

SEPP HSPD Assessment

Site compatibility Certificate Application - Proposed Seniors Housing (Serviced Self-Care Housing) 40 King Street Adamstown Lots 1, 2 and 3 in DP229558, Lot 4 in DP1223244, Lot 3 in DP515310, and Lot 2 in DP2394305 WTJ18-230

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Clause	Control description	Compliance	Planning Assessment
Chapter 1 – Preliminary			
2. Aims of Policy	<p>(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:</p> <ul style="list-style-type: none"> (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design. <p>(2) These aims will be achieved by:</p> <ul style="list-style-type: none"> (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes. 	YES	<p>The proposed development achieves the aims of SEPP HSPD by increasing the supply and diversity of Seniors Housing at the site. In doing so, it would make use of the existing roads and nearby Local Centres.</p> <p>The proposed development would contribute towards meeting the needs of an ageing demographic within the locality as identified in the <i>Hunter Regional Plan 2016</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p>
4. Land to which Policy applies	<p>(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:</p> <ul style="list-style-type: none"> (a) development for the purpose of any of the following is permitted on the land: <ul style="list-style-type: none"> (i) dwelling-houses, (ii) residential flat buildings, (iii) hospitals, 	YES	<p>Under Subclauses 4(1) and 4(4) of SEPP Seniors, the site is identified as Land Adjoining Land Zoned Primarily for Urban Purposes, as Dwelling Houses and Hospitals are permitted in the adjoining R2 Low Density Residential Zone to the north, west and east under <i>Newcastle Local Environmental Plan 2012</i>.</p> <p>Small portions of the overall Merewether Golf Club are mapped as being floodprone. However, this would not impact on the site of</p>

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	<p>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</p> <p>(b) the land is being used for the purposes of an existing registered club.</p> <p>(4) Land that adjoins land zoned primarily for urban purposes For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.</p> <p>(6) Land to which Policy does not apply This Policy does not apply to: (a) land described in Schedule 1 (Environmentally sensitive land), or (b) land (other than land to which <i>Warringah Local Environmental Plan 2000</i> applies) that is zoned for industrial purposes, or (c) (Repealed) (d) the land to which <i>Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)</i> applies, or (e) the land to which <i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i> applies.</p> <p>(7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because: (a) the land is identified under <i>State Environmental Planning Policy (Coastal Management) 2018</i>, or</p>		<p>the proposed development. Therefore, the site is also not excluded from the application of SEPP Seniors on this basis.</p> <p>As such, SEPP HSPD applies to the proposed development.</p>

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	<p>(b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as:</p> <p>(i) private open space, or</p> <p>(ii) open space where dwellings or dwelling-houses are permitted.</p>		
Chapter 2 – Key Concepts			
10. Seniors Housing	<p>In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <p>(a) a residential care facility, or</p> <p>(b) a hostel, or</p> <p>(c) a group of self-contained dwellings, or</p> <p>(d) a combination of these,</p> <p>but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.</p> <p>Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p>	YES	<p>The proposed development would provide for Serviced Self-Care Housing, which is defined under SEPP Seniors as being a sub-type of Self-Contained Dwellings. The proposed development is therefore consistent with the definition of a 'Self-Contained Dwellings' which is defined in Clause 13 of SEPP HSPD as:</p> <p><i>a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people 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.</i></p> <p>.....</p> <p><i>In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are</i></p>

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	<p>Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows:</p> <ul style="list-style-type: none"> (a) Class 3, 9a or 9c in relation to residential care facilities, (b) Class 1b or 3 in relation to hostels, (c) Class 1a or 2 in relation to self-contained dwellings. 		<i>available on the site: meals, cleaning services, personal care, nursing care.</i>
13 Self-contained dwellings	<p>(1) General term: "self-contained dwelling" In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people 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.</p> <p>(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.</p> <p>(3) Example: "serviced self-care housing" In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>	YES	The proposed development would comprise Serviced Self-Care Housing.
Chapter 3 – Development for Seniors Housing			
Part 1 – General			

