CM
Dissolved oxygen	85 to 110% saturation
Turbidity	6 to 50 NTU

5 Management of Unexpected Finds

A contingency plan is outlined in Table 5.1, listing potential events that may arise during the construction works and actions that should be undertaken if unexpected conditions occur.

Table 5.1 - Contingency Plan

UNEXPECTED CONDITION	ACTION
Ingress of perched groundwater in the soil / weathered rock interface	Isolate and sample water and assess options for disposal, as per the sections above. Options could include disposal to sewer or removal by a licensed liquid contractor following sampling and analysis.
Ingress of water into open excavations	Isolate and sample water and assess options for disposal, as per the sections above. Options could include disposal to sewer or removal by a licensed liquid contractor following sampling and analysis.
Identification of potentially contaminated material in unexpected areas	Potentially contaminated material/soil which has already been excavated should be bunded and stockpiled on a minimum of two layers of polythene or low-density polyethylene sheet of at least 0.25mm thickness, protected from erosion and seepage retained. Excavation works at that part of the site where the potentially contaminated material was encountered should cease until assessment is carried out by an experienced environmental consultant. Based on a visual assessment, the environmental consultant will provide interim advice on health and safety of construction works, soil storage and soil disposal to allow construction to proceed if possible. Based on sampling and analysis of the material, the environmental consultant will provide advice as to remediation/management requirements for the material. In the context of the above, 'potentially contaminated' material would include fibrous, oily or odorous material, drums, metal or plastic chemical containers or brightly coloured material etc.
Identification of asbestos fragments in excavated soil during excavation works	Refer to the attached Asbestos Management Plan for further advice, or contact a suitably qualified hygienist for advice.
Other	Other unexpected events which may affect the outcome of the investigation would be notified to the Project Manager. At that time potential actions to address the unexpected event will be assessed and presented.

6 Health and Safety Control Measures for Contamination Hazards

This section of the EMP presents control measures that should be adopted to manage health and safety hazards posed by contamination during site works. These control measures include:

- Site Access;
- Personal Protective Equipment;
- Safe Work Practices.

It is important to note that this section only covers contamination issues associated with contaminated soil. It is also important to note that these procedures will need to be evaluated for effectiveness and where necessary revised and/or improved during site work.

6.1 Site Access

The work areas should be barricaded and only authorized personnel should be allowed entry to the work areas.

6.2 Personal Protective Equipment (PPE)

To minimise short and long term health risks associated with the potential exposure to contaminants, the minimum level of PPE required for persons undertaking works around contamination include:

- Hard hats;
- High visibility clothing;
- Long sleeve shirts and trousers;
- Steel capped workers boots;
- Safety glasses;
- Chemical resistant rubber gloves for persons coming in contact with the soil; and
- Tyvek suits and face masks (when excavation and disposal of asbestos materials is being undertaken). Further details are included in the Asbestos Management Plan in Appendix A.

6.3 Safe Working Practices

Chemical resistant gloves should be changed daily and disposed appropriately.

The contractor should ensure that adequate signage is present across the work area to warn unauthorised persons from entering the area.

Eating, drinking, chewing gum or tobacco, smoking or other practices that involve hand to mouth transfer increases the probability of ingestion of contaminated soil or dust into the body. Hands must be thoroughly washed after coming into contact with potentially contaminated soil or groundwater on the site before eating, drinking or smoking.

Smoking should be prohibited in potentially contaminated areas.

7 Limitations

It is the nature of contaminated site investigations that the degree of variability in site conditions cannot be known completely and no sampling and analysis program can eliminate all uncertainty concerning the condition of the site. Professional judgement must be exercised in the collection and interpretation of the data.

In preparing the EMP, current guidelines for assessment and management of contaminated land were followed. This work has been conducted in good faith in accordance with Coffey's understanding of the client's brief and general accepted practice for environmental consulting.

This EMP was prepared for Worley Parsons Services Pty Ltd with the objective of providing strategies to enable the management of contaminated materials that may be encountered during construction works. No warranty, expressed or implied, is made as to the information and professional advice included in this report. Anyone using this document does so at their own risk and should satisfy themselves concerning the applicability of its application and where necessary should seek expert advice in relation to the particular situation.

References

AECOM Australia Pty Ltd (2011) Limited Phase 1 Environmental Site Assessment, North Rothbury, Reference 60162904 dated 10 March 2011.

AECOM Australia Pty Ltd (2012) Huntlee Development, Preliminary Stage 1 Site Investigation, North Rothbury NSW, Reference 60266102 dated 31 July 2012.

ANZECC (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality

Coffey Environments Australia Pty Ltd (2013) Huntlee Development Stage 1, Wine Country Drive North Rothbury, Fee proposal for an Environmental Management Plan and Pesticide Contamination Assessment, Reference ENAUWARA04423AA-P01 dated 15 July 2013.

National Environmental Protection Council (2013) National Environmental Protection (Assessment of Site Contamination) Measure (NEPM, 2013).

NSW DECCW (2009) Waste Classification Guidelines: Part 1 – Classifying Waste.

Safe Work Australia (2011) National Code of Practice – How to Safely Remove Asbestos.

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Important information about Coffey Environmental Report

Uncertainties as to what lies below the ground on potentially contaminated sites can lead to remediation costs blow outs, reduction in the value of the land and to delays in the redevelopment of land. These uncertainties are an inherent part of dealing with land contamination. The following notes have been prepared by Coffey to help you interpret and understand the limitations of your report.

Your report has been written for a specific purpose

Your report has been developed on the basis of a specific purpose as understood by Coffey and applies only to the site or area investigated. For example, the purpose of your report may be:

- To assess the environmental effects of an on-going operation.
- To provide due diligence on behalf of a property vendor.
- To provide due diligence on behalf of a property purchaser.
- To provide information related to redevelopment of the site due to a proposed change in use, for example, industrial use to a residential use.
- To assess the existing baseline environmental, and sometimes geological and hydrological conditions or constraints of a site prior to an activity which may alter the sites environmental, geological or hydrological condition.

For each purpose, a specific approach to the assessment of potential soil and groundwater contamination is required. In most cases, a key objective is to identify, and if possible, quantify risks that both recognised and unrecognised contamination pose to the proposed activity. Such risks may be both financial (for example, clean up costs or limitations to the site use) and physical (for example, potential health risks to users of the site or the general public).

Scope of Investigations

The work was conducted, and the report has been prepared, in response to specific instructions from the client to whom this report is addressed, within practical time and budgetary constraints, and in reliance on certain data and information made available to Coffey. The analyses, evaluations, opinions and conclusions presented in this report are based on those instructions, requirements, data or information, and they could change if such instructions etc. are in fact inaccurate or incomplete.

Subsurface conditions can change Interpretation of factual data

Subsurface conditions are created by natural processes and the activity of man and may change with time. For example, groundwater levels can vary with time, fill may be placed on a site and pollutants may migrate with time. Because a report is based on conditions which existed at the time of the subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. Consult Coffey to be advised how time may have impacted on the project and/or on the property.

Interpretation of factual data

Environmental site assessments identify actual subsurface conditions only at those points where samples are taken and when they are taken. Data derived from indirect field measurements and sometimes other reports on the site are interpreted by geologists, engineers or scientists to provide an opinion about overall site conditions, their likely impact with respect to the report purpose and recommended actions. Actual conditions may differ from those inferred to exist, because no professional, no matter how well qualified, can reveal what is hidden by earth, rock and time. The actual interface between materials may be far more gradual or abrupt than assumed based on the facts obtained. Nothing can be done to change the actual site conditions which exist, but steps can be taken to reduce the impact of unexpected conditions. For this reason, parties involved with land acquisition, management and/or redevelopment should retain the services of Coffey through the development and use of the site to identify variances, conduct additional tests if required, and recommend solutions to unexpected conditions or other problems encountered on site.

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Your report will only give preliminary recommendations

Your report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until project implementation has commenced and therefore your report recommendations can only be regarded as preliminary. Only Coffey, who prepared the report, is fully familiar with the background information needed to assess whether or not the report's recommendations are valid and whether or not changes should be considered with redevelopment or on-going use of the site. If another party undertakes the implementation of the recommendations of this report there is a risk that the report will be misinterpreted and Coffey cannot be held responsible for such misinterpretation.

Your report is prepared for specific purposes and persons

To avoid misuse of the information contained in your report it is recommended that you confer with Coffey before passing your report on to another party who may not be familiar with the background and the purpose of the report. In particular, a due diligence report for a property vendor may not be suitable for satisfying the needs of a purchaser. Your report should not be applied for any purpose other than that originally specified at the time the report was issued.

Interpretation by other professionals

Costly problems can occur when other professionals develop their plans based on misinterpretations of a report. To help avoid misinterpretations, retain Coffey to work with other professionals who are affected by the report. Have Coffey explain the report implications to professionals affected by them and then review plans and specifications produced to see how they have incorporated the report findings.

Data should not be separated from the report

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way. Logs, figures, laboratory data, drawings, etc. are customarily included in our reports and are developed by scientists, engineers or geologists based on their interpretation of field logs (assembled by field personnel), field testing and laboratory evaluation of field samples. This information should not under any circumstances be redrawn for inclusion in other documents or separated from the report in any way.

Contact Coffey for additional assistance

Coffey is familiar with a variety of techniques and approaches that can be used to help reduce risks for all parties to land development and land use. It is common that not all approaches will be necessarily dealt with in your environmental site assessment report due to concepts proposed at that time. As a project progresses through planning and design toward construction and/or maintenance, speak with Coffey to develop alternative approaches to problems that may be of genuine benefit both in time and cost.

Responsibility

Environmental reporting relies on interpretation of factual information based on judgement and opinion and has a level of uncertainty attached to it, which is far less exact than other design disciplines. This has often resulted in claims being lodged against consultants, which are unfounded. To help prevent this problem, a number of clauses have been developed for use in contracts, reports and other documents. Responsibility clauses do not transfer appropriate liabilities from Coffey to other parties but are included to identify where Coffey's responsibilities begin and end. Their use is intended to help all parties involved to recognise their individual responsibilities. Read all documents from Coffey closely and do not hesitate to ask any questions you may have.

Appendix A

Asbestos Management Plan

Asbestos Management Plan

Introduction

General

This document contains an Asbestos Management Plan (AMP) prepared by Coffey Environments Australia Pty Ltd (Coffey) for proposed construction works involved with the Huntlee Development – Stage 1 Project.

The AMP was commissioned by Worley Parsons Services Pty Ltd (Worley Parsons) in response to a Coffey fee proposal (Reference ENAUWARA04423AA-P01 dated 15 July 2013).

This AMP presents the approach and methodology for asbestos management at the site to be followed by the contractor and its subcontractors. It provides a basis for specifications for asbestos management. However, it is important to note that this document is not a specification.

This AMP must be read in conjunction with the attached EMP, and in conjunction with the sheet entitled *'Important Information about your Coffey Environmental Report'*, which can be found attached to the EMP.

Objective

The objective of the AMP is to provide strategies during construction to enable the management of asbestos impacted materials should they be encountered during excavation, in order to protect human health and prevent the spread of contamination.

Summary of Previous Asbestos Results

AECOM Australia Pty Ltd (AECOM) undertook a Preliminary Stage 1 Investigation at the site in 2012 (Reference 60266102 dated 31 July 2012). During the assessment, fragments of potential Asbestos Containing Materials (ACM) were identified adjacent to abandoned buildings. Two ACM fragments and five soil samples were collected and submitted to a NATA-accredited laboratory for analysis.

The results of the laboratory analysis indicated that chrysotile asbestos fibres were present in one fragment of ACM analysed, and chrysotile asbestos was detected in one soil sample. No free asbestos fibres were recorded in the soil samples analysed in AECOM's investigation. The asbestos detections were adjacent to a building at the rear (west) of the northern most residence located in Precinct 6 of the Huntlee Development. Based on the finding of asbestos within a soil sample, it is assumed that friable asbestos is present.

Management Plan for Asbestos Contaminated Materials

If potential asbestos contamination is identified during excavation works, the following management measures should be adopted:

- Establishment of a restricted access area; and
- Implementation of asbestos management outlined in this plan during construction works in the impacted area.

Coffey notes that these steps are to be performed or supervised by a suitably licensed asbestos contractor, with a Class A license. These steps are discussed in more detail in the sections below.

Establishment of a Restricted Access Area

The contractor will be required to establish a restricted access area encompassing the excavation area. Access to designated work areas will be determined by the Site Supervisor. Only authorised and inducted persons are permitted in the designated work area. Other site workers and the general public are not permitted within the restricted access area.

Appropriate warning signs and/or barriers should be placed around the impacted area maintaining at least 3m distance from the impacted area, in accordance with the following regulations and guidelines:

- AS 1319-1994: 'Safety Signs for the Occupational Environment'; and
- National Code of Practice – How to Safely Remove Asbestos in the Workplace (Safe Work Australia, 2011).

If potential asbestos contamination is identified, suitable asbestos warning signs should be placed around the work zone.

Asbestos Management During Construction Works

Should potential asbestos contamination be identified, the following procedures should be carried out:

- Stop works, advise the Project Manager, who will inform the client;
- Notify a competent asbestos consultant of suspect material for sampling and analysis to confirm the presence (or absence) of asbestos;
- Engage a licenced asbestos contractor to undertake or supervise the works;
- Continue excavation works with asbestos controls;
- Establish and conduct air monitoring;
- Removal of asbestos contaminated soils and fragments; and
- Document the quantity and the location of impacted soils and secure the impacted area.

These procedures are discussed in detail in the sections below.

Stop Works and Advise Project Manager

If potential asbestos contamination (e.g. fragments of potential ACM) is identified, the works in the area should immediately cease and the impacted area made secure. Workers on site should be informed about the potential asbestos contamination encountered.

The Project Manager should be notified as soon as practicable about the potential contamination encountered.

Undertake Sampling and Analysis

A competent asbestos consultant should be contacted to sample the suspect material. Depending on the nature of contamination, the samples may consist of soil samples, along with fragment samples.

The samples should then be dispatched to a NATA-accredited laboratory to assess for the presence of asbestos fibres.

Excavation works should not be continued within the impacted area until the results of the laboratory analysis are received.

Engage Licenced Asbestos Contractor

If the laboratory results indicate the presence of asbestos fibres in the samples, a licenced asbestos contractor will need to be engaged to undertake or supervise the remaining excavation works. The class of licence required will depend on the nature of asbestos contamination identified (i.e. bonded or friable). If friable asbestos is encountered a Class A license is required, if bonded asbestos is encountered a Class B license is required.

Continue Excavation Works With Asbestos Controls

Once excavation works restart inside the impacted area, excavated soils should be regularly inspected for the presence of ACM fragments. Where these are encountered, they should be separated from the excavated soils and set aside for removal and disposal. The separation of soil from ACM fragments should be undertaken by experienced personnel with the required license.

If the results of the sampling described above indicate that asbestos fibres may be present in the soil, the soils excavated from the impacted area should be stockpiled in a secure area and further sampled for waste classification purposes. The stockpile area should be suitably established, including an impervious bund and sediment controls.

During earthworks in the impacted area, the following methods should be employed to minimise dust generation and distribution:

- Dampening the surface of the site and working area with a water cart or similar control; and
- Ceasing work in strong winds.

Establish and Conduct Air Monitoring

During excavation works undertaken in the impacted area, air monitoring should be carried out to verify that the control measures in place are satisfactory and that asbestos fibres are not impacting adjacent occupied areas. The air monitoring devices should be placed on the boundaries of the designated work areas or site.

The sample collection and analysis should be conducted in accordance with the National Occupational Health and Safety Commission (NOHSC), *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition*, 3003 - 2005.

The analysis should be performed by a NATA registered laboratory and reported on endorsed certificates.

The samples should be collected from the site boundaries. The concentration of fibres at the site boundaries should be recorded at <0.01 fibres/mL of air. Concentrations of asbestos fibres shall be dealt with as follows:

- <0.01 fibres/mL. Action: Continue with control measures;
- Between 0.01 fibres/mL and 0.02 fibres/mL. Action: Review control measures; and
- Greater than or equal to 0.02 fibres/mL. Action: Stop works until the cause of the elevated concentrations is remedied and notify the regulator.

The necessity of continuing the air monitoring programme should be assessed ongoing by the project manager with respect to the required level of monitoring for the remainder of the project.

Removal and Disposal of Asbestos Contaminated Fragments and Soil

Asbestos Contaminated Fragments:

Excavated soils should be visually assessed for the presence of ACM. Where identified, the fragments should be removed using 'emu-pick' techniques. Hand-picked asbestos waste removed during the excavations shall be collected and double bagged in heavy duty, low density polyethylene 0.2mm thick bags. A maximum bag size of 1,200mm (length) x 900mm (width) shall be used and bags shall be filled to no more than 50 per cent capacity. The bags must be labelled as containing 'Asbestos Waste' and that dust inhalation must be avoided. The bags are to be 'double-necked' and sealed by wire ties or tape. The bags shall then be disposed to the nearest licensed facility as asbestos waste.

The loaded weight of the bags shall not exceed 20kg each. Each bag or other container shall be labelled on its outermost surface with warning statements.

Bags or primary containers which have held asbestos material shall not be re-used, and containers marked as above shall not be used for other purposes and shall be disposed of accordingly as per requirements for asbestos containing materials (ACM).

Care must be taken to ensure that the integrity of the plastic bags is not damaged during handling or transportation. Vehicles may be checked for cleanliness prior to leaving the work site.

Controlled wetting of waste shall be employed, where practicable, to reduce dust emission during bag sealing. Excessive water logging shall be avoided as the excess of contaminated water may leak out of the bags, thereby creating a future source of airborne dust.

The asbestos waste shall be disposed of at a licensed asbestos disposal facility in accordance with State and EPA requirements. Documentary evidence (waste disposal dockets) of the disposal shall be collected and provided. This will include name of the authorised waste facility, weighbridge docket and registration number of vehicle for every disposal.

Following removal of visible ACM from the excavated soils, the remaining soils should be visually assessed by a suitably trained occupational hygienist to confirm that no visible ACM remains in the soil.

Asbestos Contaminated Soil:

If laboratory testing indicates that asbestos fibres may be present in a friable state in the excavated soil, the excavated soils will need to be disposed offsite. The excavated soils will need to be assessed for waste classification purposes in accordance with the NSW DECCW (2009) *Waste Classification Guidelines*.

It is anticipated that removal off site will be by truck to the nearest licensed landfill. Each truck will be double lined with 1000 gauge polythene. The truck will be filled to the maximum weight limit and then the load will be covered during transportation to landfill.

Documentation

Records should be maintained by the contractor during asbestos works, including the quantities of asbestos waste disposed offsite. This will be accompanied by waste disposal dockets where available.

Decontamination of Personnel and Equipment

Machinery used in the impacted area may become contaminated with asbestos and will need to be decontaminated by washing down prior to leaving the site. The decontamination must be carried out such that cross contamination to site soils does not occur. The wash down area will be established on an impermeable area (such as bitumen pavement). If not, the wash down area will be validated through a 'emu pick' and soil sampling to confirm that cross contamination has not occurred.

Once the excavator has finished, the excavator bucket and tracks are to be decontaminated in the designated decontamination area. The decontamination area is to be on an impermeable platform, or fitted with single ply plastic sheeting, where the excavator will drive on to for decontamination. The decontamination will involve hosing and removing soil from the tracks and bucket as far as reasonably practicable by the removalist. Tools used shall be hosed down or wiped clean with a damp cloth. Following decontamination the plastic sheeting is to be rolled up and disposed offsite as asbestos waste. Satisfactory decontamination of the machinery will be supervised by the hygienist as part of the clearance process.

Upon completion of works boots and clothing shall be wiped down with a damp cloth and disposable PPE and Respiratory Protective Equipment (RPE) disposed of as asbestos waste. Non-disposable RPE shall be wet-wiped and placed in a sealed container for future use.

Personal Protective Equipment

To reduce short and long term health risks associated with the potential exposure to the chemicals of concern, the minimum level of Personal Protective Equipment (PPE) required for people, depending on the site activity, is listed below:

- **Body Protection.** Disposable coveralls (Tyvek suits) are to be worn during activities undertaken in the impacted area. Disposable coveralls are to be considered as potentially contaminated with asbestos and will therefore be disposed as asbestos contaminated waste.
- **Respiratory Protection.** Respiratory protection is required to prevent inhalation of airborne dusts. A minimum of a P2 rated disposable mask or respirator fitted with a P2 rated cartridge is to be used whilst working within the impacted area.
- **Head Protection.** Personnel working around excavation equipment will be required to wear a hard-hat. The hard hat must be in date, worn properly and not altered in ways that would lessen the degree of protection offered.
- **Eye Protection.** Eye protection is required to prevent eye injuries resulting from contact with dust, contaminated soil or liquid. Safety glasses are required to be worn by site personnel during the works.
- **Foot Protection.** Steel toed boots without laces will be worn by on-site personnel.
- **Skin Protection.** Long sleeves and trousers are to be worn. Skin protection will be required to prevent absorption of contaminated soil into the body. Gloves will be worn by personnel involved in site activities which will come into contact with contaminated soil or liquid. Sunscreen (SPF +30) shall also be worn to protect exposed skin areas not covered by PPE from the sun.

- **Hearing Protection.** Site workers will be required to have hearing protection (ear plugs or ear muffs) on site during works. Personnel who are likely to be exposed to high noise levels on site will be required to wear hearing protection.

Site personnel will be aware that PPE required to be worn may limit manual dexterity, hearing, visibility and may increase the difficulty of performing tasks. PPE places an additional strain on the user when performing work that requires physical activity.

Eating, drinking, chewing gum or tobacco, smoking or other practices that involves hand to mouth transfer increases the probability of ingestion of foreign matter into the body. Hands must be thoroughly washed before eating, drinking or smoking.

17 September 2021

William Singer
Development Manager
J & G KNOWLES AND ASSOCIATES P/L *(Developer)*
346 South Road
HAMPTON EAST VICTORIA 3188

Dear William

Re: NOTICE OF REQUIREMENTS FOR CONNECTION TO SERVICES - ON LOT DEVELOPMENT

Relevant Lot	
Scheme Location:	Huntlee
Precinct:	N/A
Building Name or Identifier:	Retirement Village
Lot No. / Address:	lot 490 in DP1212110
Development Assumptions:	206 units (0.75 ET/unit) plus Community Centre (18 ET), where 1ET = 425L/day
Services:	Drinking Water, Recycled Water & Sewerage

Altogether Huntlee Pty Ltd is the drinking water, sewage and recycled water utility appointed by Huntlee Pty Ltd for the development land located in North Rothbury called "Huntlee".

In order for the Services to be provided to the Relevant Lot and as a condition to the granting by us of a Certificate of Compliance to you for the purposes of occupying of the Relevant Lot, you are required to design, construct, commission and hand over the on-lot infrastructure as described in this Notice of Requirements (NOR). The Utility commits to issuing you with a Certificate of Compliance for the Relevant Lot upon your satisfaction of the requirements outlined in this NOR.

Regards,

Darren Wharton
Executive Manager, Sustainable Utility Services

For and on behalf of:

Altogether Huntlee Pty Ltd *(The Utility)*
Network Operator's Licence No.: 15_030
Retail Supplier's Licence No.: 13_001R

t 1300 803 803
e contact@altogethergroup.com.au
w altogethergroup.com.au
a Level 40, 259 George Street, Sydney NSW 2000 Australia
acn 167 418 608

Schedule 1: Technical Requirements
Schedule 2: Administrative Requirements

Schedule 1: Technical Requirements

Refer to Altogether's Developer Guidelines for Commercial & Multi-Residential Lots (Developer Guidelines) for more details:
https://information.altogethergroup.com.au/governance/Developer%20Guideline%20-%20Commercial%20%26%20Multi-Dwelling.pdf

No.	Item	Requirement	Comment
T1	**On Lot Hydraulic Services Design drawings**	Provide **hydraulic design drawings** and details for The Utility's services applicable to the lot for comment and approval	The Developer to only construct off drawings which have been reviewed and approved by The Utility and/or Independent Certifier (when one is appointed). Refer to Section 4 of the *Developer Guidelines*
T2	**Installer Accreditation**	Nominate the proposed installation contractor and provide details of the contractor's prior experience on pressure sewer installations (if applicable)	The installer must be approved by The Utility and provide evidence of relevant industry experience on request
T3	**Metering**	Supply and install separate meters on each and all drinking water including fire services (where applicable) and recycled water services and dedicate to The Utility	Meters to be installed in a location accessible to The Utility personnel at all times. A conduit must be installed from the location of the meter(s) to the location of sewer pump station control panel.
T4	**Trade Waste**	Comply with The Utility's trade waste requirements	askus.altogethergroup.com.au/hc/en-us/articles/4403700514329
T5	**Backflow Prevention**	Ensure the Relevant Lot has the correct backflow prevention device on the Utility's Services	The cross-connection hazard rating of the Relevant Lot must be assessed by an accredited backflow plumber. If the Relevant Lot is not or cannot be assessed the default cross-connection hazard rating we will be 'high hazard'. Backflow prevention devices installed that are not part of our water meter must be maintained and tested by the owner in accordance with AS/NZS 3500.
T6	**Quality Assurance**	Arrange for the **QA dedication package by the nominated QA Inspector for The Utility's Services installed,** as per Altogether's requirements	Refer to Section 5 of the *Developer Guidelines*
T7	**Bill of Quantities**	Provide quantities and costing in the form of a **Bill of Quantities (BOQ) for The Utility's Services** for Relevant Lot	The BOQ must include all contract and subcontract works as per work as constructed (WAC) drawings and updated with any variations

T8	**Connection to The Utility's Mains**	In addition to supplying and installing the on-lot infrastructure, the Developer is responsible for connecting the on-lot infrastructure to **The Utility's Services reticulation mains**. If The Utility's Services reticulation mains are not available at the point of connection to the Relevant Lot, a **separate Notice of Requirements** must be obtained from The Utility for the construction of reticulation mains and connection to The Utility's operational reticulation network. The Developer must obtain written approval from The Utility prior to connecting to reticulation mains.	Any works causing disturbance in public reserves and/or road reserves must be restored to the relevant council and/or authority's standards prior to The Utility issuing a Certificate of Compliance.
T9	**Connection to Third Party Utility Mains**	The Developer must comply to **Third Party Utility** requirements and provide evidence of this where applicable.	Not applicable.
T10	**Rainwater Systems**	The Developer must inform **The Utility** if the planned development includes a rainwater **collection and reuse** system.	Rainwater systems must be separated from the recycled water system(s) and reticulation. The Utility may also require a backflow prevention device on the recycled water system, if a rainwater system is installed.
T11	**Fire Services**	The Developer must ensure that the performance of firefighting system drawing water from the supply satisfies the firefighting requirements of the development.	The Utility is not required to supply water specifically for firefighting.

Schedule 2: Administrative Requirements

No.	Item	Requirement	Comment
A1	**Administration Documents**	Provide a copy of the development consent and plans confirming DP and Lot No's and the Basix Certificate	Details are required to be referenced on the Compliance Certificate for the relevant lot to enable the development to achieve its Occupation Certificate
A2	**Payment for Design Review**	Provide payment to The Utility for its review of the design loadings and proposed servicing solution for The Utility's services, unless other agreements between The Utility and The Developer have been made under a separate Project Delivery Agreement or similar.	Design Review Fee = (per review) https://askus.altogethergroup.com.au/hc/en-us/articles/360022741751-Pricing-for-developers-
A3	**Payment for QA Inspector**	Provide payment to The Utility for QA Inspector and collation of a QA Dedication Package for The Utility's services, unless other agreements between The Utility and The Developer have been made under a separate Project Delivery Agreement or similar.	QA Inspection Fee = (per inspection) https://askus.altogethergroup.com.au/hc/en-us/articles/360022741751-Pricing-for-developers-

A4	**Payment for On-lot Infrastructure Phase 2**	Provide **payment to The Utility** as per the rate provided in this NOR, unless other agreements between The Utility and The Developer have been made under a separate Project Delivery Agreement or similar.	Phase 2 Infrastructure Fee[#] = https://askus.altogethergroup.com.au/hc/en-us/articles/360022741751-Pricing-for-developers-
A5	**Site Inspection**	Provide **1 week's notice in writing** to The Utility to carry out a site inspection of the completed On Lot Infrastructure Works	This is to allow The Utility time to confirm that the installed infrastructure can be accepted and connected

[#] Visit https://askus.altogethergroup.com.au/hc/en-us/articles/360022741751-Pricing-for-developers- to view the applicable Infrastructure Phase 2 connection fees, which is dependent on the adopted servicing solution

planning consultants

Statement of Environmental Effects

Proposed Seniors Housing Development
205 Self-Contained Dwellings

97 Kesterton Rise, North Rothbury and 107 Kesterton Rise, Branxton

And

Part of 1864 Wine Country Drive, North Rothbury

Prepared for: Knowles Group
February 2021

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Abbreviations

AADT	annual average daily vehicle trips
AHD	Australian Height Datum
AHIP	Aboriginal Heritage Impact Permit
AS	Australian Standard
ASS	acid sulfate soils
BC Act	Biodiversity Conservation Act 2016
BCA	Building Code of Australia
BTA	bushfire threat assessment
CC	construction certificate
CIV	capital investment value
Council	Cessnock City Council
DA	development application
DCP	development control plan
DFP	DFP Planning Pty Limited
DPIE	NSW Department of Planning, Industry and Environment
DVT	daily vehicle trip
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPI	environmental planning instrument
ESD	ecologically sustainable development
FPL	flood planning level
FSR	floor space ratio
GFA	gross floor area
HIS	heritage impact statement
LEP	local environmental plan
REP	regional environmental plan
RFS	NSW Rural Fire Service
RF Act	*Rural Fires Act 1997*
RL	reduced level
SCC	site compatibility certificate
SEE	Statement of Environmental Effects
SEPP	state environmental planning policy
SIS	species impact statement
TSC Act	*Threatened Species Conservation Act 1995*
vtph	vehicle trips per hour
WM Act	*Water Management Act 2000*
WSUD	water sensitive urban design

1 Introduction

1.1 Commission

DFP has been commissioned by Knowles Group Pty Ltd to prepare a Statement of Environmental Effects (SEE) for the proposed seniors housing development at 97 Kesterton Rise, North Rothbury and 107 Kesterton Rise, Branxton (the site) and part of the adjoining land at 1864 Wine Country Drive, North Rothbury. The locality is also referred to as Huntlee.

This report is to accompany a development application (DA) to Cessnock City Council (Council).

1.2 Purpose of this Statement

The purpose of this report is to provide Council and relevant NSW State Government Agencies with relevant information necessary to assess and determine the DA in accordance with section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The proposed development is assessable pursuant to Part 4 of the EP&A Act.

The proposed development has a capital investment value (CIV) of $55,145,552 excluding GST (as per the definition of CIV in the Regulation) as determined in the DA Cost Estimate prepared by MGC Quantity Surveyors (submitted with the application). The CIV is above the $30 million CIV threshold under Schedule 7 of *State Environmental Planning Policy (Stage and Regional Development) 2011* and the proposed development is therefore Regional Development.

The proposed development is integrated development pursuant to Part 4 Division 4.8 of the EP&A Act as it requires an authorisation under Section 100B of the Rural Fires Act, 1997.

The proposed development is also potentially nominated Integrated Development pursuant to Part 4 Division 4.8 of the EP&A Act as it might require a controlled activity approval under section 91 of the Water Management Act, 2000 as the site contains a mapped watercourse and works are proposed within 40m of the watercourse. It is noted that the watercourse has been removed as part of past approvals relating to this site.

1.3 Material Relied Upon

This SEE has been prepared by DFP based on the information listed below and a site inspection undertaken on 5 August 2020.

- Survey Plan (prepared by Daly Smith);
- Architectural Plans (prepared by Jon Friedrich Architects);
- Design Statement; (prepared by Jon Friedrich Architects);
- Landscape Plans (prepared by Hamilton Landscape Architects Pty Ltd);
- Civil Engineering Report and Stormwater Management Plans including sediment and erosion control (prepared by Lanigan Civil);
- Operational Plan of Management (prepared by Sencia / Knowles Group);
- Acoustic Assessment (prepared by EMM Consulting);
- Traffic Impact Assessment (prepared by One Mile Grid);
- Disability Access Report (prepared by 3D Access);
- Bushfire Assessment (prepared by MJD Environmental);
- Social Impact Assessment (prepared by DFP Planning);
- Waste Management Plan - Operational (prepared by One Mile Grid);
- Waste Management Plan - Construction (prepared by TTM);

1 Introduction

- Draft Construction Traffic Management Plan (prepared by TTM);
- Water / Sewer advice from Altogether Huntlee Pty Ltd;
- BASIX certificates (prepared by Energy Lab);
- Asbestos Inspection and Validation Report dated 24 February 2021 (prepared by RCA); and
- DA Cost Estimate (prepared by MGC Quantity Surveyors).

2 Background

2.1 Previous Development Consents

Major Project Approval MP10_0137 approved Stage 1 of Huntlee including site preparation works, internal and external roads works, subdivision to create 1473 residential allotments, 14 super lots, 1 allotment for a primary school, drainage and open space reserves.

