

Report to the Hunter and Central Coast Regional Planning Panel on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE: The site is at 32 Industrial Drive, Mayfield North (Lot 100 DP 1084939) and covers an area of 48,498m². It fronts Industrial Drive and William Street (Figure 1).

The site is used for the Wests Mayfield club and includes a seven-storey hotel (Gateway Inn). It also includes the Newcastle Knights National Rugby League (NRL) team training facility, including a training field. The training facility is being relocated to Broadmeadow in 2020, therefore the training facility and field will become vacant.

The site is surrounded by low-density residential land to the south, east and west, including a small local park to the west (Avon Street Reserve). Mayfield town centre is 1km to the south.



Figure 1: Site map.

To the north and north-east of the site is the state significant Newcastle Port, including wire-making mills and the former BHP steel-making site (Figure 2). Industrial Drive, a busy arterial road, separates the site from the industrial uses.



Figure 2: Site context.

APPLICANT: Wests Group Newcastle (C/- Graph Building)

PROPOSAL: The proposal is for 262 self-contained self-care units and a 216-bed residential aged care facility in four separate tower complexes (Figure 3, next page). The proposal would result in potentially 478 new seniors housing dwellings with basement car parking and private open space (**Attachment D**).

The proposed development varies in height between four and nine storeys, with the aged care facility fronting Industrial Drive proposed to be seven storeys, similar to the Gateway Inn. The proposal seeks to add an additional 38,390m² of gross floor area (GFA), increasing the total site GFA to 50,260m², equivalent to a floor space ratio of 1.036:1. Figures 4a and 4b (next page) illustrate the existing and proposed building footprints.

Vehicle access is proposed from William Street, with emergency and service access only via Industrial Drive consistent with Roads and Maritime Services (RMS) recommendations (**Attachment I**).



Figure 3: Development proposal (source: SCC application).



Figures 4a and 4b: Existing and proposed development footprint.

LGA: Newcastle

PERMISSIBILITY STATEMENT

The site is zoned RE2 Private Recreation under the Newcastle Local Environmental Plan (LEP) 2012. It adjoins land zoned R2 Low Density Residential to the east, south and west (Figure 5, next page). The proposed development is not permissible with consent under the Newcastle LEP 2012.

The provisions under clause 4 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) provide that an SCC can be issued because:

- the site adjoins land zoned primarily for urban purposes, which permits the development of dwelling houses;
- the site is being used for the purposes of a registered club, identified as Wests Mayfield (clause 4(1)(b)); and
- the land is not identified by any exclusions listed in schedule 1 of the SEPP. Schedule 1 includes 'open space'. However, as the land is used for a registered club and is described as private open space, clause 4(6)(a) states that the Seniors Housing SEPP remains applicable.

The type of seniors housing that may be developed on this land is identified in clause 17 of the SEPP. The proposed development satisfies this requirement by providing self-care housing and a residential care facility.