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14 Objective of Chapter	The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.	YES	<p>The proposed development reflects the application of SEPP HSPD to create accommodation that is suitable to a growing, ageing population.</p> <p>The proposed development would provide Seniors Housing in a locality where there is a forecasted increase in the ageing population as recognised in the <i>Hunter Regional Plan 2016</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i>.</p>
15 What Chapter does	<p>This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:</p> <ul style="list-style-type: none"> (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing. 	YES	<p>The Site is identified as Land Adjoining Land Zoned Primarily for Urban Purposes as Dwelling Houses and Hospitals are permitted in the adjoining R2 Low Density Residential Zone to the north, west and east under the NLEP 2012.</p> <p>Development for the purposes of Seniors Housing is prohibited under the NLEP 2012. However, it is permitted under these provisions of SEPP HSPD.</p>
16 Development consent required	Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.	YES	Consent would be sought for the proposed development after the Site Compatibility Certificate is obtained.
17 Development on land adjoining land zoned primarily for urban purposes	<p>(1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:</p> <ul style="list-style-type: none"> (a) a hostel, 	YES	<p>Consent would be sought for the proposed development after the Site Compatibility Certificate is obtained.</p> <p>As the site is considered to be Land Adjoining Land Zoned Primarily for Urban Purposes, the</p>

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	<p>(b) a residential care facility, (c) serviced self-care housing.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:</p> <p>(a) for people with a disability, or (b) in combination with a residential care facility, or (c) as a retirement village (within the meaning of the Retirement Villages Act 1999).</p> <p>Note. Clause 13 (3) defines serviced self-care housing as seniors housing that consists of self-contained dwellings where meals, cleaning services, personal care and nursing care are available on site. Clause 42 requires the consent authority to be satisfied that residents of such housing have reasonable access to services. Clause 42 also provides that if services are limited to those provided under Government provided or funded community based care packages, this does not constitute reasonable access to services.</p>		<p>Seniors Housing provision at the site is required to meet one of these subcategories of Seniors Housing. The proposed development would constitute Serviced Self-Care Housing under the <i>Retirement Villages Act 1999</i>, thereby meeting this requirement.</p>
18 Restrictions on occupation of seniors housing allowed under this Chapter	<p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <p>(a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p>	YES	Noted.

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	<p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p>		
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	N/A	The proposed development is not located on land within a commercial zone.
21 Subdivision	Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.	N/A	No subdivision of the site is being sought at this stage.
22 Fire Sprinkler systems in residential care facilities for seniors	Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent	N/A	Noted.

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23 Development on land used for purposes of an existing registered club	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and (b) an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development. <p>Note. The Gaming Machines Act 2001 and the regulations made under that Act provide for gambling harm minimisation measures.</p> <p>(2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following:</p> <ul style="list-style-type: none"> (a) any separate pedestrian access points for the club and the residential areas of the proposed development, (b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development. <p>Note. See also clause 34 in relation to noise minimisation design principles.</p>	YES	<p>The Architectural Plans provided in Appendix 1 set out how it is proposed to provide separate access for Seniors Housing residents, as well as patrons of the Golf Club and Wellness Centre at the site. These details would be confirmed at the time of DA lodgement.</p> <p>Each of the facilities – Golf Club, Wellness Centre and Seniors Housing have dedicated reception and arrival areas and associated Porte Cochere vehicular arrival points.</p> <p>The Architectural Plans provided in Appendix 1 demonstrate how separate, secure basement car parking access is proposed to be provided for these separate land uses at the site.</p> <p>The Draft Plan of Management provided in Appendix 17 sets out how liquor and gambling land uses at the site would be separated from the Seniors Housing components of the site.</p> <p>These matters would be detailed further at the DA stage.</p>

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Part 1A – Site-compatibility Requirements			
24 Site compatibility certificates required for certain development applications	<p>(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:</p> <p>(a) the development is proposed to be carried out on any of the following land to which this Policy applies:</p> <p>(i) land that adjoins land zoned primarily for urban purposes,</p> <p>(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),</p> <p>(iii) land that is used for the purposes of an existing registered club, or</p> <p>(c) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.</p> <p>(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.</p> <p>(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion:</p>	YES	<p>With respect to these matters, it is considered that the proposed development:</p> <ul style="list-style-type: none"> Can be undertaken without significant traffic or acoustic impacts; Can meet and exceed the accessible site servicing requirements set out in Clause 26 of SEPP Seniors; Can be undertaken with minimal visual impacts to surrounding areas; and Comprises significant buffer lands to surrounding developments along with undulating topography which would allow the site’s proposed built-form to transition into surrounding areas which are planned for more dense forms of development. <p>Moreover, the proposed development is consistent with the surrounding strategic planning environment for Adamstown, which encourages future higher densities along the Adamstown Renewal Corridor on land adjacent to Merewether Golf Club.</p>