The Project Approval has been modified many times (the last being Modification No. 15). Of most relevance to the proposed development is Modification No. 9 which extended the Stage 1 site boundary to include a new substage 16 which included 4 super lots and other amendments. The subject site (outlined in blue in **Figure 1**) comprises two of the approved 4 super lots. The assessment reports submitted with Modification 9 foreshadowed a potential seniors housing development however that land use did not form part of the approval and was to be the subject of a future DA.

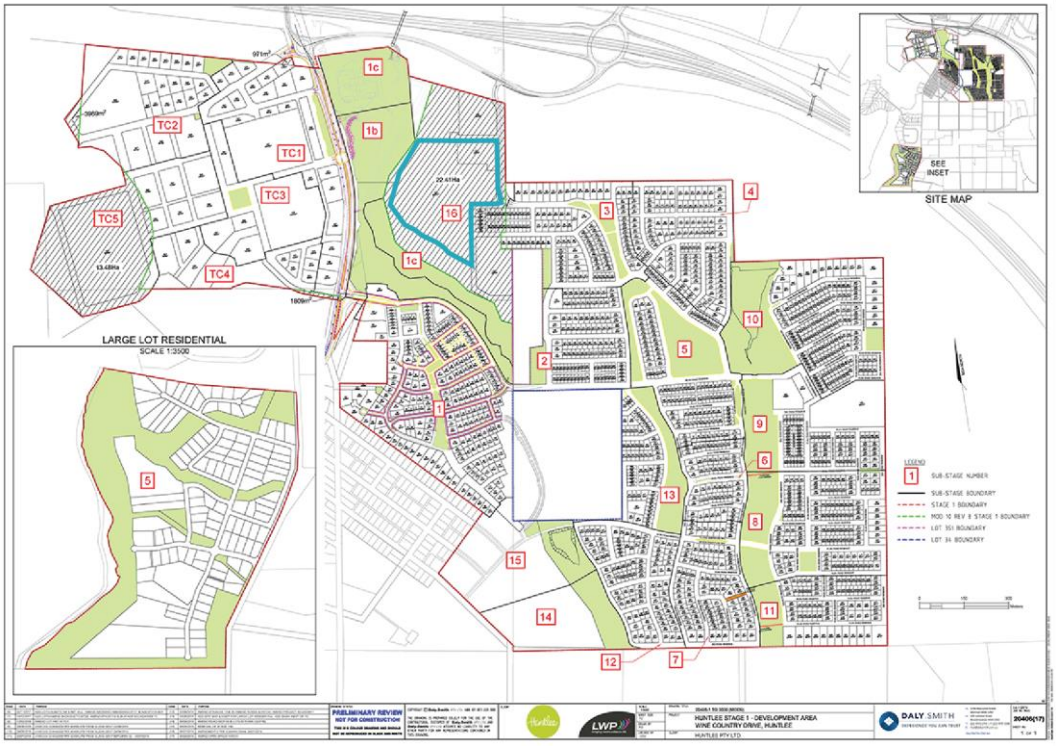

Figure 1 Approved Stage 1 Project Approval boundary and location of the site

2.2 Pre-DA Meeting

A Pre-Development Application meeting for a separate seniors housing development was conducted with Council on 10 August 2018 and minutes of that meeting were issued on the same day. DFP has not seen the plans the subject of that Pre-DA meeting.

A further Pre-DA Meeting with Council in relation to the subject seniors housing development took place on 15 January 2021. The Pre-DA meeting provided little commentary around the design / site planning and focussed on the submission requirements for the DA. A copy of the minutes is included with the DA. Aside from submission requirements, the points of relevance raised during the meeting are summarised as follows:

1. Council agreed that seniors housing is permissible in the B4 Mixed Use zone applying to the land under Cessnock Local Environmental Plan 2011 (CLEP).
2. The August 2018 Pre-DA meeting noted that a site compatibility certificate (SCC) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) was required. The January 2021 Pre-DA Meeting has confirmed that a SCC as seniors housing is a permissible land use in the B4 zone applying to the land. The land is zoned for urban purposes and a SCC is not required.

3 Site Context

3.1 Location

As illustrated in **Figure 2**, the site is centrally located to many of the towns of the lower Hunter Valley including:

- Cessnock (20km) to the south
- Singleton (25km) to the north west
- Kurri Kurri (26km) to the south east
- Maitland (28km) to the east

Newcastle is the nearest major CBD which is located approximately 56km from the site.

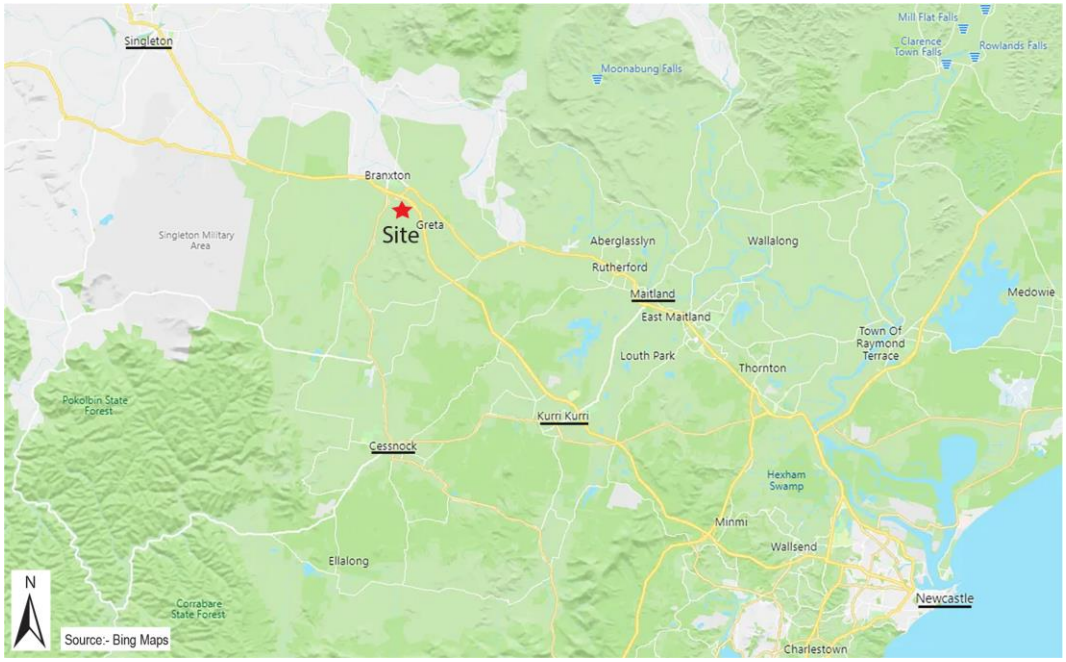

Figure 2 Site Location

3.2 Site Description

The site is known as 97 Kesterton Rise, North Rothbury and 107 Kesterton Rise, Branxton which is legally described as Lots 490 and 491 in DP 1212110.

In addition, the DA also comprises part of the adjoining land to north, west and south being Lot 1776 DP 1256914 (1864 Wine Country Drive) which is a residual lot created from the approved subdivisions that have taken place in the area.

A recent site survey prepared by Daly Smith in November 2020 is included with the DA submission and includes Lots 490 and 491 and that part of the adjoining land the subject of this DA.

The site is located near the intersection of Wine Country Drive and the Hunter Expressway (see **Figure 10**). The site has frontage to a recently made road (Kesterton Rise) which forms the eastern boundary of the site.

The site is located on the eastern edge of the residential estate of Katherine's Landing.

The property has:

- A site area of 101,574.9m^2 (excluding that part of site in Lot 1776 DP 1256914). This site area has been used for the purposes of this assessment.
- A frontage of approximately 200m to Kesterton Rise.
- A depth of about 260m to 360m when measured westward from Kesterton Rise.

3 Site Context

- The existing ground level of the site at Kesterton Rise is about 48m AHD to 52.5m AHD and falls to about 42.5m AHD at the western most part of the site (a level change ranging from 5.5m to 10m).

The site slopes from Kesterton Rise towards the west. The gradient of the site is relatively shallow at approximately 1:45 to 1:35 although there are some localised variations. Following the construction of Kesterton Rise, the site sits slightly lower than the road carriageway and there is a batter sloping down to the site.

Figures 3 and 4 are photographs taken in August 2020 illustrating the site viewed from the eastern boundary (Kesterton Rise).

Figure 3 Site the site viewed from the southern end of Kesterton Rise

Figure 4 The site viewed from the northern end of Kesterton Rise

As illustrated in **Figures 3 and 4** the site has been cleared of vegetation under previous approvals. However, there is one tree on the south western boundary (near the water basin) that remains within the site. The tree can be removed under MP10_0137 in the same manner as the other trees have been removed.

There are also some trees on Lot 1776 DP 1256914 which will be removed to create the batters and retaining walls forming the northern, western and southern boundaries of the village. Those trees have also been approved for removal under MP10_0137 and are therefore not assessed as part of this DA.

3.3 Surrounding Development

Development adjoining and surrounding the site is illustrated in the photographs in **Figures 5** to **9** which were taken in August 2020 and includes:

- To the **east** is vegetation on the opposite side of the road and the recently constructed subdivision with many dwelling houses having been completed. A future extension of the residential subdivision is yet to commence.
- To the **north** is vacant land which is currently vegetated but comprises part of the Stage 1 Project Approval Boundary.
- To the **west** is open space comprising managed lands and a riparian corridor. The open space land contains detention / water quality basins that have been constructed as part of the Stage 1 Project Approval. The basins are designed to cater for future development in Stage 1 (both water quality and quantity). The open space is not yet formalised but as part of the Project Approval this will become publicly accessible.

3 Site Context

- Further **west** is the Huntlee Town Centre which includes a newly constructed Coles supermarket and there are other approvals for a tavern, medical centre and commercial floor space. A pedestrian pathway is planned to the town centre across the riparian corridor. This will link the site directly with town centre via Wine Country Drive.
- To the **south** is open space comprising managed lands and a riparian corridor separating the site from the residential estate south of Triton Boulevard.

Figure 5 Huntlee town centre to the west

Figure 6 Kesterton Rise and the adjoining bushland to the east (right hand side of image)

3 Site Context

Figure 7 Recently constructed houses in Kesterton Rise opposite the site

Figure 8 The site viewed from Wine Country Drive near the Huntlee town centre

Figure 9 The site viewed from Triton Boulevard Avenue south of the site and south of the created riparian corridor which forms a visual buffer

Figure 10 illustrates the site, locality and the broader surrounding land uses, local shops and transport.

3 Site Context

Figure 10 The site and surrounding land uses

4 Proposed Development

4.1 Summary of Proposed Development

The proposed development comprises the construction of 205 self-contained dwellings for seniors, a community building with recreational facilities, roads, stormwater infrastructure, landscaping, signage and a caravan parking area.

The key development statistics of the development are detailed in **Table 1**.

Table 1 Development Statistics	
Site Area	101,574.9m^2 (excluding the batters on the adjoining land)
Number of Dwellings	205
Total GFA	27,622m^2
Total Landscaped Area (as per the definition in SEPP Seniors).	35,585m^2
Car Parking	410 (double garage / dwelling) 51 visitor car parking spaces and 7 staff car parking spaces adjacent to the internal roads.
Height	Single storey < 8m

The following subsections provide a more detailed description of the proposed development.

4.2 Site Preparation of the Retirement Village Site (Lots 490 and 491)

The site of the retirement village has been cleared of vegetation (with the exception of one tree). The one tree that remains on the site is located on the south western boundary near the water basin (located outside the site). The tree can be removed under MP10_0137 in the same manner as the other trees have been removed.

Some services (utilities) have been provided to the Kesterton Road frontage reducing some of the necessary preparatory work.

The proposed site preparation works generally relate to earthworks to grade the site to:

1. suit roads that achieve the accessibility requirements for pedestrians in a seniors living environment; and
2. to ensure the finished site drains to the two stormwater basins that have already been constructed to the north-west and south-west of the site.

Lanigan Civil has prepared a Site Earthworks Plan (LC1962-TP03). Generally, the south-eastern part of the site is excavated (up to 2.5m) and the north-western part of the site is filled (up to 2.1m).

Between the roads, the land is benched to create building platforms for the proposed dwellings. The building platforms require retaining walls between dwellings and the retaining walls are generally no greater than 1.5m in height.

There is no requirement for stormwater quality basins to be provided on site as these have been constructed outside the site for the benefit of the urban release area. The site will drain into those basins.

4.3 Works on Adjoining Land (Lot 1776 DP 1256914)

The works on adjoining land comprise batters, retaining walls on the boundary and tree removal.

Batters

Batters are proposed along part of the northern and western boundaries to tie in with the finished levels of the retirement village site. The batters will be finished with a grade of 1:5 to ensure that they can be maintained. A path at the top of the batter provides perimeter access for bushfire fighting if required. Access points have been provided in the site planning of the retirement village to enable fire fighters to gain access to the top of the batter.

The site planning of the village has provided for a pedestrian connection on the western boundary. The batter is approximately 30m long to enable a minimum 1:14 grade path and the landscape plans indicatively show how this path and gradient could work. The final design and its construction will be carried out by others when the remainder pathway to Wine Country Drive is designed. The path does not form part of this DA.

Tree Removal

That part of the site relating to the batters will require the removal of up to 6 trees on the northern, western and southern boundaries. Those trees are all located in the Stage 1 Project approval boundary (MP10_0137) which granted approval for tree removal.

Retaining Walls

A retaining wall is proposed on the boundary with Lot 1776 DP1256914 where batters will not be used.

- On part of the northern boundary the retaining wall ranges in height from 2.3m (eastern end) to 1.1/1.2m (western end).
- On the southern boundary the retaining wall ranges in height from 1.55m to 1.0m.

4.4 Self-contained dwellings

A total of 205 single storey self-contained seniors housing dwellings are proposed.

- The dwellings comprise a mix of 17 x 2 and 188 x 3 bedrooms.
- Each dwelling site contains its own private open space.
- Each dwelling will be provided with a double garage. Some dwellings have an additional hard stand car parking space forward of the garage.

Each dwelling has been designed to suit a typical 'site' which are shown in architectural plans. There is no subdivision (torrens title or strata title) of the 'sites' proposed as the village will be operated under the Retirement Villages Act, 1999 which provides for other mechanisms for ownership.

The actual 'site' available for each dwelling will differ according to differences in site boundary or road alignments. The sites range in size from 280m^2 to 325m^2. The dwelling 'sites' will be fenced to define the space owned by the resident and provide private open space.

4.5 Community Building

A community building is proposed as an ancillary component to the seniors housing development and focal point for the residents of the village. The community building will include:

- Indoor lounge and dining areas with bar and café. A small kitchen will service the dining room.
- Small cinema.
- Recreation rooms (e.g. craft rooms, library, games room).
- Indoor pool and gym and adjoining deck for exercise sessions such as yoga.

- Hair/beauty salon.
- A consulting room for visiting health care professionals.
- Administration offices for the management of the village.
- Bowling green adjacent to the community building.
- 20 car parking spaces adjacent to the community building including a parking area for a community bus and golf buggy.

These facilities will only be available to the residents of the village or their visitors and is not for use by the general public. The community facilities provided are an ancillary use to the seniors housing village.

4.6 Vehicular Access, Car Parking and Loading

Internal (private) roads are to be constructed providing access to each dwelling. The roads have been designed to accommodate a medium rigid vehicle for waste collection and fire appliance access.

Small groups of visitor car parking are scattered around the village as either angled parking or parallel parking spaces (40 spaces). A further 20 spaces (including 2 disabled parking spaces) are provided around the community building. Seven spaces (being the 45 degree angled parking to the east of the community building) are intended for staff car parking (including management, visiting allied health professionals and hairdresser).

Parking spaces for a community bus and golf buggy are also provided near the community building.

A parking area for caravans which can accommodate a total of 15 caravans is proposed in the south-eastern corner of the site.

A private contractor will provide waste management services for the village (Council's service will not be used).

The village will operate a 12-seater community bus. This will be used for social / recreational outings as well as taking residents to services and facilities that they require for day to day needs (e.g. to nearby centres to provide access to shopping, banking, commercial, health services). The operation of the community bus is described in the Operational Plan of Management submitted with the DA.

4.7 Operational Plan of Management

Sencia will operate the village and they have prepared an Operational Plan of Management (included with the DA) which describes:

- how the village will be managed and the duties of the various staff;
- establishing resident committees and how they operate with village management;
- how the community bus will operate; and
- clarifies the uses of the community building and that they are used by residents and their guests.

4.8 Exhibition Village / Display Villas

Four (4) display villas are proposed in Stage 1 of the development. These will be located off the central spine road. The extent and location of the "exhibition village" is shown on the civil plans (Drawing LC1962-TP04). The village will occupy the five (5) dwelling sites, with one site being used as a temporary car parking area for visitors.

4 Proposed Development

The exhibition village will operate between the hours of 9am to 5pm, seven days a week excluding public holidays.

One (1) sales manager will be on-site to manage the display village, meet with potential purchasers and show them through the villas and explain the overall village, its facilities and how it is managed.

A temporary car park (on the dwelling site #86) is proposed to provide six (6) car parking spaces and the community bus car parking area for Stage 1 of the development.

4.9 Landscape Design

The landscape plans prepared by Hamilton Landscape Architecture document the landscape treatment for the proposed development. The plans illustrate:

- The overall landscape design for the development;
- Typical details for planting of the villa rear courtyards and front courtyards;
- Typical details for street trees planting;
- Details for the pocket parks;
- Typical details between dwellings including retaining walls;
- Street lighting and bollard lighting along pathways the locations of which are shown on the landscape plans.
- Species selection which has referenced the species list in Part E17:Huntlee of Cessnock Development Control Plan 2010.

4.10 Staging

Lanigan Civil has prepared a staging plan which is included with the DA submission. The staging plan relates to staged construction of the development to allow for construction certificates to be issued progressively to respond to market demand. The DA is not a concept DA under Section 4.22 of the EP&A Act. The staging plan indicates as follows:

- Civil infrastructure and earthworks will be constructed for each stage. This might require some civil works outside the staging boundary such as connecting drainage infrastructure and provide turning heads in an adjacent stage where stub roads would otherwise occur.
- Stage 1 comprises the main entrance road, the APZ across the site frontage and 25 villa sites. Stage 1 will also contain the exhibition village. One of the villas sites will be provided as a temporary car park for the exhibition village and the villa on this site will be constructed later when the village has ceased use. Therefore only 24 villas will be constructed when Stage 1 is being built.
- Stage 2 contains the community building and bowling green, the adjoining visitor and staff car parking and 4 villas.
- The remaining 14 stages comprise small groups of villas so that they can be constructed progressively subject to market demand. If there is strong market demand then stages could be combined to satisfy that demand.

Landscaping, lighting, fencing will also be constructed on a stage by stage basis.

The APZ along Kesterton Rise will provided at Stage 1. The remainder of the site will be established as a temporary APZ and managed as an inner protection area for bush fire purposes and therefore managed progressively.

4 Proposed Development

4.11 Signage

Two wall signs are proposed, one on each of the feature walls marking the front entrance to the village off Kesterton Rise. The signs will have an overall dimension of 0.8m x 2.0m and 1.2m x 2.3m. The signs will be illuminated with ground mounted lighting to only illuminate the walls and avoid light spill. The landscape plans submitted with the DA (Drawing DA-05) illustrate the proposed signage.

5 Approvals, Permits and Licences

5.1 General

This section outlines other relevant legislation for which an approval, licence or permit may need to be sought. This section is structured under headings relating to the responsible Government departments and approval authorities.

5.1.1 Water Management Act 2000

The objects of the WM Act are generally "*to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations….*"

Part 3 of Chapter 3 of the WM Act relates to Approvals and section 91(2) requires a 'controlled activity approval' for works at a specified location in, on or under 'waterfront land'. **Figure 11** shows the watercourses proximate to the site. There is a watercourse to the west of the site which is about 85m from the site boundary and therefore does not trigger the WM Act. There is also a mapped watercourse that passes through the north eastern corner of the site.

Figure 11 Location of mapped watercourse

Major Project Approval MP10_0137 (and subsequent Modification No. 9) approved (*inter alia*) site preparation works and internal and external roads works. The works approved by the Major Project approval have been carried out in relation to the site including the construction of the local road, Kesterton Rise, tree removal and earthworks on the site. These approved works have disturbed the original watercourse as illustrated in **Figure 12**. A constructed drainage line passes under the pavement of Kesterton Rise and the original watercourse no longer exists. There are culverts on the site directing water flow including under the track running along the northern boundary.

5 Approvals, Permits and Licences

Remains of watercourse in the site. The culvert is within the site boundary. The track is located to the north of the site.

Watercourse on other side of the track

Figure 12 Photographs of the remains of the watercourse in the north eastern corner of the site

The upper extent of the stream has been removed as part of the previously approved development, however because mapping indicates a water course the provisions of the Water Management Act, 2000 continue to apply.

The requirement for a controlled activity approval under the WM Act triggers the integrated approval provisions of the EP&A Act.

5.1.2 Rural Fires Act, 1997

The site is mapped as bush fire prone land. The site is mapped as Category 1 and 3 vegetation however the mapping has not been updated since the land was cleared.

Under section 100B(6) the Rural Fires (RF) Act, 1997 a seniors housing development within the meaning of SEPP Seniors is a *special fire protection purpose* (SFPP) and a bush fire safety authority is required under Section 100B for a SFPP.

Under section 4.46 of the EP&A Act, 1979 a development that requires an authorisation under section 100B of the RF Act is integrated development. The DA will therefore be referred to the Rural Fires Service for their general terms of approval.

MJD Environmental has prepared a Bushfire Assessment Report for the proposed development a copy of which is submitted with the DA and discussed in **Section 6.3.3** of this SEE.

6 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

6.1 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

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

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) aims to increase the supply and diversity of housing for seniors or people with a disability in NSW. The Development Application has been lodged pursuant to SEPP Seniors, which prevails over CLEP 2011 in the event of any inconsistency.

The Pre-DA Meeting notes issued by Council on 10 August 2018 for a seniors housing development for this site as proposed by another applicant noted that there was a point of difference during the meeting as to whether Part 1A of SEPP Seniors applies and therefore whether a site compatibility certificate (SCC) was also required. As set out below we have reviewed clause 24 of SEPP Seniors and concluded that a SCC is not required. **Table 2** includes commentary in relation to the provisions of Part 1A (clauses 24 and 25) which explains why a SCC is not required.

Table 2 provides a summary assessment of the proposed seniors housing development concept against the relevant provisions of SEPP Seniors.

Table 2 Assessment against Relevant Provisions of SEPP Seniors

Provision	Assessment	Consistent
4 Land to which Policy applies (1) **General.** This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if— (a) development for the purpose of any of the following is permitted on the land— (i) dwelling-houses, (ii) residential flat buildings, (iii) hospitals, (6) Land to which Policy does not apply This Policy does not apply to— (a) land described in Schedule 1 (Environmentally sensitive land), or	The land is zoned B4 Mixed Use under CLEP 2011 is '*land zoned primarily for urban purposes*'. Dwelling houses, residential flat buildings and hospitals are all permissible with consent in the B4 zone. The land is not described as environmentally sensitive land by virtue of any of the descriptors in Schedule 1. SEPP Seniors therefore applies to the land.	Yes
10. Seniors housing *Seniors housing* is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of these, but does not include a hospital.	The proposal comprises self-contained dwellings and accordingly, satisfies the definition of Seniors Housing.	Yes
13. Self-contained dwellings (1) "Self-contained dwelling" means a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people	The self-contained dwellings will be "in-fill self-care housing" as defined in clause 13(2) of SEPP Seniors.	Yes

6 Environmental Planning Assessment

Table 2 Assessment against Relevant Provisions of SEPP Seniors		
Provision	**Assessment**	**Consistent**
with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis. (2) Example: "in-fill self-care housing" In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.		
18 Restrictions on occupation of seniors housing allowed under this Chapter	A condition consistent with clause 18 can be imposed on a consent.	Capable of compliance.
19 Use of seniors housing in commercial zones Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.	The site is zoned B4 – Mixed Use, being a type of commercial zone. CLEP 2011 permits the use of the land for residential purposes (including seniors housing, dwelling houses, multi dwelling housing and residential flat buildings) and permits all of the building to be used for those residential purposes. Clause 19 is therefore not applicable.	Not Applicable.
24. Site compatibility certificates required for certain development applications (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if— (a) the development is proposed to be carried out on any of the following land to which this Policy applies— (i) land that adjoins land zoned primarily for urban purposes, (ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted), (iii) land that is used for the purposes of an existing registered club, or (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45. (1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.	Subclause (a) (i) applies to land that adjoins land zoned for urban purposes. In this case the land is zoned B4 and is classed as land zoned for primarily for urban purposes as per clause 4. The land is not classed as *land that adjoins land zoned for urban purposes* as described in clause 4(4). Subclause (a) (ii) – the land is not identified as special uses Subclause (a) (iii) – the land is not used for the purposes of an existing registered club., Subclause (b) – clause 45 (vertical villages) is not relevant. Clause 24 does not trigger the need for a site compatibility certificate (SCC). Seniors housing is permissible in the B4 zone under CLEP 2011 and therefore subclause (1A) clearly confirms that clause 24 does not apply.	A SCC is not required Not applicable.

Table 2 Assessment against Relevant Provisions of SEPP Seniors

Provision	Assessment	Consistent
26. Location and access to facilities	Refer to discussion at the end of this table.	Yes
27. Bush fire prone land	The land is mapped as being Vegetation Category 1 and 3 on the bushfire planning map however the mapping does not reflect the clearing of land that has taken place in Huntlee. A bush fire assessment has been undertaken by MJD Environmental which is included with the DA. Bush fire impacts are discussed in **Section 6.3.3** of this SEE.	Yes
28. Water and Sewer Consent not to be granted unless satisfactory evidence provided of access to reticulated water system and adequate removal or disposal of sewage.	The site is already serviced with water and sewer. Refer to discussion in **Section 6.2.6**.	Yes
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	Clause 29 of SEPP Seniors relates to DAs for a which a site compatibility certificate is not required (being the case in this instance). Clause 29(2) of SEPP Seniors provides that a consent authority, in determining a development application to which clause 29 applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v). These subclauses relate to (i) impact on the natural environment and land uses in the vicinity of the site Tree removal and biodiversity values are addressed in the Project Approval. Impacts on water quality / quantity are addressed in **Section 6.2.1** of this SEE. (iii) impact on services and infrastructure and clause 26 provisions These matters are addressed as the end of this table in relation to clause 26 and **Section 6.2.6** of this SEE in relation to infrastructure (v) bulk, scale, built form and character. These matters are addressed in **Section 6.2.2** of this SEE.	Refer to other Sections of the SEE for discussion regarding the matters identified opposite
30. Site Analysis To describe pertinent site details inclusive of dimensions, topography, services, existing vegetation, micro climates, location buildings and structures, views, overshadowing by neighbouring structures	Jon Friedrich Architects has prepared a site analysis that addresses the matters referenced in clause 30 of SEPP Seniors.	Yes
31 Design of in-fill self-care housing In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill*	The Guideline is addressed in the Design Statement prepared by Jon Friedrich Architects.	Yes

6 Environmental Planning Assessment

Table 2 Assessment against Relevant Provisions of SEPP Seniors		
Provision	**Assessment**	**Consistent**
Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.		
32 to 39 Design Principles Design to consider: - Neighbourhood Amenity and Streetscape - Visual and Acoustic Privacy - Solar Access and Design for Climate - Stormwater - Crime Prevention - Accessibility - Waste Management	These matters are discussed within this SEE: - Neighbourhood Amenity and Streetscape - **Section 6.2.2** and the Design Statement prepared by Jon Friedrich Architects. - Visual and Acoustic Privacy - **Sections 6.2.7** - Solar Access and Design for Climate - **Section 6.2.4** - Stormwater - **Section 6.2.1** - Crime Prevention - **Section 6.2.8** - Accessibility - **Section 6.3.2** - Waste Management in **Table 4** and **Section 6.2.10**	Yes
40. Development Standards (2) Site Size: Min. 1,000m^2	The site has an area of 101,154.9m^2 excluding the batter on the adjoining land) complying with this development standard.	Yes
(3) Site Frontage: Min. 20m	The site has a frontage to Kesterton Rise of 230m complying with this development standard.	Yes
(4) Height in zones where residential flat buildings are not permitted	The building height standards of clause 40(4) apply in residential zones where residential flat buildings are not permissible. The site is a business zone (not a residential zone) and therefore the clause has no application.	Not applicable
41. Standards for hostels and self-contained dwellings (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.	An assessment of the proposal's compliance with the access requirements under Clause 41 and Schedule 3 of the SEPP has been provided in the access report prepared by 3D Access which is included with the DA submission. The development either complies or is capable of compliance.	Yes
50. Standards that cannot be used to refuse consent for self-contained dwellings:		
(a) Building Height: 8m or less (distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point)	All buildings are single storey and below the 8m building height development standard.	Yes
(b) Density and Scale: FSR 0.5:1 or less	The GFA of the different components of the development is Dwellings 26,118 Community Building 1,253 2 x Garden sheds 12 1 x Maintenance shed 35 Total 27,418 Based on a site area of 101,154.9m^2 the proposed FSR is 0.27:1.	Yes
(c) Landscaped Area: minimum 30% of the area of the site is to be landscaped	Based on a site area of 101,574.9m^2 a total of 30,472.5m^2 is required.	Yes

Table 2 Assessment against Relevant Provisions of SEPP Seniors

Provision	Assessment	Consistent
(landscaped area means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas)	A total of 35,585m^2 has been provided. This calculation excludes the areas of the bowling green.	
(d) Deep Soil Planting: 15% of the site area. Two thirds of the deep soil zone should preferably be located at the rear of the site – minimum 3m dimension.	Based on a site area of 101,574.9m^2 a total of 15,263m^2 of deep soil is required. A total of 35,585m^2 has been provided (excluding the bowling green which does not have trees or shrubs). The proposal complies. The control which requires two thirds of the deep soil area at the rear of the site relates to contexts of in-fill development where there are rear yards adjoining each other. The site does not have that context. Nevertheless, the setback along the southern and western boundaries (the 'rear' in terms of the site's road frontage) comprises 15% of the required deep soil zone - 2,285m^2 and the southern and western setbacks and pocket parks along the boundary achieve compliance.	Yes
(e) Solar access: 70% of dwellings to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter to living rooms and private open spaces.	Jon Friedrich Architects have calculated that 71.2% of the proposed self-contained dwellings will achieve 3 hours of solar access to both living room and private open space achieving compliance (refer Drawing DA.25 in the architectural set of plans). Refer to **section 6.2.4** of this SEE for discussion of the calculation methodology.	Yes
(f) Private open space for in-fill self-care housing: (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one.	All proposed self-contained dwellings will be provided with private open space in the form of ground level terraces accessed directly from the living room. All dwellings meet the requirements (refer individual house designs in the architectural set of plans).	Yes
(h) Parking: 0.5 car spaces for each bedroom which the development is made by a person other than a social housing provider.	A mix of two and three bedroom dwellings is proposed. Each dwelling is provided with a double garage ensuring that this development standard is satisfied. Further discussion is provided in **Section 6.2.3** of this SEE.	Yes

Clause 26 – Location and Access to Facilities

Clause 26 of SEPP Seniors, relevantly, provides as follows:

> *"(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*
>
> *(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
>
> *(b) community services and recreation facilities, and*
>
> *(c) the practice of a general medical practitioner.*
>
> *(2) Access complies with this clause if:*
>
> *(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
>
> *(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
>
> *(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
>
> *(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*
>
> *(b) …… or*
>
> *(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—*
>
> *(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
>
> *(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
>
> *(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),*
>
> *and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*
>
> *(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:*
>
> *(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
>
> *(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
>
> *(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time."*

For the purposes of clause 26(1) the site is not located within 400m via an accessible path to the required services and facilities specified in Clause 26(1). The Huntlee town centre is within 400m of the site however a footpath connection across the open space land to Wine Country Drive has not been constructed and its final route and gradient is not known. Similarly bus stops are located along Wine Country Drive and Triton Boulevard but there are no accessible paths currently built that connect the site to those bus stops.

Clause 26(2)(b) allows a 'transport service' for land outside the Greater Sydney (Greater Capital City Statistical Area) to be provided (as opposed to a public transport service required within Greater Sydney).

As documented in the Operational Plan of Management there are a range of on-site services that will meet some of the requirements of clause 26 and a community bus is proposed to operate from the site to satisfy the provisions of clause 26 and supplement the on-site

services. In terms of the services and facilities referenced in 26 the following comments are made:

- The community bus parking area is within a 400m walking distance from all dwellings and paths of travel meet the gradient requirements of subclause (3).
- The community bus will operate daily (Monday to Friday) with at least one service provided each day.
- The community bus will take residents to Cessnock which provides shops, bank service providers, other retail and commercial services and community facilities as specified in clause 26(1)(a) and (c). **Figure 13** below documents where those facilities are located in Cessnock, the path of travel and gradients to demonstrate compliance.
- The community bus will also be available to take residents to other locations such as Huntlee town centre, Branxton or social and recreational activities also satisfying clause 26(1)(a) and (b).
- The proposed community building provides a range of social and recreation opportunities for the residents including swimming pool, gym, craft room, games room, cinema, library and bowling green. These common facilities are available to all residents in the village and are within 400m of every dwelling and the path of travel to the community building meets the gradient requirements of clause 26. This facility will satisfy the community and recreation facilities of clause 26(1)(b). However, the community building will not be constructed until after Stage 1 and therefore the community bus will need to be relied upon for access to recreational facilities until the community building is constructed.