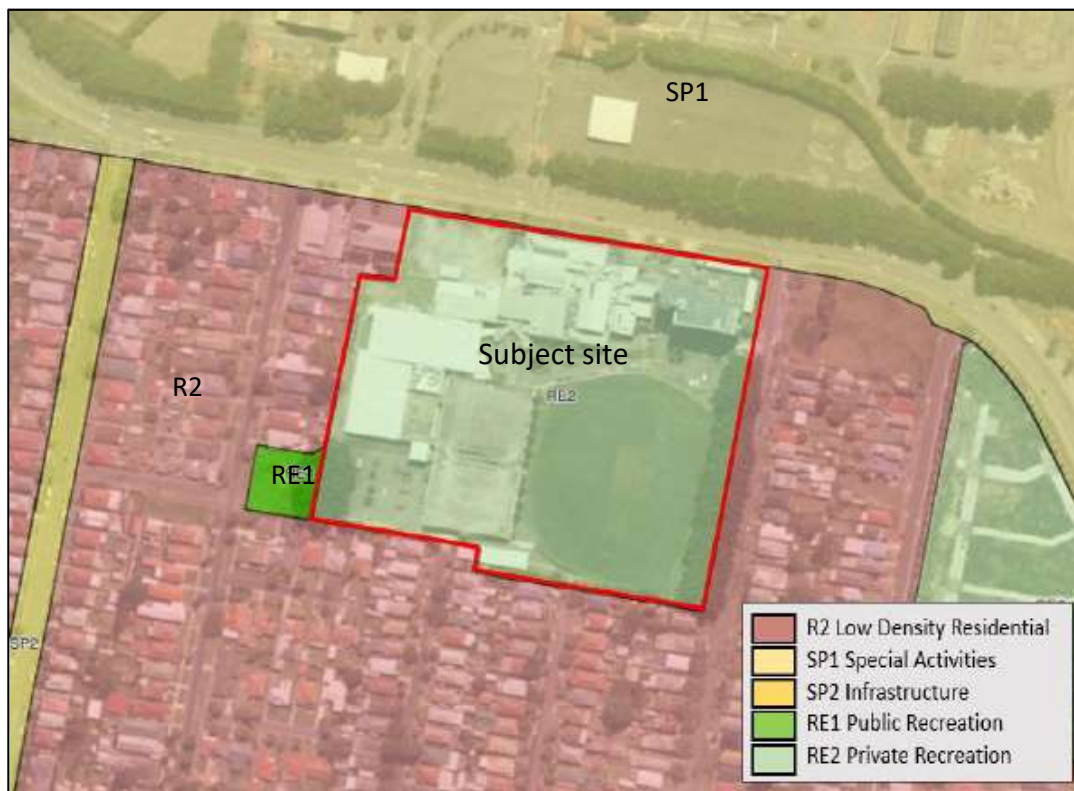


Figure 5: Zoning map.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the General Manager of the council within 21 days after the application for the certificate was made; and
- is of the opinion that:
 - the site of the proposed development is suitable for more intensive development; and

- (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

CLAUSE 25(2)(C)

A cumulative impact study has not been prepared as there are no existing or proposed seniors housing proposals within a 1km radius of the site.

COUNCIL COMMENTS

Newcastle City Council provided comments on the SCC application to the Department on 3 October 2018 and raised several matters (**Attachment F**). Council did not state whether it supports or objects to the proposal but noted the following concerns:

- the scale and density of the proposal is inconsistent with the local planning strategy. The area is identified as a 'limited growth precinct' and the proposal is considered inconsistent with the vision for Mayfield (i.e. low-density character);
- the loss of land for 'recreation purposes';
- the extent of local flooding and risk;
- air quality issues associated with proximity to industrial land; and
- car parking issues.

Department response

The key issue for this proposal is the proposed scale and density of the development in relation to the surrounding low density residential neighbourhood and providing an appropriate transition to these areas. The built form is discussed further in this report.

Other issues such as car parking, management of local flooding, inconsistency with strategic planning documents, loss of land for recreation and proximity to industrial land are also discussed further in this report and do not pose any significant issues as they can be addressed at the development application stage.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

In considering whether the site is suitable for more intensive development, the following matters have been considered:

Existing use

The site is zoned RE2 Private Recreation, reflecting the long history of the site as a recreation area with a service focus on employees from the industrial area. The Wests Mayfield club comprises a large portion of the site, with parking and playing fields on the eastern side of the site.

The playing field that is proposed to be built on is a training facility for the Newcastle Knights and is not accessible to the public. It has not been confirmed if Wests Mayfield club members have access to the facility. As shown in Figure 6 (next page), there are public recreation areas consisting of local parks, playgrounds and ovals within walking distance of the site. The existing gymnasium and indoor pool are to be retained and will

be available to residents and Wests Club members, and the mature boundary trees are also to be retained.

Therefore, the loss of private recreation land is not unacceptable to the recreation needs of the existing and future communities given the level of public recreation provisions in the locality (see Figure 6).



Figure 6: Open space near the site.

Noise, amenity and access impacts from the club and hotel have been considered in the SCC application. The design measures to address any impacts include separating the club uses from the proposed development using tower setback distances, the orientation of facilities and providing separate entrances (**Attachment D**). The Department considers these measures appropriate, with the final design being considered by the relevant planning authority at the development application stage.

As the club contains gambling facilities, there will also be a need to implement appropriate harm minimisation measures (under clause 23 of the Seniors Housing SEPP) at the development application stage.

Adjacent land uses

The areas to the east, south and west of the site are zoned R2 Low Density Residential. As part of the SCC application, the scale and height of surrounding development was considered in designing the proposed development to manage the impact on these areas.

The proposed development will result in a significant development footprint on part of the site that is not developed. Figure 4b (page 3) outlines the proposed building

footprints. The proposal is likely to have a significant visual impact on the adjoining residential areas, particular its consistency with the local character and built form. These impacts are discussed later in this report.

The 24-hour operations of the Newcastle Port on the opposite side of Industrial Drive influence the residential amenity of the area. The large-scale industrial buildings have historically provided an industrial character of built form and activity to this part of Mayfield. The potential impacts have been considered further in this report.