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	<p>(a) the site of the proposed development is suitable for more intensive development, and</p> <p>(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).</p> <p>Note. Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate.</p> <p>(3) Nothing in this clause:</p> <p>(a) prevents a consent authority from:</p> <p>(i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or</p> <p>(ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or</p> <p>(b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.</p>		

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	<p>Note. Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50.</p> <p>(4) (Repealed).</p>		
25 Application for site compatibility certificate	<p>(1) An application for a site compatibility certificate for the purposes of clause 24 may be made to the Director-General:</p> <ul style="list-style-type: none"> (a) by the owner of the land on which the development is proposed to be carried out, or (b) by any other person, with the consent of the owner of that land. <p>(2) An application must be:</p> <ul style="list-style-type: none"> (a) in writing, and (b) in the form (if any) approved by the Director-General from time to time, and (c) accompanied by such documents and information as the Director-General may require. <p>Note. Clause 262A of the Environmental Planning and Assessment Regulation 2000 provides for the maximum fee for an application for a site compatibility certificate.</p> <p>(3) Subject to subclause (4) (b), the Director-General must provide a copy of the application to the General Manager of the council for the area in which the development concerned is proposed to be carried out (the relevant General Manager) within the period of 7 days after the application is made.</p> <p>(4) Subject to subclause (5), the Director-General:</p> <ul style="list-style-type: none"> (a) may determine the application by issuing a certificate or refusing to do so, and 	YES	<p>The current application seeks approval for a Site Compatibility Certificate at the site and fulfils these requirements.</p> <p>The matters in Subclause 25(5)(b) are responded to as follows:</p> <p>Bushfire</p> <p>Lots 1-3 DP 229558 and Lot 4 DP 1223244 are not mapped as bush fire prone land under the NLEP 2012. Nevertheless, Clause 27 of SEPP Seniors provides that a development of this nature is considered to be in the vicinity of bush fire prone land. Lot 3 DP515310 is mapped as bush fire prone land as it contains both Vegetation Buffer and Category 2 Vegetation at the southern end of the allotment which has the potential to sustain a bushfire or contribute to bushfire attack. However, Lot 3 DP515310 is around 14.29ha in size (refer to Site Survey in Appendix 3), and the proposed development would be located around 79m from this bushfire prone land.</p> <p>Section 5.3 of the Site Compatibility Certificate Application Report and Appendix 7 set out how the proposed development can comply</p>

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	<p>(b) if the Director-General refuses to issue a certificate at any time within the period of 7 days after the application is made—is not required to comply with subclause (3).</p> <p>(5) The Director-General must not issue a site compatibility certificate unless the Director-General:</p> <p>(a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and</p> <p>(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</p> <p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</p> <p>(iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on</p>		<p>with the requirements of SEPP Seniors so as operate without any additional risks caused by bushfire prone land. In terms of Clause 27(2) of SEPP Seniors, consideration is also given:</p> <ul style="list-style-type: none"> ▪ The general location of the proposed development; ▪ The means of access to and egress from the general location; and ▪ Other specific matters. <p>The site is therefore considered suitable to develop for the purposes of Seniors Housing despite it being land in the vicinity of mapped bushfire prone land.</p> <p>Vegetation</p> <p>The overall Merewether Golf Club site consists of several maintained grassed areas (fairways, greens, tees), remnant isolated trees and small pockets of vegetation, landscaped sections and forest - woodland areas which are primarily derived of planted tree and shrub species.</p> <p>The site of the proposed development is around 2.9ha in area and contains some vegetation that appears to be remnant, this is in the form of three individual trees and two small stands dominated by <i>Melaleuca</i> species.</p> <p>There is difficulty at this stage of the project in assigning a Plant Community Type due to</p>