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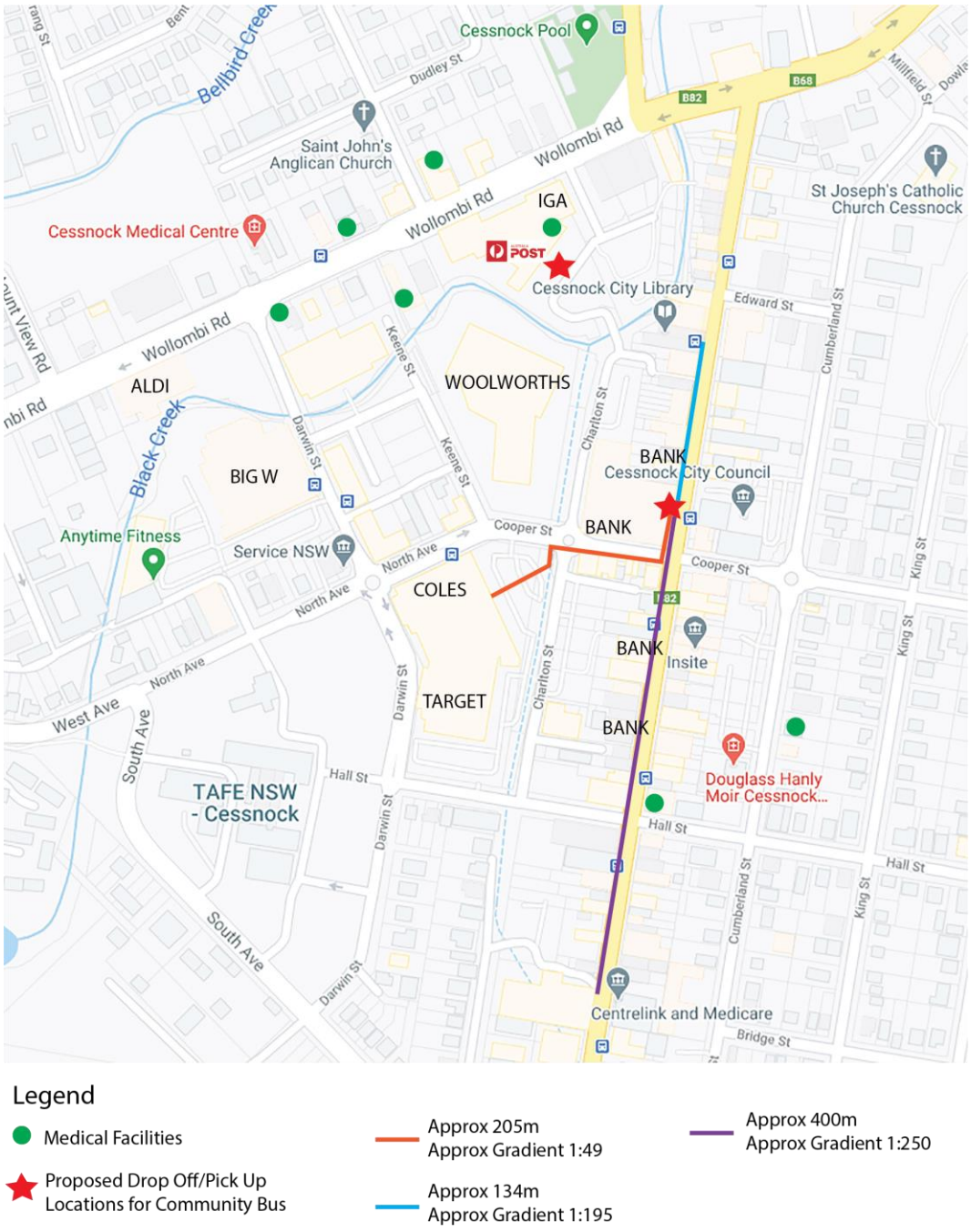

Figure 13 Location of services and facilities in Cessnock

6.1.2 SEPP 55 – Remediation of Land

SEPP 55 relates to remediation of contaminated land and requires, amongst other things, investigations to be undertaken as part of the development assessment process, to determine whether land is likely to be contaminated and if so, what remediation work is required.

A Phase 1 Environmental Site Assessment prepared by RCA Australia was submitted with Modification No. 9 to MP 10_0137. This covered the subject site (located in Stage 16). This report was prepared on the basis that the land was to include a seniors living facility. The subject land is included in Area 4 in the Assessment. The results of RCA's Environmental Site Assessment in relation to Area 4 were:

- Sample 404-1 (area near car tyres northeast of former homestead) reported no presence of asbestos.
- Sample 404-2 (area near concrete slab east of former homestead) reported the presence of chrysotile asbestos fibres.
- Sample 404-3 (loading ramp) reported the presence of amosite and chrysotile asbestos fibres.
- Sample 404-4 (area near concrete slab south of former homestead) reported no presence of asbestos.

These were all located at the western 'point' of the site.

Condition C1 of MP 10_0137 (Mod 9) requires (relevantly) as follows:

> *"C1. Site Contamination Remediation*
>
> *a) The site shall be made suitable for the approved development in accordance with the recommendations identified in the 'Huntlee Development Preliminary Stage 1 Site Investigation report', prepared by AECOM and dated 31 July 2012, to the satisfaction of the Certifying Authority. In particular:*
>
> *….*
>
> *viii) Prior to issue of a construction certificate for works within substages 16 and TC5, on land to which the recommendations of the Phase 1 Environmental Site Assessment prepared by RCA Australia (ref: 13148-402/2 dated 22 June 2018) apply, those recommendations shall be implemented, including the remediation of the land approved in Modification 9. Validation certificates for the remediation of these locations shall be submitted to the certifying authority prior to the release of a construction certificate. "*

RCA has prepared an Asbestos Inspection and Validation Report dated 24 February 2020 (a copy of which is submitted with the DA). On the basis of their inspection they have concluded that

> *"RCA considers that the site has been remediated suitable for the proposed development for residential use as per the previous recommendations (Ref [1]) for asbestos delineation, removal and validation works and in compliance with the consent condition as referred to in Section 1 above."*
>
> Note: Section 1 referred to in the above quote is the condition C1(a)(viii) referred to above.

RCA also noted as:

> *"…that there could be asbestos containing material (ACM) fragments at the site that there may be ACM fragments remaining at the site however, as there has been significant diminishment of the incidence of ACM fragments during the works, especially following the designated asbestos removal works were undertaken, and there has been no identification of asbestos fibres in the soil in proximity to ACM fragments RCA does not consider that this represents a risk to the development.*
>
> *If any ACM become visible on the ground surface in time, due to weathering events such as rain or wind, the future management of the site should include the collection of the visible ACM in a plastic bag and subsequent disposal as asbestos waste to an approved waste management facility."*

Since preparing their report the site has been cleared and mulched. Should isolated ACM fragments be exposed during earthworks for the proposed development, then the management measures noted above can be implemented and a condition to that effect can be imposed on a consent.

6.1.3 SEPP (Infrastructure) 2007 (ISEPP)

Clause 101 – Development with frontage to a classified road does not apply as the site does not have a frontage to the Hunter Expressway as there is another parcel of land separating the site from the expressway.

Clause 102 – Impact of road noise or vibration on non-road development applies to development on land in or adjacent to a road corridor for a freeway, tollway or transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles based on RMS data. The site is not adjacent to the Hunter Expressway as there is another parcel of land separating the site from the expressway and therefore clause 102 does not apply.

There is a minimum 140m separation from the northern site boundary to the boundary of the expressway. The exit road from the expressway is about 200m from the site (closest point) and the expressway is about 330m from the site.

EMM Consulting has nevertheless undertaken an acoustic assessment of the expressway upon the proposed dwellings. A copy of their assessment is included with the DA submission. This has been undertaken as part of a general environmental assessment and is not a requirement of clause 102. Some of the proposed dwellings will require acoustical treatment as discussed in **Section 6.2.7** of this SEE.

Clause 104 -Traffic Generating development and Schedule 3 relates to traffic generating development and certain proposals trigger a requirement for referral to the Transport for NSW (formerly RMS). The site is not accessed from a classified road and the site is not within 90m of road that connects to a classified road. The provisions of clause 104 do not apply and the DA does not require referral to the RMS.

6.1.4 SEPP (Building Sustainability Index: BASIX) 2004

Energy Lab has prepared BASIX certificates for each of the dwellings comprising the proposed development which are submitted with the DA. The certificates confirm that the development passes the water, thermal comfort and energy targets.

6.1.5 SEPP 64 (Advertising and Signage)

There are two feature walls at the main entrance from Kesterton Rise. Each wall will contain a flush mounted wall sign with the name of the village and will include the Sencia name / logo.

The signs will have an overall dimension of 0.8m x 2.0m and 1.2m x 2.3m. The signs will be externally illuminated with ground mounted lighting to only illuminate the walls and avoid light spill. The landscape plans submitted with the DA (Drawing DA-05) illustrate the proposed signage.

The signs are defined as a *building identification sign* which are not exempt development under Cessnock LEP 2011 and are permissible with consent in the B4 zone applying to the land.

State Environmental Planning Policy No. 64 – Advertising Signage (SEPP 64) applies to the proposed signage and clause 8 of the SEPP requires:

- Consideration of the proposal's consistency with the objectives of SEPP under clause 3(1)(a); and
- An assessment of the proposal's satisfaction of the assessment criteria contained in Schedule 1 of the SEPP.

The *building identification signs* are required to comply with the aims of clause 3(1) of SEPP 64 and the assessment criteria in Schedule 1 to the SEPP. Part 3 Advertisements of SEPP 64 does not apply to building identification signage.

An assessment of the proposed signage against these objectives and assessment criteria is provided in **Table 3**.

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Table 3 Assessment under SEPP No. 64 – Advertising and Signage		
Provision	**Assessment**	**Consistent**
Clause 3 – Aims, Objectives		
(a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of any area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and	The character of the locality is residential with bushland opposite. The proposed signs are low scale being located on a feature wall at the main vehicular entry. They will sit within a landscape context and will not dominate the streetscape. The proposed signs are simple providing the name of the business and the business logo.	Yes
(b) to regulate signage (but not content) under Part 4 of the Act	An assessment of the proposed signage in respect to Part 4 of the EP&A Act, in particular the relevant matters for consideration under Section 4.15, is provided within this SEE.	Yes
(c) to provide time-limited consents for the display of advertisements in transport corridors, and	N/A	N/A
(d) to regulate the display of advertisements in transport corridors, and	N/A	N/A
(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.	N/A	N/A
Schedule 1 Criteria		
Character of the Area	The character of the locality is residential with bushland opposite. The proposed signs are low scale being located on a feature wall at the main vehicular entry They will sit within a landscape context and will not dominate the streetscape. The proposed sign is simple providing the name of the business and the business logo.	Yes
Special Areas	N/A	N/A
Views and Vistas	No views or vistas will be adversely affected by the proposed signage.	Yes
Streetscape, Setting or Landscape	The proposed signs are of a scale which is considered appropriate for the length and height of the wall to which they will be attached and will not dominate the streetscape.	Yes
Site and Building	The extent of the signage is reasonable having regard to the size of the site and height of the wall to which they are attached.	Yes
Associated devices and logos with advertisements and advertising structures	No associated devices are proposed.	N/A
Illumination	The signs will be illuminated using directional ground mounted lights. These will face the site and not interfere with adjoining residential properties or traffic using the internal road.	Yes

Table 3 Assessment under SEPP No. 64 – Advertising and Signage		
Provision	**Assessment**	**Consistent**
Safety	The nature of the proposed signs being attached to a wall will not give rise to adverse public safety concerns for pedestrians, cyclists or motorists. In addition, the proposed sign will not obscure or interfere with road traffic signs and signals.	Yes

6.1.6 Cessnock Local Environmental Plan 2011

Zoning and Permissibility

The site is zoned B4 Mixed Use under Cessnock LEP 2011 (LEP). Seniors housing is permissible with consent. The site is also within the area identified as *Huntlee New Town Site 'Area B'* on the Additional Permitted Land Use Map. Item 3 in Schedule 1 of the LEP sets out the following additional land uses as being permissible with consent in the B4 zone (emphasis added in underlined text).

> *Development on land in Zone B4 Mixed Use for the purposes of dual occupancies, dwelling houses, exhibition homes, exhibition villages, highway service centres, light industries, recreation facilities (outdoor) and secondary dwellings is permitted with development consent.*

Seniors housing is permissible with consent in the B4 zone under the LEP and dwelling houses are permissible as an additional permitted land use in Schedule 3 (which is relevant to the application of SEPP Seniors).

Exhibition villages and exhibition homes are permissible land uses in Schedule 1 of the LEP.

The LEP maps indicate the following:

- The site is not identified as a heritage item and there are no heritage items or heritage conservation areas nearby.
- The site is not mapped as containing acid sulfate soils.
- There is no floor space ratio control applying to the site.
- There is no building height control applying to the site.
- The land is not mapped as being subject to the Land Reservation Acquisition clause of the LEP.
- There is no minimum lot size applying to the site.
- The site is not mapped as being affected by the Noise Exposure Forecast Map or Obstacle Limitation Surface Map .
- The site is located within an urban release area and therefore the provisions of Part 6 of the LEP apply.

Zone Objectives

The objectives of the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The B4 Mixed Use zone extends over an area of approximately 250 hectares and the site of about 10ha represents 4% of the total area of the B4 zone. **Figure 14** is an extract from the Cessnock LEP 2011 Zoning Map and annotates the surrounding land uses (existing and future). The developed areas of the B4 zone includes the residential suburb of Katherine's

Landing (to the south and east of the site) and the Huntlee town centre (to the west of the site).

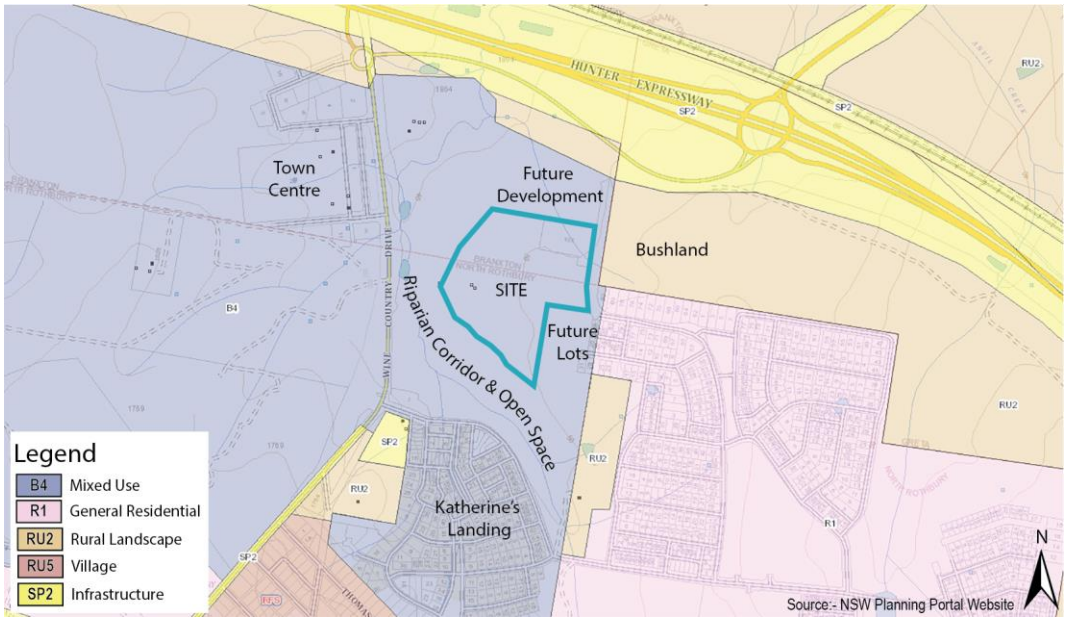

Figure 14 Zoning Extract and future land uses

In terms of objective (a) the single storey dwellings proposed in the retirement village will be compatible with the adjoining residential uses and their predominantly single storey scale. To the south and west of the site is the riparian corridor and future open space lands and the seniors housing will be compatible with that land use as there will be no conflict between the two land uses. It is anticipated that the future development site to the north will be a residential land use and playing fields (rather than commercial in nature which is concentrated west of Wine Country Drive). The seniors housing village will be compatible with future residential and recreational uses.

In terms of objective (b), the emerging urban character is essentially commercial in nature on the western side of Wine Country Drive and residential on the eastern side of Wine Country Drive. The seniors housing development will complement the emerging town centre and future pedestrian pathways from the site across the open space will provide pedestrian connectivity.

For the above reasons the proposed seniors housing development is considered to be consistent with the zone objectives.

Part 6 – Urban Release Area

The land is mapped as being in the 'Huntlee New Town Site' urban release area.

Clause 6.1 - Arrangements for designated State public infrastructure applies to subdivision of land. Subdivision is not proposed and this clause is not applicable to the DA.

Clause 6.2 – Public utility infrastructure applies to development of land in an urban release area and is therefore relevant to this DA. The subdivision of the land that created the lots to which this DA applies has been provided with services including roads, water (including recycled water), sewer, electricity and NBN. Refer also to **Section 6.2.6**. The provisions of clause 6.2 has been satisfied.

Clause 6.3 – Development Control Plan requires that development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land. Part E17:Huntlee of Cessnock DCP addresses the matters in subclause (3) and consent can therefore be granted.

Clause 7.2 – Earthworks

Clause 7.2(3) sets out a range of matters that the consent authority must consider in relation to earthworks.

> *(3) Before granting development consent for earthworks, the consent authority must consider the following matters—*
>
> *(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
>
> *(b) the effect of the proposed development on the likely future use or redevelopment of the land,*
>
> *(c) the quality of the fill or the soil to be excavated, or both,*
>
> *(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
>
> *(e) the source of any fill material and the destination of any excavated material,*
>
> *(f) the likelihood of disturbing relics,*
>
> *(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
>
> *(h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

Part E17: Huntlee of Cessnock DCP also contains provisions in relation to cut and fill. The cut and fill controls in Table 3 of the DCP which relate to lots created as part of a subdivision not a larger scale master planned development are also addressed in the following discussion.

Rationale for the Cut and Fill Strategy

Lanigan Civil has prepared a Site Earthworks Plan (LC1962-TP03). Generally, the south-eastern part of the site will be excavated (up to 2.5m) and the north-western part of the site will be filled (up to 2.1m). Between the roads, the land will be benched to create building platforms for the proposed dwellings. The building platforms require retaining walls between dwellings and the retaining walls are generally no greater than 1.5m in height.

The site has a level change ranging from 5.5m to 10m (greater than envisaged in the DCP table) and the cut and fill strategy for the seniors housing development needs to achieve compliant gradients (minimum 1:14 and preferably 1:20 or less to avoid the need for handrails) for pedestrian access. This has resulted in cut and fill exceeding the DCP maximum 1m cut and fill. The Site Earthworks Plan illustrates that there are lineal sections (corresponding to road alignments) internal to the site where the cut or fill is greater than the DCP. These will not be visible external to the site.

In terms of drainage patterns, the finished land level will still follow the contours of the surrounding area to ensure that the land drains to the west and southwest to connect with already constructed stormwater infrastructure.

The likely future use or redevelopment of the land is not jeopardised as the village once constructed will have a long life before being redeveloped and the quantum of cut and fill would not preclude redevelopment.

In terms of the quality of material, the site has been remediated (as discussed in **Section 6.1.2** of this SEE) and will therefore be suitable for reuse. The cut/fill balance will require 11,000m^3 of fill to be imported which will be clean material.

The impact on existing or likely amenity of adjoining properties is minimal. The external boundaries will have 1:5 grassed batters to the west and south west to grade the site back into the adjoining land. Retaining walls are proposed on part of the northern boundary where a batter would impact on the future development of the adjoining land. A retaining wall of between 1m to 1.3m is proposed along part of the southern boundary.

The proposed development is of single storey scale and the bulk earthworks do not result in a building bulk or scale that is out of character with surrounding residential development.

The source of imported material is not known as this stage, but it will need to be trucked into the site as described in the Construction Traffic Management Plan prepared by TTM and submitted with the DA.

In terms of relics, as discussed in **Section 6.2.12** of this SEE, an Aboriginal Cultural Heritage Assessment was prepared by RPS for the Project Approval MP10_0137 (including Modification 9 relating to this land). Clearing works have been undertaken across the site of the proposed development which disturbed and altered the top layer of the soil horizon and we understand that the recommendations of RPS have been carried out. No further assessment is considered necessary.

Impacts to the nearby waterway have been addressed by the basins that have been constructed to the south and west of the site. The basin is designed to cater for stormwater from this site. The basins will perform a water quality treatment role to manage impacts to the waterway located further to the south and west.

6.1.7 Draft State Environmental Planning Policy (Environment)

Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The draft SEPP proposes to repeal certain SEPPs and SREPs, update references, and update or remove definitions to be consistent with the Standard Instrument.

The amendments do not affect the assessment or commentary provided in this SEE.

6.1.8 Draft Remediation of Land State Environmental Planning Policy

The Draft SEPP was publicly exhibited between 31 January 2018 to 13 April 2018. The Department of Planning, Industry and Environment website explains the purpose of the draft SEPP as follows:

- *provide a state-wide planning framework for the remediation of land*
- *maintain the objectives and reinforce those aspects of the existing framework that have worked well*
- *require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land*
- *clearly list the remediation works that require development consent*
- *introduce certification and operational requirements for remediation works that can be undertaken without development consent.*

The draft SEPP will replace SEPP 55. The draft SEPP is essentially a change to procedures, providing greater clarity and introduces certification processes. The assessment in **Section 6.1.2** of this SEE remains valid despite the draft amendments to the SEPP.

6.1.9 Draft Housing Diversity State Environmental Planning Policy

The explanation of intended effect (EIE) for the draft Housing Diversity SEPP was placed on public exhibition on 29 July 2020 and the exhibition period closed on 9 September 2020. The draft SEPP is therefore a draft environmental planning instrument under section 4.15 of the EP&A Act.

The EIE is a very high level explanation of the proposed amendments to SEPP Seniors. The Department of Planning Industry and Environment is reviewing feedback from stakeholders.

The EIE outlines changes to some of the provisions of SEPP Seniors such as updating definitions, updating Schedule 1 descriptions for environmentally sensitive land, reviewing provisions relating to location and access to facilities (clause 26), site compatibility certificates and the application of local development standards.

The EIE does not suggest that the land application provisions of Clause 4 of the SEPP will be amended and therefore it is assumed that the SEPP will continue to apply to this land.

It is also noted that the EIE seeks to confirm that reliance upon taxis, hire cars or share ride type services will not satisfy the current transport service provisions of clause 26. The proposal does not rely upon those types of transport services.

The exhibition material does not contain a draft written instrument and the EIE is very high level and does not detail the nature of the amendments to understand how they might relate to a development. To attempt to examine how the EIE applies to this land and the DA would be speculative. The draft instrument has only just concluded its public exhibition and cannot be regarded as being imminent or certain and therefore should not be given determinative weight in the assessment of this DA.

6.1.10 Cessnock Development Control Plan 2010

Table 4 provides a summary assessment of the proposed development against the relevant provisions of the DCP.

Table 4 Assessment against Relevant Provisions of DCP

Provision	Assessment	Consistent
Part C1 – Parking and Access		
1.2 – Car Parking Standards	Refer to the discussion in **Section 6.2.3** of this SEE and the Traffic Report prepared by One Mile Grid and submitted with the DA.	Yes
Part C4- Land Use Conflict and Buffer Zones		
Refer to discussion in **Section 6.2.5** of this SEE.		Yes
Part C5- Waste Management Guidelines		
5.7 Construction Stage	A draft Construction Waste Management Plan (CWMP) has been prepared by TTM which is included with the DA submission. This CWMP has referred to the DCP. Specific detail of managing construction waste will be more usefully obtained from a contractor (when appointed) and the draft CWMP includes a Construction Checklist for a contractor to complete.	Yes
5.9 – Multi Dwelling Housing, Residential Flat Buildings and Seniors Living	An Operational Waste Management Plan (OWMP) has been prepared by One Mile Grid and is included with the DA submission. The OWMP addresses the provisions of this section of the DCP including assessment of the villas and the community building. Each dwelling is provided with its own storage area behind the garage. The OWMP has calculated that 17 bins are required for the community building which is provided for in the bin store and garbage room in the building. The allocation of waste / bin types in the OWMP can be adjusted from that shown indicatively on the architectural plans.	Yes
Part C6- Access and Mobility		
A Disability Access Report has been prepared by 3D Access which considers the Disability Discrimination Act, Building Code of Australia and Australian Standards, as required by the DCP. In addition 3D Access has also considered the National Construction Code and the provisions of SEPP Seniors. A copy of the Disability Access Report is submitted with the DA.		Yes

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Table 4 Assessment against Relevant Provisions of DCP		
Provision	**Assessment**	**Consistent**
Part C8 – Social Impact Assessment		
A social impact assessment (SIA) including a crime prevention through environmental design assessment has been prepared. Refer to the SIA submitted with the DA which is summarised in **Section 6.2.8** of this SEE.		Yes
Part E17 – Huntlee		
2 Vision and Character		
2.1 - Regional context	This Section does not contain any provisions for assessment.	N/A
2.2 - Vision and development objectives	The proposed development is consistent with the vision for Huntlee in that seniors housing is a residential use that is permitted to take place on this site and is of a scale and density similar to the existing residential development.	Yes
2.3 - Design principles	The proposed development is consistent with the design principles by providing a housing choice of a low density residential character which is connected to the residential areas and surrounding open spaces, with opportunity for pedestrian connection to the Huntlee town centre.	Yes
2.4 - Indicative Layout Plan and Staging	The proposed development is consistent with the Indicative Layout Plan and Staging Plan in Figure 3 of Part E17.	Yes
3 Managing the Environment		
3.1 - Riparian corridors	The proposed development does not affect the riparian corridor located to the south and west of the site.	Yes
3.2 - Flooding and water cycle management	Flooding and water cycle management has been constructed as part of the Stage 1 Project Approval. Stormwater infrastructure has been designed to connect with the existing infrastructure. Refer to **Section 6.2.1** and the Engineering Design Report prepared by Lanigan Civil.	Yes
3.3 - Biodiversity	Biodiversity has been considered in the Project Approval as discussed in **Section 6.2.11** of this SEE.	Yes
3.4 - Salinity and soil management	A sediment and erosion control plan which has been prepared by Lanigan Civil is included with the civil plans submitted with the DA.	Yes
3.5 -Aboriginal heritage	Aboriginal heritage has been considered in the Project Approval as discussed in **Section 6.2.12** of this SEE.	Yes
3.6 - European heritage	The site is not identified as a heritage item and does not adjoin a heritage item.	N/A
3.7 - Bushfire hazard management	MJD Environmental has prepared by a Bushfire Assessment Report which has been submitted with the DA and is summarised in **Section 6.3.3** of this SEE.	Yes
3.8- Contamination management	Contamination has been addressed as part of the Project Approval. Refer to discussion in **Section 6.1.2** (SEPP 55) of this SEE.	Yes
3.9 Mine Subsidence	The site is not identified as an area of potential mine subsidence in Appendix 1 to Part E17.	N/A

Table 4 Assessment against Relevant Provisions of DCP		
Provision	**Assessment**	**Consistent**
4 Subdivision design		
Section 1 of the DCP confirms that Section 4 relates to the overall design of subdivisions including character, road layout, public domain and minimum lot sizes. Subdivision is not proposed and this section of the DCP is therefore not applicable.		N/A
5 Residential Dwellings		
5.3 - Residential amenity and sustainability		
5.3.1 Cut and fill	Refer to discussion in **Section 6.1.6** in relation to clause 7.2 - Earthworks of Cessnock LEP 2011.	Yes
5.3.2 Fencing	Fencing to Kesterton Rise is proposed at 1.8m in height and will be open palisade style for the full height of the fence. This is greater than the DCP requirement of 1.2m to define the site and will provide a form of security for the senior housing village. Fencing along the eastern boundary of the undeveloped land is proposed to be 1.8m in height to provide privacy to the rear courtyards of the dwellings adjoining this site boundary. The fence height is necessary as the form and location of future development on the adjoining land is not known. Fencing adjoining the open space will be 1.2m open palisade fencing consistent with the DCP.	Yes, and justifiably inconsistent
5.3.3 Safety and Surveillance	The safety and surveillance of the village has been addressed in the Social Impact Assessment submitted with ethe DA.	Yes
5.3.4 Visual & Acoustic Privacy	There are no visual or acoustic privacy issues arising to adjoining development. Visual and acoustic privacy considerations within the village have been considered and discussed in **Section 6.2.7** of this SEE.	Yes
5.4 - Dwelling design controls	This part of the DCP contains controls relating to dwelling lot types in a residential subdivision. The dwelling lot types are illustrated on Council's on-line mapping. There are no lot types specified for the site and therefore have not been applied to this site. Reference has been made to the design controls in Section 5.5.1 of the DCP (as required in Section 5.6.4 for seniors housing).	Refer to discussion below in relation to DCP Section 5.5.1.
5.5 – Additional controls for other dwelling types.		
5.5.1 Multi dwelling housing		
Objectives	The proposed housing is consistent with the character of the adjoining residential area as discussed in **Section 6.2.2** of this SEE. The dwellings have good residential amenity in respect of privacy, solar access, ventilation, and private open space as discussed elsewhere in this SEE.	Yes
Controls	The site complies with the minimum 30m frontage and 25m site depth	Yes

Table 4 Assessment against Relevant Provisions of DCP		
Provision	**Assessment**	**Consistent**
	Garages are not located at the rear as this would unnecessarily increase the extent of the road network and earthworks. The intent of the control is to activate street facades which has been achieved.	
Canopy trees	Canopy trees have been incorporated into the landscape design (refer to the landscape plans).	Yes
Key controls for multi-dwelling housing		
• Site coverage (max) 70% of site area	The landscape plan calculates the impervious area as 65,990m^2 or 65% of the site area.	Yes
• Landscaped area (max) 30% of site area	The landscaped area of 35,585m^2 equates to 35% of the site area.	Yes
• Communal open space (min) 15% of site area Communal open space is defined in the DCP as "*Outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only, or to the public.*"	The property has a site area 101,574.9m^2 equating to a requirement for a minimum of 15,236m^2 of communal open space. There are several factors to consider when examining this control 1. The control does not consider the functionality or amenity of the communal spaces. For example, a 2000m^2 lot could not provide multiple spaces or a large facility such as a bowling green. The control does not take into account the better amenity that can be achieved on large sites without meeting the 15% control. 2. The control does not directly translate to seniors housing dwellings which in this case are single storey for accessibility whereas multi unit housing can be 2 storey which allows for greater unbuilt-upon area for communal space. 3. The multi dwelling housing control requires only 10m^2 of private open space which therefore allow a greater part of the site area to be communal. The proposed development provides a minimum of 45 m^2 to 80m^2 of private open space for a typical site and some are significantly larger. If greater communal open space is to be provide then it will be at the expense of generous private open space and the greater residential amenity it provides. The village provides several areas of communal open space including the • bowling green • yoga / spa, • garden area off the gym • several pocket parks • communal vegetable garden areas • In addition, there are many landscaped areas that form part of the common spaces of the village. The size, functionality, mix and distribution of communal open space in conjunction with high amenity of private open space provides	No, but acceptable on merit

Table 4 Assessment against Relevant Provisions of DCP		
Provision	**Assessment**	**Consistent**
	sufficient justification for a variation to the control.	
• Private open space (min) 10m^2 / dwelling Min dimension 2.5m.	Private open space for each dwelling comprises an undercover area ranging in area from 12m^2 to 16.5m^2 with a minimum dimension in excess of 2.5m. In addition each dwelling is provided with private open space beyond the undercover area achieving a minimum of 45 m^2 to 80m^2 for a typical site.	Yes
• Front setback (min) 4.5m, 1m articulation zone	The village is a master planned estate and there are no subdivision boundaries within the development from which a front setback could be measured. The setback of the houses from the internal roads varies from 3m up to 7m. The shallowest setbacks occur on the roads with lower volumes of passing traffic. Dwellings along the spine road are setback between 5m to 7.5m to provide greater amenity from the main access. Articulation using front verandas or porches is provided to each dwelling and project about 1m forward of the main wall of the house. All garages are setback 1m behind the main façade. The intent of the control to create a consistent streetscape / building line has been achieved.	Yes
• Corner Lot setback (3m)	The village is a master planned estate and there are no subdivision boundaries within the development from which a corner setback could be measured. The intent of the control is to ensure infill development in a residential subdivision considers existing building lines. Houses located on a corner 'site' are not greatly different to the siting of the adjoining dwellings and many have wide landscaped verges between the kerb and house avoiding houses being too close to the road.	The siting of houses on corner 'sites' is considered acceptable on merit
• Side setback (min 1m)	Side setbacks (excluding party wall) are setback a minimum of 1m.	Yes
• Rear setback (min) 4m	Rear setbacks vary according to the house design and the shape of the dwelling 'site'. The narrowest setback is approximately 2.5m. Larger rear setbacks of between 3m to 6m are provided to the external boundaries. The intent of the control is to provide a rear setback to consider neighbouring development in terms of privacy, building massing and overshadowing. As a master planned village, the setbacks between dwellings can be considered individually to ensure residential amenity is achieved such as privacy, building bulk (noting that all houses are single storey) and solar access requirements are achieved.	Intent of control achieved
• Car parking 1 -2 bed = up to 2 spaces 3 bed = 2 spaces.	Each dwelling is provided with a double garage complying with the DCP.	Yes

Table 4 Assessment against Relevant Provisions of DCP		
Provision	**Assessment**	**Consistent**
5.6 - Other development in residential areas		
5.6.4 – Seniors Housing	Section 5.6.4 – Seniors housing cross references the controls for medium density housing in Section 5.5.1 of the DCP which are addressed in the rows above in this Table. The DCP also requires the controls in SEPP Seniors to be considered. These are addressed in **Section 6.1.1** of this SEE.	Yes
6 Town and Village Centres		
Section 1 of the DCP explains that Section 6 relates to the design controls for the village centres and the town centre including controls for the core retail and main street. The site is not one of the 4 village centres.		N/A
6.2 - Town Centre	Figure 37 of Part E17 shows the indicative town centre and the site is located in the area nominated as Town Centre -Residential. The proposed seniors housing land use is consistent with the land use proposed for the site.	Yes
7 Employment Areas		
Section 1 of the DCP explains that Section 7 relates to design controls for industrial and business park development. Section 7.1 also confirms that this section applies to the non-residential, non-retail uses within the employment areas of Huntlee Town Centre such as service industry and bulky goods uses. This section of the DCP is not relevant to the DA.		N/A

6.1.11 Development Contributions

The residential lots created in Huntlee (as part of the Major Project Approval) are subject to a Planning Agreement. The Third Deed of Variation executed on 16 April 2020 incorporates Modification 9 of the Stage 1 Project Approval.