Access and public transport

The site fronts Industrial Drive, a four-lane separated arterial road that services the Newcastle Port. Industrial Drive is a state road corridor. RMS stated in its advice dated 23 July 2018 (**Attachment I**) that any proposal that results in additional impact on the intersection of Industrial Drive and William Street is unlikely to be supported.

The traffic impact assessment (**Attachment D – Appendix 7**) concludes that the proposal will not adversely impact on the local and state road networks and complies with all the relevant design standards. The assessment provides a car parking analysis for the existing and proposed development and concludes that surplus spaces will be available (329 spaces provided), even after part of the top floor of the existing multi-level car park is developed for residential uses.

The proponent has amended the SCC application to comply with RMS requirements. The proposal will have direct access off William Street, with local traffic changes proposed. The site has access to public transport, including a regular local bus service from Wallsend with direct routes to Newcastle and Mayfield. The Department recommends that a requirement of the SCC be that RMS's requirements set out in **Attachment I** be addressed in any future development application.

Environmental constraints

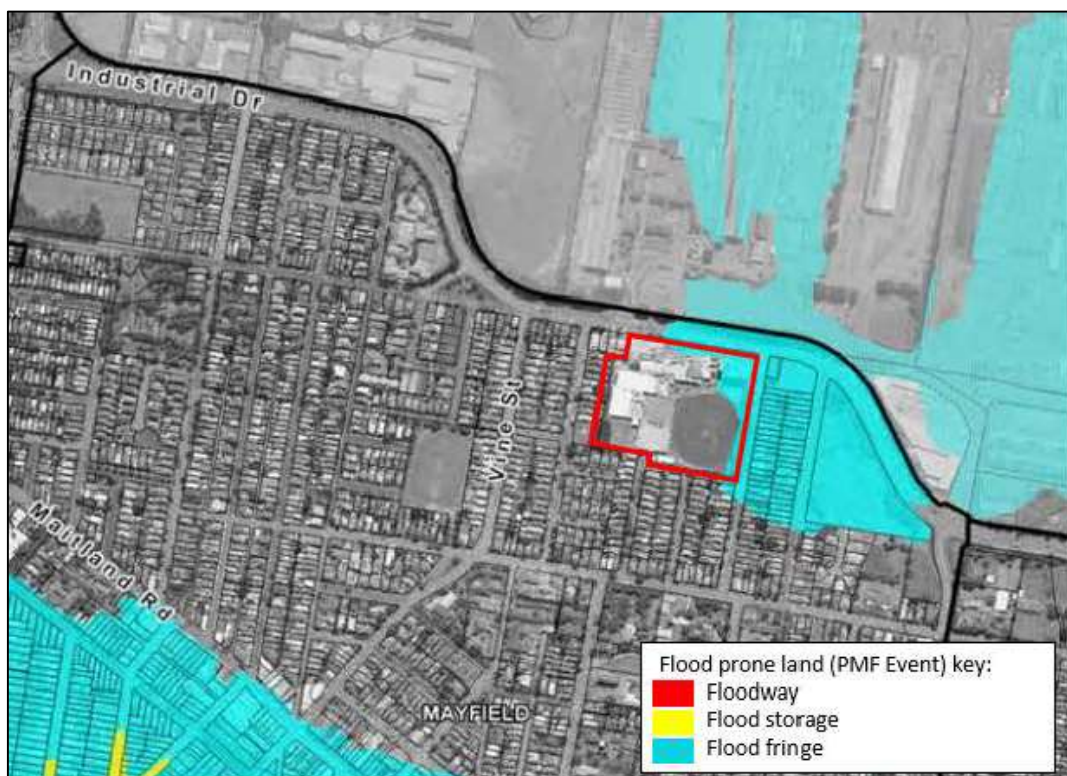


Figure 7: Flooding.

The site is not within the 1% flood event but is partly flood affected by the probable maximum flood in the north-eastern corner. No new development is proposed in this area, as shown in Figure 7 (above).

Council notes the local flooding impacts are unknown and will need to be addressed at the development application stage. The development proposes alternative flood-free access in case of emergencies.

The site also contains class 2 acid sulfate soils, which can be managed at the development application stage. The site is not bushfire prone.

Summary

The site is suitable for more intensive development as there are no significant constraints within the site because:

- the use of the site for seniors housing would not adversely impact on future uses of the land;
- noise, amenity and access impacts from the club facilities have been adequately addressed in the SCC application;
- suitable access to the site has been identified and it is near public transport services;
- environmental constraints such as flooding and acid sulfate soils can be managed at the development application stage; and
- adequate and suitable services are available to support the proposal.