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	<p>the provision of land for open space and special uses in the vicinity of the development,</p> <p>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,</p> <p>(vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.</p> <p>(6) Without limiting subclause (4) (a), the Director-General may refuse to issue a certificate if the Director-General considers that the development is likely to have an adverse effect on the environment.</p> <p>(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.</p> <p>(8) The Director-General must, if it is reasonably practicable to do so, determine an application within 35 days after it is lodged.</p> <p>(9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General.</p> <p>(10) The provisions of subclauses (3) and (5) (a) do not apply in relation to the determination of an application</p>		<p>the highly disturbed and modified nature of the site, as well as the extent of native tree planting. Once more detailed surveys are carried out as part of the DA process, a classification can be provided in regard to the Plant Community Types present within the site. These remnants are highly disturbed and contain little in regard to native shrub or groundcover species.</p> <p>The proposed development would include landscaped plantings to improve the state of existing vegetation at the site</p> <p>Merewether Golf Club has invited Third Age to undertake the proposed development on its site, in recognition of the need to improve the overall economic performance of Merewether Golf Club.</p> <p>It is considered that the economic uplift provided to the site as a result of the proposed development would in fact allow the remaining portions of the overall Merewether Golf Club to continue to operate for their intended purposes as an Outdoor Recreation Facility, consistent with the site's RE2 Private Recreation zoning under the NLEP 2012</p> <p>The existing services and infrastructure within the vicinity of the site are considered to be adequate to meet the demands of the future residents of the proposed development.</p>

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	for a site compatibility certificate if the Director-General has delegated the function of determining the application to the council for the area in which the development concerned is proposed to be carried out.		<p>As set out in Section 2.5.3 of the Site Compatibility Certificate Application Report, the nearby Local Centre of Adamstown and the nearby Strategic Centres of Kotara and Charlestown are sufficient to meet the retail, community, medical and recreational needs of residents at the site as per Clause 26 of SEPP Seniors, when connected to the site via a dedicated shuttle bus service. More details are provided in Section 5.8 of the Site Compatibility Certificate Application Report, and Appendices 13, 18 and 19.</p> <p>Moreover, it is proposed to provide a range of every-day services and facilities to the future Seniors Housing residents onsite. These details are set out in the Draft Plan of Management (refer to Appendix 17). The provision of these specific services would be finalised at the DA lodgement stage. However, at this time it is proposed to provide a range of services and facilities which could include restaurants, cafes, fitness and wellness centres, as well as allied professional treatment rooms. Onsite social activities would also be designed to cater for the wider community, club members and village residents, particularly through the provision of onsite conference and function facilities. To this end, the proposed development would create an integrated community which encourage physical wellbeing, activity and social engagement with the broader Newcastle community</p>

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Clause	Control description	Compliance	Planning Assessment
			<p>As already mentioned above, it is considered that the economic uplift provided to the site as a result of the proposed development would in fact allow the remaining portions of the overall Merewether Golf Club to continue to operate for their intended purposes as an Outdoor Recreation Facility, consistent with the site's RE2 Private Recreation zoning under the NLEP 2012.</p> <p>Moreover, the proposed development would not impact on surrounding pockets of RE1 Public Recreation or even E3 Environmental Management and E1 National Parks and Nature Reserves areas of open space within the locality (refer to zoning map provided as Error! Reference source not found. within Section 4.6.1 of the Site Compatibility Certificate Application Report above.</p> <p>The proposed development would comprise a maximum of five habitably storeys with an additional trafficable storey. It is noted that the site is not currently subject to any maximum building height control under the NLEP 2012.</p> <p>The setback of the proposed built-form is estimated to be around 30m as a minimum from adjoining residential properties to the north (although this is subject to final DA plans being prepared). For the majority of the proposed future built-form, this setback would</p>

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			<p>be significantly deeper. These setback areas would also include existing vegetation as well as additional landscape plantings.</p> <p>The large setbacks have been designed to maintain the landscape feel of the locality and minimise the impacts of the bulk and scale of the proposed development on the neighbouring land. Furthermore, the topography of the site means that the proposed development (which would be situated around 25m lower than residential buildings along the southern boundary) would not be visible to all surrounding areas. Moreover, the proposed development would incorporate several key measures to mitigate the potential for visual impacts:</p> <ul style="list-style-type: none"> ▪ The proposed development would be located in the central north of the overall Merewether Golf Club Course with generous setbacks in all directions; ▪ Dense vegetation, established trees and other landscaping surrounding the site would be retained or reinstated for screening effect where reasonable and practicable to do so; and ▪ Use of facade treatment, articulation and colour selection to reduce the potential for height impacts.