The proposed seniors housing development does not involve the creation of residential lots and is not covered by the Planning Agreement.

The City Wide Infrastructure Contributions Plan 2020 adopted on 20 May 2020 (operational from 1 July 2020) applies to the land of the proposed seniors housing development.

The Ministerial Direction issued on 14 September 2007 under Section 7.17 of the EP & A Act does not apply as the development is not proposed to be carried out by a social housing provider as defined in SEPP Seniors.

Clause 3.3-Contributions Rate Reductions provides for a reduction in contribution rates for seniors housing that are not subject to the Ministerial Direction. This reduction is in recognition that whilst seniors housing contributes to the demand for local infrastructure, occupancy rates for seniors housing is less than that of standard dwellings.

The Plan provides for a 50% reduction in the contribution rate for all infrastructure categories (being half the standard dwelling/lot rate applicable to the relevant catchment).

The site is located in the Branxton-Greta District Catchment.

6.1.12 Special Infrastructure Contribution (SIC)

DPIE has publicly exhibited the draft Hunter Region Special Contribution (SIC) which is to help fund infrastructure needs across the Hunter Region including roads, schools, health and emergency services. The site is located within the Lower Hunter catchment.

Clause 6.1 of Cessnock LEP 2011 relates to arrangements for designated State public infrastructure (which is defined to include infrastructure such as roads, schools hospitals, emergency services, regional open space) being the same types of infrastructure to which the SIC relates. The DA does not involve subdivision of land and clause 6.1 and therefore the draft SIC should not apply.

6.2 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with section 4.15(1)(b) of the EP&A Act.

6.2.1 Water Quantity and Quality (including flooding)

Project Approval MP10_0137 set up the stormwater management strategy (flooding, water quality and water quantity) for Stage 1 of the Project Approval. The original stormwater strategy was prepared by Worley Parsons and whilst the site was not specifically included in Stage 1 of the application, the water management strategy prepared by Worley Parsons included the subject site in its assessment. The subject site was assessed as a residential land use with 65% impervious area (which is the same for all residential areas).

Modification No. 9 added land to Stage 1 including the subject site and an updated Stormwater Management Strategy dated 22 June 2018 was prepared by Northrop. The site is located in Precinct 16 which is addressed in the updated Stormwater Management Strategy and notes the following in relation to Precinct 16:

> *Precinct 16 in its developed state according to the proposed land use categories was considered in the design of the downstream stormwater mitigation devices. As illustrated a regional online detention basin was proposed for the catchment with water quality basins offset along the riparian corridor. As no change to the intended land use is proposed the application will be consistent with the original design intent with no change to the current stormwater strategy.*

Northrop prepared two Engineering Design Reports in relation to the Construction Certificates for Stage 10B and 10L which approved the two detention basins in the riparian corridor (external to the site) that now have been constructed. For the purpose of these Reports, the impervious fraction was increased to 85% for this site.

Lanigan Civil has prepared stormwater management plans, a sediment and erosion control plan for the proposed seniors living development and an Engineering Design Report. Their report and plans indicate the following measures in relation to stormwater and flooding:

- Stormwater quality objectives for the site have been met by the constructed treatment train which was modelled in MUSIC by Northrop as part of the Stage 1 Project Application. The treatment train includes bioretention basins which have been constructed (one to the northwest and southwest of the site) and are shown on the stormwater management plans (LC1953-SMP2 and SMP3).
- The retirement village has an impervious area of approximately 70% consistent with the construction certificates for the already constructed basins.
- The only requirement for the retirement village is the provision of gross pollutant traps prior to each discharge point.
- Water quantity has been factored into the Stage 1 Project Approval with the construction of external basins which limit downstream flows to predevelopment conditions by up to 1% annual exceedance probability (AEP).

- Flooding has been addressed in the Stage 1 Project Approval and the post development Probable Maximum Flood inundation levels are contained in the riparian corridor higher the west of the site. The lowest floor level of the proposed villas is RL44.10 being lower than the PMF level of between RL42.5 and RL43.5.
- Internal drainage is designed to 20% AEP for minor events and overland flow designed to 1%AEP. The site is divided into 2 catchments and there are two discharge points directing water into each of the external basins that have already been constructed.

Because the water quality and quantity has already been addressed (and constructed) under the Project Approval further modelling is not necessary.

6.2.2 Existing and/or Future Character

The existing character comprises predominantly single storey dwelling houses to the south east which has limited interface with the site, bushland to the east and riparian corridor to the west and south. To the north is undeveloped land.

The built form character to the south east is detached single storey housing using masonry, cladding and colourbond style roofing with some tile roofs as illustrated in **Figure 15**. The houses have a consistent front setback.

	Houses to the south east in Kesterton Rise are mostly single storey with masonry, cladding and colourbond roofing. Articulation is achieved with front verandas. The houses illustrated are on lots that are wider and larger than typical of the houses that have been constructed.
	Rear loaded houses in Chapel Street which are sited on narrower lots (about 14m wide) Open style front fencing on a low base retaining wall creates a defined boundary line. Similar use of building materials with articulation achieved with front verandas.

Figure 15 Character of existing houses

Houses are predominantly detached. Lot widths vary between about 14m to 20m allowing for a variety of housing widths.

The seniors housing dwellings are situated on dwelling sites with a width of 13.2m, 14.64m and 15.3m which creates a pattern of development and building separation not dissimilar to that already existing in the area. The retirement village will still have the appearance of a low density residential character consistent with surrounding built form. The choice of building materials also reflects that of the recently constructed housing.

At the main interface along Kesterton Rise, the 34.3m APZ will result in the village being setback from the street and will therefore not feature as prominently in the streetscape. The

APZ can accommodate some landscaping which will balance with the bushland on the opposite side of Kesterton Rise (albeit at a lower planting density).

The built form and landscape character is considered to be consistent with the emerging character of the area.

6.2.3 Traffic and Parking

One Mile Grid has prepared a Transport Impact Assessment (TIA) a copy of which is included with the DA submission. The TIA addresses, access, traffic impact and car parking provision.

Access

Part E17:Huntlee of the DCP has not been updated to incorporate the additional land added to Stage 1 as part of Modification No. 9. Kesterton Rise which has been constructed as an 'Avenue Street' as illustrated in Part E17 which is a continuation of the road type shown in Figure 5 of the Part E17. Kesterton Rise has a single traffic lane either side of a central median strip. A footpath has not been constructed (as per the specification for an 'Avenue Street') however a footpath is proposed along the site's frontage to Kesterton Rise (north of the proposed vehicular access).

The DCP does not illustrate a road connection to Wine Country Drive (north of the site) which is the road connecting to the Hunter Expressway. The Project Approval included a connection of Kesterton Rise with Wine Country Drive and Modification 10 amended the timing of the intersection works and an interim left -in / left-out configuration. Condition E7(x) requires the intersection to be constructed prior to the 1500th lot with agreement of the RMS. The intersection has not yet been constructed. The site will therefore rely upon access via Triton Boulevard until the new intersection is constructed

One Mile Grid has prepared swept path diagrams which are attached to their TIA. They note that 4 of the caravan parking bays will need to be deleted which can be addressed by a condition of consent. Other manoeuvring for passenger and garbage vehicles and the community bus are satisfactory.

Traffic Generation

One Mile Grid notes that in their experience the AM peak for a senior housing village has a higher traffic generation than the PM peak. One Mile Grid has used a traffic generation rate of 0.34 trips/dwelling. They have also assumed a 40:60 split between in-bound and out-bound movements in the AM peak and 50:50 on the PM peak.

Based on those parameters they have estimated a total of 70 vehicle trips per hour (vtph) in the AM peak and 48vtph in the PM peak.

Until the intersection at Wine Country Drive and Kesterton Rise is constructed all movements will be via Kesterton Rise and Triton Boulevard. If the seniors housing development is fully developed before the new intersection is constructed, then One Mile Grid expects that the traffic generation from the development will be modest at 1 movement / minute in the AM peak.

When the intersection is constructed then 65% of movements are predicted to be via this intersection and 35% via the Kesterton Rise/Triton Boulevard which is estimated to have a maximum of 27vtph (1 movement every 2 minutes) which is expected to be easily absorbed into the surrounding road network.

One Mile Grid also notes that Modification 9 of MP10_0137 (which included the subject land) was supported with a Traffic Assessment prepared by SECA Solution. Their traffic assessment (trip generation of 0.4 trips/dwelling) included a retirement village for up to 250 dwellings. The subject DA includes 205 dwellings which will have a lower trip generation that that factored into the Project Approval and is therefore consistent with the traffic assessment / traffic infrastructure being delivered as part of the Major Project Approval.

Parking

Council has required the car parking to be calculated according to each component of the development (e.g. dwellings, bowling green, pool, indoor recreation areas, office, consulting room, hairdresser etc). As documented in the Operational Plan of Management, the community facilities comprising the village are not separate uses and are only available to residents and their guests and are not available to the general public. Therefore, the services and facilities provided in the development are not separate traffic generators.

Clause 50 of SEPP Seniors provides the car parking requirements for seniors housing comprising self-contained dwellings. Clause 50 are 'must not refuse' development standards, that is, if the development complies with the standard a consent authority cannot refuse the application on the grounds of car parking despite the provisions in another planning policy, such as a DCP.

The car parking required under SEPP Seniors is 0.5 space per bedroom per dwelling. The development comprises:

- 17 x 2 bedroom dwellings = 17 car parking spaces
- 188 x 3 bedroom dwellings = 282 car parking spaces
- Total of 299 car parking spaces is required.

Each dwelling is provided with a double garage. There are a total of 205 dwellings totalling 410 car parking spaces being 111 car parking spaces more than the SEPP requires. Schedule 3 of SEPP Seniors requires that 5% of car parking spaces must be designed to enable the width of spaces to be increased to 3.8m. That is, they do not have to be 3.8m wide, just capable of being widened to that dimension. Each dwelling has a double garage enabling compliance. This means that 5% of the double garages (11 dwellings) could function as a single car parking space. Therefore the total car parking provision is 399 spaces, being 100 cars parking spaces greater than the SEPP requirement.

In addition, many dwellings have a car parking space forward of the garage which provides additional parking for residents or visitors.

There are also 40 car parking spaces off the internal roads and 20 car parking spaces around the community building (including 2 disabled).

The only component of the development for which car parking has been separately provided is staff parking for the office (5 staff), consulting room (1 staff member) and hairdresser (1 staff member). Seven of the car parking spaces adjacent the community building are designated as staff car parking. However, these uses are mainly 9am to 5pm Monday to Friday and the spaces will therefore be available during the weekend when visitors are more likely.

Leaving aside the 7 staff car parking spaces, a total of 53 car parking spaces are available for visitors (or 1 space per 3.8 dwellings) which is greater than the 1 visitor space / 5 dwellings required for multi-dwelling housing in Part E17 of the DCP. The car parking provision is therefore consistent with the DCP (which requires compliance with the multi-dwelling housing provisions of Part E17) and SEPP Seniors.

6.2.4 Solar Access within the Development

Clause 50(e) of SEPP Seniors provides that solar access cannot be used as a ground for refusal "*if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.*"

Jon Friedrich Architects has undertaken a solar analysis for all of the villas. This has been done using an electronic 3D model of the development. By rotating the model, they have examined each dwelling between 9am and 3pm at the winter solstice to verify that solar

access is received to the private open space and living room windows (noting that all living rooms have dual aspect assisting with solar penetration).

The results of their analysis is shown on Drawing DA.25. All dwellings (100%) receive 3 hours to their respective private open space between 9am and 3pm at the winter solstice. 146 dwellings (71.2%) receive at least 3 hours of sunlight to their living rooms between 9am and 3pm at the winter solstice.

The 70% requirement of clause 50(e) relates to both living room and private open space and compliance is achieved.

6.2.5 Land Use Conflict and Buffer Zones

Council's Pre-DA Minutes requires Part C4: Land Use Conflict and Buffer Zones and states as follows:

> *"The application will need to ensure to address the proposed development being a Category A: Sensitive Land Use will not present a land use conflict nor is there a need to provide a buffer from any nearby land uses. The proximity to the Hunter Expressway will need to be considered to terms of noise, as a portion of the site is mapped as being within the noise buffer."*

Essentially the Council requires three matters to be considered which are addressed in turn below.

1. That the seniors housing use will not present a land use conflict

The seniors housing development will be a low impact use. The adjoining land uses (as illustrated in **Figure 5** (Section 3.3) are low density residential development to the southeast, bushland to the east, riparian corridor / future open space to the south and west and future urban development to the north. The proposed seniors housing development is not a land use that will, itself, generate impacts to other adjoining land uses.

2. Whether there is a need to provide a buffer from nearby land uses

The DCP classes seniors housing (and dwellings generally) as a sensitive land use that might require protection from off-site effects.

The residential, bushland and open spaces are similarly low impact and a buffer to those adjoining land uses is not considered necessary. The form of the future urban development to the north is unknown and it will be the responsibility of that future development to consider its relationship with adjoining development including this seniors housing development.

It is also noted that a sports field is indicated on the Huntlee masterplan. Open space lands and sporting facilities are a Category B land use under the DCP. The DCP states that new Category B land uses may require their own buffer to prevent disturbance to Category A land uses. Future applications for sports fields will therefore need to consider potential impacts and any buffers.

3. Proximity of the Hunter Expressway

Council's letter states that the site is mapped as being within a noise buffer. DFP has reviewed the Cessnock LEP 2011, Cessnock DCP 2010 and Council's on-line mapping and has not found any mapping relating to buffers.

EMM Consulting has prepared a Road Traffic Noise Assessment which is submitted with the DA. Their assessment considers road noise from the Hunter Expressway, Wine Country Drive, Kesterton Rise and Triton Boulevard. They have mapped the road traffic noise contours for the site during the day and night which demonstrates that the site complies with the road noise criteria during both the day and night time periods using standard construction techniques. However, they do note that an alternate means of ventilation is required in all dwellings to allow residents to keep windows closed and comply with the relevant criteria referenced in the interim guideline (DPIE 2008). All dwellings will be fitted with air conditioners providing that alternate means of ventilation.

6.2.6 Infrastructure

Consultation with Utility Provider

Altogether Huntlee Pty Ltd is the drinking water, sewage and recycled water utility appointed by Huntlee Pty Ltd for development of land at Huntlee. They have issued a Notice of Requirements (NOR) for the proposed retirement village of 205 dwellings and a community building (a copy is included with the DA application). The NOR identifies their requirements that would need to be met in order to service the development and obtain a Certificate of Compliance in order to occupy the land. The NOR states that they commit to issuing a Certificate of Compliance upon satisfaction of the requirements in the NOR. This confirms for the purposes of clause 28 of SEPP Seniors that the housing can be connected to reticulated water and that there is adequate facilities for disposal of sewage.

It is important that Council does not reproduce or cross-reference the conditions of the NOR in a development consent as potentially they could be subject to change and if that occurs a Modification under section 4.55 of the EP&A Act would be required. The only potentially relevant condition would be obtaining the Certificate of Compliance prior to occupation however that is already controlled by the Utility provider.

Further discussion regarding water and sewer and other infrastructure is provided below.

Water

Water infrastructure has already been constructed as part of the Stage 1 Project Approval. Lanigan Civil's Engineer Report (submitted with the DA) has provided the following comment in relation to water infrastructure for the development:

> *"Recycled water and potable water are provided to the site via flow systems water mains. Reticulation through out the site of both recycled and potable water including fire service to be provided."*

Recycled water has been provided for the wider subdivision. The recycled water is used for the irrigation of the landscaped areas and also made available for each dwelling for toilet flushing and washing machines.

Water meters are proposed to be located on Kesterton Rise near the existing electricity substation.

Sewer

Sewer infrastructure has already been constructed as part of the Stage 1 Project Approval. Lanigan Civil's Engineer Report (submitted with the DA) has provided the following comment in relation to sewer infrastructure for the development:

> *"Pressure sewer is provided to the site along the western boundary by Flow Systems. Internal sewer will be gravity fed to a sewer storage tank and pump station prior to discharge into the rising main. Upon completion of the works the sewer pump station and storage tank will to taken over by the authority for ongoing operation and maintenance. Internal gravity plumbing to this point to remain private plumbing."*

Electricity

The existing substation on Kesterton Rise is retained in its current location and an additional substation and master switchboard required for the development is provided within the development near the community building (Refer to DA.05.5 in the architectural set of plans).

6 Environmental Planning Assessment

Community infrastructure

Figure 16 illustrates the distribution of community infrastructure in the region. A broad range of infrastructure is available (churches, seniors citizens, halls, library, parks, hospitals, medical).

Figure 16 Community infrastructure in the region

The proposed seniors housing development will not be solely reliant upon existing community infrastructure as new community infrastructure will emerge as the Huntlee urban release area is developed. The City Wide Infrastructure Contributions Plan 2020 Works identifies infrastructure in its Work Schedule that is planned for the Branxton-Greta Catchment such the upgrade to the pool at the Branxton Aquatic Centre, North Rothbury Park upgrades, local park in Branxton and a multipurpose centre and carpark at Huntlee.

In addition, the Planning Agreement (including Deed of Variations) also imposes obligations upon Huntlee Pty Ltd to deliver community infrastructure such as a community building, community hub (including library), sports fields, riparian zone, district and local parks, town spaces, general public open space and monetary contributions to regional recreational facilities.

Figure 13 (in **Section 6.1.1** of the SEE) illustrates that the Huntlee town centre currently provides a range of services and those most relevant to seniors living includes a supermarket (and other retail), medical centre, dentist, pharmacy and hairdresser. As the Huntlee town centre develops further additional services and facilities are likely to establish as the population of Huntlee grows. The seniors housing development will therefore not need to solely rely upon services and facilities located in other centres.

The seniors housing development will be constructed in stages therefore the demand upon local community infrastructure will be gradual. The first stage of the development will contain only 24 villas (four of which will be exhibition homes). The demand upon community infrastructure created by those occupants will be low. Stage 2 will include the construction of the community building which will introduce on-site recreational facilities (pool, spa, bowling green, gym, indoor recreation rooms, spaces for social gatherings, cinema, library). These on-site facilities will lower the demand for off-site community infrastructure.

The staging of the development, on-site facilities and future growth of the Huntlee town centre collectively will cater for the demands of the incoming seniors population avoiding the need to rely solely upon existing infrastructure.

As discussed in **Section 6.1.1** (and documented in the Operational Plan of Management), the village will have a community bus. The bus will be operational from the first stage of houses. The community bus will transport residents to local centres (e.g. Huntlee, Branxton, Cessnock) and other centres if required, as well as being used for social trips to recreational areas, clubs etc. This service will ensure that residents are capable of accessing the local services and facilities.

6.2.7 Visual and acoustic privacy

Visual Privacy

The proposed dwellings are separated from existing dwellings by roads (or future roads), avoiding issues of visual privacy to neighbouring dwellings.

Within the retirement village, the Architectural Design Statement notes that the floor plan of each dwelling has been designed having regard to adjoining dwellings to minimise windows on opposing elevations. Boundary fencing between the dwellings will provide privacy between windows which is the same condition for a house built in a residential subdivision.

Private open spaces, located at the rear of each dwelling, are fenced to provide privacy.

Each house has its master bedroom facing the internal road and generally away from adjoining garages and driveways. The master bedroom windows are setback from the road by at least 3m with a landscaped area in front of the window. This will allow for screening, although it is equally relevant to allow a line of sight for to permit natural surveillance.

Acoustic Privacy

The dwellings are in a residential context similar to a conventional suburban setting and there are not considered to be any particular requirements for acoustic privacy for the dwellings in that context.

EMM Consulting has prepared a Road Traffic Noise Assessment which is submitted with the DA. Their assessment has considered:

- NSW Environment Protection Authority (EPA) 2011 Road Noise Policy (RNP);
- NSW Department of Planning 2007 State Environmental Planning Policy (SEPP) (Infrastructure);
- Australian Standard AS 1055-2018 Acoustics – Description and measurement of environmental noise;
- Australian Standard AS/NZS 2107-2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
- NSW Department of Planning 2008 Development Near Rail Corridors and Busy Roads – Interim Guidelines; and
- NSW Environmental Protection Authority (EPA) 2017, Noise Policy for Industry (NPfI).

As noted in **Section 6.1.3** of this SEE, the road noise provisions of clause 102 of SEPP (Infrastructure) 2007 are not considered to apply as the site is not adjacent to a classified road. However, EMM notes that the NSW Government Department of Planning 'Development near Rail Corridors and Busy Roads – Interim Guideline' (2008) adopts the same internal noise targets for residential buildings as those contained in Clause 102 of the SEPP (Infrastructure). The acoustic provisions of both policies are therefore addressed.

The EMM assessment considers the impact of road noise from the Hunter Expressway upon the development. Their assessment contains road traffic noise contours for the site during the day and night. With windows and doors open the dwellings do not achieve the road noise criteria during both the day and night time periods. They note that an alternate means of ventilation is required in all dwellings to allow residents to keep windows closed and comply

with the relevant criteria referenced in the interim guideline (DPIE 2008). This will also achieve compliance with the noise criteria in clause 102 of SEPP (Infrastructure) if it were to be applied.

EMM has also considered road traffic noise generated by vehicles associated with the project upon Kesterton Rise and Triton Boulevard. Traffic noise associated with the development are predicted to comply with the relevant RNP noise criteria.

The acoustic environment for the proposed development is not a significant site constraint and can be readily managed and the proposed development has been assessed to comply with road noise criteria of the traffic generated by the development.

Provision is made for roof mounted mechanical plant on the community building. The roof plant area is located centrally within the floor plate of the building and 2-3m lower than the roof form shielding potential noise from the dwellings opposite the community building. Mechanical plant has not been selected at this stage to enable an acoustic assessment to be carried out. A condition can be imposed a development consent requiring selected plant and equipment to comply with the NSW Environmental Protection Authority (EPA) 2017, Noise Policy for Industry.

6.2.8 Social Impact including Crime and Safety

A Social Impact Assessment (SIA) has been prepared a copy of which is included with the DA.

The Operational Plan of Management details operational matters and should be read in conjunction with the SIA.

The SIA demonstrates the need for seniors housing and in particular has identified a gap in seniors housing villages with on-site facilities in the Cessnock LGA (most are concentrated around Maitland). The strategic framework including the Hunter Regional Plan, Cessnock Local Strategic Planning Statement and draft Cessnock Housing Strategy and population forecasts by the Department of Planning Industry and Environment all note a need for seniors housing. The proposed seniors housing village can meet that demand and allow for seniors in the Cessnock region to remain in a locality with which they are familiar.

The SIA has examined has assessed key social impacts such as meeting housing needs, integrating with the community, changes to the character of the area (also addressed in this SEE), car parking provision, safety and provision of local services.

In summary negative social impacts are not anticipated as the seniors housing is a residential use located adjacent to an established and emerging residential community. The SIA has identified measures that can be implemented to manage potential social impacts for the seniors housing village most of which are addressed through the Operational Plan of Management. These relate to management, operation of the community bus, utilisation of one of the display villas as a temporary community building until the main community building is operational, the opportunity to invite local community groups into the village to help build connections with the wider community.

The SIA has also considered crime prevention. The crime data for the area is limited and occurrences in Branxton are low. Having regard to other surrounding local centres the main crimes are likely to be house break-ins and theft from a house or stealing a car. The SIA has recommended a number of mitigation measures focusing on CCTV, fencing, lighting and landscaping. These are either documented in the Operational Plan of Management or on the architectural or landscape plans.

There are no specific measures that have been identified or recommended that would require further amendments to the building or conditions of consent to address social impacts.

6.2.9 Lighting

The proposed village will be provided with light poles to the roads and in the caravan parking area (as illustrated on the landscape plans).

The nearest residential property is about 27m (measured boundary to boundary) along Kesterton Rise. However, the proposed internal roads are some 20m or more from the external property boundaries and about 1.5m lower than the adjoining public street. These distance separations and lower land level will ensure that the proposed street lights will not cause adverse impacts. In addition, there are already street lights in Kesterton Rise (estimated to be about 6m in height) that are likely to cause greater illumination / impact that the proposed lighting.

6.2.10 Food Safety and Preparation

The Council's Pre-DA Minutes suggested the provision of construction and fit-out details for the '*food premises'* and to comply with *AS 4674 – Design, construction and fit-out of food premises*, the *Food Standards Code* and the *Food Act 2003.*

The proposed community building includes a kitchen and bar area which is for the use by residents (as documented in the Operational Plan of Management). It is not a commercially operated kitchen that prepares meals for sale.

The DA documentation has not provided fit-out plans and a condition can be imposed on the development consent requiring those details to be provided prior to issue of a construction certificate for the community building.

6.2.11 Biodiversity Considerations

The Section 4.55(2) Modification Assessment Report (MP10_0137) prepared by the Department of Planning and Environment notes the following in relation to substage 16 (being the site of the proposed development):

> *This land is also included in the Huntlee State Significant Rezoning VPA held with the State government in relation to biodiversity offsets, and has been accounted for in the offset agreement.*

The land has subsequently been cleared under the terms of Project Approval MP10_0137 (Modification 9) and no further biodiversity assessment is required.

6.2.12 Cultural Heritage

The SEE prepared by Ethos Urban for Modification 9 of the Project Approval outlines the Aboriginal cultural heritage investigations undertake as part of that application. A site inspection was undertaken by the project archaeologist (RPS) and the Huntlee Aboriginal Reference Group (including Aboriginal site officers). Eleven (11) Aboriginal sites were identified one of which contained an area of potential archaeological deposit (PAD). The site RPS mapping indicates that three artefacts and the PAD were within (or close to) the site the subject to the DA (the accuracy of the RPS mapping is difficult to determine their exact location).

The Aboriginal Cultural Heritage Assessment prepared by RPS recommended that:

> *All surface artefacts identified during the visual inspection are to be salvaged prior to development works proceeding. This is to be conducted under the Huntlee ACHMP.*
>
> *The area of PAD should undergo test excavation under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010).*

Clearing works have been undertaken across the site of the proposed development which disturbed and altered the top layer of the soil horizon and we understand that the recommendations of RPS have been carried out. No further assessment is considered necessary.

6 Environmental Planning Assessment

6.3 Suitability of the Site for Development

The following subsections assess the suitability of the site in accordance with section 4.15(1)(c) of the EP&A Act.

6.3.1 Location

The site well situated in a newly emerging urban precinct. It is located close to an existing residential community and adjacent to a riparian corridor and open space which forms at least half of the site's external boundary allowing dwellings to enjoy the views across the open space.

Section 6.1.1 and the Operational Plan of Management explain that a community bus will operate from Stage 1 to transport residents to local centres (e.g. Huntlee, Branxton, Cessnock), bus stops, train station as well as being used for social trips to recreational areas, clubs etc. This service will ensure that residents are capable of accessing the local services and facilities should they not be able to drive or choose not to drive.

Local pedestrian connections will improve when the path to connect the site to the Huntlee town centre is constructed (by others), although the timing is not known. The seniors housing village has made provision to connect with the future path. The path will provide a direct link to the town centre.

When the pathway is constructed it will provide residents with easy access to a network of walking paths providing passive recreational activity immediately adjacent to the village.

The Huntlee Town Centre and Branxton are close to the site and other centres such as Cessnock or Maitland are between 20km to 28km away and the community bus will be available to service such centres (this SEE has focussed on Cessnock as the closest centre for the purposes of demonstrating compliance with clause 26 of SEPP Seniors).

6.3.2 Site Attributes

Some preparatory site works have already been undertaken including clearing of vegetation, remediation, installation of essential infrastructure - water (including recycled water), sewer, electricity and NBN. Services are therefore available (subject to necessary adjustments) for the future development. The early works that have been undertaken make the site suitable for redevelopment.

Drainage infrastructure has already been constructed to cater for this site (as discussed in **Section 6.2.1**). This includes provisions for stormwater (factoring in 85% impervious area) and water quality measures. The site will connect with established stormwater infrastructure.

The site is not affected by flooding. The Stage 1 Project Approval has already factored in flooding constraints in determining the developable footprint of Stage 1. The site and the lowest habitable floor level are above the Probable Maximum Flood level for the area. All vehicular access from the site is to the east which is higher ground.

The land has a gentle gradient which is suitable for a seniors housing development. 3D Access has prepared an assessment of the proposal's compliance with the access requirements under Clause 41 and Schedule 3 of SEPP Seniors. The development either complies or is capable of compliance.

6.3.3 Bush Fire Planning

The site is mapped as bush fire prone land. The site is mapped as Category 1 and 3 vegetation however the mapping has not been updated since the land was cleared.

Under section 100B(6) the Rural Fires (RF) Act, 1997 a seniors housing development within the meaning of SEPP Seniors is a *special fire protection purpose* (SFPP) and a bush fire safety authority is required under Section 100B for a SFPP.

6 Environmental Planning Assessment

Under section 4.46 of the EP&A Act, 1979 a development that requires an authorisation under section 100B of the RF Act is integrated development. The DA will therefore be referred to the Rural Fire Service for their general terms of approval.

MJD Environmental has prepared a Bushfire Assessment Report for the proposed development a copy of which is submitted with the DA.

The main bush fire mitigation measures that have been adopted for the development are:

- A 60m APZ to the east of the site comprising the road and a APZ of 34.3m along the Kesterton Rise frontage of the site.
- A 40m APZ to the west and south of the site and located within the managed lands along the riparian corridor (i.e. not within the site).

Because the development will be constructed in stages MJD Environmental has recommended that a temporary APZ managed as an inner protection area be created over undeveloped areas of the site until development occurs.

MJD Environmental has determined that the bush fire attack levels (BAL) required for the site. Dwellings on the eastern, western and southern perimeters of the site will need to be constructed to BAL 12.5.

MJD Environmental has also considered the other provisions of *Planning for Bush Fire Protection* (PBP) *2019* including access, services, landscaping and fuel management and emergency management and recommendations have been made in respect of those matters to achieve compliance with PBP 2019.

6.3.4 Construction Traffic Management

TTM has prepared a draft Construction Traffic Management Plan (CTMP). The draft CTMP has considered the existing road network which is limited to Kesterton Rise and Triton Boulevard. The draft CTMP outlines a number of matters to be considered in a final CTMP such as work zones, types and number of construction vehicles, pedestrian management, materials handling, vehicle movement plan, site fencing, employee parking and traffic control plan (a draft of which is included with the Plan).

As noted in Council's Pre-DA Minutes a final CTMP will be submitted prior to commencement of works. This will allow the final CTMP to be prepared by the contractor undertaking the work.

6.4 Public Interest

The proposal is an opportunity for the site to be developed to provide a seniors housing in the form of self-contained dwellings to meet the demand for senior housing in this region and provides an opportunity for existing residents to remain within their community and established networks.

As discussed in **Section 6.1.6** of this SEE, the proposal is considered to be consistent with the objectives of the B4 Mixed Use zone applying to the land and because the zone objectives are satisfied the proposed development can also be taken to be in the public interest.

In addition, Part E17: Huntlee of Cessnock DCP 2010 has identified in Figure 27 this site as a residential land use and the proposed seniors housing land use is consistent with the land use proposed for the site.

In accordance with section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest.

7 Conclusion

The proposed development for seniors housing development (in the form of self-contained dwellings) has been assessed in accordance with the requirements of the EP&A Act and other relevant legislation.

The site is located in an area which is undergoing significant urban development as it develops into a new town for the lower Hunter region.