However, the Department recommends certain requirements be imposed on the SCC to address the following matters:

- any development application is to address RMS requirements set out in **Attachment I** and update the traffic assessment accordingly; and
- management of access to the site and the provision of suitable pedestrian access arrangements, including separate entrances to the club.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

To the north and north-east of the site is the state significant Newcastle Port lands, including the wire-making mills and the former BHP steel-making site. While the former BHP steelworks operations have mostly ceased, buildings and infrastructure still exist, and the area is proposed to be retained for port and industrial uses and is of strategic importance.

Potential land-use conflict from existing and future port-related industrial uses is a key consideration for the application. The port operates 24 hours a day and potential impacts include noise, light spill, air quality, and heavy and dangerous goods vehicle movements.

The Greater Newcastle Metropolitan Plan 2036 identifies the industrial area directly across from the site as the 'Mayfield North Industrial Precinct' (Figure 8) and recognises the strategic importance of this area. The objectives of this precinct are to: protect industrial land uses; investigate the potential diversification and growth of industrial land uses; and work with operators and industry to minimise impacts on residential communities. The metropolitan plan clearly states that this area will be retained for port and industrial uses. The plan also recognises the importance of Industrial Drive as a key freight route and the need to maintain the efficient movements of goods.

The nearby Mayfield Freight and Logistics Precinct aims to develop the area for freight and logistics, intermodal and warehousing to complement the port's export role and maintain prohibition of residential uses. These industrial areas are envisaged to continue and the metropolitan plan acknowledges that a separation from adjoining land uses is required to sustain the area's success. The Department is of the view that these industrial areas should be protected from encroachment by intensified residential land uses, which could limit the potential uses and continued operation of the industrial lands.