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			<p>Overall, the Visual Impact Assessment (refer to Appendix 16) also sets out how the proposed development would not have any significant impacts on existing viewsapes within the locality.</p> <p>Potential overshadowing of the proposed development on the neighbouring structures would also be limited as the generous property setbacks to the boundaries would create significant building separations between the existing and possible future developments in the vicinity.</p> <p>The proposed development would also be an appropriate strategic planning response to adjoining landholdings towards the north of the site, which are earmarked for future infill residential and supporting urban development under the Metropolitan Plan</p> <p>The <i>Native Vegetation Act 2003</i> has been repealed and replaced by the <i>Local Land Services Act 2013</i> (LLS Act). However, the LLS Act does not apply to land zoned RE2 (Private Recreation). Therefore, consent under the LLS Act 2013 would not be required for clearing of native vegetation at the site.</p> <p>However, the <i>Biodiversity Conservation Act 2016</i> does apply to the site and would need to be considered in future DAs. If the proposed development triggers the Biodiversity Offset Scheme, a Biodiversity Development</p>

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			<p>Assessment Report would be required to be submitted with the DA and biodiversity offsets undertaken. These matters would be considered in more detail as part of a future DA to support the proposed development.</p> <p>Refer to Section 5.5 of the Site Compatibility Certificate Application Report and Appendix 10 for more details.</p>
Part 2 – Site-related Requirements			
26 Location and access to facilities	<p>(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:</p> <ul style="list-style-type: none"> (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. <p>(2) Access complies with this clause if:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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, 	YES	<p>As set out in Section 2.5.3 of the Site Compatibility Certificate Application Report, the nearby Local Centre of Adamstown and the nearby Strategic Centres of Kotara and Charlestown are sufficient to meet the retail, community, medical and recreational needs of residents at the site as per Clause 26 of SEPP Seniors, when connected to the site via a dedicated shuttle bus service. More details are provided in Section 5.8 of the Site Compatibility Certificate Application Report, and Appendices 13, 18 and 19.</p> <p>Moreover, it is proposed to provide a range of every-day services and facilities to the future Seniors Housing residents onsite. These details are set out in the Draft Plan of Management (refer to Appendix 17). The provision of these specific services would be finalised at the DA lodgement stage. However, at this time it is proposed to provide a range of services and facilities which could include restaurants, cafes, fitness and wellness</p>

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
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	<p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</p> <p>(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</p> <p>(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</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm 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 public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed</p>		<p>centres, as well as allied professional treatment rooms. Onsite social activities would also be designed to cater for the wider community, club members and village residents, particularly through the provision of onsite conference and function facilities. To this end, the proposed development would create an integrated community which encourage physical wellbeing, activity and social engagement with the broader Newcastle community.</p> <p>The site cannot demonstrate compliance with Clause 26 via Subclause 26(2)(a), as the site is located more than 400m from such services.</p> <p>The site is located within the Newcastle LGA, which is outside of the Greater Sydney Area. As such, Subclause 26(2)(b) does not apply to the site.</p> <p>It is noted that, as the site is located outside of Greater Sydney, there is no requirement under SEPP Seniors for the site to be located within 400m of accessible public transport. Whilst this <i>is</i> a requirement for Seniors Housing developments within the Greater Sydney area to be located within 400m of accessible public transport (as per Subclause 26(2)(b)), the requirement for sites outside of Greater Sydney is rather that they be accessible by <i>transport</i>, which is not specified as comprising <i>public transport</i> (refer to Subclause 26(2)(c) of SEPP Seniors).</p>

