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Dear Mr Simpkins

32 INDUSTRIAL DRIVE MAYFIELD - APPLICATION FOR SITE COMPATIBILITY CERTIFICATE

I refer to the Department's letter dated 21 June 2021 notifying City of Newcastle (CN) of an application for a Site Compatibility Certificate (SCC) for a development comprising of 176 seniors self-care residential units on land at the Wests Mayfield Club known as 32 Industrial Drive, Mayfield. The application is under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) will be considered by the Hunter and Central Coast Regional Planning Panel (HCCRPP) and the Department has invited CN to comment on the application.

The SCC Application Report (AR) and plans have been reviewed and the following comments are offered for your consideration:

1 Strategic context

Two local level strategic planning documents relevant to this proposal are CN's Local Strategic Planning Statement (LSPS) 2021 and Local Housing Strategy (LHS) 2021. Both documents have been endorsed by the Department and give effect to the strategic directions for the Hunter Region, outlined in the Hunter Regional Plan (HRP) 2036 and the Greater Newcastle Metropolitan Plan (GNMP) 2036.

Local Strategic Planning Statement

Planning Priority 8: Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas

The site is not within any of the areas listed in Planning Priority 8, designated in the LSPS 2021 and GNMP 2036 to be the focus for future housing and employment growth and public transit improvements. Regardless, the site is near multiple bus routes and the AR indicates that a dedicated community bus service will be established to meet the demands of seniors within the proposed development.

The site is opposite the Mayfield North Industrial Precinct in Newcastle Port Catalyst Area. Regarding this area, the GNMP 2036 states that the Department will align planning instruments to:

- *Protect existing industrial land uses*
- *Investigate the potential diversification and growth of industrial land uses*
- *Maintain prohibition of retail, bulky goods, and residential uses*
- *Work with operators and industry to minimise impacts on residential communities.'*

Given the site constraints detailed in this letter and the resulting incompatibility of the proposal with the points raised in the GNMP 2036, the proposal is likely to limit the potential for the Mayfield North Industrial Precinct to achieve the aims for the Catalyst Area.

Planning Priority 10: Development responds to the desired local character of our communities

Under the Newcastle Local Environmental Plan (NLEP) 2012 the land surrounding the subject site is zoned R2-Low Density Residential, the character is defined by single storey free standing homes. Given that the area surrounding the proposal is not identified for growth or change it is unlikely that this character will change significantly in the future beyond what is permitted under the current planning controls.

Concern is raised with the height, scale of the proposed built form of the development and its compatibility with the existing surrounding residential development. Given the inconsistency of the proposed development with the surrounding character, further information on the scale of the surrounding residential environment would be beneficial. Viewpoints and elevations provided are limited, not offering sufficient detail to visualise the relationship with the adjoining low density residential area.

The application would benefit from the following:

- A southern elevation.
- Viewpoints from residents adjacent in Hinkler and William Street.
- Sectional elevation across the site including Hinkler Street and William Street showing the proposed building envelope in relation to adjacent properties.
- Photomontages with space provided where trees are proposed to be removed as part of the development.

Local Housing Strategy

Housing Priority 1. Maintain and encourage housing supply in the right locations

In addition to the points raised under Planning Priority 8 above, Housing Priority 1 also considers the vulnerability of a site to natural hazards at the planning stage, especially the anticipated increase in occurrence and severity of natural hazards because of climate change. As indicated in comments following the site is impacted by both ocean flooding and likely local catchment flooding. However, the application was not supported by a detailed flood study to determine the suitability of the site for this development. This issue is discussed further in Item 7 - Flood Management of this letter.

Housing Priority 2. Diversify housing type and tenure across the LGA to provide for a range of housing needs

The Local Housing Strategy states that while CN's population is aging the supply of Independent Living Units is keeping pace with projected growth. Demand instead is for well located, two and three bedroom attached dwellings close to areas with a high proportion of older people (aged 65+), providing options to age in place. The highest proportion of older people in Newcastle are in the outer suburbs, which are typically characterised by larger dwellings and less diversity of housing choices compared to the middle and inner ring suburbs. In contrast, suburbs like Mayfield do provide sought after options for older people in the existing housing stock. It can therefore be concluded that the need to diversify housing types through the provision of Independent Living Units in Mayfield is not a suitable justification for a development of this scale.

Housing Priority 3. Increase the availability of accessible and adaptable housing

Meeting the increasing demand for accessible and adaptable housing is challenging, particularly given the options for retrofitting existing homes is costly and rarely considered at the design stage. This creates opportunity in purpose built Independent Living Units to provide at least Silver Level Liveable Housing Design Guideline accommodation. This can be further addressed at the DA stage.

Housing Priority 4. Increase the supply of affordable rental housing

Senior's housing, such as Independent Living Units, do not provide affordable housing for our aging population. This style of housing is unappealing to a large range of older Australians due to the leasehold nature of the dwelling and the high entry and exit fees.