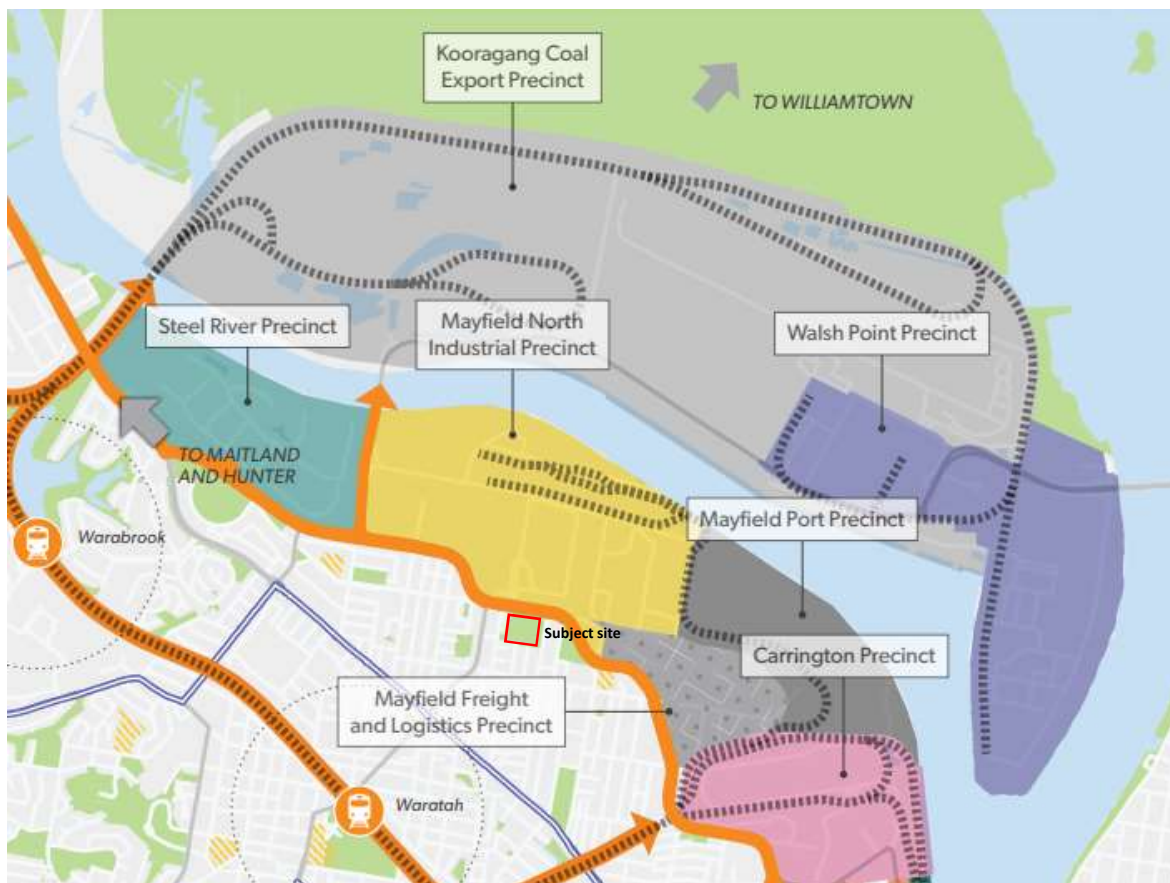


Figure 8: Greater Newcastle Metropolitan Plan – Newcastle Port Catalyst Area.

Seniors housing is considered a sensitive receptor to industrial land uses. The proposed density and occupants may create implications for the ongoing operations of port-related activities, including noise complaints and an increased risk rating for Newcastle Port activities.

Seniors housing is considered a sensitive land use in relation to port activities. To assess the risk of the development on port activities, a preliminary hazard analysis (PHA) from port-related industrial uses and a multi-level risk assessment for the proposed development were prepared by the applicant. A summary is provided at **Attachment G**. The PHA was undertaken to assess risks and mitigation measures arising from the possible injury or irritation consequences to future residents resulting from potential land-use safety conflicts and hazards and risks from hazardous industries in the Port of Newcastle. Hazardous industries require adequate separation from more sensitive land uses to mitigate potential land-use safety conflicts.

The PHA considered the implications of the proposed development against the *Hazardous Industry Planning Advisory Paper (HIPAP) No.4 – Risk Criteria for Land Use Safety Planning*. The PHA concluded that the proposed development is not considered to be an incompatible land use with port operations. The report included several (not mandatory) design feature recommendations:

- include an additional emergency escape route via adjoining Antill Street;
- all buildings are to facilitate fresh air control during an emergency; and
- walls and windows facing Industrial Drive are to be designed to accommodate radiation and overpressure risk.

The recommendation relating to the treatment of the walls and windows facing Industrial Drive will assist in minimising the amenity impacts, such as noise associated with the port and industrial uses. The incorporation of mitigation measures and amendments to the proposed design through the development assessment process may not manage all land-use conflict. However, if the recommendations of the PHA are implemented, the proposed development could be considered compatible with adjacent industrial lands.

The SCC application addresses the potential land-use conflict with Newcastle Port land in the following ways:

- a separation distance of 120m-360m to industrial uses, including mature tree buffers;
- the residential aged care facility will not have outdoor balcony access to minimise amenity impacts;
- design changes to the residential care facility to address hazards and risks recommended by the PHA; and
- access to the site via William Street.

These recommendations are proposed to be included as requirements of the SCC.

A requirement is also recommended for the applicant to prepare an emergency response plan in accordance with the *Hazardous Industry Planning Advisory Paper No. 1 'Emergency Planning'* guidelines to accompany a development application. The plan is to consider the potential impacts from Newcastle Port, the potential of dangerous goods transport incidents along Industrial Drive and must be prepared in consultation with the Newcastle Port industry.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the Panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

Private recreation

The subject site is zoned RE2 Private Recreation. One of the key objectives of this zone is to provide private open space for recreational purposes.

The proposed development will result in the loss of private recreation land. The loss of the training field will reduce the site area, which is used for recreational purposes as most of the site is proposed to be developed. The existing gymnasium and indoor pool are to be retained and will be available to residents and Wests Club members.

The playing field is not accessible to the public and is used as a private training facility for the Newcastle Knights National Rugby League team. As the training facility is being relocated to Broadmeadow, the development of private recreation land in this location is considered appropriate as it is not a loss for the local government area, but rather a relocation of facilities. Figure 6 (page 6) illustrates there are adequate public open spaces near the site to meet the needs of the future residents.

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 includes Direction 2 – Enhance connections to the Asia-Pacific through global gateways, which is relevant to the proposal. Actions include:

- 2.2 Develop and review strategies and precinct plans for the global gateways and surrounding lands to support their growth, diversification and sustainability; and
- 2.3 Prepare local plans that adequately respond to air, noise and other issues relevant to the gateways to protect their ongoing operations and expansion.

Direction 24 of the regional plan seeks to protect the economic functions of employment land.

The proposed development is consistent with these directions and actions as the site does not form part of the port lands. However, potential impacts from the adjacent industrial uses and potential land-use conflict have been considered and incorporated in the proposed design.