Major Project Approval MP10_0137 (as modified) approved Stage 1 of Huntlee including site preparation works, internal and external roads works, subdivision to create 1473 residential allotments, 14 super lots, 1 allotment for a primary school, drainage and open space reserves. Modification No. 9 added the subject site increasing the footprint of the Stage 1 boundary. Some preparatory site works have been completed on the land under the Project Approval. The preparatory works included site clearing and site remediation and infrastructure provision.

External to the site Kesterton Rise has been constructed, utility services have been provided for the site and drainage infrastructure has been constructed which has been designed to cater for urban development on this site.

The environmental assessments submitted with Modification 9 foreshadowed a potential seniors housing development however that land use did not form part of the approval which was to the subject of a future DA.

The SEE has assessed the development against the relevant SEPPs, Cessnock LEP 2011 and Cessnock DCP 2019 (in particular Part E17:Huntlee) as well as the relevant deemed environmental planning instruments and demonstrates a high level of compliance.

Accordingly, the proposal is considered to satisfactorily respond to the opportunities and constraints of the site and the relevant legislation, is unlikely to result in adverse impacts in the locality and is worthy of approval.

13 July 2021
Our Ref: 20972B.4DK_RFI

planning consultants

Julia Ryle– Senior Planning Assessment Officer
Cessnock City Council
P Box 52,
CESSNOCK NSW 2325

RE: Request for Information
Development Application No. 8/2012/21158/1
Seniors Housing Development
97 Kesterton Rise , North Rothbury and 107 Kesterton Rise, Branxton

Dear Julia,

This letter addresses the matters raised in Council's letter dated 30 April 2021, the Transport for NSW referral letter dated 10 May 2021 and the letter from LWP (master developer) dated 23 March 2021. Some amendments to the proposed development have been made as a consequence of reviewing the comments made by Council and LWP.

A response to the Rural Fire Services (RFS) request for additional information has been addressed separately and has not been repeated in this letter. As a consequence of addressing the issues raised by the RFS some amendments to the development have been made. Those amendments are reflected in the documentation accompanying this response letter.

In addition, the applicant (Knowles Group) has also made some other minor amendments that are documented in **Section 1.0** of this letter.

Section 2.0 responds to the issues raised by Councill.

Section 3.0 responds to the issues raised by Transport for NSW

Section 4.0 responds to the issues raised by LWP (Master Developer).

The amended / supplementary information attached to this letter includes:

- Amended architectural plans;
- Amended landscape plans;
- Amended / supplementary stormwater plans;
- Updated Operational Plan of Management;
- Updated Waste Management Plan (Operational) to reflect the additional dwelling;
- Letter from One Mile Grid (traffic engineer) addressing the traffic and parking related comments in Council's letter;
- Rural Fire Service response letter prepared by MJD Environmental; and
- Site Audit Report prepared by Ramboll for Part of Substage 16 in Stage 1, dated July 21.

1.0 Amendments Proposed by Knowles Group (Independent of Council's Request for Additional Information)

Site Planning Amendments
The south-eastern corner of the site has been replanned following changes required for bush fire planning reasons (in response to the Rural Fire Services comments). The amendments are:

1. The caravan parking area has been removed to provide a secondary vehicular access point for bush fire protection reasons. This access point is for emergency purposes only.
2. The alignment of the vehicle access is clearly defined.
3. An additional dwelling (No. 206) has been provided in this part of the site due to the residual land following replanning.
4. Landscape treatment in this part of the site has been correspondingly updated.
5. Civil plans have also been updated to reflect these amendments.

As a consequence of the additional dwelling (No. 206) the development statistics (as shown on DA.04 in the architectural set) have been amended. The total GFA has increased by 168.24m^2 from 27,418.48m^2 to 27,586.72m^2 which equates to a FSR of 0.27:1 (unchanged from the original development).

Solar compliance has also been updated (Drawing DA.32) due the addition of Dwelling No. 206 and the proposal achieves 70.9% of dwellings with 3 hours of solar access to living rooms and private open space as per SEPP Seniors.

Amendments to Villas
The amended plans include the following minor changes to the villas:

Unit Type A changes:
- Window types to sides and rear amended.
- Sliding doors replaced with awning windows to front veranda and rear terrace.
- Small window to bed 3 removed.
- Minor maximum building height amendment (under 50mm).

Unit Type B changes:
- Window types to rear amended.
- Sliding doors replaced with awning windows to front veranda and rear terrace.
- Small window to bed 3 removed.
- Minor maximum building height amendment (under 50mm).

Unit Type C changes:
- Sliding doors replaced with awning windows to front veranda and rear terrace.
- Small window to bed 3 removed.
- Minor maximum building height amendment (under 50mm).

Unit Type D changes:
- Window types to and rear amended.
- Sliding doors replaced with awning windows to front veranda and rear terrace.
- Minor step in front façade removed.
- Minor maximum building height amendment (under 50mm).

Villas A, A1, B, B1, C, C1 and D have an additional type with a hipped roof over the garage where they are free standing which is noted with the 's' abbreviation on the plans. Gabled roofs over the garages (side wall) are only proposed where villas are joined at the garage.

External finishes schedule updated including additional an additional colour scheme (as per Council's comments -discussed below).

Amendments to Community Building
Amendments to the community building are minor and include

- Louvered sections to the top of windows to be replaced with fixed sections.
- Stone plinths to the base of piers on the eastern side of the building.
- Façades to have a single selection of stone only (instead of 2 types).
- Façades to be weatherboards only where not stone or render.
- Stone (potentially inserts) to be added to port cochere piers.

Amendments to Entry Gates
The site plan has been amended to remove the gates (refer Architectural Plans da.05.1 and updated Landscape Plans). This amendment is in response to the Rural Fire Service comments.

The Operational Plan of Management has also been updated to reflect this amendment.

2.0 Response to Council's RFI letter

This section of the letter responds to each of the matters raised by Council's request for further information letter dated 30 April 2021.

2.1 Development Assessment Planning

1.	Amended Plans, Statement of Environmental Effects and other relevant documents e.g. stormwater and civil works are required to be submitted to address the following: a. Phasing details are to clearly demonstrate the Phases proposed and the works proposed in each of these Phases. The amended information is required to clearly demonstrate how infrastructure within the site will be constructed at each phase and comply with the relevant Engineering requirements and Australian Standards. b. Repetition of the same dwelling design is to be avoided and variation in the built form is to be incorporated through the incorporation of varying building materials, colours and proposed roof lines. This will assist in the provision of a streetscape of variation and reduce the negative visual impact of sameness which can become apparent with limited design styles on offer. c. The submitted Elevation Plans are to be amended to clearly illustrate the materials proposed to be utilised on each elevation. Each dwelling type is to vary the materials utilised detailing the use where applicable of any face brick, weatherboard or stone for example is to be clearly illustrated. d. Council requests the submission of a colour streetscape plan to clearly illustrate the intended streetscape appearance of the proposed seniors housing development.

Phasing (Item a)
The Staging Plan (LC 1962-STA1) has been amended and an additional drawing provided showing drainage (including flow paths) and sewer infrastructure provision on a stage by stage basis. Connections to the external basins (constructed as part of the Major Project approval to cater for this land) have also been shown on the Staging Plan for contextual purposes.

Dwelling Design and Streetscape (Items b, c and d)
Council's concern relates to the perceived repetition of dwelling designs and the streetscape that this presents. The similarity in dwelling designs is typical of retirement villages or even medium density housing (e.g. in fill townhouse or villa developments) and the similarity in dwelling design does not, in our opinion, create a *negative visual impact*. Indeed, some streets in established suburbs can have a very repetitive built form and their streetscapes are valued for that reason. We do not consider that the use of similar dwelling types, finishes or materials equates to a *negative visual impact*. In the case of the proposed development, variety is provided in the dwelling designs and streetscapes and the following comments are made:

- There are 4 main dwelling types and variants to those dwelling designs. An amendment has been made to introduce hipped roofs to the side roof for free standing dwellings which differs from the semi-detached dwellings which have a gabled roof.
- Each dwelling type has one variant with 26 degree pitched roof (labelled A1, B1, C1 and D1) which is higher than the other variants at 20 degrees. This results in a 700mm or 1000mm difference in ridge height (ignoring ground level differences) depending on the dwelling type. Interspersing these through the streetscapes provides variation to the roof profiles.
- Front facades use a combination of rendered finish, weatherboard cladding, variety in front porch treatments and verandahs. The exact location of the material finishes is fixed as per the plans.
- The external finishes have been amended to introduce a fourth colour palette scheme. The colour scheme applied to each dwelling has (at this stage) not been fixed and will be applied as each stage is constructed. This will allow the location of colours to be changed to avoid too many dwellings of the same colour scheme in close proximity. If needed the applicant is amenable to a condition to require no colour palette to be used on adjacent dwellings on the same side of a road The colours are consistent with the Huntlee – Katherine's Landing Seniors Living Design Guidelines and Katherine's Landing Home Design Guidelines. These colour palettes are reflected in the surrounding streets.
- Building widths vary (13.2m – Type A, 14.64m – Types B and C, and 15.7m – Type D) and semi-detached forms are also used providing further variety in building forms when viewed in the street. The variety in building widths provides different dwelling appearances with some having different front verandah treatments and some with larger sections of wall.

In addition to the individual dwelling designs there are other factors that also add variety to the streetscapes including:

- Variation in front setbacks avoiding all dwellings being in the same alignment;
- Curves in the roads which restricts the 'run' of dwellings being in the same alignment and the number of dwellings visible along the length of a streetscape;
- The variation in front setbacks also provides different dimensions to the landscaped area in the front of each dwelling allowing for variety in landscape treatment; and
- The topography of the finished ground level will provide a stepping in built form and create breaks in continuous roof lines.

The architects have prepared additional coloured streetscape elevations one being a street with a variety of dwelling types (Dwellings 56 to 63) and the other where there is a group of the same dwelling type (Dwellings 16, 29, 28, 27, 26 and 25) along the main entry road. When viewing these streetscape elevations it is important to bear in mind that the streetscape elevations are 'front on' and therefore are not necessarily a realistic viewing angle. The more

common ‘experience’ is when one moves along a street and therefore only a couple of dwellings will be visible at any one time and at an angle (not ‘front on’).

2.2 Community Planning

1.	A level of community engagement outside of the public notification process is necessary to effectively explore and assess the social impacts associated with the proposed development for the affected community. A summary of the community engagement findings and any associated changes to the Social Impact Assessment, Plan of Management are to be submitted to Council for assessment.
2.	Considering the location of the proposed development from services and facilities, the typical age for residents entering an over 55’s seniors housing development and the estimated population to reside at the seniors housing development at completion. The proposed community bus should be increased in size to provide an adequate level of service for the population estimated to reside at the senior housing development at completion.
3.	Accessibility should be a key consideration for pedestrian access from/to the site. Obvious and safe pedestrian links from the site that provide access to public transport services or local facilities are required to be detailed on the submitted plans.
4.	Considering the transport provision and distance to public transport, commercial and recreation facilities, the on-site community and recreation facilities should be made available to residents when housing is ready for occupation. Amended phasing and plans are to incorporate the community building being constructed and available for use as part of Phase 1 the village manager should also be appointed at Phase 1.
5.	The Plan of Management is to address the following matters: a. After hours emergency contacts, b. Any changes to the provision of the community bus and its operation, c. Ongoing communication and complaints handling with stakeholder groups, including residents, visitors, neighbouring residences and other relevant statutory agencies.

Community Engagement (Item 1)
During March 2021 there was email communication between DFP Planning and Council regarding community consultation. On 26 March 2021 DFP Planning sent an email to Council outlining that community consultation would be undertaken using the Huntlee Community Facebook page which has over 5000 followers and was considered a useful tool to reach out to the community. On 1 April 2021 Council replied and advised to proceed with the engagement strategy as outlined in DFP’s email of 26 March 2021.

Feedback from the community on the Facebook page was limited. The comments received occurred shortly after the post went live and the inputs waned thereafter. There were 10 ‘Likes’ to the post and very few comments that assist in informing the proposal. The comments / reactions were generally neutral and there were no negative comments, questions or suggestion received.

Having regard to the above comments there is not considered to be any need to amend the Social Impact Assessment submitted with the development application.

Community Bus (Item 2)
The Plan of Management notes that the community bus will be driven by staff and approximately 10 residents will also be nominated as drivers for the community bus. The community bus is proposed as a 12 seater vehicle as this is capable of being driven by people with a Class-C licence. A bus of greater size will require different licence requirements limiting the number of drivers and most likely force the bus to a schedule arrangement (for staffing reasons) rather than providing a greater degree of flexibility that a wider number of drivers who are licensed to the drive the vehicle offers.

Sencia (the operator of the village) introduced a scheduled bus service in a new village in Point Lonsdale, Victoria (The Breeze). The uptake of this service was poor. Investing in a larger bus that would have to operate on a scheduled basis is potentially a wasted investment and the smaller community bus offers more flexibility.

The updated Plan of Management documents that a larger bus can be organised (chartered) to cater for larger groups for day trips or special occasions. This is considered a reasonable contingency rather than investing in a larger bus that might not be used and would be used less frequently due to licencing requirements. The 12 seater coaster bus can also be more usefully employed for trips to the town centre (as noted the following section).

Accessibility (Item 3)
As noted in the Statement of Environmental Effects, the site planning of the village has provided for a pedestrian connection on the western boundary to link with the Huntlee town centre. The landscape plans (submitted with the original DA) indicatively show a batter approximately 30m long to enable a minimum 1:20 grade path. As noted in the SEE, the final design and construction of this batter and path will be carried out by others and does not form part of this DA.

When built, the path will provide an obvious and safe pedestrian link from the site to public transport services and local facilities. Until the path is constructed the community bus can provide an alternative means of access to Huntlee town centre for those people who do not wish to drive to the centre. This is an additional reason to retain the smaller coaster community bus and not replace it with a larger bus.

Community Building and Phasing (Item 4)
The community building is retained in Stage 2. The community building and adjoining recreational facilities is a large facility and would be a significant investment for only 20 villas in Stage 1

As noted in the Social Impact Assessment, one of the display villas (built in Stage 1) can be used as a temporary community building until the main community building is operational, providing the opportunity to invite local community groups into the village to help build connections with the wider community.

The community building and adjoining recreational facilities are planned for Stage 2. The construction of Stage 2 will most likely commence once there is confidence in the market and up-take of the dwellings and therefore confidence that a greater incoming population is likely to justify commencement of the community facilities.

Plan of Management (Item 5)
The Operational Plan of Management has been updated to:

- Remove reference to the gates (which have been deleted to address RFS comments).
- Insert a new section to document after hours contact details (refer to Section 2.2).

- Section 2.7 notes that a larger bus might be hired on an 'as needs basis' for days trips for larger groups or special occasions.
- Section 2.10.2 includes a complaints management procedure.

2.3 Development Engineer

1. Stormwater
The Request for Additional Information lists a number of detailed design matters and the list below identifies where those matters have been addressed.

Design Detail Required	Lanigan Civil's Response
Stormwater Concept Plans for each proposed 'Phase' of the development are to be provided.".	Refer to proposed stormwater and sewer staging plan in the attached drawing "LC1701-20210624-Stormwater & Sewer Staging plan.pdf
Disposal of roof water from the dwelling (typical)	Refer to typical roof drainage for dwellings on drawings C20 & C21 labelled as 'LC1701-20210701-C-Preliminary Issue 2'
Disposal of roof water from the community building, Full allowance has been made to collect stormwater from the community building and surrounds within the overall stormwater design	Refer to LC1701-20210701-C-Preliminary Issue 2. Detailed design including exact downpipe locations etc will form part of working drawings in conjunction with the project architect.
Update plans with concept pit details for surface and invert levels, pipe size & cover or grate type	Refer to LC1701-20210701-C-Preliminary Issue 2 showing the preliminary pipe sizes, invert levels and pit cover (grated or junction pit).
Provide typical cross section for each proposed access driveway, two-way and one-way internal roads and emergency vehicle hardstand areas. Show kerb type and drainage (typical),	Refer to LC1701-20210625-Site Level Plans, RW & Typical Cross Sections indicating all site levels, retaining walls typical cross sections. Drawing LEV3 shows the typical cross sections of all the proposed access ways.
Submit flow path plan for 1% AEP event to demonstrate flow extents are fully contained in roads and designated overland flow paths.	A full TUFLOW analysis was carried out on the site and catchment area concerned for a 1% AEP event. The extent of flow is indicated on the TUFLOW screenshot on LC1701-20210701-FloodDepthsQ100 included with the amended civil plans.
Typical section cross section plan for all proposed overland flow paths with adjacent dwelling units. Show dwelling floor level, freeboard, max. water depth and side slopes. Submit section plans for dwellings 190-191, 181-182, 120-121, 137-138, 173-174, 165-166, 169-170, 34-8. Overland flow paths should have not less than 100mm freeboard above 1% AEP water level, and dwelling floor level should have not less than 500mm freeboard above 1% AEP water level. Update overland flow calculations for all. Overland flow paths shared with footways to have flow velocity less than 2.0m/s, "LC1701-20210701-FloodVelocityQ100.png"	During conversations with Council (on 28 June 2021) regarding the 500mm freeboard from the 1%AEP we understand that Council's Development Engineer clarified that the 500mm freeboard was not a requirement and the DA only needs to demonstrate 1% AEP will be contained within the roadways and will not impact the dwellings. The additional Sections to demonstrate compliance have been provided. Cross sections have been provided from the TUFLOW analysis at each of the locations required by Council. Refer to stormwater management plan "LC1701-20210701-SMP sheets SMP6 and SMP7.

Design Detail Required	Lanigan Civil's Response
	Lanigan Civil has confirmed that the overland flow velocity was analysed using TUFLOW with flows below 2m/s generally throughout the site.
Landscape plans to be revised to where proposed gardens and garden furniture appear to impede or lessen capacity of overland flow paths.	This has been coordinated with the landscape architect – refer to Landscape drawings. Minor adjustments were made to the landscape plans in overland flow areas.
Update stormwater concept plan with 'splitter pit' or other means of redirecting 20% AEP piped drainage flows that exceed 'low flows' upstream of the proposed GPT units for each catchment area.	Refer to stormwater management plan "LC1701-20210701-SMP" and drawings SMP1, SMP2 & SMP3 within for spitter pit concept details.
Plans or stormwater management statement should detail bypass flow discharge to detention basin. It is noted in Northrop Design Report for Basin 10L and 10B. "Two Hume Gard units are required at the basin inlet to treat approximately half of the 1yr ARI peak flow rate expected to report to each device". Provide MUSIC model for checking,	MUSIC model by Northrop considered the whole village and will not change. The Hume Gards will be installed to accord with the original design – see attached stormwater management plan "LC1701-20210701-SMP"
Confirm sewer pump station can interface with overland flow path in proposed location.	Confirmed with Tuflow model.

2. Traffic

Updates to the Traffic Impact Assessment (TIA) are requested with commentary as to intersection capacity - level of service at the Kesterton Rise & Triton Blvd intersection assuming all traffic is distributed to and from the south via Kesterton Rise. This is expected to be the greatest traffic impact if the site is entirely developed prior to the left in/left out intersection at north end of Kesterton Rise & Hunter Expressway Link Road being opened to traffic.

One Mile Grid's response submitted with the additional information addresses this matter. The new Kesterton Rise and Hunter Expressway Link Road combined with the low traffic generation of the seniors housing development has led One Mile Grid to conclude that there will not be a material impact on the Kesterton Rise and Triton Boulevard intersection. Additional traffic modelling has therefore not been undertaken and the seniors housing development will be consistent with the Major Project approval.

3. Roads

Details of proposed phased road layout indicating the extent of construction for each phase and incorporating details of compliance with Council's Engineering Requirements for Development and/or Planning for Bushfire Protection whichever has the greater requirement. Details of complying turning paths/cul-de-sac heads shall be provided. Amended Plans are to be submitted for each Phase and are to illustrate temporary turning arrangements in accordance with the above requirements.

Preliminary site intersection plans to be provided for works on Kesterton Rise, including proposed surface contours, stormwater drainage, kerb construction in accordance with Councils 'Engineering Requirement for Development' and AS2890.2 catering for the largest design vehicle. Preliminary swept path analysis should be submitted for the largest design vehicle frequenting the site. Any proposed adjustment to regulatory signage and line marking in Kesterton Rise should accompany preliminary plans. Any regulatory lines and signage will be required to go through the Local Committee, a plan will be required to be submitted at Section 138 and/or CC stage.

Details of the road layout by stages (including proposed stormwater and sewer staging) are shown on drawing LC1701-20210707-Stormwater & Sewer Staging plan Issue P2.

One Mile Grid has tested the road layout for a 10.5m fire appliance which is the greatest vehicle size required to access the village.

Phasing (Turning Heads)
The Staging Plan (LC 1962-STA2 Issue P2) included in the amended civil/stormwater plans includes a temporary turn head.

Preliminary Site Intersection Plans
A Concept Layout Plan for the site entry with Kesterton Rise has been prepared by One Mile Grid and included in their response letter. This plan amends the driveway entrance capturing Council's Development Engineers Comment No. 4 – Access which is addressed below. The amended entry also removes the gates.

One Mile Grid has prepared swept path diagrams for a fire appliance (10.54m) being the largest design vehicle for the site entry with Kesterton Rise and the amended intersection can accommodate this vehicle type. Swept path diagrams have also been prepared for this vehicle elsewhere through the village as well for a small rigid vehicle, coaster (community) bus and passenger vehicles and all diagrams are included in their response letter.

4. Access
Updated plans are required to address a non-compliance with Table 3.2 AS2890.1 with respect to access driveway widths for category 3 access facility. The proposed access driveway has separate entry and exit lanes, each with 3.5m carriageway and 2m splitter island. Entry and exit driveways should have with a minimum width of 6m and 4m respectively (assuming Class 1A parking for residents primarily). A requested dispensation for lesser allowable driveway width 3.5m is rejected, as the user class 1A relates to residential, domestic, staff parking which is the primary use of the site once fully developed.

Applicant to confirm intention to seek approval for second site access and provide preliminary plans with link to Council's Road and detail 'easement of access'.

Access Driveway
One Mile Grid has assessed the amended plans submitted with this letter and the concept layout plan (190668CLP300) attached to One Mile Grid's response demonstrates that access to the site is now in accordance with Table 3.2 AS2890.1.

Secondary Emergency Access
The secondary emergency access route is only required for bush fire management reasons. The response letter to the Rural Fire Service's comments (prepared by MJD Environmental) notes that the secondary access will be delivered as per the Huntlee approval framework and that Huntlee Pty Ltd has confirmed the road will be delivered prior to the completion of the seniors development. The road will therefore be constructed and ultimately transferred to Council which will negate the need for an easement.

5. Parking
Stage 1 includes construction of four (4) display units, a temporary parking area for six (6) vehicles and one (1) minibus parking space at the proposed Unit 86 site. A dimensioned parking plan is to be submitted.

Updated site plans requested to demonstrate a minimum aisle width adjacent to all proposed 90 degree parking spaces complies with AS2890.1 requirements. An alternative option may be to provide local widening to internal aisles for the isolated 90 degree parking area.

Updated plans are to be provided with parking bay dimensions, including aisle width complying with AS2890.2 for parallel parking proposed for the community centre drop off 'porte cochre' circulation roadway. A swept path should accompany the design to demonstrate that the largest design vehicle can manoeuvre in and out of parking bays without encroaching circulation roadway verge. Clearance to vertical obstruction at the covered parking bays should also be checked and commentary provided.

Updates to the TIA are requested to ascertain demand and frequency for commercial service vehicles and updates to the parking plans for provision of service area access and parking. A separate off-street loading/unloading facility with capacity to accommodate the largest delivery vehicle likely to deliver goods to and from the premises shall be provided for all loading and unloading of vehicles wholly within the property. The submitted plan to include dimensions of all parking spaces.

The provision of two (2) bicycle parking spaces represents a 98% departure from Councils DCP E17 requirements. Updated plans to be submitted with minimum seven (7) bicycle parking spaces in the direct vicinity of community building, and greater numbers of bicycle parking areas site wide.

Display Village Parking Plan
Plans prepared by One Mile Grid (190668CLP500) show a temporary display village car parking area for 7 vehicles including 6 visitor and 1 community bus parking space (until the permanent community bus parking space is constructed in Stage 2).

90 Degree Parking Space Aisle Width
One Mile Grid has reviewed the architectural plans and identified only two 90 degree car parking spaces (adjacent to unit 64) that required an additional 300mm setback to provide a 5.8m access aisle. This amendment has been made to the plans. All other 90-degree parking spaces have been assessed by One Mile Grid as being in accordance with AS2890.1.

Porte Cochere / Delivery Vehicles
Council requires line marking to the drop off spaces shown under the Porte Cochere. These are not line marked and, as noted in One Mile Grid's response letter, they are pick-up/drop-off spaces and not intended to be line marked to encourage short term use.

One Mile Grid has prepared swept path diagrams detailing access via the porte-cochere to access the parking spaces for the minibus and a 6.4m small rigid vehicle (SRV).

Service Vehicles
The layout of the car parking area adjacent to the community facility has been amended to incorporate a dedicated parking space for a small rigid vehicle (adjacent to the coaster bus parking space). Swept path analysis has been undertaken by One Mile Grid to verify that the parking space is workable.

Bicycle Parking
The amended architectural plans show seven (7) bicycle racks accommodating up to 14 bicycles adjacent to the community centre entrance and the design of the bicycle parking has been assessed by One Mile Grid in their response letter.

One Mile Grid also notes that there is no need to require bicycle parking site wide. Each dwelling has a double garage providing sufficient space for the storage of bicycles should residents have that need.

6. Retaining Structures and Masonry Walls

Updated plans required with retaining walls details inclusive of wall heights for all retaining structures and other masonry walls, preliminary structural detail including wall type, footing design, site boundary offset, drainage connection.

Lanigan Civil has prepared a typical preliminary retaining wall detail which is included on Drawing LC1962-Lev3 Issue P1.

7. Soil and Water Management

A draft Soil and Water Management Plan is to be submitted prior to further assessment. Updates to the sediment and erosion control plans by Lanigan Civil, dated 16/2/2020 are requested including;

- Clean water diversion around the site
- Sediment fence or other filter at low side of all disturbed areas.
- Sizing calculations and location of each sediment basin for north (48,450 sq.m) and south (53,783 sq.m) catchment. Locate basins to maximise collection of sediment laden runoff and have suitable access for maintenance and de-silting.
- Locate basins at or above the 1 in 5 ARI flood level.

Note – basins to be located wholly within site limits unless permission of the adjacent land-holder has been provided.

Lanigan Civil has updated the sediment and erosion control plan (LC1962-SE01 – Issue B) which addresses the above points. The sediment basins are contained wholly within the site and sized to manage water from groups of stages.

Lanigan Civil has also confirmed that all sediment basins are located above the 1 in 5 ARI.

2.4 Traffic Engineering

1. Assessment of the Triton Boulevard / Wine Country Drive junction to determine whether this development triggers the requirement for a second access to be provided into the area.

One Mile Grid's response letter notes that the Triton Boulevard / Wine Country Drive intersection is required to be upgraded to a signalised intersection under Condition E7(a)(viii) of the Major Project approval (MOD10) at such time when 1,000 lots are developed within the subdivision inclusive of development on the subject site. One Mile Grid understands that this is currently under review as part of MOD17 to allow this lot threshold to be increased to 1,500 lots, with traffic engineering analysis provided by others suggesting there is sufficient capacity to defer these works. As such, One Mile Grid does not believe that the development of the subject site requires any further consideration of traffic analysis or staging, having been extensively reviewed and assessed as part of broader approvals for the precinct.

They also note that LWP Group has advised that there is a Works Authorisation Deed (WAD) in place for these signalisation works, and that the intersection upgrade is scheduled for third quarter of 2022, to immediately follow the construction of the HEX Link Road / Kesterton Rise intersection referenced above.

As established in the response to Item 2 of the Development Engineer's comments it is anticipated that traffic volumes generated from the site within this short timeframe will be modest, and readily accommodated by the existing infrastructure prior to completion of the signalisation.

In addition, the TfNSW referral response makes a similar same comment to One Mile Grid and further notes that "*TfNSW raises no objection to or requirements for the proposed development as it is considered the proposal will not significantly impact the nearby classified (State) road network."*

2.	Assessment of the Development Site Access / Kesterton Rise junction to determine whether sight distance is adequate, and whether an auxiliary right turn lane is required.

One Mile Grid has prepared a sight distance assessment in accordance with Austroads Guide to Road Design Part 4A, Table 3.2 and found that sight distances are compliant with Austroads.

3.	Indicate how non-vehicular connection will occur to the development site. In particular, how internal pedestrian/cyclist pathway will connect to existing and proposed external pathway to the east and west of the site, including whether accessible gradients can be provided.

As noted in the Statement of Environmental Effects, the site planning of the village has provided for a pedestrian connection on the western boundary to link with the Huntlee town centre. The landscape plans (submitted with the original DA) indicatively show a batter approximately 30m long to enable a minimum 1:20 grade path. As noted in the SEE, the final design and its construction will be carried out by others and does not form part of this DA.

When built, the path will provide obvious and safe pedestrian links from the site that provide access to public transport services and local facilities. Until the path is constructed the community bus can provide an alternative means of access to Huntlee town centre for those people who do not wish to drive to the centre.

4.	Consider changing the internal road layout to eliminate the need for the four-way intersection located 30m from Kesterton Rise.

One Mile Grid has considered this suggestion and note that most traffic will use the main (internal) east-west spine road (as there are only a small number of dwellings on the north and south legs of this intersection) and residents will be familiar with the road layout and signage will also reinforce the priority of the intersection.

5.	Detailed design showing proposed traffic management for proposed internal roundabout and shared zones would be required prior to construction approval.

This can be imposed as a condition of consent.

6.	Given there is no kerb in shared zones explain how stormwater will be managed within the site.

All internal roads are designed with a central low point and therefore are designed to carry the 5-year ARI overland flows as documented by Lanigan Civil.

2.5 Waste Services

To ensure that a regular waste service can be provided to the residents of the proposed seniors housing development, it is required that residential sites be serviced by Council and not a private waste service.
The applicant is requested to demonstrate that Council can safely and efficiently provide this service by amending the ongoing waste management plan to detail:

1. Construction details of all internal roads and carriageways, demonstrating suitability for a 6 wheel ridged vehicle with a 26 tonne weight capacity, OR, creation of a central collection point/s with abovementioned construction requirements. Only roads travelled on by Council vehicles would need to meet construction and manoeuvrability standards suitable for collection vehicles.
2. Collection vehicles can enter and exit the site in a forward direction.
3. Manoeuvrability of Council collection vehicles across the sites. Council collection vehicles must be able to service all residential sites with minimal reversing if kerbside collection is preferred.
4. Residential bin collection points are free of obstructions, level and has sufficient clearance for mechanical pick up and set down.
5. Plans that reflect residential bin display / collection areas (should kerbside not be preferred) that provide adequate capacity for all waste and recycling receptacles. It is advised that Council currently operates a 3 bin system and the storage area should reflect adequate capacity for receptacles, manoeuvring and any potential future demands.
6. Details on how the commercial bin storage area will be constructed and drained to the sewer or wastewater treatment system. The storage area will need to be constructed in a manner that ensures easy cleaning. This [SIC]

An updated Operational Waste Management Plan has been prepared by One Mile Grid and is included with this response letter.

Council Collection of Waste
Section 2.8.3 of the Updated Operational Plan of Management clarifies that residential waste will be conducted by Council's collection service and the waste generated by the community building will be collected by a private waste contractor.

1. Construction Details
One Mile Grid has prepared swept paths for a 10.5m fire appliance vehicle which is a more conservative design vehicle than a 9.8m waste vehicle, and therefore the internal road network is designed appropriately to accommodate waste vehicles. The swept path analyses are attached to their response letter.

2. Collection Vehicles
As above, the swept path analysis prepared by One Mile Grid confirms that a 10.5m design vehicle is capable of manoeuvring within the internal roads and able to enter and exit the site in a forward direction.

3. Manoeuvring of Council Waste Vehicles
The swept path analysis by One Mile Grid confirms that the 10.5m design vehicle is able to circulate the internal road network. They have identified that a waste vehicle will only be required to reverse to access dwellings 32, 33 and 206 which is only 3 dwellings out of 206 dwellings. This has been assessed as an acceptable outcome.

4. Bin Collection Points (Kerbside)
Kerbside collection is proposed. Sufficient space is available in the front of each dwelling for the placement of a garbage bin(s) for collection. This could be on the driveway or an area adjacent to the driveway to ensure that bins are clear of obstruction. One Mile Grid has prepared an indicative plan to illustrate a typical collection point in the front of a dwelling (for the narrowest dwelling type). Bin storage areas are provided in the side setback of the dwellings behind the garage.

5. Bin Collection Points (If Not Kerbside)
Kerbside collection is proposed (refer comments above).

6. Draining of commercial bin storage area
The details of draining of the bin storage area near the community facility is a detailed design matter and can be conditioned for those details to be submitted prior to the relevant construction certificate.

The amended ongoing waste management statement must also detail a commitment for, 1. Signing of an indemnity form, relinquishing Council of damage and associated costs whilst providing waste services to private roads. 2. Understanding that the domestic waste charge will be applied for the 205 residential sites and charged against the commercial entity. 3. Nominate who will be responsible for bin presentation (bins taken from residential villas to collection point) and returning bins to residential villas. Adequate bin space must also be provided at each residential site. 4. No parking, street trees or street furniture will impact upon bin presentation and collection 5. Managing bulky or problem waste.