2 Mayfield Renewal Corridor

Section 6.05- Mayfield Renewal Corridor (MRC) of the Newcastle Development Control Plan (NDCP) 2012 provides both strategic overview and planning controls for development proposed on land along Maitland Road between Mayfield and Tighes Hill identified in the document.

The AR (section 2.3.6) states:

'The subject site is in Mayfield within close proximity to the Mayfield Urban Renewal Corridor and is considered to be consistent with the vision and objectives for Mayfield.'

The subject site is located approximately 800m to the north ('as the crow flies') from the MRC and the redevelopment of the subject site does not have any real relationship to the strategic planning direction given by this document. Conversely, the site represents a significant residential development located separately and distinctly from the MRC at the current northern limit of the residential area adjacent to a regional road link and associated industrial areas.

3 Compatibility with Newcastle Port Lands

One of the reasons of refusal of the previous SCC application for a Housing for Seniors development on the site by the H&CCRPP states:

'...in relation to the siting of the aged care facility, the Panel had regard to the 24-hour nature of existing and future port uses in the vicinity of the proposed development, potential impacts on the future residents in relation to how it may affect future building design / articulation and potential impacts or limits of the use of nearby state significant Newcastle Port Lands. In particular, the Panel was concerned about potential noise, light and odour impacts....'

The AR's response to this previous concern is that it is:

'Not applicable as now there is no aged care facility proposed.'

While there is no aged care facility now proposed it is noted that the AR (section 3.3) states:

'The proposed seniors housing forms part of a comprehensive long-term plan for the West Group, which aims to provide an integrated, residential-style community comprising high quality apartment development and high and low care housing for seniors.'

The significance of the difference between an aged care facility and high care housing for seniors is not clear, but it would appear the previous reason for refusal is still applicable in relation to the current proposal, which proposes to place a significant number of aged people on this site who need high care.

It is noted that the AR (section 3.3) also states that:

'Any intensification of development on industrial land to the north would need to consider impacts on sensitive receivers, including the residential-zoned land to the south, east and west adjoining the subject site.'

Although this is true, the current application is looking to significantly increase the density of people living near the industrial and Newcastle Port Lands and may be placing constraints on that land which limit those uses more significantly than is currently the case with the existing residential density in the area.

4 Compatibility of proposed built form with surrounding development

Concern is raised with the height and scale of the proposed built form of the development and its compatibility with the existing surrounding residential development. As indicated in the preceding strategic comments of this letter the submitted documentation has not satisfactorily demonstrated that the proposal in terms of height, bulk, scale, overshadowing and visual impacts is suitable for the site given the existing and future desired character of the adjoining residential areas.

It is noted that the Architectural Design Statement compares the height of the current proposal to the existing hotel, the largest structure on the site and in the neighbour rather than the existing and likely future residential uses of the neighbouring areas.

While a Housing for Seniors development incorporating building heights greater than the surrounding residential development is possible on the site, further effort is required to demonstrate that the current proposal is acceptable in this regard. It being noted that the development is reliant on the retention of most of the Fig trees on site to ameliorate the likely visual impact of the development on William Street streetscape. Such trees do not have an infinite lifespan.

The CR indicates that CN's former Urban Design Consultative Group (UDCG) were supportive of the higher density and building heights of the original development which was ultimately not supported by the HCCRPP. Having regard to the panel's reasons for refusing to grant a SCC to the previous application and the fact that the UDCG, now known as an Urban Design Review Panel (UDRP), has new members, it would have been beneficial to both the Department's and HCCRPP consideration of the current proposal for the applicant to have met with the UDRP prior to lodging the SCC application.

5 Zone objectives

An objective of the RE2 – Private Recreation zone is:

'To enable land to be used for private open space or recreation purposes.' The AR states that the proposed development *'will not negatively impact on the ongoing operations of Wests Mayfield, rather it will enhance the number of people using open space and recreation facilities on the site'*.

It is also indicated that 50% of the site will be used for *'communal and intimate open space'* as demonstrated in Figure 13 of the report. It is noted the site area shown in Figure 13 does not include the entire site.

The use of the land for 'open space' by the Seniors development is solely a private residential use and it is difficult to accept that the land is available as 'open space' (privately or otherwise) in the context given within the objectives. The land being used as 'open space' is effectively landscaping as part of a seniors development and is not available except to the residents of the development.

Notwithstanding that the land is privately owned, concern is raised that the proposal results in the loss of relatively limited open space lands in the area. Historic redevelopment of the site has already reduced the availability of open space outdoor recreational facilities (admittedly privately owned) moving from outdoor facilities (i.e. tennis court/bowling green) to indoor gym / pool complex.

6 Landscaping/ vegetation

Concern is raised as to whether sufficient landscaping is included as part of the development given the scale and building heights proposed. Retention and protection of trees / vegetation along the boundaries of the site would be essential. It is noted the application proposes the construction of a new 6.0m wide vehicle entry / exit near the southern property boundary which will necessitate the removal of two mature *Ficus Hillii* trees with a subsequent impact on the streetscape and amenity of the locality. The visual impact of the removal of these trees does not appear to be shown in the photomontages in the AR.