Greater Newcastle Metropolitan Plan 2036

Strategy 11 of the Greater Newcastle Metropolitan Plan seeks to create more great public spaces where people come together. The proposal is consistent with this strategy, including the action to have 90 percent of houses within a 10-minute walk of open space. While the proposal will result in the loss of private open space, there is sufficient public open space near the site and the impact on open space would be minimal.

Strategy 16 of the metropolitan plan seeks to prioritise the delivery of infill housing opportunities within urban areas. The proposal is consistent with this strategy and planning outcomes as it would provide infill in an urban area. The proposal provides for greater housing choice and diversity.

The metropolitan plan identifies that in relation to the Mayfield North Industrial Precinct, the Department will align planning instruments to protect industrial and port-related land uses. While the proposal does not change the zoning of industrial and port land, the proposed development could potentially limit or impact on future operations of port and industrial land and therefore could be considered inconsistent with the plan. As such, a PHA was undertaken and concluded that seniors housing is compatible with port and industrial activities.

Newcastle Local Planning Strategy

The Newcastle Local Planning Strategy prepared by City of Newcastle Council, while not endorsed by the Department, provides the future vision for the Mayfield area.

Section 3.3 Housing and Neighbourhoods states that land uses at appropriate densities will be located to support effective and integrated public transport. The proposal is close to transport services, with a bus stop on Industrial Drive. While the proposed density is not consistent with the surrounding residential uses, it is consistent with existing uses on the site.

The strategy includes local character and vision and objectives for Mayfield, including 'Mayfield will reinforce and consolidate the existing commercial areas along Maitland Road and Hanbury Street, it will also increase residential densities in areas close to these centres and public transport'.

In relation to the site, the relocation of the training facility was not known at the time this strategy was prepared by Council. The strategy is ambiguous as it identifies this part of the Mayfield area as having limited growth, as reiterated in Council's submission on the SCC application. However, the strategy also identifies the aim to maximise redevelopment and infill opportunities for high-density and medium-density housing within walking distance of centres. While the site is not identified as underused for renewal, it includes characteristics suitable for renewal (i.e. a large contiguous site, access to public transport and within a 1km walking distance to a local centre at Mayfield).

3. The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))

Location and access to facilities

The site is approximately 1km from local retail, community and medical services in Mayfield. The Mayfield town centre includes supermarkets, speciality stores, public transport, and medical and community facilities. While the site is not within a 400m walk of facilities required by clause 26 of the Seniors Housing SEPP, the proposed development includes a statement that Wests Mayfield will provide a dedicated community bus service in addition to the local public transport service. No details are provided in the application regarding how often the bus service would operate. As such, the Department requires this to be confirmed as part of any future development application.

Bus stops that service Mayfield and the Newcastle CBD are located on Industrial Drive, Vine Street and Crebert Street, with the closest stop being approximately 100m from the site and complying with gradient standards. Higher-order retail and services are available in the Newcastle CBD approximately 4km from the site, with frequent services operating during the day and evening, meeting the SEPP requirements.

Infrastructure

Essential services such as electricity, water and sewer are available to the site. The proponent advised that they are continuing to consult with service providers to determine if any upgrades are required to service the proposed development.

The key implication for infrastructure is access to the site from Industrial Drive. Due to Industrial Drive's importance as a regional road servicing Newcastle and the port, several key RMS considerations have been incorporated into the revised access design for the proposal, such as not providing access from Industrial Drive and ensuring no adverse impact on the local and state road networks.

Council raised the issue of loss of car parking spaces for club patrons. The traffic impact assessment (**Attachment D – Appendix 7**) provides a car parking analysis for the existing and proposed development and concludes that there will be surplus spaces available. The Department considers that this issue can be resolved at the development application stage.

4. In the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The site is zoned RE2 Private Recreation and the NRL Knights training facility on-site will be relocated to Broadmeadow. As the training facility is not accessible to the public, there will be minimal impact on access to open space in the vicinity.

However, Council raised the issue of the loss of land for recreation purposes and an assessment identified that there are sufficient public open spaces near the site (Figure 6, page 6). Other recreation uses related to the club will continue to operate.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

The Newcastle LEP 2012 does not apply building height or floor space ratio controls to the site. The adjoining residential area consists of fragmented, small, low-density residential sites and has a maximum building height of 8.5m. The proposal comprises the following and is shown in Figure 9 (next page):

- a seven-storey tower for aged care fronting Industrial Drive,
- two independent living unit towers in the centre of the site ranging from six to nine storeys;
- a 4-6-storey independent living tower fronting William street;
- basement car parking for residents and existing above-ground parking for visitors; and
- community and private open space.