1. Indemnity
This is a matter that can be conditioned to be provided prior to the issue of an occupation certificate.

2. Domestic waste charge
Noted.

3. Bin presentation to the street
Residents will be responsible for moving their bins to the collection point.

The private contractor will be responsible for moving bins from the bin enclosure associated with the community facility.

4. No impact to car parking, street trees etc.
The internal roads do not contain parallel car parking thus avoiding obstructions of parked vehicles for bin collection. One Mile Grid has prepared an indicative plan to illustrate a typical collection point in the front of a dwelling (for the narrowest dwelling type). The location is typical and residents can place bins to avoid street trees. There is no street furniture in the front of the dwellings that will cause a conflict.

5. Bulky Waste
Hard waste / bulky waste can be managed by the private contractor servicing the community building and organised through on-site management. The Operational Waste Management Plan submitted with the DA nominates a bulky waste (hard waste) area within the bin storage room adjacent to the community building for the temporary storage of hard waste.

2.6 Environmental Health

1. Confirmation in relation to the services to be offered at the proposed Beauty Salon is required particularly addressing if services offered will include skin penetration procedures. Examples of common skin penetration procedures may include, cuticle cutting and waxing.

The Beauty Salon is mainly for hairdressing and will not perform skin penetration procedures. This can be managed via a condition of consent.

2.	Clarification regarding the operation of the café and bar and kitchen. Specifically, with regard to any payment required for social events arranged by Sencia and food and drink offerings at the café/bar. The offering of food for sale triggers the requirement to comply with the Food Act 2003 and its associated regulation and standards, it will also generally trigger a requirement to include a condition of consent requiring that the fit-out comply with the relevant standards and legislation. These matters are to be addressed through amendment to submitted information including plans.

The Updated Plan of Management confirms in Section 2.8.4 that the kitchen/bar & café will not operate as a commercial premise that offers food and drink for sale. The kitchen/bar and café will be accessible for all residents free of charge.

3.	The submitted Asbestos Inspection and Validation Report advises that it has been prepared as a result of a previous condition of consent requiring remediation and validation prior to the construction of residential housing. In accordance with Clause 7 of State Environmental Planning Policy – No. 55 Remediation of Land Council is required to be satisfied that the land is suitable for the proposed landuse, or will be made suitable following remediation. The submitted Asbestos Inspection and Validation Report has not satisfied this requirement and as such Council requests the latest contamination documents, ideally including the required site audit statement confirming the suitability of the site for the proposed residential landuse, along with any of the associated contamination/long term environmental management plans which may have been required/approved by the Site Auditor.

A Site Audit Statement (SAS) has been prepared by Ramboll Australia Pty for the site. The SAS certifies that the land is suitable for "*residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry"* and "*seniors living*."

The SAS also notes that:

> *Due to the potential for undiscovered low-level contamination/waste issues remaining at the Site, it is common practice that a Construction Environmental Management Plan (CEMP) be implemented during development works. An EMP has been prepared by Coffey for the development and includes an unidentified finds protocol. The EMP and UFP has been reviewed by the Auditor and is required to be implemented under the consent conditions for the development (MP 10_0137 MOD 9).*

The implementation of this CEMP is appropriately managed through the Major Project approval.

3.0 Transport for NSW (TfNSW) Comments

The TfNSW contains a number of assessment comments and those matters which require a response / further consideration are discussed below.

Discharged stormwater from the development shall not exceed the capacity of the Wine Country Drive and HEx Link Road stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.

The Engineering Design Report prepared by Lanigan Civil and submitted with the original DA noted that

Downstream drainage infrastructure has been constructed to allow for the developed Retirement Village site. The original Huntlee Subdivision stormwater and flood report by Worley Parsons provided an allowance of 65% impervious for the Retirement Village site. Subsequently the detailed design prepared by Northrop provided an allowance in the stormwater design of 85% impervious for the retirement village, as stated in the construction certificate design report and associated calculations.

The proposed village has a fraction impervious of 70% that is well within the allowance of the constructed stormwater infrastructure.

The Wine Country Drive and HEx Link Road are downstream of the retirement living site. The detailed stormwater design for the subdivision (including the retirement living site) allowed for an impervious area of 85%. In addition, Lanigan Civil also note in their Engineering Design Report that the external basins are designed to limit flows downstream to predevelopment conditions for up to the 1% AEP event.

The proposed development drains into the stormwater infrastructure approved as part of the Major Project development which is assumed to have been co-ordinated with the downstream road drainage infrastructure.

Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Wine Country Drive and HEx Link Road, a classified State road. In this regard, the developer, not TfNSW, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water.

An acoustic report has been prepared and submitted with the DA which documents the acoustic treatments required for some of the proposed dwellings. Refer to the acoustic report submitted with the DA for details.

4.0 Comments from LWP (Master Developer)

The following comments have been made by LWP being the 'master developer' for the broader Huntlee development.

It is noted that a number of perimeter villas have instances where the same Villa Type are situated side-by-side. In these instances, a variety of colours, materials, and external treatments shall be incorporated to avoid repetition.

An additional colour scheme has been added for the proposed dwellings, as discussed in **Section 2.0** of this letter.

The landscape batter into Huntlee's land shall be coordinated with Huntlee's Senior Development Manager prior to any works taking place. This may include provision of detailed engineering and earthwork designs to be submitted for review prior to commencing work.

The comment is acknowledged and the Applicant will issue civil plans to LWP prior to any works commencing on their land.

The perimeter 1.8m high solid green fence shown on Hamilton Landscape Architects Drawing No. DA-02 Rev A and Drawing No DA-21 Rev A needs to be a colour consistent with Katherine's Landing residential fencing. For reference our colours are Dark Beige and Light Beige.

The applicant has amended the fencing colour from a green fence to 'Monument' (a dark colour) which is consistent with the remainder of the fencing for the village and the colour palette of the built form.

The side colourbond Monument fencing to the perimeter villas should be changed – colourbond is not a permitted fence within Katherine's Landing. This applies where the fencing is visible from a public street or place, hence this applies only to the perimeter villas where the colourbond will be visible from the parkland (eg villas 161 to 191 on Hamilton Landscape Architects Drawing DA-02 Rev A.)

The use of fencing coloured Monument (a dark colour) for side boundary fencing to the dwellings around the perimeter of the site has been retained which is consistent with the colour palette of the built form. It is also noted that the side boundary fencing does not extend forward of the rear setback of the dwellings (i.e. it is does not extend to the property boundary) and will therefore not be a dominant element in the setting of the development.

The main pedestrian link to the Town Centre does not appear to have any structure or focal point of significance – the arbour with climbers would not appear to be substantive enough on first review.

A 'gatehouse' has been added to the main pedestrian connection to strengthen the focal point. This uses stone columns (in keeping with the stone piers of the boundary fencing – see comments below) and has a pitched roof to better define the structure both internal and external to the site.

The perimeter fence to the parkland (identified as purple dashed line on Hamilton Drawing DA-02 Rev A) shall include stone piers / pillars as a minimum at the pedestrian entry points to break up the run of black metal fencing

Stone clad piers to a height of 1.2m have been incorporated into the perimeter fencing adjoining the open space / riparian corridor. The piers are located at each pedestrian connection / fire access point (8 pairs in total).

We trust that the above responses and the amended / supporting information accompanying this letter adequately addresses the Council's comments.

Should you have any further questions in relation to this DA please do not hesitate to contact David Kettle.

Yours faithfully
DFP PLANNING PTY LTD

DAVID KETTLE
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Reviewed: _____

1 September 2021
Our Ref: 20972B.7DK_RFI_No.3

planning consultants

Julia Ryl
Cessnock City Council
PO Box 52,
CESSNOCK NSW 2325

Dear Julia

RE: Request for Information
Development Application No. 8/2012/21158/1
Seniors Housing Development
97 Kesterton Rise , North Rothbury and 107 Kesterton Rise, Branxton

We refer to Council's letter dated 10 August 2021 requesting additional information (RFI) which incorporates some of the comments made by the Hunter and Central Coast Region Regional Planning Panel (the Panel) during a briefing meeting with Council staff on 4 August 2021 (the applicant was not invited to attend this meeting).

The second RFI letter dated 10 August 2021 was prepared after the Panel meeting and requests information relating to:

1. Staging in relation to the community facility.
2. Staging relating to plan documentation.
3. Pedestrian connection to the town centre (which has been elaborated by Council since the first RFI letter).
4. Section plans for interfaces with the adjoining land.
5. Two draft SEPPs that have recently finished public exhibition.
6. The Voluntary Planning Agreement (VPA) between Huntlee Pty Limited and Cessnock City Council.

Following the receipt of this letter, Council convened a video conference to discuss the letter and the Panel's comments with the applicant, DFP and the design team. This meeting took place on 17 August 2021 to clarify the second RFI request.

The above 6 matters are largely in addition to the matters raised in Council's first RFI letter. Staging was mentioned in the first RFI letter but not to the level of detail that is apparent in the most recent letter.

The requests relating to the documentation of Staging involves a considerable amount of work and the design team has not been able to re-document all 16 stages within the 2 weeks after the meeting with Council.

As agreed during the meeting with Council the design team has prepared sample plans for the first three stages of the proposed development for Council and the Panel to understand how the staging will be documented and for feedback to be received before time and money is invested in preparing the full suite of plans for each stage.

The following comments have been prepared in response to Council's letter to address each of the above points to the extent possible at this stage. The documentation will be further developed and a full package of amended DA documentation will be submitted after the second briefing meeting with the Panel on 8 September 2021. Therefore this letter does not constitute an amendment of the DA; it for information purposes only.

In light of the comments received, an amendment to the location of stages has been made, particularly the location of Stage 1 which now extends across the frontage of Kesterton Rise. There are other consequential amendments that will also be made but this change in Stage 1 is mentioned now as it features in the following discussion.

1.0 Staging and community facilities

We understand that Council and the Panel have a desire for the community building (club house) to be provided in Stage 1 citing this element of the development as "critical". The club house building has a floor area of 1253m^2 plus adjacent outdoor areas with 810m^2 of bowling green and is therefore a large investment.

Knowles Group recognises that the club house is a key element for the future community to help building a sense of community. However, the provision of the community building is not a requirement under Clause 26 - Location and access to facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors).

We have not reproduced Clause 26 but generally it requires that residents have compliant access to the facilities specified in the clause if **either**:

(a) the facilities are located not more than 400m from the site of the proposed development, subject to meeting the gradient requirements; **or**

(b) a transport service (for sites outside Greater Sydney) is available that takes residents to those facilities.

In this instance, a transport service (community bus) is proposed and the SEE has documented the operational aspects of the bus (refer to the Plan of Management) and that the facilities listed in clause 26 can all be accessed in Cessnock (although the Huntlee town centre and Branxton are also options to meet the clause but not all available in the one location). Therefore satisfying clause 26 is not contingent upon the club house building and clause 26 can be satisfied.

Originally, Stage 1 of the development proposed the construction of 26 villas of which 4 are exhibition homes. Therefore only 22 villas would be available for occupation in Stage 1. The size of the club house facilities and bowling greens for 22 households (most likely a maximum of 44 people) is not necessary which is why it was planned for Stage 2 when a larger population would be available and would warrant its provision. An interim club house facility was proposed in one of the villas.

The principle of staging community infrastructure as a population develops is no different to the timing of works in Contributions Plans or a Planning Agreement to bring facilities on line when the demand exists and / or when funds are available.

The above comments assist in putting the club house into context in terms of planning legislation and principles for planning of community infrastructure.

Council's comments have been noted and the DA is proposed to be amended to construct a temporary club house in Villa No. 17 in the new Stage 1. The villa will not be completely fitted out as a dwelling so that it can function as a community building. The open plan living/dining/kitchen can function as an indoor space. Bedrooms will be useful for smaller meeting groups and bathrooms (main and ensuite) will serve the users of the building. A pergola and BBQ area will be constructed adjoining the living area overlooking the proposed garden and recreation area (pickle court) on villa sites 18 and 19. The villas on these sites will be constructed in a later Stage after the permanent club house is operational. The community bus will be available at Stage 1 and can park in the driveway of villa site 17. This amended community facility will provide the first occupants of the village with a space for socialising, community events, recreation and a meeting point for use of the community bus.

Figure 1 below is an extract from the landscape plans to provide an indication of the intent of the temporary community building and recreation area. The plan is yet to be further detailed but is sufficient for Council and the Panel to understand the intent.

Figure 1 Draft plan of temporary community building and recreation area

The main community building (club house) and bowling green will be operational before the commencement of Stage 7. Unit 17 and the pickle ball court will cease use upon the operation of the community building (club house) and bowling green.

We note that the community bus is still necessary in Stage 1 as the temporary club house on villa site 17 does not satisfy all the facilities required by clause 26 of SEPP Seniors.

2.0 Plan documentation of Staging

As noted above Stage 1 will extend across the frontage of Kesterton Rise such that this interface with the existing public domain is largely completed as the first stage of the development. Stage 2 will necessarily change and Stage 3 now incorporates the main club house due to the commitment to provide a temporary club house in Stage 1. These changes are reflected on the sample plans submitted with this letter.

The civil, architectural and landscape plans have all been restructured to show the extent of works on a stage by stage basis. **We recommend reading these plans in the following sequence for each stage - Civil plans, architectural plans and then landscape plans.**

Civil Plan
These show the following works on a stage by stage basis

- Earthworks (cut and fill) and 1:6 maximum batters to the edges of earthworks
- Roads including temporary turning heads
- Villa sites
- Stormwater infrastructure to the boundary
- Sewer infrastructure
- Electricity infrastructure including the new substation
- Security fencing and construction site access.
- APZ and inner protection areas (IPAs) as per the bush fire assessment report.
- Notations to explain the Staging

The details of earlier stages are shown faded so that the reader can view the previous phase in the context of the following phase.

Architectural Plans
These plans align with the civil plans with the exception of showing the full extent of infrastructure servicing. The plans will document:

- Villas sites (the reader will need to refer to the typical villa plans for floor plan layouts and details of private open space).
- Roads and turning heads
- APZ
- Dwelling schedule including a dwelling type, size, area of private open space.
- Fencing and retaining wall heights.

Landscape Plans
These plans align with the civil plans with the exception of showing the full extent of infrastructure servicing. The plans will document:

- Villas sites
- Roads including turning heads
- Landscaping treatments to common areas and villa sites
- Fencing and retaining walls

The reader will still need to refer to the planting palette and fencing plans for those details and the plans showing the typical details for planting of the villa types.

In relation to the requirement for architectural plans to demonstrate the dimensions of the proposed lot sizes and the area calculation of private open space for each dwelling and the capability for requirements such as bin storage area and clothes drying to be achieved with each dwelling, we have explained to Council that this information is already provided on the typical plans for each villa type (DA.13 to DA.17). These plans show:

- The smallest villa site (overall dimensions are shown)
- The location of garbage storage for each villa type
- The location of the clothes drying area for each villa type

The plans include dimensions to demonstrate that the 3m x 3m and 15m^2 private open space requirement of clause 50(f)(i) of SEPP Seniors can be met.

3.0 Section Plans

The landscape plans provide section plans and elevations for three of the interfaces referred to in Council's letter and the Panel's minutes from the Council briefing.

South to future open space
Refer Landscape Plan DA-14 Issue B. This plan shows the interface where a retaining wall is proposed and includes:

- A plan showing the location of the details provided.
- A section showing retaining wall height.
- A typical elevation. Additional information will be added to show the RL for the top and bottom of the retaining wall and the material of the retaining wall.

The reader should also refer to the civil plans (LC1962-Lev 1 and Lev 2) for full details of the heights of the retaining wall which varies along the southern boundary (900mm to 1.55m adjacent to the water quality basin). The section referred to above shows a mid-point where the retaining wall is 1.2m in height.

West to future open space land
Refer to Landscape Plan DA-16 Issue B. This plan shows the interface where a batter is proposed including

- A plan showing the location of the details provided.
- A section showing the batter height.
- An elevation. Additional information will be added to show the RL for the top and bottom of the batter.

East / South East to B4 land (future subdivision)
Refer to Landscape Plan DA-12 Issue B. This plan shows the interface with the future road. In this location the finished ground level is lower than the adjoining and retaining walls or batters are not required and fencing is proposed. DA-12 includes:

- A plan showing the location of the details provided.

- A section showing the land level difference (0.65m) which does vary across the interface (refer to the civil plans (LC1962-Lev 1 and Lev 2) for full details of the heights of the retaining wall on this inside of the site).
- An elevation. Additional information will be added to show the RL at the toe and top of the batter at each end of the elevation.

North to B4 Land (future development)
A new section and plan have been prepared (preliminary) along similar lines to the above 3 plans. Refer Landscape Plan DA-17 Issue C. This plan shows the interface where a retaining wall is proposed and includes:

- A plan showing the location of the details provided.
- A section showing retaining wall height.
- An elevation. Additional information will be added to show the RL for the top and bottom of the retaining wall at each end of the elevation and the material of the retaining wall.

The reader should also refer to the civil plans (LC1962-Lev 1 and Lev 2) for full details of the heights of the retaining wall which varies along the northern boundary (1.6m to 2.65m).

The form of development on the adjoining land is not known at this stage – refer discussion in **Section 5.0** of this letter.

4.0 Draft State Environmental Planning Policies

4.1 Draft Design and Place SEPP

The draft Design and Place SEPP was placed on public exhibition during April 2021 after the SEE was prepared and the DA was lodged. Notwithstanding, this is now a matter for consideration under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

We have reviewed the Explanation of Intended Effect (EIE) for the draft SEPP and make the following comments.

Section 6.4 of the EIE confirms that savings provisions will be in place for applications that have already been lodged and are being assessed. Nevertheless we have reviewed the EIE and provide the following commentary.

Application of the draft SEPP
The SEPP will apply to a range of scales of development. This includes precincts for large new and urban renewal areas and the draft Design and Place SEPP is intended to provide consistency in the planning of precincts. This is proposed to apply to sites of greater than 10ha or 1,000 people and would therefore apply to the proposed development.

Draft Principles and Mandatory Considerations
The draft SEPP contains the following 5 principles. The EIE explains that each principle will be supported with a range of draft mandatory considerations, and those of relevance have been responded to in general terms.

Principle 1 - Design places with beauty and character. The proposed design has been developed by architects, civil designers and landscape architects with the design skills and experience necessary for a development of this nature. The low scale character of the buildings will achieve a comfortable scale and the community facility will act as a hub for the seniors community. Matters of Aboriginal heritage and provision of open space have been addressed through the Project Approval which delivered this super lot. The proposed

development will directly connect with that open space when it is delivered via the Planning Agreement between Huntlee Pty Ltd and Cessnock City Council - refer discussion in **Section 6.0** of this letter.

Principle 2 - Design inviting public spaces. Relevant to this proposal is the intention for the SEPP to propose new dwellings close to public space to create walkable neighbourhoods. This principle will be largely addressed through the delivery of public space and pathways via the planning agreement between Huntlee Pty Ltd and Cessnock City Council.

Principle 3 - Design productive and connected places. The SEPP will propose baseline residential density targets, address car parking provision based on location, address road, cycle and pedestrian permeability in subdivision design. The site is within a 20 minute walk of local shops and 5 minute walk of local open space consistent with the proposed considerations. This principle will be largely addressed by the public space and pathways to be delivered via the planning agreement between Huntlee Pty Ltd and Cessnock City Council.

Principle 4 - Design sustainable and greener places. The EIE seeks to encourage development to be designed within the context of the existing landscape natural features or attributes. The site is part of an approved Project Approval which created this super lot and cleared the land. The ecological considerations of the EIE are not readily applicable. Water sensitive urban design considerations have been considered with the Project Approval and the water quality basins into which this development will drain have already been constructed. The future landscape character is an element of the design that has been given consideration by aligning species selection with the DCP for Huntlee and creating a tree canopy particularly along the internal roads and public interface with Kesterton Rise.

Principle 5 - Design resilient and diverse places. This principle relates in part to how a design responds to natural systems (citing the example of bushfires and Covid pandemic). The principle also relates to encouraging inclusive communities, responding to population change and equity. The natural systems relevant to the site (namely flooding and bushfire) have been addressed. The proposed village will connect within the surrounding community (street, open space, road and pedestrian connections) and ultimately the town centre. The proposed seniors village will provide diversity to the wide Huntlee precinct by providing a different form of housing type and tenure that is currently not available in the community. It will provide an opportunity for the existing and emerging community to downsize within their local area consistent with the mandatory considerations of the draft SEPP.

Relationship to existing planning framework
There are a number of amendments to other SEPPs outlined in the EIE and including:

- SEPP 65 and the Apartment Design Guide which is not applicable to the proposed development.
- Replace SEPP (BASIX). BASIX has been considered as part of the DA as submitted.

The EIE explains that the draft SEPP will not have an immediate impact on existing LEPs and DCPs. The EIE gives recognition to SEPP Seniors noting that SEPP Seniors is addressed via what was the proposed Housing Diversity SEPP (now renamed Draft Housing SEPP and discussed in **Section 4.2**). The assessment framework (SEPP Seniors, LEP and DCP) for the proposed development will remain the same if the draft Design and Place SEPP came into force.

4.2 Draft Housing SEPP

The draft Housing SEPP was placed on public exhibition on 29 July 2021 and is a matter for consideration under the EP&A Act. This draft SEPP was not available as a consultation draft

when the SEE was prepared and the commentary below is based on the most recently exhibited consultation draft of the SEPP.

The draft housing SEPP will replace SEPP Seniors. The draft Housing SEPP retains some provisions, amends provisions and adds new provisions. The following comments are made in relation to the provisions of the draft SEPP relevant to the proposal.

Consideration of Part 4 – Seniors Housing of Draft Housing SEPP	
Clause	**Comment**
Clause 67 – Land to which part applies	The draft SEPP will apply to the B4 zone which is the land use zone applying to the site.
Clause 68 – Lane to which Part 4 does not apply	The only provision of relevance is clause 68(b) environmentally sensitive land as described in Schedule 4. • The land is not shown cross hatched on the bush fire evacuation risk map. • The land is not identified as coastal wetland or littoral rainforest under SEPP (Coastal Management) 2018. • The land is not declared as an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016. • The land is mapped on the biodiversity conservation values map. However we note that the land has been cleared under Project Approval MP10-0317 and the mapping is out of date with the current conditions of the site. We also note that the proposed savings provisions in Schedule 6 require that the DA be determined under SEPP Seniors. • The land is not mapped as flood planning, open space or natural wetland under another environmental planning instrument. The land is not environmentally sensitive land and therefore would not be excluded from the application of the draft SEPP.
Clause 72 – Definitions	Gross floor area (GFA) definition is proposed to be amended to align with the Standard Instrument. The GFA the proposed development has been measured to the outside face of the walls. The new definition (measured to the inside face of the wall) will still achieve compliance. The dwellings will conform to the definition of in-fill self-care housing and are described as independent living units (ILUs). The definition of seniors is being amended to apply to housing for people who are at least 60 years of age (currently 55 years of age). Any condition regarding the occupation of the development will need to align with the current definition of seniors in SEPP Seniors (55 years of age) in line with the savings provisions.
Clause 75 – Development standards – general	The site meets the development standards relevant to this DA including a minimum site area of 1000m^2 and 20m frontage.
Clause 75 – Development standards for ILUs	The development is to comply with the standards in Schedule 5. These are very similar to the standards in Schedule 3 of SEPP Seniors. If the draft Housing SEPP is made in the manner exhibited the DA will need to be determined in accordance with SEPP Seniors.
Clause 77- Restrictions on occupation of seniors housing	This is similar to the current clause 18 of SEPP Seniors and if the draft Housing SEPP is made in the manner exhibited then the DA will need to be determined in accordance with SEPP Seniors.
Clause 78 – Use of ground floor of seniors housing in commercial zones.	The draft SEPP is not clear on what is meant by land zone primarily for commercial purposes. In any event, clause 78 does not apply if another environmental planning instrument allows the use of the ground floor of the building for residential purposes. Cessnock LEP 2011 permits the use of the land for residential purposes (including seniors housing, multi dwelling housing and residential flat buildings) and permits all of the building to be used for residential purposes in the B4 zone. The draft clause has no effect.

Consideration of Part 4 – Seniors Housing of Draft Housing SEPP	
Clause 82 – Location and access to services and facilities.	This clause is very similar to the current clause 26 of SEPP Seniors. The principles of this new clause are • The services and facilities are similar to those in the current SEPP Seniors. • ILUs must have access to facilities and services **either** directly **or** by a transport service **or** on-site. The development will include recreational facilities and community facilities on site and a transport service to take residents to those services and facilities. • The transport service cannot be taxi or car hire. The proposed community bus will meet the definition of a transport service. • The community bus will meet the frequency specified in the draft SEPP (which is the same as the SEPP Seniors). The proposal can meet the clause 82 provisions in the same manner as current clause 26 of SEPP Seniors.
Clause 85 – Design of in-fill self-care housing	This is similar to the current clause 31 of SEPP Seniors and has been addressed in the DA as lodged.
Clauses 87-93 (Design Principles)	These design principles clauses are the same as in SEPP Seniors and have been addressed in the DA as lodged.
Clause 97 – Non-discretionary development standards for ILUs	This is similar to the current clause 50 of SEPP Seniors (must not refuse standards) which has been addressed in Table 2 of the SEE. The main provisions are: • Building height is now 9m excluding servicing equipment on the roof. The proposal complies. • FSR remains at 0.5:1 and complies at 0.27:1 • Landscaped area requirement is the same at 30% of the site area, and the proposal complies. • Deep soil zone – complies • Solar access remains at 3 hours for 70% of the dwellings. The proposal complies. • Private open space area of 15m^2 and minimum dimension of 3m is unchanged and the proposal complies.

5.0 Interface with B4 zone to the north and the 3 super lots

The future development of the B4 zone adjoining to the north is not known. Council has referred to three super lots. We do not have plans of the 3 super lots and there is no application we have found on the Department of Planning Industry and Environment web site that shows a proposal for 3 super lots. Neither Council not LWP are aware of 3 super lots for the land to the north.

The B4 zone permits a wide range of development including residential development (seniors housing, multi dwelling housing, residential flat buildings, shop top housing) commercial or retail developments, child care centres, educational establishments etc. These land uses all have different building typologies that potentially need to be considered.

In our discussions with LWP they are indicating residential development is most likely on the land to the north. We have considered a number of possible residential scenarios to examine the land to the north having regard to the low scale single storey context of the proposed seniors living village and that the site is elevated above the ground level of the land to the north.

- Section 5.5.1 of Chapter E17 of the DCP relates to multi-dwelling housing. It is more likely that a lot for multi-dwelling housing would be orientated with its rear boundary to the seniors living site, such that its rear boundary adjoins the seniors site. The DCP requires a 4m rear setback which will provide a separation of at least 6.5m between similarly scaled built forms.

- Chapter E17 of the DCP sets a 4 storey building height for apartments (which we assume would also relate to shop top housing). The DCP specifies a 3m rear setback however, the Apartment Design Guide would require a greater setback to achieve a building separation of 12m between habitable spaces. Based on the typical 2.5m wall setback of the villas, an adjoining apartment building would be setback 9.5m allowing for landscaping on adjoining land, transition in scale and overshadowing impacts.
- If a new east-west road was constructed along the boundary of the seniors site, then the DCP requires a road reserve of 12.7m to 15.7m which would provide adequate separation between the seniors villas and developments that could occur on the other side of a road (including buildings up to 4 storeys in scale).

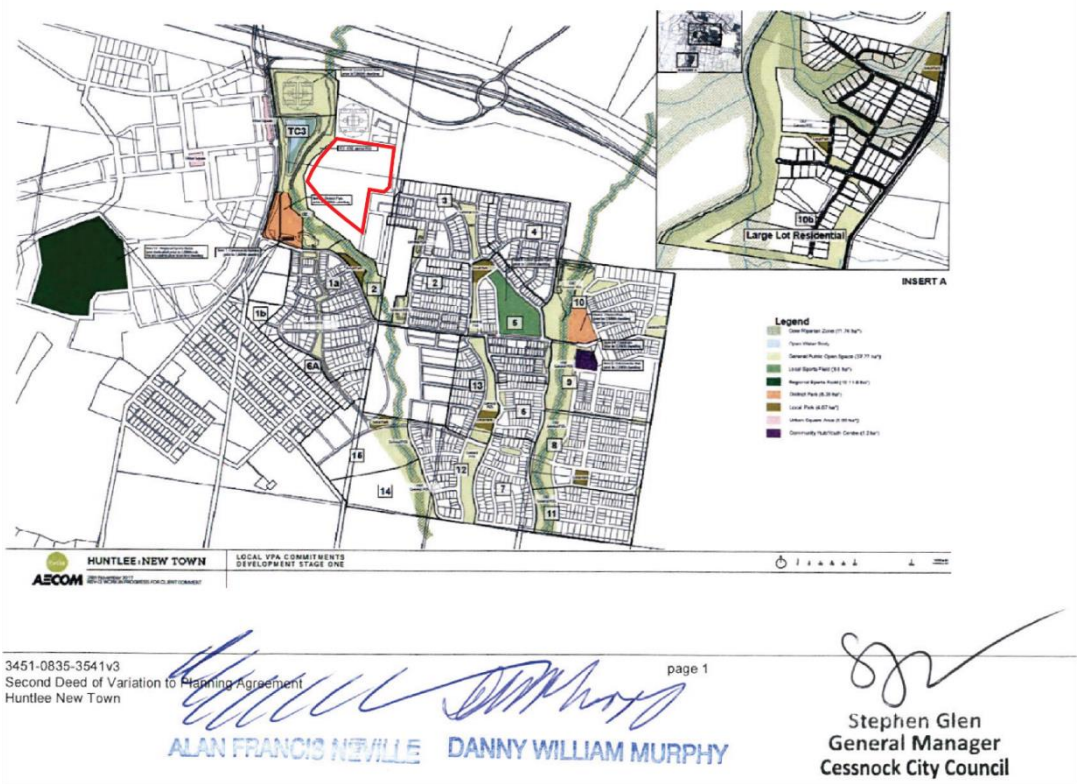
The plans currently show a 1.2m palisade fence above the retaining wall which will be amended to a 1.5m Colourbond fence to northern boundary to provide privacy to the rear courtyards of the houses facing the northern boundary.

6.0 Voluntary Planning Agreement

Council's letter notes that the proposed earth batters and a pedestrian access path traverse the proposed open space to be delivered to Council under the Planning Agreement. Council has asked the applicant to consider the impact of the development on the future use of the land to be dedicated to Council. We have reviewed the executed Planning Agreement available on Council's web site which has been amended on 2 occasions. Figure 1 in Schedule 2 of the Planning Agreement executed between Huntlee and Council illustrates land to be dedicated to Council. Figure 1 was amended with the second deed of variation. A copy of Figure 1 with the seniors living site highlighted in red is shown in **Figure 2** below.

Appendix 1

Figure 1 in Schedule 2 of the Planning Agreement (Clause 4)



3451-0835-3541v3
Second Deed of Variation to Planning Agreement
Huntlee New Town
page 1

ALAN FRANCIS NEVILLE DANNY WILLIAM MURPHY

Stephen Glen
General Manager
Cessnock City Council

Figure 2 Copy of the open space land dedication under the Planning Agreement with subject site outlined in red.

The endorsed plan illustrates that the land to be dedicated to Council under the Planning Agreement does not extend up to the boundary of the seniors housing site. The batter would be constructed in the white area and will therefore not impact on the land to be dedicated to Council.

The DA currently has owners consent from Huntlee Pty Ltd for the batter. The applicant has discussed with the Huntlee Pty Ltd the option of undertaking a boundary adjustment to capture the batter within the seniors housing site.

We understand that Huntlee Pty Ltd and Council are currently in negotiations regarding the boundary of the land dedication and the Planning Agreement boundary can be adjusted to reflect the adjusted boundary. The amendment to the Planning Agreement will take time to resolve (including negotiations between the parties, Council resolutions, public exhibition) and the amendment to the Planning Agreement is not a necessary outcome for the assessment of the DA.

We trust that the above information addresses the Council's questions. We note that a full set of plans will need to be prepared for all stages of the development and those plans (when completed) will be provided to Council with another covering letter documenting how the DA is being amended.

We look forward to being able to discuss this preliminary documentation with Council and the Panel on Wednesday 8 September 2021.

In the meantime should you have any further questions in relation to this DA please do not hesitate to contact David Kettle.

Yours faithfully

DFP PLANNING PTY LTD

DAVID KETTLE
DIRECTOR

dkettle@dfpplanning.com.au

Reviewed:

Attached: Preliminary civil, architectural and landscape staging plans for discussion purposes.

15 October 2021
Our Ref: 20972B.9DK_RFI_No.4

planning consultants

Julia Ryl
Cessnock City Council
PO Box 52,
CESSNOCK NSW 2325

Dear Julia

RE: Request for Information
Development Application No. 8/2012/21158/1
Seniors Housing Development
97 Kesterton Rise , North Rothbury and 107 Kesterton Rise, Branxton and part of 1864 Wine Country Drive, Branxton (Lot 1776 in DP 1256914)

We refer to the above development application (DA) and various meetings with Council and the Hunter and Central Coast Region Regional Planning Panel (the Panel). We also refer to Council's email dated 27 September 2021 which requests further information.