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Clause	Control description	Compliance	Planning Assessment
	<p>development and the distance is accessible by means of a suitable access pathway, and</p> <p>(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</p> <p>(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).</p> <p>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</p> <p>(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:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p>		<p>It is therefore considered that the proposed Shuttle Bus service would meet these requirements under Subclause 26(2)(c) of SEPP Seniors to provide accessible <i>transport</i> to residents, linking them to the relevant facilities and services specified in Subclause 26(1). Refer to Section 5.8 of the Site Compatibility Certificate Application Report and the Draft Shuttle Bus Plan of Management contained in Appendix 18 for more details.</p> <p>At this stage, this Shuttle Bus service is intended to operate three times daily from Monday to Friday (inclusive). These details would be confirmed at the DA lodgement stage.</p> <p>The Access Report contained in Appendix 13 has demonstrated how the proposed Shuttle Bus can take residents to the nearby local centres of Kotara or Charlestown, and that both of these local centres comply with:</p> <ul style="list-style-type: none"> ▪ The relevant access grade requirements set out in Clause 26; and ▪ The range of services and facilities required to be made accessibly available to residents under Clause 26.

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Clause	Control description	Compliance	Planning Assessment
	<p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p>bank service provider means any bank, credit union or building society or any post office that provides banking services.</p>		
27 Bushfire Prone Land	<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer" unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.</p> <p>(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on</p>	YES	<p>The proposed development would take place on the following lots:</p> <ul style="list-style-type: none"> ▪ Lot 1 DP229558; ▪ Lot 2 DP229558; ▪ Lot 3 DP229558; ▪ Lot 4 DP1223244; ▪ Lot 3 DP515310; and ▪ Lot 2 in DP2394305. <p>Lots 1-3 DP 229558 and Lot 4 DP 1223244 are not mapped as bush fire prone land under the NLEP 2012. Nevertheless, Clause 27 of SEPP Seniors provides that a development of this nature is considered to be in the vicinity of bush fire prone land. Lot 3 DP515310 is</p>

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Clause	Control description	Compliance	Planning Assessment
	<p>a bush fire prone land map certified under section 146 of the Act as "Bush fire prone land—vegetation category 1", "Bush fire prone land—vegetation category 2" or "Bush fire prone land—vegetation buffer", must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:</p> <ul style="list-style-type: none"> (a) the size of the existing population within the locality, (b) age groups within that population and the number of persons within those age groups, (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities, (d) the number of schools within the locality and the number of students at those schools, (e) existing development within the locality that has been carried out under this Policy or <u>State Environmental Planning Policy No 5—Housing for Older People or People with a Disability</u>, (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire, (g) the adequacy of access to and from the site of the proposed development for emergency response vehicles, (h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site, (i) the requirements of New South Wales Fire Brigades. 		<p>mapped as bush fire prone land as it contains both Category 1 and Category 2 vegetation at the southern end of the allotment which has the potential to sustain a bushfire or contribute to bushfire attack (refer to Section 2.4 in the Site Compatibility Certificate Application Report). However, Lot 3 DP515310 is around 14.29ha in size (refer to Site Survey in Appendix 3), and the proposed development would be located around 85m from this bushfire prone land.</p> <p>Overall, an appropriate level of bushfire protection is achieved by:</p> <ul style="list-style-type: none"> ▪ The extensive areas of managed land on the subject land and surrounding lands; ▪ The remnant nature of the vegetation on the subject land, a reliable indicator of lower bushfire risk; ▪ Proposed development exceeds PBP 2018 required APZ by >18m; ▪ The development will be constructed to BAL-12.5 along with the additional ember protection provisions of PBP 2018; ▪ The primary bushfire threat in the locality is south-west, which is uphill from the proposed development; and ▪ Emergency services have direct access to the bushfire hazard from the end of Henry Street (Lot 11 DP 237615) in the event of fire.

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Clause	Control description	Compliance	Planning Assessment
	(3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.		<p>Clause 27(2) provides that a consent authority, in determining a DA for Seniors Housing on land in the vicinity of mapped bushfire prone land, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters. In response to these matters:</p> <ul style="list-style-type: none"> ▪ The site is located within the suburb of Adamstown, adjoining the suburb of Merewether. The Australian Bureau of Statistics records the median age of residents in Adamstown as being 36. The percentage of residents aged 55 and over within Adamstown is recorded as being 22.9%. This is lower than the NSW percentage of 28.1% and the national percentage of 27.6%. The adjoining suburb of Merewether has a median residential age of 38 years. The percentage of residents aged 55 and over within Merewether is also recorded as being 27.5%. Again, this is lower than the NSW and national percentages. ▪ The site is not mapped as being within any specific precinct under the NDCP 2012, including the Adamstown Renewal Corridor Area under the NDCP 2012, although it does adjoin this area. The site is also not mapped