The proposed heights are generally consistent with existing heights within the site (i.e. the existing hotel at seven storeys) and will have minimal visual impact on the club facilities. The proposal incorporates appropriate setbacks between the existing and proposed buildings within the site and provides separate vehicular and pedestrian access (except for the seven-storey aged care facility, which will share the club access).

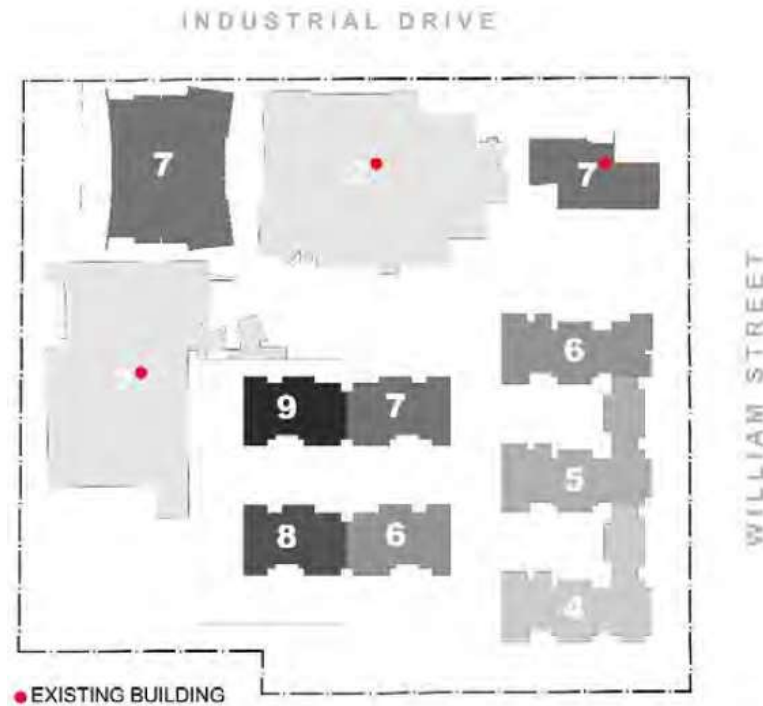


Figure 9: Building height transition across the site.

However, the proposed development is likely to have a significant visual impact in terms of bulk, scale and built form on the adjoining low-density residential area to the east, south and west. The training fields will be converted to four new residential towers up to nine storeys and will result in a significant change. The proposed heights are not consistent with the built form controls of the adjoining residential areas and are considered to be out of character with the surrounds of the site (Figure 10, below).

The proposed built form is inconsistent with the existing and intended future character of the surrounding residential area. Council staff reiterated this in their comments on the SCC application and raised concerns that the scale and density of the proposal were inconsistent with the area's identification as a 'limited growth precinct'.



Figure 10: East elevations.

The proposal has proposed several mitigation measures to reduce the bulk, scale and built form from adjoining land uses, including the following:

- Perimeter trees – the eastern and southern boundaries of the site have 300m of large, mature perimeter trees and there is a canopy of around 50m on the western side adjoining the Avon Street Reserve. The SCC application includes an arborist assessment to determine their condition and longevity as the stands of trees play a significant role in screening the proposed development. The assessment notes

that most of the trees have a life expectancy of 15-40 years and recommends measures to extend their life expectancy. The visual impacts of the proposed development would be substantially mitigated by retaining these trees.

- Setbacks – the four proposed towers would be set back from the site boundary to minimise overshadowing and privacy impacts on adjoining residential properties. The larger towers would be positioned towards the centre of the site to reduce visual bulk.
- Height transitions – the building heights would be distributed across the site to reduce overshadowing and visual impacts. The largest heights would be in the centre and the heights would step down towards the edge of the site, except for the tower fronting Industrial Drive, which is consistent with the seven-storey hotel. Some adjoining residential properties would be impacted by overshadowing (**Attachment H**). However, the existing perimeter trees impact on overshadowing and all the affected properties receive sunlight to their private open space for more than three hours on 21 June (winter solstice).
- Articulation of visible walls – a patterned wall/screen is proposed on the western side of the proposed aged care facility to lessen bulk and visual impact to dwellings to the west and south-west.

Council's Urban Design Consultation Group provided recommendations on the proposal, including stating that the height of buildings, density and number of dwellings provided should not exceed what was proposed in the SCC application. The group also recommended that options for improving amenity, including solar access, should be investigated.