On 10 August 2021 Council issued a letter requesting additional information (RFI) which incorporates comments made by the Panel during a briefing meeting with Council staff on 4 August 2021. Council's letter requested a number of matters including:

1. Staging in relation to the community facility.
2. Staging relating to plan documentation.
3. Pedestrian connection to the town centre.
4. Section plans for interfaces with the adjoining land.
5. Two draft SEPPs that have recently finished public exhibition.
6. The Voluntary Planning Agreement (VPA) between Huntlee Pty Limited and Cessnock City Council.

A response to all of the matters raised by Council was uploaded to the NSW Planning Portal on 1 September 2021. Included with that response was a draft copy of staging plans (for the first 3 stages) to assist Council and the Panel in understanding how the staging information will be presented.

On 8 September 2021 a further briefing between the Panel and the applicant was convened to discuss the DA and the above six (6) items. Further to the meeting more detailed work has been undertaken including:

- Discussion with Huntlee Pty Limited regarding the Planning Agreement and amendment of the site boundary to incorporate the batter into the development site and to discuss the pedestrian link to Wine Country Drive across land owned by Huntlee Pty Limited.

- Reviewing the finished land level in the northern part of the site to lower the retaining wall along the northern boundary.
- Further examination of the boundary interface treatments along all site boundaries.
- Finalisation of staging plans for all stages of the development similar to the sample documentation provided on 1 September 2021.
- Updated owners consent letter from Huntlee Pty Limited regarding works on land owned by Huntlee Pty Limited.
- Updated plan showing a boundary adjustment to incorporate the batter into the development site. The boundary adjustment now forms part of the DA.
- Review of the Operational Plan of Management.
- Review of disabled access given the change in levels in the northern half of the site and the introduction of an interim community facility.

This letter provides the full response to all of the above items using the same headings as per our letter of 1 September 2021.

1.0 Amendment of the Development Application

The outcome of the above processes has resulted in amendments to the DA as outlined below. The amendments below are in addition to those documented in DFP's letter dated 13 July 2021 which addressed matters raised in Council's first request for additional information dated 30 April 2021. The amendments from 13 July 2021 are captured in the latest set of amended plans submitted with this letter.

- Lowering the ground levels in the northern most part of the northern drainage catchment of the site. This has allowed a reduction in the height of the retaining walls along the northern boundary by 0.5m to 1.0m depending on the location. Originally the retaining wall ranged in height from 1.10m to 2.65m. The proposed retaining wall now ranges from 0.60m to 1.70m. About 2/3rds of the retaining wall is below 1.1m in height. The remaining 1/3rd of the wall is between 1.30m to 1.70 which relates to the dip in the land being a former creek.
- Consequential changes to road and driveway gradients to each villa arising from lowering this northern part of the site.
- A boundary adjustment to extend the site to the west by approximately 8 to 14 metres (depending on the location) to 'capture' an additional 3455m^2 into the site area. The site area is now 105,030m^2. The FSR of the development has consequently reduced from 0.271:1 to 0.262:1. The amended DA therefore includes part of Lot 1776 in DP 1256914 (known as 1864 Wine Country Drive, Branxton)
- A 1.5m wide pedestrian path down the batter (parallel to the site boundary) to connect with the future open space located between the site and Wine Country Drive.
- Introduction of landscaping along the batter to meet the inner protection area (IPA) standard under Planning for Bush Fire Protection.
- Amended fencing treatment along the northern boundary and the eastern and south-eastern boundaries (adjacent to the future local road).
- Interim use of Villa 17 as a community building (internal floor plan is designed to suit community usage). Interim recreation facility on Villa sites 18 and 19. The interim community building and recreation facilities will remain in place until the larger community facility (club house) is operational.

- Staging has been amended from 16 stages to 15 stages.
- Removal of the display villas and associated temporary visitor car parking area from the proposed development.
- Minor amendments to the internal floor plan of the community building (refer Drawing da.06), minor amendment to remove bifold doors between the spa and pool area for BCA compliance and minor amendment to the central portion of roof line of the Community Building lowering the roof line in the centre of the building (refer Drawing da.08 – roof plan and da.09 and da.10– elevations).
- Amendment of the car parking area to the community building to provide a loading bay and community bus car parking area.
- Minor amendment to villas to add clothes lines. The private open space area for each villa is also shaded on the plans. An area of 5m x 5m ($25m^2$) is shown which is greater than the minimum 3m x 3m and $15m^2$ required under clause 50(f)(i) of SEPP Seniors.
- Addition of a communications building in the northern end of the setback to Kesterton Rise.

Documents referenced in this letter and uploaded to the NSW Planning Portal include:

1. Amended architectural plans (including a set of staging plans) prepared by Jon Friedrich Architects;
2. Amended civil plans (including a set of staging plans) prepared by Lanigan Civil;
3. Amended landscape plan (including a set of staging plans) prepared by Hamilton Landscape Architects;
4. Updated Disability Access Report prepared by 3D Access;
5. Updated owners consent letter from Huntlee Pty Limited;
6. Additional BASIX certificate for Villa 206 prepared by Energy Lab;
7. Updated Operational Plan of Management prepared by Sencia;
8. Updated Notice of Requirements from Altogether Huntlee Pty Ltd for 206 dwellings; and
9. Allens memorandum regarding the Voluntary Planning Agreement.

The amended civil, architectural and landscape plans are a complete replacement of the plans previously provided to Council.

2.0 Staging and community facilities

As explained in DFP's letter dated 1 September 2021, an interim community facility is now proposed to be constructed in Stage 1.

The interim community and recreation facilities will remain in place until the larger and permanent community facility (club house) is operational.

The following documentation explains the nature of the interim community facility and interim recreation facilities:

- Drawing DA.27 in the architectural set of plans illustrating the interim internal layout of the community facility (Villa 17). The internal layout is similar to the final floor plan of the dwelling but some internal walls will not be constructed or are differently located to suit its use as a community building providing large communal areas and a kitchenette, a

manager's room and a library. The garage will serve as a games room. The western wall of the living room will be provided with glass sliding doors on to a paved courtyard.

- Drawing DA04 – Stage 1 Landscape Plan illustrates the connection of the community building to the adjoining pickle ball court which will occupy Villa sites 18 and 19. The driveway to the community building (villa) has a length of about 15m which is sufficient for its use as an interim car parking area for the community bus.
- The updated Plan of Management documents that the interim community building will be operational until the permanent community club house and bowling green are operational. The club house is located in Stage 3 and the construction period of the club house is likely to straddle 3 stages. So the interim community and recreation facilities will remain in place until approximately the commencement of Stage 7. Once the permanent club house and recreation facilities receive an occupation certificate Villa 17 will converted to a dwelling as part of Stage 6. Villas 18 and 19 will be completed in Stage 13.

The interim community and recreation facility will therefore be operational for up to 77 dwellings (i.e. Stages 1 to 6).

The Operational Plan of Management has been updated to reflect this interim community building and that it will cease use once the club house is operational so that the residents of the early stages of the development will be aware of their interim nature.

3.0 Plan Documentation of Staging

The civil, architectural and landscape plans have all been restructured to show the extent of works on a stage by stage basis. **We recommend reading these plans in the following sequence for each stage - civil plans, architectural plans and then landscape plans.**

These have been added to the existing set of plans that were already submitted with the DA. The full package of plans has been updated for convenience.

The staging plans provide a level of detail that would normally be provided as part of construction certificates. To provide a degree of flexibility with staging it will be essential that a development consent is structured and conditioned to allow for the following:

1. To allow for the construction of the community club house concurrently with other stages. This is necessary because the club house has a longer construction time frame than other stages. If a condition requires completion or issue of an occupation certificate for the club house prior to the issue of a construction certificate for subsequent stages then it will unnecessarily delay the future stages of the village.
2. To allow for an occupation for the 4 dwellings in Stage 3 prior to an occupation certificate for the community club house.
3. To allow for the construction of the pedestrian pathway prior to Stage 3 to enable the path to be constructed sooner if that transpires as being possible.
4. To allow construction certificates to combine sequential stages. This is to enable the development to respond to customer demand if there is greater interest from potential buyers than anticipated.
5. To allow the commencement of subsequent stages before completion of an earlier stage. That is, a consent should not require completion (or issue of an occupation certificate) for one stage before a construction certificate for the next stage can be issued.
6. To allow the boundary adjustment (for the batter land) to be undertaken at any point in time as it unrelated to the staged construction of the buildings and could occur at any time during the construction process.

An update of the staged construction (from that provided in our 1 September 2021 letter) is provided in the table below.

Construction Staging Summary	
Stage	**Details**

Stage 1	• 6 villas including the houses, villa site retaining walls/fencing and landscaping.
	• Villa 17 will be constructed as the interim community building (refer to DA.27 in the architectural plans for details)
	• Pickle Ball Court on Villas sites 18 and 19 (refer to landscape plans for details)
	• Earthworks as shown on the civil plans including part of the southern part of the batter on the western part of the site
	• Construction of the main entrance road and fencing along Kesterton Rise
	• Construction of the spine road down to the location of the club house / bowling green. The road needs to continue further west into the site (than the Stage 1 villas) to provide cover for services including:
	  ○ The sewer which needs to extend down to the sewer pump station located near the western boundary.
	  ○ Electricity which extends to the substation located opposite the club house
	  ○ Stormwater infrastructure to connect with the basins external to the site.
	• Other roads to access the villas and temporary turning heads
	• The Asset Protection zone (APZ) along Kesterton Rise will provided at Stage 1. The remainder of the site will be managed as an inner protection area (IPA) for bush fire purposes and therefore managed progressively.
	• Installation of water and gas meter and communications building in the APZ to Kesterton Rise
	• Installation of electricity substation, master switchboard opposite the club house
	• Stormwater sedimentation basin in the north western corner of the site (Stage 6 area) which will remain in place until after Stage 8.
	• Landscaping to the full frontage of Kesterton Rise and internal roads immediately adjacent to the villas.

Stage 2	• 23 villas including the houses, villa site retaining walls/fencing and landscaping. • Earthworks as shown on the civil plans • Extension of stormwater infrastructure as required and connection to the basin to the south-west of the site • Construction of temporary detention basin on the sites of Villas 172 and 173 in the Stage 9 area. • Side roads off the spine road providing access the villas and temporary turning heads. • Landscaping along the spine road down the roundabout near the community building.
Stage 3	• 4 villas including the houses, villa site retaining walls/fencing and landscaping. • Community building and bowling green • Pedestrian connection (to site boundary) including the path on the batter. The path on the batter will be constructed sooner, if possible. • The remainder of the pedestrian connection to Huntlee town centre (i.e. from the batter to Wine Country Drive) does not form part of the DA and will be constructed by others under the Major Project approval to be timed to coincide with the completion of Stage 3 or sooner if possible. • Visitor and staff car parking adjoining the community building, loading bay and community bus parking bay • Roads around the community building and bowling green (this completes the loop road around the community facilities) • Extension of utilities infrastructure and stormwater infrastructure as required and connection to the basin to the south-west of the site • Community outdoor space and landscaping at end of the pedestrian connection and gatehouse • Landscaping around the community building and bowling green and loop road around the community building, landscaping of spine road from roundabout to the western boundary.
Stage 4	• 21 villas including the houses, villa site retaining walls/fencing and landscaping. • Earthworks as shown on the civil plans including Stages 4 8 and the northern part of the batter. • Retaining walls for future villas sites in Stages 4 to 8. • The retaining wall along the northern boundary • Extension of utilities infrastructure and stormwater infrastructure as required • Landscaping to the internal access roads.
Stage 5	• 13 villas including the houses, villa site retaining walls/fencing and landscaping. • Roads to access the villas and temporary turning head. • Extension of utilities infrastructure and stormwater infrastructure as required. • Landscaping to the internal access roads.

Construction Staging Summary	
Stage	**Details**
Stage 6	• 10 villas including the houses, villa site retaining walls/fencing and landscaping. • Conversion of Villa 17 to a dwelling and landscaping of the villa for residential use. • Removal of Pickle Ball court. • Roads to access the villas and temporary turning heads. • Fire truck access to perimeter. • Extension of utilities infrastructure and stormwater infrastructure as required. • Landscaping to the internal access roads.
Stage 7	• 18 villas including the houses, villa site retaining walls/fencing and landscaping. • Roads to access the villas and temporary turning heads. Extension of stormwater infrastructure as required. • Fire truck access to perimeter. • Extension of utilities infrastructure and stormwater infrastructure as required. • Landscaping to the internal access roads. • Landscaping of the batter.
Stage 8	• 10 villas including the houses, villa site retaining walls/fencing and landscaping. • Road to access the villas and temporary turning heads. • Fire truck access to perimeter. • Extension of utilities infrastructure and stormwater infrastructure as required. • Landscaping to the internal access roads.
Stage 9	• 18 villas including the houses, villa site retaining walls/fencing and landscaping • Earthworks for the remainder of the site (southern catchment). • Retaining walls for future villas sites in Stages 9 to 14. • Retaining wall and fences along the southern boundary. • Retaining wall and fences along the eastern boundary (to future road). • Extension of utilities infrastructure and stormwater infrastructure as required. • Roads to access the villas and temporary turning heads. • Fire truck access to perimeter. • Construction of the community garden in Stage 6 area. • Internal pedestrian link and landscaping. • Landscaping to the internal access roads.
Stage 10	• 10 villas including the houses, villa site retaining walls/fencing and landscaping. • Road to access the villas and temporary turning heads. • Fire truck access to perimeter. • Landscaping to the internal access roads.
Stage 11	• 8 villas including the houses, villa site retaining walls/fencing and landscaping. • Roads to access the villas and temporary turning heads. • Landscaping to the internal access roads.
Stage 12	• 12 villas including the houses, villa site retaining walls/fencing and landscaping. • Roads to access the villas and temporary turning heads. • Community Park/Garden (adjacent to villa 55). • Fire truck access to perimeter. • Landscaping to the internal access roads.
Stage 13	• 10 villas including the houses, villa site retaining walls/fencing and landscaping. • Conversion of former Pickle Ball court to 2 villa sites (18 and 19). • Road extension to access the villas and a temporary turning head. • Landscaping to the internal access roads.
Stage 14	• 27 villas including the houses, villa site retaining walls/fencing and landscaping. • Road extensions to access the villas and a temporary turning head. • Internal pedestrian link. • Landscaping to the internal access roads.
Stage 15	• 16 villas including the houses, villa site retaining walls/fencing and landscaping. • Fire truck access to perimeter (south eastern corner). • Road extensions to access the villas and completion of the secondary fire access point. • Landscaping to the internal access roads.

4.0 Pedestrian connection to Wine Country Drive and Huntlee town centre

A 1.5m wide pedestrian path has been documented as part of the DA (refer to Drawing C1701-ExW01 – External Works Plan – Western Footpath in the civil set of plans). An extract from that plan is provided in **Figure 1**.

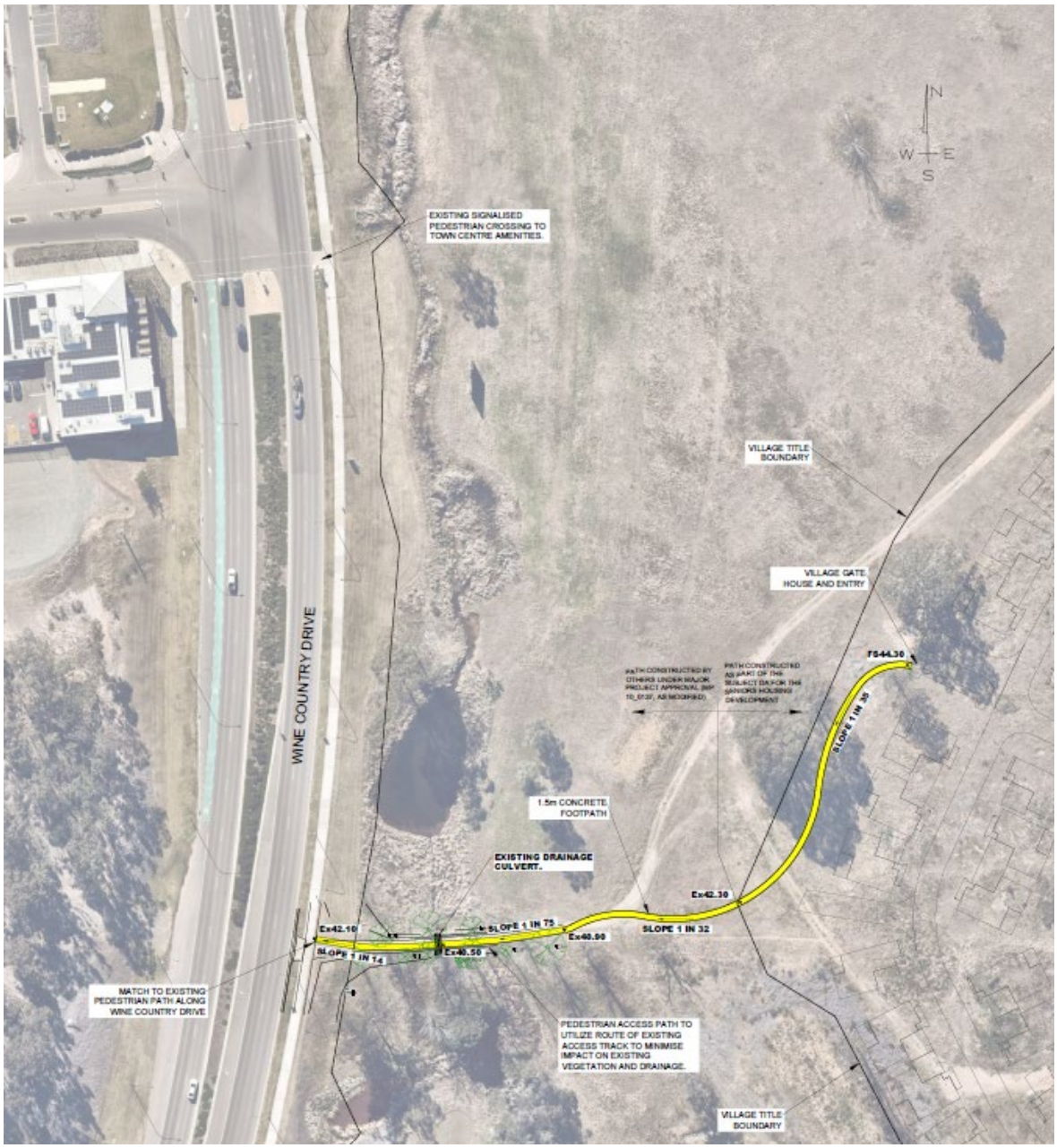


Figure 1 1.5m wide path connecting the site with Wine Country Drive

Approval for the pathway will be managed via two mechanisms:

1. The DA has been amended to include that part of the pathway located on the batter. No additional integrated development referrals are required for this component of the path.
2. The pathway from the toe of the batter to Wine Country Drive will be constructed via the Major Project Approval No. 10_0137. We have spoken with LWP regarding the approval process under the Major Project Approval and they have advised that the same process will

be adopted as has occurred for other landscaping works under the Major Project Approval being:

- LWP (Huntlee Pty Limited) prepares a plan of the pathway (landscape item) they propose to construct.
- Council reviews the plan and confirms in writing that they are agreeable to the landscape work (in this case the path).
- Council's written response is provided to an accredited certifier who then issues a construction certificate and the work can be undertaken.

Design considerations
The path has been located over a driveway to a former dwelling house (now demolished). **Figure 2** is a photograph showing the general location of the path.

Figure 2 Location of path viewed from Wine Country Drive

Physical Impacts
The siting of the path minimises impacts as the majority of the path follows the alignment of already disturbed land. The path is also narrower than the existing driveway enabling works to be contained to already disturbed land.

Reusing the existing driveway also allows the existing culvert to be utilised and therefore avoids the need to undertake works in, or over, the watercourse. In this regard the path on the proposed batter is more than 40m from the top of bank of the watercourse. Therefore the path does not require a Controlled Activity Approval under the Water Management Act, 2000 and is therefore not integrated development. Works within 40m of the watercourse and reuse of the culvert, do not form part of this DA and will be undertaken by others under the Major Project Approval (as discussed above) which does not trigger the integrated development provisions of the EP&A Act and a Controlled Activity Approval is similarly not required. Condition AN5 of the Major Project Approval only requires an authorisation under the Water Management Act for the taking, or interception, of groundwater which will not be the case as the works are on the surface of the land.

Accessibility
The majority of the pathway has a shallow gradient. The maximum gradient of 1:14 (which is compliant for disabled access) occurs on the embankment adjacent to Wine Country Drive. 3D Access has prepared an updated Accessibility Report that confirms that the pathway complies with accessibility requirements including the siting standards in Schedule 3 of SEPP Seniors. We note that the path is not required for compliance under Clause 26 of SEPP Seniors.

Tree Removal
Figure 1 indicates that the southern end of the batter where the ramped path is proposed to be located will require the removal of three to four trees. This includes three trees in the location of the batter and potentially another tree west of the batter where the change in ground levels could affect the tree protection zone of the trees. Huntlee Pty Limited has provided owners consent for the removal of these trees which can be undertaken under the Major Project Approval.

During detailed design development, the ramp and batter design can be further examined to fine tune the batter extent to reduce impacts to the tree protection zones and therefore retain the trees if possible. A condition requiring this detailed design investigation can be imposed on the development consent.

Timing of Construction
As noted in **Section 3.0** of this letter, the full length of the path is proposed to be constructed before the completion of Stage 3 of the retirement village. A condition could be imposed to this effect given that the path is being constructed under two separate approval pathways.

5.0 Interfaces with Adjoining Land

The amended landscape plans provide further details regarding all external interfaces (with the exception of the interface to Kesterton Rise which we understand did not require further documentation) including the following:

- A section showing retaining wall height (Drawing Nos DA-19.02, DA-19.04, DA-19.06 and DA-19.07).
- Full elevations along each frontage including RLs and retaining wall / fence height and the materials of the retaining wall or fence.

The amended landscape plans have also factored into the design amendments including lowering the land level in the northern drainage catchment of the site and the batter which now forms part of the site area.

Interface with B4 Land (future development) to the north.
Figures 3 and **4 (on this page and the following page)** illustrate the boundary treatment to the north (refer to the landscape plans for full size images and key plan showing location of the section).

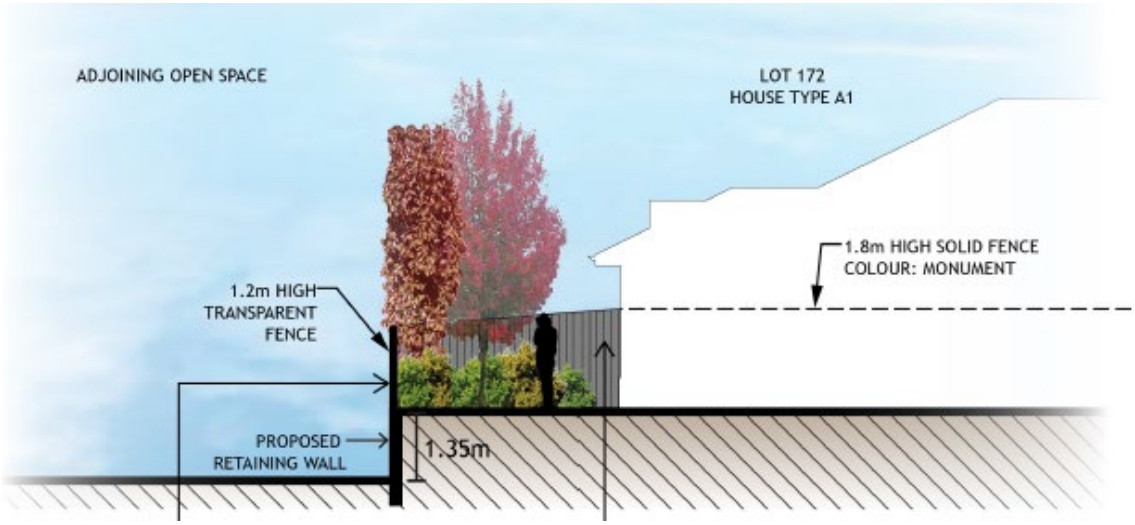


Figure 3 Section through part of the northern boundary

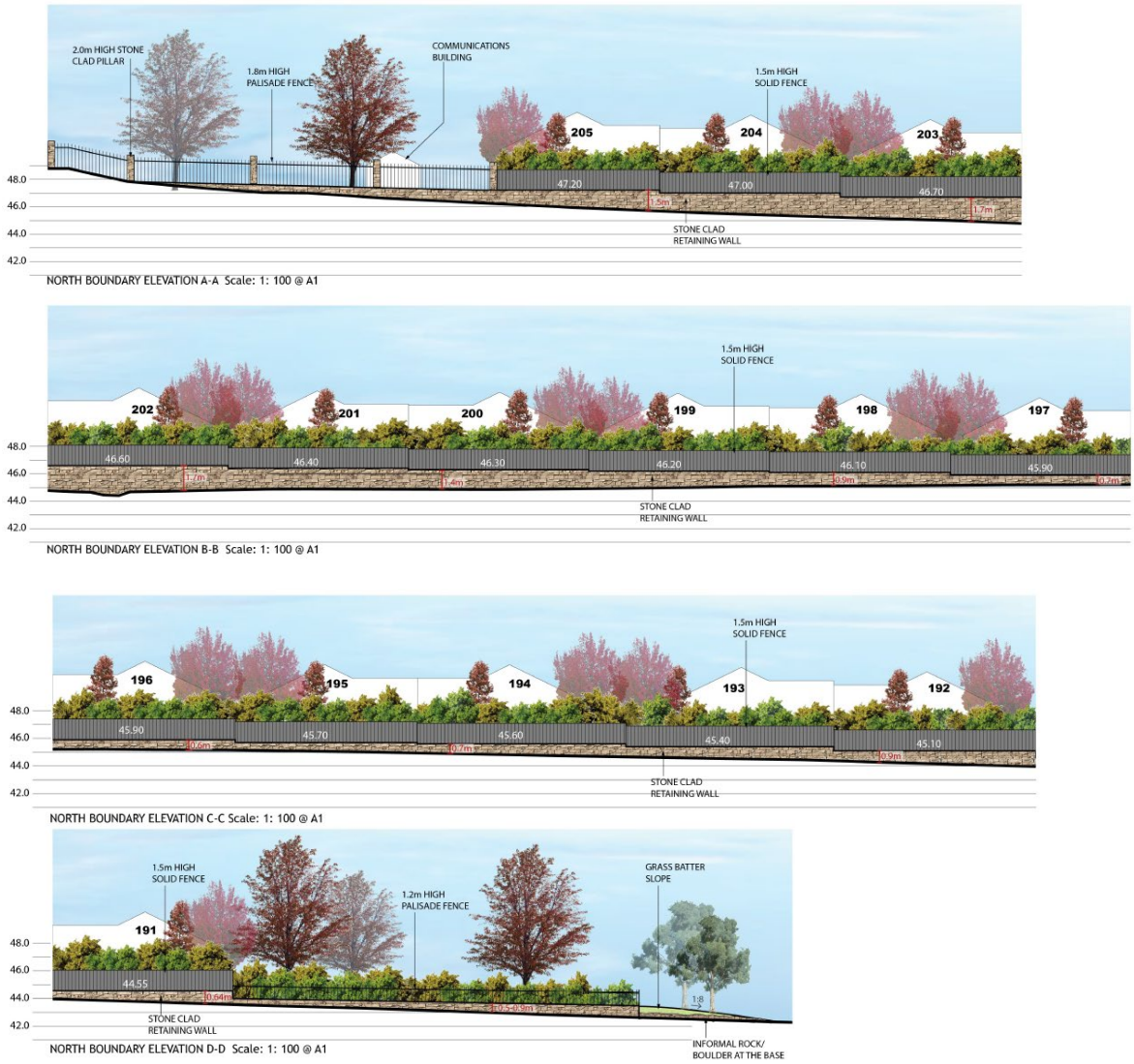


Figure 4 Extracts from landscape plan showing northern boundary retaining wall and fencing treatment

The retaining wall has reduced in height by 0.5m to 1.0m depending on the location. Originally the retaining wall ranged in height from 1.10m to 2.65m. The proposed retaining wall now ranges from 0.60m to 1.70m. Refer to the civil plans (LC1962-Lev 1) for full details of the retaining wall heights. About 2/3rds of the retaining wall is below 1.1m in height. The remaining 1/3rd of the wall is between 1.30m to 1.70 which relates to the dip in the land being a former creek (which is clearly visible in the boundary elevation plan).

It is likely that the low point will be filled for a future development otherwise adjoining development to the north of the site will end up with a low point prone to water pooling. Therefore the highest part of the retaining wall will most likely be lower (when viewed from future adjoining development) than that presented in the landscape plans.

Stone cladding is proposed to provide an attractive appearance to cover different eventualities of adjoining development whether it be an adjoining allotment or a public road (which from discussions with LWP is an unlikely scenario). This approach is consistent with the Huntlee – Katherine's Landing – Seniors Living Design Guidelines, June 2017 which requires retaining walls visible to the public to be masonry or rock in a material to match existing retaining specifications within Katherine's Landing.

The fencing treatment along the northern boundary varies according to the proposed condition and constraints. All fencing must be non-combustible to comply with the Planning for Bush Fire Protection 2019 guidelines. The proposed fencing includes:

- 1.8m palisade fence in the front setback to the Asset Protection Zone (APZ). This open fencing treatment is appropriate as future development to the north will need to provide a front setback to Kesterton Rise and an APZ as per the Major Project Approval. The palisade fence will provide a continuous open character at the street interface.
- 1.5m fence on top of the retaining wall. The fence height has been reduced from 1.8m as the combined retaining wall and 1.5m fence height will provide adequate privacy.
- 1.5m palisade fence to the community garden where there is transition to the future adjoining open space and batter on the western boundary.

Interface with future open space land to the west.
Figures 5 and 6 (on this page and the following page) illustrates the treatment to the western interface to the future open space. (refer to the landscape plans for full size images).