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			<p>as being within any specific precinct under the NLEP 2012.</p> <ul style="list-style-type: none"> ▪ The site would be primarily accessed and egressed to/from the north into the suburb of Adamstown, where the surrounding land is not mapped as being bushfire prone. Existing development to the south of the site is also primarily comprised of detached dwellings within the R2 Low Density Residential zone. In the unlikely event of a bushfire requiring evacuation, the site is most likely to be evacuated from the north into this adjoining non-bushfire prone area. ▪ The nearest school to the site (St Colomba's Primary School on Lockyer Street), is located around 850m north-west of the site via the shortest roadway connection. The nearest existing Seniors Housing development to the site is Catholic Healthcare St John's Villa, located around 1.8km north-west of the site via the shortest roadway connection. While there are various health services facilities located within the suburb of Adamstown, there are no actual Hospitals with patient beds in Adamstown. ▪ Overall, the demographics and existing development within the surrounding locality are not

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
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			<p>considered to create any additional risks in terms of bushfire evacuation.</p> <ul style="list-style-type: none"> As per the Bushfire Report contained in Appendix 7, offsite evacuation of the development during a bushfire is highly unlikely and as such there would be minimal impact to the traffic or road network. Furthermore, the traffic impact statement (SECA 2019) concludes the proposed development will not impede traffic, access or parking for the existing surrounding development. Ausgrid were consulted regarding any impact the proposed development may have in relation to the proximity of the electrical network infrastructure running across the site and the increased use of the access road near to the infrastructure. Ausgrid have raised no objection to the proposed development provided all conditions detailed in Ausgrid Consent Letter Ref 1900086444 dated 18 October 2018 are complied with. A copy of the consent letter and Ausgrid consultation is provided in Appendix 7. A loop road around the buildings and/or provision of an 'emergency track' through to either Drew Street (west) or June Street (east) can also be provided. This is subject to RFS consultation.

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Clause	Control description	Compliance	Planning Assessment
			<ul style="list-style-type: none"> ▪ Development Consent would require a suitable Emergency Management and Evacuation Plan addressing emergency evacuation arrangements for occupants as per Appendix 7. ▪ Internal roads to be constructed as part of the proposed development are furthermore expected to be designed to a suitable standard, so as not to encumber ingress and egress of emergency vehicles. ▪ The Bushfire Report in Appendix 7 did not identify any concerns relating to the provision of water, electricity and gas utilities at the site in the event of a bushfire event. ▪ Appendix 7 sets out how consultation with the relevant authorities has been undertaken to support this approach. In particular, The development site is located within FRNSW Merewether Brigade area. Merewether Brigade was contacted 21 June 2019 to determine if they had a Pre-Incident Plan for the Merewether Golf Course and/or they wished to comment on FRNSW requirements in relation to this development. Capt. Andrew Yeates stated there was no Pre-Incident Plan for the Merewether Golf Course on record and no concerns were raised with a Seniors Living development being proposed on the site.

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State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Clause	Control description	Compliance	Planning Assessment
28 Water and Sewer	<p>(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 the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	YES	<p>Appendix 9 of the Site Compatibility Certificate Application Report sets out how the site can be suitably serviced. In terms of water, consultation was undertaken with Hunter Water and the following was advised:</p> <ul style="list-style-type: none"> ▪ A water main extension would be required to provide every lot with water frontage and a water point of connection; ▪ As the proposed development would exceed four storeys, a minimum frontage of DN150 would be required; ▪ There is currently insufficient capacity in the water network and the developer must upgrade around 280m of 100mmCICL to DN150 to meet compliance with the Water Supply Code of Australia and ensure capacity is met. This would include upgrades on King Street and Lockyer Street and up to Fellowes Street Adamstown; ▪ The nearest manhole to service the site is MH G5054. There is sufficient capacity in the local sewer network to allow connection from the site; and ▪ Any trade waste applications or hydraulic designs would need to be submitted to Hunter Water for approval.

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Clause	Control description	Compliance	Planning Assessment
			Overall, it is considered that the site can be suitably serviced in terms of water consumption.