It is considered that even with the proposed mitigation measures listed above, the proposed development is likely to have a significant visual impact in terms of bulk, scale and built form on the adjoining low-density residential area, particularly on the character of the area. However, the impacts could be appropriately managed at the development application stage.

Visual impacts

The visual impact of the proposal from key viewpoints has been considered. The proposed aged care building (seven storeys) fronting Industrial Drive is the most prominent. This building will be seen from numerous viewpoints, primarily from Industrial Drive heading east and the intersection with William Street. The visual impacts of the proposed development are outlined in the photo montages provided (**Attachment D – Appendix 1**).

The proposed aged care facility adjoins a non-residential land use (child care facility) and proposes a large privacy wall/sun screen facing west (Figure 11, next page). The visual impact of the western-facing wall/screen of the aged care facility fronting Industrial Drive is not considered acceptable. This screen will dominate the urban landscape and character of the area (Figures 12a and 12b, next page). The applicant stated that the screen attempts to balance the need for providing shade for residents (no balconies are proposed in this tower) and to provide an outlook. The applicant advised that Council's Urban Design Consultative Group did not raise any issues with this approach.

The visual impact of the proposed screen is not considered compatible with adjoining land uses and the character of the area. The design of the screen should be

reconsidered to address this impact. A requirement to reconsider the wall/screen has been included in the SCC.



Figure 11: Existing views travelling east along Industrial Drive towards Vine Street.



Figures 12 a and 12b: Existing and proposed views travelling east along Industrial Drive.

In summary, the proposed development is likely to have a visual impact in terms of bulk, scale and built form on the adjoining low-density residential area and particularly on the character of the area. With potential amendments to the proposal at the development application stage, the visual impacts could be minimised.

It is recommended that the SCC include requirements to review the height and bulk of proposed buildings, in particular, the transition of heights to surrounding areas and consideration of local character. The application should consider the surrounding planning controls, height, bulk, scale, form, setbacks, landscaping (existing trees), visual amenity, internal and external overshadowing and consideration of SEPP No 65 – Design Quality of Residential Apartment Development and the *Apartment Design Guide*. In addition, the application should also reconsider the design of the western wall/screen.

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

This provision does not apply to the site as no clearing of native vegetation is proposed.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vi)).

As there are no issued SCCs or undetermined applications for an SCC within a 1km radius of the site, a cumulative impact study is not required.

CONCLUSION

Compatibility with industrial uses at the Port of Newcastle and 24-hour operations was a key consideration. The PHA concluded that the proposed development is not considered incompatible with industrial activities provided several recommendations are adopted. The Department considers that the potential impacts can be appropriately managed through design changes to the proposed development at the development application stage.

The site is considered suitable for more intensive use for the purposes of serviced self-care and residential aged care for seniors, having regard to the criteria set out in clause 25(5)(b) of the Seniors Housing SEPP because:

- the proposed site has the potential to provide housing diversity for the needs of seniors housing;
- site-specific constraints can be appropriately managed at the development application stage; and
- adequate and suitable services are available, including access to public transport, the provision of a community bus and pedestrian access.

The proposed requirements to be imposed on the SCC are as follows:

1. Any development application is to adopt all recommendations in the preliminary hazard analysis to address safety and evacuation measures of residents and include an emergency response plan;
2. An urban design review is to be undertaken addressing the bulk, scale and height of the proposal in relation to the urban areas to inform the final height of building and accompany any development application;

The urban design review is to consider:

- surrounding planning controls;
- existing character and appropriate transitions of height and density to surrounding areas;
- height, bulk, scale, form, setbacks, landscaping and visual amenity and impact;
- how the buildings will transition in height across the site to be more responsive to the character of the surrounding area;
- internal and external overshadowing;
- traffic, pedestrian mobility and access;

- SEPP No 65 – Design Quality of Residential Apartment Development and the *Apartment Design Guide*; and
 - the design of the western-facing wall/screen to minimise visual impacts.
3. Any development application is to address RMS traffic and access requirements and update the traffic assessment accordingly.

ATTACHMENTS

Attachment D – Appendix 1: Design package

Attachment D – Appendix 2: Local analysis package

Attachment D – Appendix 3: Character and visual impact analysis

Attachment D – Appendix 4: Council pre-DA minutes

Attachment D – Appendix 5: Urban design group minutes

Attachment D – Appendix 6: RMS response

Attachment D – Appendix 7: Traffic impact assessment

Attachment E – Site map

Attachment F – Council comments

Attachment G – Preliminary hazard analysis summary

Attachment H – Shadow diagram

Attachment I – RMS response

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