7 Flood management

This site is impacted by ocean flooding (see attached flood mapping) and likely local catchment flooding. The site is not currently identified as being impacted by the 1% Annual Exceedance Probability flood event and is partially impacted by the Probable Maximum Flood (PMF).

In respect of the previous SCC application for the site, the HCCRPP raised the issue of suitability of the emergency access during a PMF flood event with William Street along the site frontage being impacted. The AR indicates a concept emergency escape route accessing via Antill Street with an emergency vehicle access route traversing across the site to the Williams Street. However, no detailed flood assessment and floor levels (particularly of the basement) being provided. A detailed design would form part of any future DA.

Flood risk is an important consideration of the suitability of the site for the development. Accordingly, it is recommended the applicant be required as part of the SCC application to submit a site-specific flood assessment.

8 Contamination

In relation to contamination, particularly groundwater contamination, the AR states:

'The panel was not satisfied that potential contamination issues relating to groundwater and surface water flow from adjoining industrial / port lands have been addressed in sufficient detail relevant to the Site Compatibility Certificate.

For the current application, a preliminary groundwater assessment (prepared by Douglas Partners) has been submitted. The report concludes that the potential for groundwater \ surface water impacts from the adjoining industrial / port lands is low and unlikely to preclude future development for senior housing at the site.

It is noted in the report that there is a risk of temporary reversal flow of groundwater (during construction dewatering) which may result in flow from the northern industrial areas towards the site, however they expect dewatering could be appropriately designed to minimise this occurrence of any site impacts. No further details are provided on how this would be achieved – it is presumed Douglas Partners have experience in or knowledge of how this has been achieved on other sites and this knowledge can be applied to any future application for dewatering on the site.

Although the AR (see Section 2.3.5 and 3.2.3) refers to the Douglas Partners report as a preliminary contamination report of the application report, it is not a preliminary contamination investigation and does not address the suitability of the site for future senior housing. This work would still need to be undertaken and submitted with any future development application (DA) for that use. Section 3.2.3 of the AR acknowledges that additional investigation and reporting is required for a future DA. This level of assessment does not appear to be required by the SEPP for a SCC application.

The AR (section 3.2.3) also states that the subject site is considered to have a low likelihood of contamination based on its historical legacy. However, section 3.2.4 of the AR as well as the Douglas Partners report points out that the site has been filled with between 1-2 m of fill. In this regard, uncontrolled fill in Newcastle has on many occasions been found to contain a range of contaminants, so until further detailed sampling was undertaken, it is assumed that there is a reasonable likelihood of contamination on this site. However, these considerations are for any future DA made for the proposed development.

9 Staging

The application proposes a staged development comprising of buildings A, B, C D and E, yet provides little detail in relation to the nature (content) of these stages. Accordingly, it is recommended that the applicant be required to clearly detail the nature (number of apartments - 1,2 and 3 bedroom / parking / associated infrastructure) of each respective stage.

10 Traffic, Access and parking

Right-turn Restriction

The development proposes the removal of the existing right-turn restriction in William Street in response to Transport for NSW's advice dated 23 July 2018 concerning the previous SCC application for Housing for Seniors development on the site. This restriction was a requirement of a previous development application for the development of the site (i.e. club / gymnasium / hotel) to address residents' submissions. These submissions raised concerns around vehicles using William Street and surrounding local streets when exiting the site. The restriction ensures vehicles exiting the site are directed to Industrial Drive.

Acknowledging the origins of the right-turn restriction in William Street the proposed removal of this restriction is not supported.

Access to Essential Services (Public Transport)

The application proposes the use of a dedicated community bus service to satisfy the requirements of the SEPP. Notwithstanding this, the AR has identified the existing bus stop located in Industrial Drive along the frontage of the site as an alternative for residents. On this basis it is recommended that the applicant upgrade the existing bus stop to current disability standards incorporating the provision of two shelters.

Furthermore, it is recommended that the applicant confirm the location of the dedicated all-weather pedestrian pathway within the site that will be used by residents to access the bus stop in Industrial Drive.

Parking

The application proposes the provision of 302 vehicle spaces, 16 motorcycle and storage bays in an underground car park. Visitor parking is intended to be provided in the existing multi-level car park. The number and location of these spaces has not been addressed in this application. Furthermore, the traffic consultant has not undertaken an assessment of the level of utilisation of this existing car park to confirm the availability of this parking for use by the visitors of the seniors living apartments.

If you have any questions in relation to the various matters raised in this letter, please contact Geof Mansfield, Principal Planner on 4974 2767 or gmansfield@ncc.nsw.gov.au .

Yours faithfully



Michelle Bisson
MANAGER REGULATORY, PLANNING AND ASSESSMENT

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Attachment 1 – Flood Mapping

Floodplain Classification – Ocean Flooding