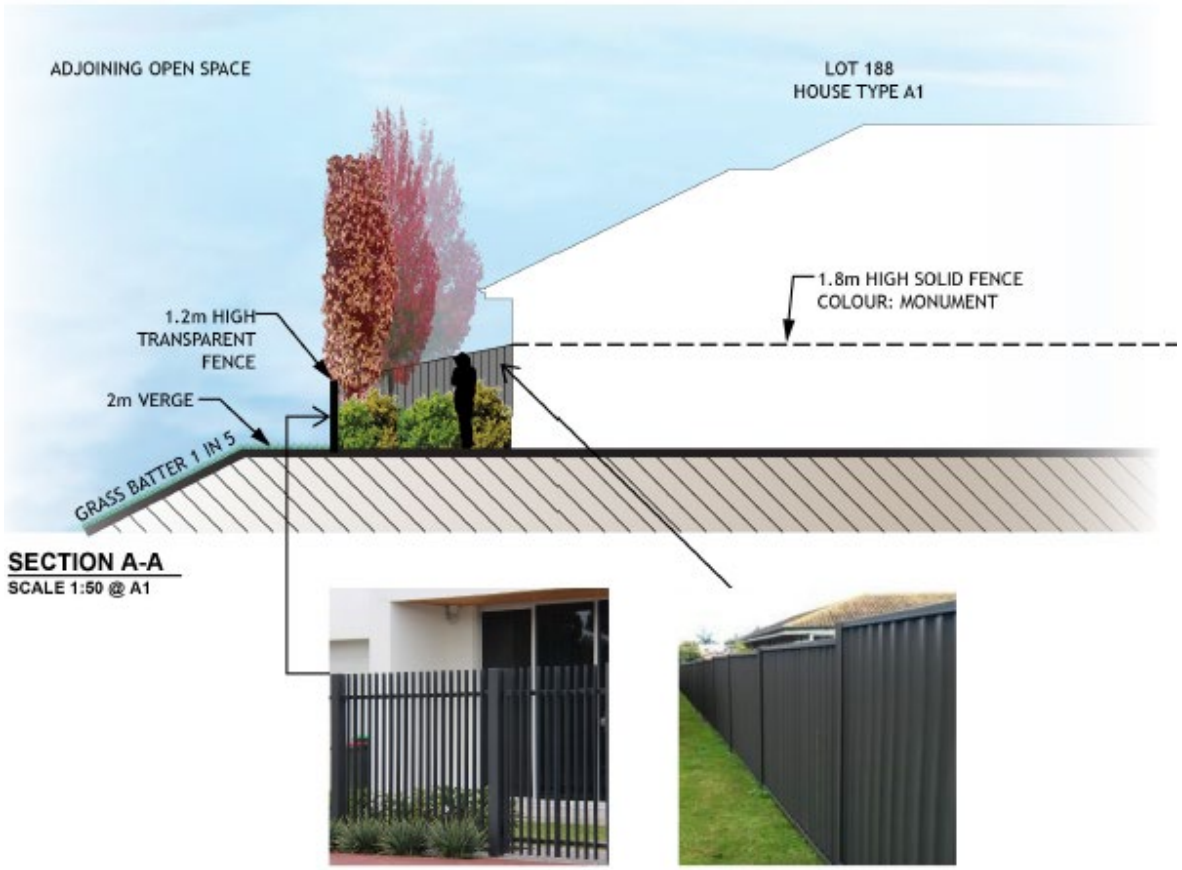


Figure 5 Section through part of the western boundary to the adjoining future open space

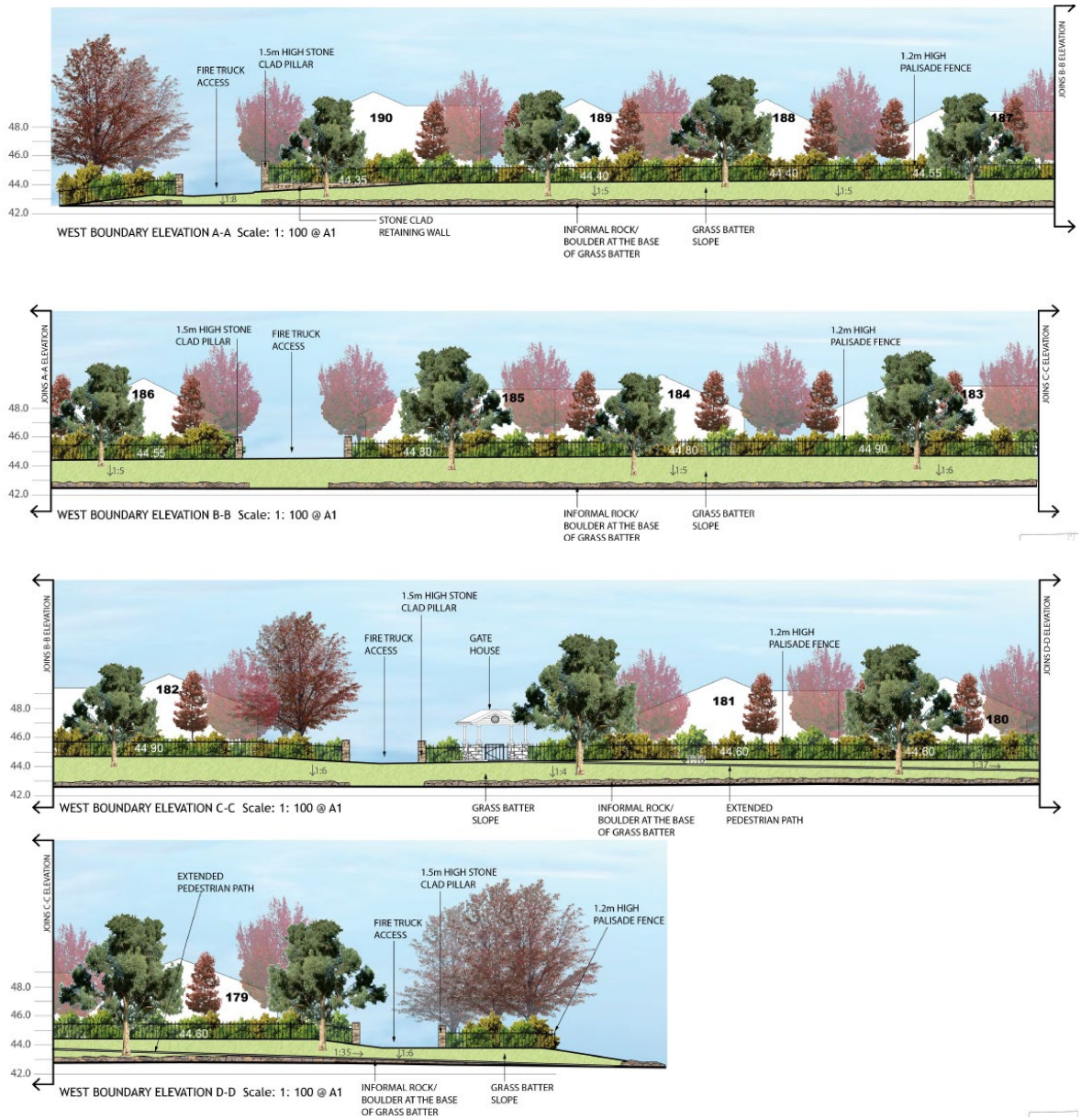


Figure 6 Extracts from landscape plan showing western boundary batter and fencing treatment

The grass batter has a slope of between 1:5 to 1:6 (there is a short section of 1:8 in the north-western corner where the land transitions to the retaining wall on the northern boundary).

The toe of the grass batter is provided with an informal low level rock boulder treatment which 'marks' the new site boundary. Intermittent trees of Forest Red Gum are proposed on the batter and will be spaced to meet the APZ requirement along this perimeter edge. This will provide a means of integrating the site's landscaping with the future open space lands and will create a row of canopy trees that will be visible from Wine Country Drive.

At the top of the batter is a 1.2m high palisade fencing (as originally proposed) to provide an open character to the future open space lands and allow occupants to enjoy the view across the open space.

The landscape plans also illustrate the pedestrian path leading from the gatehouse down to the toe of the batter (where it will connect to the remainder of the pedestrian path to be constructed by Huntlee Pty Limited).

The incorporation of the batter into the development site is a positive outcome and will provide a graded transition from the finished ground level of the seniors village down to the existing ground level of the open space with the capacity to introduce some canopy landscaping.

Interface with future open space to the south
Figure 7 and 8 (on this page and the following page) illustrate the treatment to the southern interface to the future open space (refer to the landscape plans for full size images).

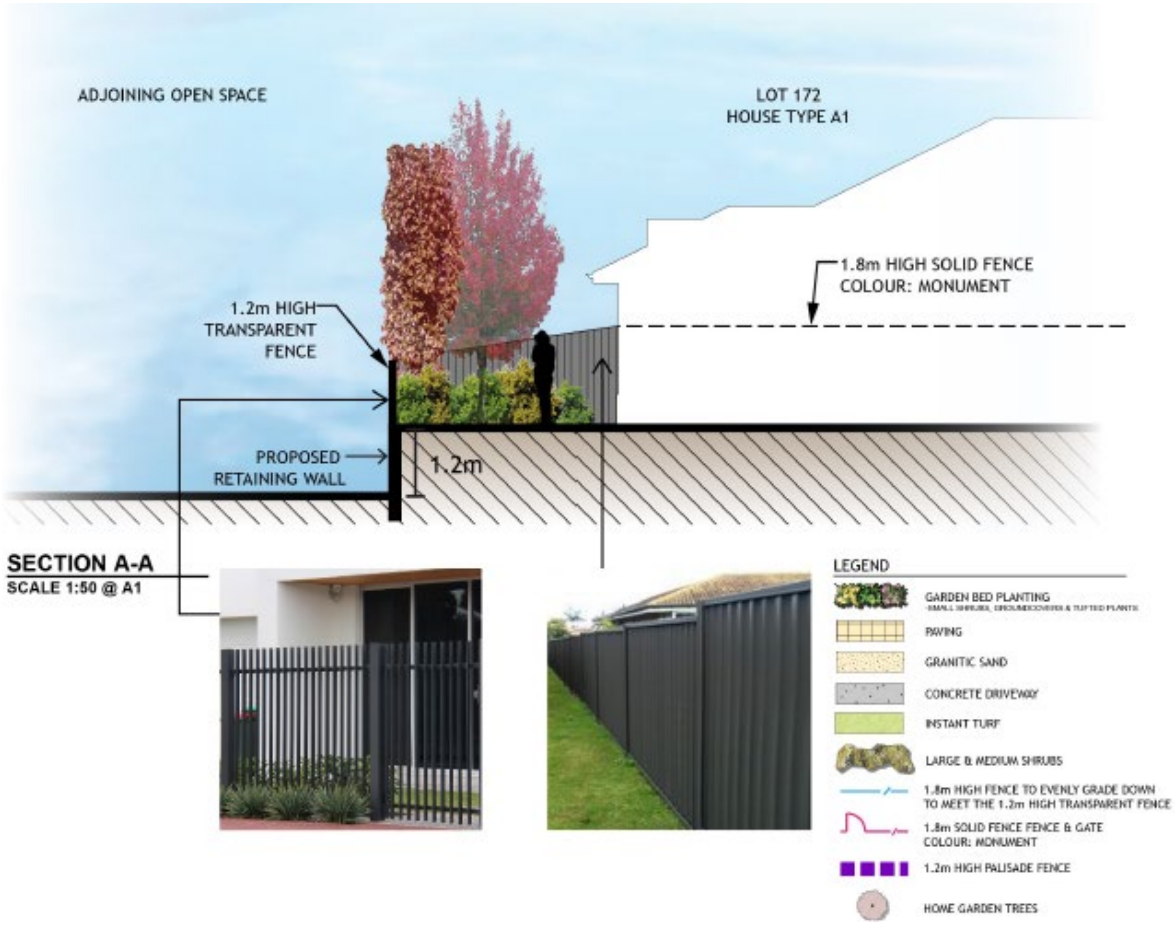


Figure 7 Section through part of the southern boundary to the adjoining future open space

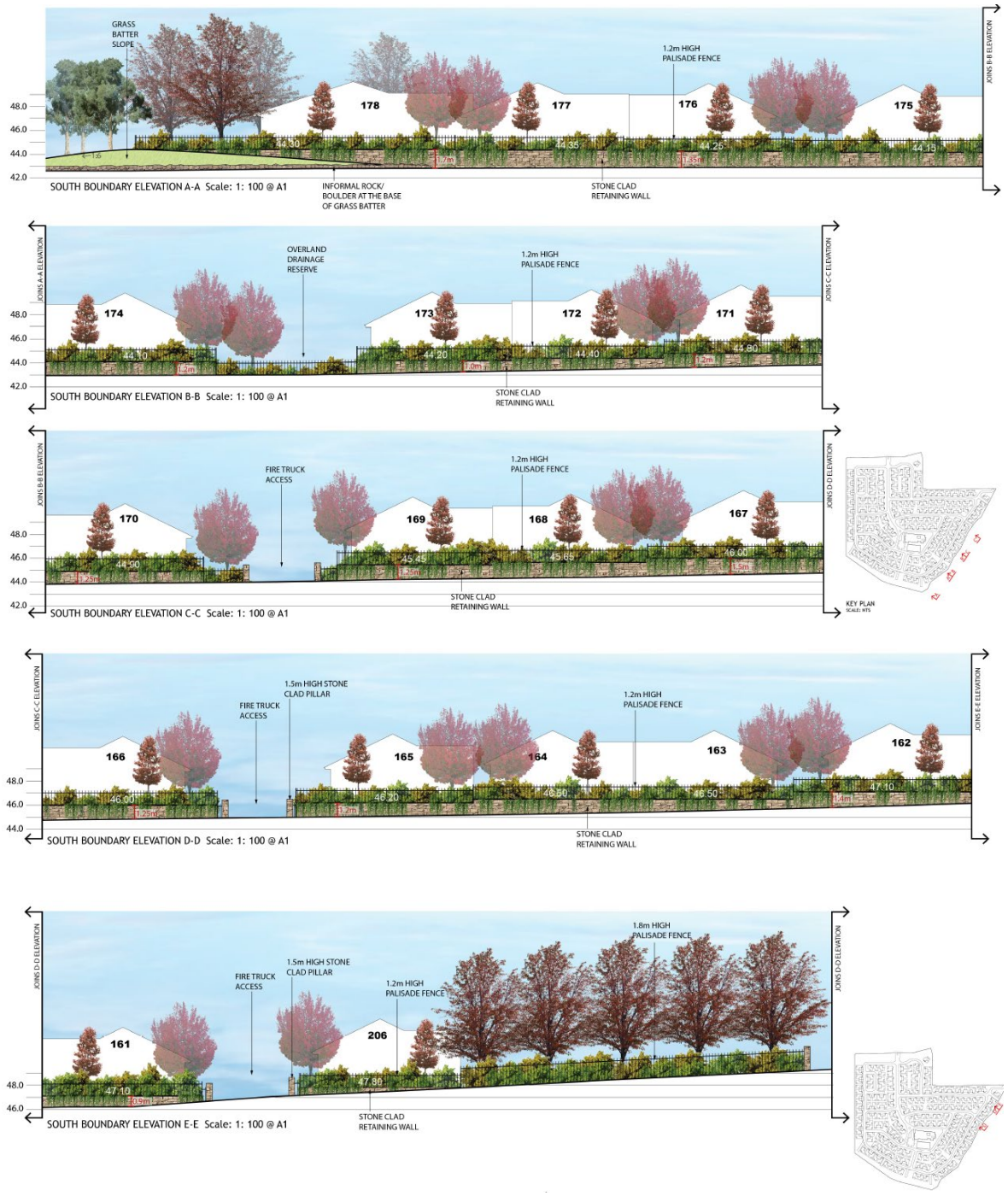


Figure 8 Extracts from landscape plan showing southern boundary retaining wall and fencing treatment

The retaining wall and fencing treatment to the southern boundary remains the same height as the previous design. Refer also to the civil plans (LC1962 - Lev 2) for full details of the heights of the retaining wall which varies along the southern boundary from 900mm to 1.55m adjacent to the water quality basin. At the high end (eastern end) of the site, the retaining wall gradually reduces in height where the existing ground level is retained. In the south eastern corner the fencing treatment is a 1.8m high palisade fence where the secondary bush fire access is provided with an avenue of trees proposed. This fencing and landscape treatment wraps around the eastern boundary (refer to discussion below).

The retaining wall is clad in stone (as per the northern boundary). As noted for the northern boundary retaining wall, the stone finish is consistent with the Huntlee – Katherine's Landing – Seniors Living Design Guidelines, June 2017 where retaining walls are visible to the public. The landscape plan has been amended to introduce ground covers that can spill over the wall to soften the wall's appearance.

A 1.2m high palisade fencing (as originally proposed) is provided on top of the retaining wall to the courtyards of the villas to provide an open character to the future open space lands and allow occupants to enjoy the view across the open space.

Interface with to B4 land (future road and residential subdivision) to the east / south east
Figures 9 and 10 (on this page and the following page) illustrate the treatment to the eastern interface and **Figure 11** to the southern interface to the road.

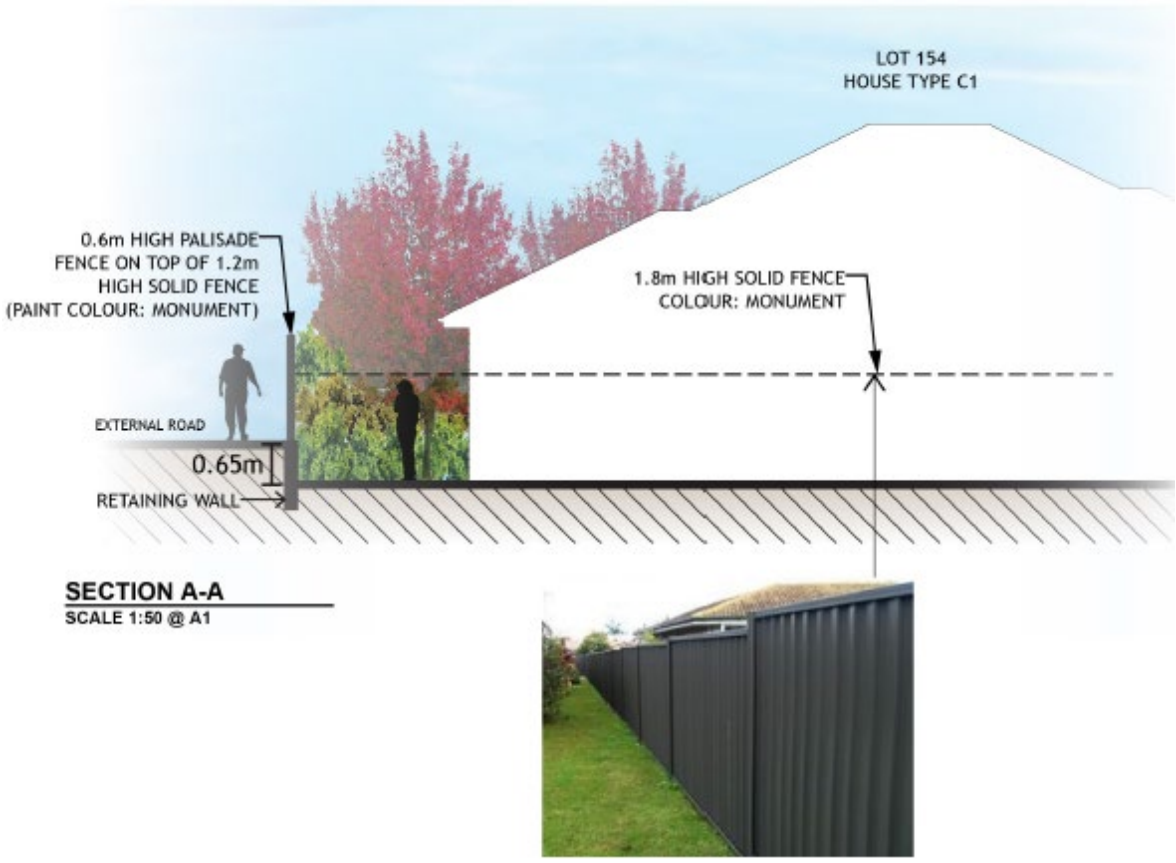


Figure 9 Section through part of the eastern boundary to the future external public road

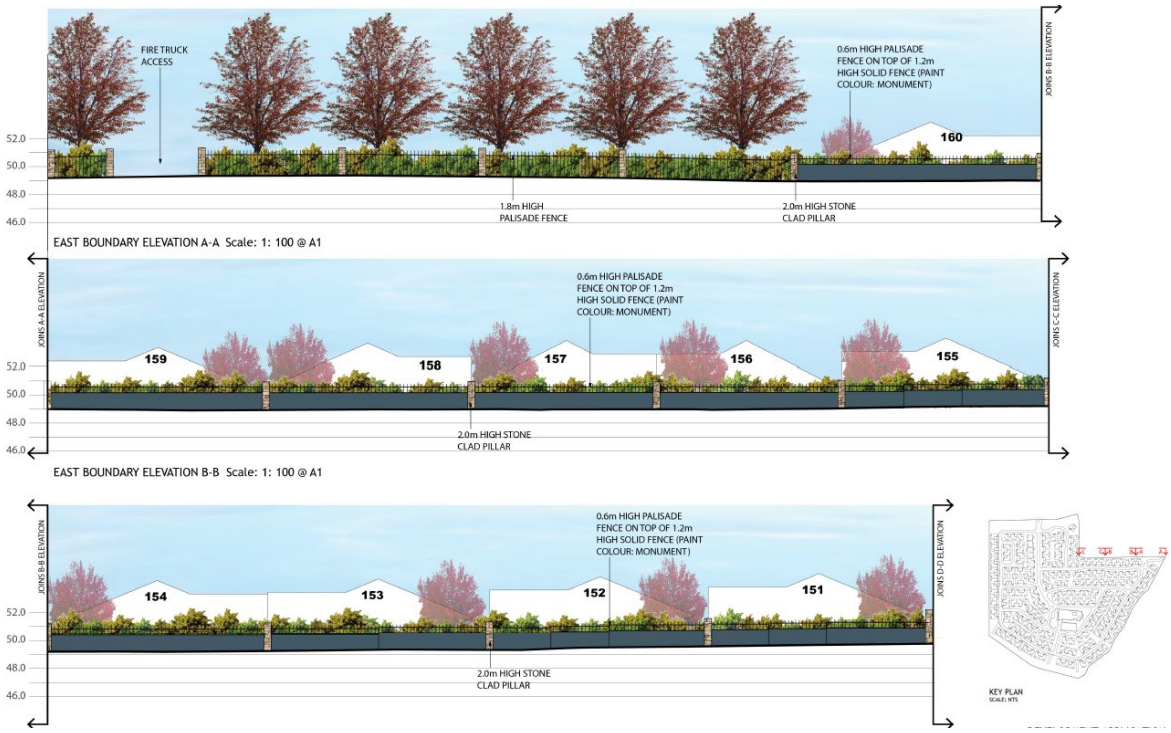


Figure 10 Eastern boundary fencing treatment to the future external public road and residential subdivision

At the south eastern corner the treatment from the southern boundary continues in the location of the secondary bush fire truck access. The 1.8m high fence is palisade style as privacy is not required and maintains a consistent fence height for the full elevation. The palisade fence achieves an open character with the landscaping beyond visible from the future public domain (road).

Where the villas are sited, the finished ground level is lower than the adjoining land. Retaining walls are therefore contained inside the property boundary. The external appearance is therefore a fence. The fence will be publicly visible and has been treated differently to a standard boundary fence and comprises a 1.2m solid timber fence with 0.6m high palisade on top. This reduces the apparent height of the fence to the public road. The fence line is broken up with regularly spaced 2.0m high stone clad pillars to provide interest and integrate with similar treatment elsewhere in the seniors village.

The 1.2m solid fence and 0.6m palisade on top continues for a short length along the southern boundary where the adjoining road and subdivision will be located (refer **Figure 11** on the following page).

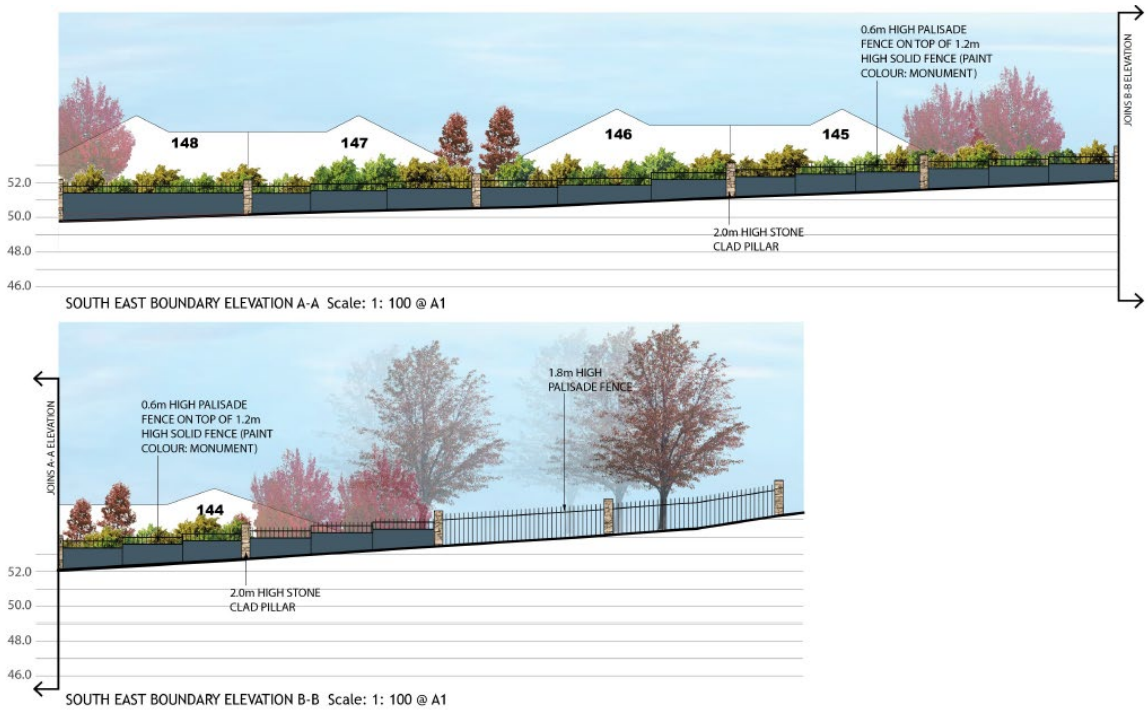


Figure 11 Southern boundary fencing treatment to the future road and residential subdivision

The remainder of the southern elevation is an open 1.8m palisade fence where the APZ along Kesterton Rise is required. This will also adjoin a future road and creates an open character to the street and a view along the front setback with its avenue of trees.

6.0 Draft State Environmental Planning Policies

Assessment against the Draft Design and Place SEPP and draft Housing SEPP is provided in DFP letter dated 1 September 2021 and has not been repeated here. The assessment provided in that letter does not change as a consequence of the amendments discussed in this most recent letter.

7.0 Interface with B4 zone to the north and the 3 super lots

As noted in DFP's letter dated 1 September 2021 we do not have plans of the 3 super lots and there is no application we have found on the Department of Planning Industry and Environment web site that shows a proposal for 3 super lots. The future development of the B4 zone adjoining to the north is not known and our letter of 1 September 2021 canvassed several possible scenarios which are not repeated here. The boundary treatment with a lower retaining wall clad in stone and reduced fence height provides an appropriate treatment.

As discussed above, the land level in the northern drainage catchment has been lowered. This reduces the height of the retaining wall between 0.60m to 1.70m. About 2/3rds of the retaining wall is below 1.1m in height. The remaining 1/3rd of the wall is between 1.30m to 1.70m which relates to the dip in the land being a former creek. This outcome (including managing a dip in the topography) is not an unreasonable outcome and would be a common boundary outcome between adjoining properties in any green field development scenario.

8.0 Voluntary Planning Agreement

Allens has prepared legal advice regarding the Voluntary Planning Agreement (VPA) between Huntlee and Council, its relationship with the Major Project Approval No. 10_0137 and the obligations of the VPA in relation to the pathway and the land upon which the batter is proposed to be located (the batter land).

The principal points to note are in relation to the pathway are:

- The VPA is registered on the title, and applies to, Lot 1776 in DP 1256914 being the land upon which the batter and pedestrian pathway is proposed.
- The VPA is not registered on Lot 490 and 491 in DP 1212110 and therefore does not apply to the subject site.
- The Developer's (being Huntlee Pty Limited) obligations under the VPA relate to the provision of Works-in-Kind including different form of open space (e.g. core riparian zones, water body, general open space, parks) and the dedication of land upon which those works are located.
- The obligations relating to the batter land include *general open space* and nearby *core riparian zone* and the dedication of land.
- The VPA does not specify a timing (in terms of years or lot thresholds) but simply requires Works-in-Kind to be delivered in stages for the relevant part of the Land and plans to be prepared in accordance with Conditions C9 and E3 of the Major Project Approval and then the maintenance of the embellished land. Condition C9 has reference to an approved landscape master plan.
- The approved landscape master plan provides sets out concepts and a vision, not detailed plans. The master plan does envisage pathways on the adjoining land. The detailed plans are development in consultation with Council.
- There has been no plan prepared for the *general open space* or *core riparian zone* lands adjacent to the subject site and we understand those discussions have been taking place.
- The path location does not conflict with the vision of the approved landscape master plan including the provision of pathways on the adjoining open space land. The proposed pathway could be integrated with future planned pathways. The proposed pathway will bring forward the benefit of a pedestrian connection between the site and the Huntlee Town Centre.

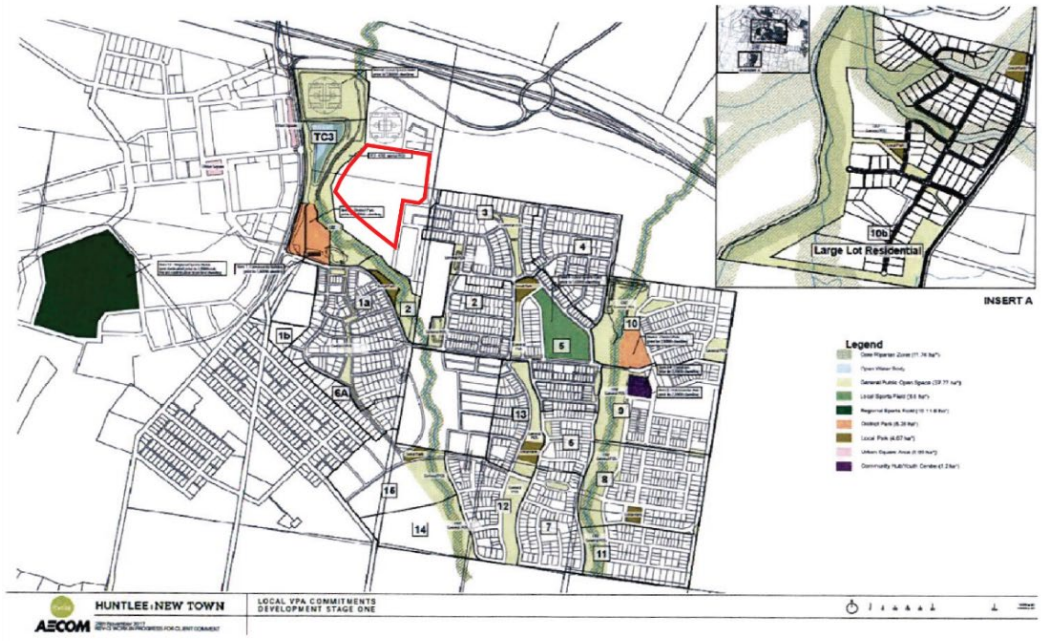
The principal points to note are in relation to the batter are:

- The land to be dedicated to Council under the VPA does not run to boundary of the site and does include the land upon which the batter is to be constructed. **Figure 12** is an extract from the executed Planning Agreement and illustrates land to be dedicated to Council. The seniors living site (excluding the batter) is highlighted in red. The endorsed plan illustrates a 'white area' between the red line and the land to be dedicated to Council under the VPA.
- The batter will be constructed within the 'white area' in **Figure 12** and will not be located on land to be dedicated to Council under the VPA. The boundary adjustment has also been dimensioned to ensure that the new boundary does not extend into the works area shown in Figure 1 of the VPA.
- The VPA does not identify any Works-in-Kind on the batter land.
- Plans approved under the Major Project Approval indicate that part of the *general open space* (including the batter land) is to be managed as a 40m APZ.

- The DA proposes to manage the batter land as an APZ.
- As the VPA does not require any Works-in-Kind to be constructed on the batter land, nor the dedication of that land to Council, the construction of the proposed batter does not affect Huntlee's obligations under the VPA.

Appendix 1

Figure 1 in Schedule 2 of the Planning Agreement (Clause 4)



3451-0835-3541v3
Second Deed of Variation to Planning Agreement
Huntlee New Town
page 1

ALAN FRANCIS NEVILLE DANNY WILLIAM MURPHY

Stephen Glen
General Manager
Cessnock City Council

Figure 12 Copy of the open space land dedication under the VPA with subject site (excluding the batter) outlined in red.

Whilst the VPA does not identify any Works-in-Kind on the batter land or dedication of that land, the VPA is currently registered on the title of Lot 1776 DP 1256914 (being the land owned by Huntlee Pty Ltd). Upon transfer of the batter land to Knowles Group the terms of the VPA would also transfer to that new title. Because there are no obligations under the VPA to be fulfilled on that land Allens has noted that Knowles Group should procure from Council the release and discharge of the obligations under the VPA to the extent that they relate to the batter land prior to the boundary adjustment occurring. This does not need to occur prior to the issue of a development consent and can be imposed as a condition of consent. We have suggested a possible condition below.

> The applicant is to procure from Cessnock City Council the release and discharge of the obligations under the VPA in relation to the batter land the subject of the boundary adjustment approved as part of this consent. Council's confirmation of the discharge of the obligations is to be provided prior to the registration of a plan of subdivision for the boundary adjustment.

We also understand that Huntlee Pty Ltd and Council are currently in negotiations regarding the boundary of the land dedication and the VPA boundary can be adjusted to reflect the adjusted boundary. The amendment to the VPA will take some time to resolve (including negotiations between the parties, Council resolutions, public exhibition) and the amendment to the Planning Agreement is not a necessary outcome for the assessment and determination of the DA.

9.0 Other Assessment Matters

9.1 BASIX

An additional BASIX certificate has been obtained for Dwelling No. 206. The additional BASIX certificate is uploaded to the NSW Planning Portal. The BASIX certificates for the remainder of the development remains as per the original DA submission.

9.2 Accessibility

An updated Disability Access Report has been prepared by 3D Access which assesses the interim community building and the pedestrian connection to Wine Country Drive.

In this regard, the interim community building complies or is capable of compliance with the relevant provisions of the Building Code of Australia.

In terms of the pedestrian path, 3D Access confirms that the pathway complies with accessibility requirements including the siting standards in Schedule 3 of SEPP Seniors.

3D Access has also reviewed access to each of the villas in the northern part of the village where the finished ground levels have been amended and the pathways to the villas comply with accessibility requirements.

9.3 Access to Services and Facilities (clause 26 of SEPP Seniors)

The Operational Plan of Management has been updated to add a provision relating to a second community bus should the demand exist. The transport services in the Operational Plan of Management comprises the following

- A 12 seater community bus from Stage 1 of the village.
- An additional 12 seater community bus should the demand exist.
- Both 12 seater buses will operate to provide access to the services and facilities at the frequency required by clause 26 of SEPP Seniors.
- Chartering a larger bus to cater for larger groups for day trips or special occasions.

In addition the path the Huntlee town centre will supplement the above transport service arrangements providing a convenient access point for the residents of the village to access the town centre. The path is not required to achieve compliance with clause 26 of SEPP Seniors but provides residential amenity in addition to the transport service.

We trust that this information addresses all the questions and comments raised by Council. As discussed with Julia Ryl, we are more than happy to explain these amendments to Council or the Panel in a further video conference if that will assist Council and the Panel in understanding the amendments and matters discussed in this letter. In the meantime should you have any further questions in relation to this DA please do not hesitate to contact David Kettle.

Yours faithfully

DFP PLANNING PTY LTD

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DIRECTOR

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Reviewed: