

Site Compatibility Certificate Application

Proposed Seniors Housing (Serviced Self-Care Housing) and ancillary Wellness Centre, 40 King Street Adamstown
Lots 1, 2 and 3 in DP229558, Lot 4 in DP1223244 and Lot 3 in DP515310, WTJ18-230

Site Compatibility Certificate Application (SCC)

Proposed Seniors Housing (Serviced Self-Care Housing) with Ancillary Wellness Centre

40 King Street, Adamstown

Lots 1, 2 and 3 in DP 229558, Lot 4 DP 1223244,
and Lot 3 DP 515310

Prepared by Willowtree Planning Pty Ltd for Third
Age

September 2019

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Lots 1, 2 and 3 in DP229558, Lot 4 in DP1223244 and Lot 3 in DP515310, WTJ18-230

EXECUTIVE SUMMARY

This Site Compatibility Certificate Application Report has been prepared by Willowtree Planning Pty Ltd in respect of the proposed Seniors Housing development with ancillary Wellness Centre to be located at 40 King Street Adamstown, within the existing Merewether Golf Club. The proposed Seniors Housing development and ancillary Wellness Centre would be located on Lots 1, 2 and 3 in DP229558, Lot 4 in DP1223244. However, the entire Site Compatibility Certificate Footprint also encompasses Lot 3 in DP515310 so as to accompany supporting asset protection zones, emergency access and stormwater conveyance requirements to support this built-form.

The site is currently zoned RE2 Private Recreation pursuant to *Newcastle Local Environmental Plan 2012*. Development for the purposes of Dwelling Houses and Registered Clubs is permitted with consent. Under the *Newcastle Local Environmental Plan 2012*, development for the purposes of Seniors Housing is prohibited in the RE2 Private Recreation zone.

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 *Newcastle Local Environmental Plan 2012*. The site of the proposed Seniors Housing and ancillary Wellness Centre also does not constitute Environmentally Sensitive Land. *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* therefore allows a consent authority to consent to Seniors Housing development on the site where a Site Compatibility Certificate has been issued, certifying that:

- The site of the proposed Seniors Housing and ancillary Wellness Centre is suitable for more intensive development; and
- 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 Subclause 25(5)(b).

This Site compatibility Certificate Application Report seeks the issue of a Site Compatibility Certificate for the following:

Development of 148 Serviced self care housing dwellings provided under the Retirement Villages Act 1999 within two buildings up to five habitable storeys in height plus rooftop terrace and plant areas, with basement and on-grade car parking up to 400 spaces, as well as ancillary recreational, entertainment, and wellness centre facilities, along with areas for bushfire asset protection, stormwater conveyance and emergency vehicle access.

A formal SCC Footprint Plan has been provided and is appended to the SCC Application Form which accompanies this SCC Application Report. That formal SCC Footprint Plan is the SCC Area which is being sought for formal approval as per this SCC Application. Developable Area Footprint Plans and Indicative Building Site plans have been provided in this Site Compatibility Certificate Application Report. However, these have been used for the purposes of environmental and built form assessment only.

Pursuant to Clause 24 (2) of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*:

"A consent authority must not consent to a development application unless the consent authority is satisfied that the Director-General has certified in current site compatibility certificate that..."

Further, Clause 25 (9) of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* provides:

"(9) A certificate remains current for a period of 24 months after the date on which it is issued by the relevant panel."

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It is envisaged that a future Development Application for the proposed Seniors Housing and ancillary Wellness Centre would be lodged with Newcastle City Council and determined within this timeframe.

An Site Compatibility Certificate is required to be obtained and be in force in order for a Development Application for the purpose of Seniors Housing when the land Adjoins Land Zoned Primarily for Urban Purposes. This Site Compatibility Certificate Application has been prepared in accordance with Chapter 3, Part 1 of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and demonstrates the site's compatibility with the existing and future intended surrounding land uses. Reference is also made to *Project Venture Pty Ltd v Pittwater Council (2005) NSWLEC 191*, where principles of determining 'compatibility' are established by responding to the following:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites; and*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

It is considered that the proposed Seniors Housing and ancillary Wellness Centre is compatible with the surrounding environment having regard to the criteria specified in Clause 25(5)(b) as well as the existing streetscape, environment, surrounding land uses and built form, and the Planning Principle for compatibility as established in *Project Venture Developments v Pittwater Council (2005)*.

The proposed Seniors Housing and ancillary Wellness Centre is also consistent with the aims of the *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*. Accordingly, a Site Compatibility Certificate may be issued for the site, the proposed Seniors Housing, and its associated land uses.

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PART A PRELIMINARY

1.1 INTRODUCTION

This Site Compatibility Certificate (SCC) Application is submitted to the Hunter and Central Coast Regional Planning Panel in accordance with the provisions of Clause 25 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors). The proposed Seniors Housing development and ancillary Wellness Centre would be located on Lots 1, 2 and 3 in DP229558, Lot 4 in DP1223244. However, the entire Site Compatibility Certificate Footprint also encompasses Lot 3 in DP515310 so as to accompany supporting asset protection zones, emergency access and stormwater conveyance requirements to support this built-form. All of these lots are situated within the Merewether Golf Club.

Third Age is seeking an SCC for a proposed Seniors Housing development and ancillary Wellness Centre at the site. A future Development Application (DA) would then be lodged to build and operate this Seniors Housing and ancillary Wellness Centre. Merewether Golf Club also proposes, at some future time, to redevelop the existing Club House at the site to align with this new Seniors Housing development. The primary purpose of this Site Compatibility Certificate Application Report is to inform the Site Compatibility Certificate Application for the proposed Seniors Housing and ancillary Wellness Centre. Where relevant, reference to the Club House portion of the site has been included so that the potential future cumulative impacts of developing the overall site can be understood (e.g. in terms of biodiversity, subsidence, noise and vibration, accessibility and visual impacts).

This SCC Application has been prepared by Willowtree Planning Pty Ltd and should be read in conjunction with the accompanying sub-consultant reports.

The purpose of this SCC Application is to facilitate the preparation of a DA, as required by Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation), to be lodged with the relevant consent authority for the construction and occupation of two buildings of up to five storeys in height plus rooftop terrace and plant areas for the purposes of Seniors housing, being Serviced Self-Care Housing, with ancillary sporting, recreational and entertainment facilities, along with areas for bushfire asset protection, stormwater conveyance and emergency vehicle access.

A formal SCC Footprint Plan has been provided and is reproduced as **Figure 1** below (also appended to the SCC Application Form which accompanies this SCC Application Report). The formal SCC Footprint Plan represents extent of the SCC Area which is being sought for formal approval as per this SCC Application. This includes land within the broader Merewether Golf Club site which is required to support the functional operation of the proposed Seniors Housing and ancillary Wellness Centre, including with respect to:

- Stormwater discharge;
- Sewage discharge;
- Potential bushfire emergency service vehicle access;
- Bushfire asset protection zone; and
- Club house.

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Figure 1 SCC Footprint Plan (Marchesepartners, 2019)

Figure 2 below sets out the proposed developable land footprint which is proposed to be subject to a future DA at the site for Seniors Housing and ancillary Wellness Centre. This developable land footprint in **Figure 2** also explains how different elements of the SCC Footprint would function together once future development takes place.

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Figure 2 Proposed Developable Land Footprint (Marchese Partners, 2019)

Of note, the proposed developable land footprint (refer to **Figure 2**) and the formal SCC Footprint Plan (refer to **Figure 1**) include the location of the Merewether Golf Club House, both in terms of where it is currently located, and regarding where it is proposed to be located as part of a future DA (although these locations would largely remain the same). The rationale for including this Club House within the SCC Footprint subject to this SCC Application Report is as follows:

- The proposed Seniors Housing and future Club House redevelopment will need co-location of utility servicing infrastructure which is required to allow the proposed Seniors Housing development to function; and
- Accessways between the buildings would also need to be provided, thereby also allowing the proposed Senior Housing development to function.
- The relationship between club facilities and the future seniors living development.

Moreover, the SCC Footprint Plan (refer to **Figure 1**) includes land which is approved for use as a Registered Club/Golf Course Fairway. On this basis, there is nothing preventing the land on which the Club House is/will be located on from also being within the SCC Footprint.

It is also noted that the environmental assessment contained in Part E of this SCC Application Report has considered these areas outside of the proposed developable area on **Figure 2** only where this was deemed to be required. For example, additional tree clearing would not be required within the emergency vehicle access or stormwater conveyance areas of the SCC Footprint, as these areas are already grassed portions of the Merewether Golf Club. As such, potential ecological impacts to these portions of the site were not assessed based on advice that the impacts from the future redevelopment for seniors living would not have a material impact upon these areas.

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The proposed Seniors Housing would also include an ancillary Wellness Centre at the site, which is to be constructed at the same DA stage as the proposed Seniors Housing. It therefore forms part of this SCC Application. The final details of land uses to be included as part of this Wellness Centre would be included at the Development Application stage. However, at this time, it is anticipated that the Wellness Centre could incorporate the following land uses:

- Lap Pool;
- Hydro Pool;
- Gymnasium;
- Consulting suites for the use by services such as:
 - Hairdressing/Beauty Therapy; and
 - Allied Health Professionals such as Physiotherapy, Podiatry, General Medical Services, Nutrition and Holistic Professionals;
- Home Care, such as:
 - Linen;
 - Cleaning;
 - Meal preparation;
 - Personal care;
 - Nursing and medication management;
 - Online grocery shopping and delivery management, including cold Storage and distribution of online grocery purchases;
 - Household task;
 - Administration;
 - Assistance with self-care activities;
 - Pet care; and
 - Short-term crisis care.

The following additional ancillary land uses would also be provided as part of the proposed Seniors Housing buildings (rather than within the ancillary Wellness Centre), and would only be available to onsite residents. Such landuses are therefore also sought as part of this SCC Application at the site:

- Arts and crafts area;
- Men's shed;
- Golf cart storage areas for Seniors Housing residents to use;
- Cellar;
- Cinema; and
- Library.

It is considered that this provision of services within the ancillary Wellness Centre as well a discrete number of other, ancillary land uses within the proposed Seniors Housing (such as Arts and Crafts, Men's Shed, Gold Cart Storage, Cellar, Cinema and Library) would assist the site in demonstrating that it is committed to meeting the everyday servicing and facilities requirements of its Seniors Residents above and beyond what is required under Clause 26 of SEPP Seniors. Indeed, these ancillary uses have the potential to offer some of the services which are required under Clause 26(1) of Senior SEPP (and therefore in addition to those offsite services which Seniors Residents could access via the proposed Shuttle Bus). These land uses are also consistent with the Department of Planning, Industry and Environment's definition of ancillary uses as per the *Planning Circular – How to Characterise Development*, due to the fact that:

- These proposed uses are subordinate to the dominant purpose of Seniors Housing sought under this SCC Application; and
- These proposed uses do not serve their own purpose, and are therefore not an independent use at the same site.

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In terms of the key matters for assessment within this SCC Application Report, Willowtree notes the following:

- The site contains an existing Registered Club, which SEPP Seniors defines as a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force. A Registered Club under the *Registered Clubs Act 1976* is defined as a club that holds a Club Licence, which refers to a Licence granted under the *Liquor Act 2007*. **Appendix 20** shows the existing Liquor Licence held by the Merewether Golf Club, as well as a map showing the boundaries of this Liquor Licence (in this case, including both Club areas and a Non-Restricted Area, which all form part of the overall Club Licence).
- Lot 3 DP515310 (one of the lots on which the SCC Footprint would be located) 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, and the proposed development would be located around 79m from this bushfire prone land. In fact, no built-form development is proposed for Lot 3. Overall, an appropriate level of bushfire protection would be achieved for the site by:
 - 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 would exceed PBP 2018 required APZ;
 - 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.

If required, the following can also be provided:

- A loop road around the buildings (either compressed ground or paved) to provide emergency service access to all areas of the development; and
- An 'emergency vehicle access track' through to either Drew Street (west) or June Street (east).

Furthermore, Ausgrid (who owns assets within the Merewether Golf Course), consents to the proposed Seniors Housing and ancillary Wellness Centre development. Furthermore, consultation with NSW Rural Fire Services has confirmed that the NSW Rural Fire Services has no in principle objection to the proposed Seniors Housing and ancillary Wellness Centre development, subject to the following statements:

- Compliance with Section 4.2.7 of Planning for Bushfire Protection 2006 (or any subsequent version) exempting the provision of a secondary access;
- The bush fire risk to the proposed development is considered to be low given its location within managed lands and its setbacks to the bushfire prone vegetation; and
- The Bush Fire Emergency Management and Evacuation Plan for the facility is not to exclude evacuations as an opinion, but instead include triggers to be considered for the stay on site and/or evacuation options based on the bush fire risk.

The Bushfire Statement in **Appendix 7** sets out the matters which would be included in the Bushfire Emergency and Evacuation Plan at the Development Application stage of the proposed development. Most significantly, no constraints were identified with regards to meeting emergency management procedure requirements.

In terms of proposed bulk and scale, and with reference to the surrounding landscape, the proposed Seniors Housing and ancillary Wellness Centre was designed with reference to the following matters:

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- The existing Club House is a two story building consisting of restaurant, function space, bar and gaming, on the first floor and club specific facilities on the ground floor. The future Club House, which does not form part of this SSC Application, will consist of bar, gaming, restaurant and function facilities on the ground floor adjoining club specific facilities, with a function room on the first floor and further club specific facilities on the lower ground floor;
- The architectural consultant decide to use adjoining trees as a reference to inform the height of the proposed Seniors Housing and ancillary Wellness Centre, as these treescapes are more relevant to any view impacts that the surrounding community may experience, compared to the ridgelines which are located in the distance, and also existing at a higher level;
- Initial concept designs and building heights were based on a broad satellite survey of the broader Golf Course. Following a Pre-DA Meeting with Newcastle City Council (refer to **Table 1** above), and to reaffirm this approach, the consideration of using the existing tree canopy to inform the built-form height led the architectural team to commission a full individual tree survey of all trees in the vicinity of the proposed Seniors Housing and ancillary Wellness Centre, including the height and spread of each tree. This detailed tree survey resulted in the reduction of the height of the proposed Seniors Housing being reduced by one level;
- The latest building design fits within and below the surrounding tree canopy, therefore minimising any potential visual impacts for neighbouring properties. This design direction was reinforced following the commissioning of an independent visual impact assessment (refer to **Appendix 16**) which found that views from neighbouring properties were minimal, and many properties have no views of the proposed development due to the height of buildings sitting within the height of the surrounding tree canopy. The proposed height of the buildings coupled with the distance (approximately 145m north, 480m east, 145m south and 325m west) from surrounding residential land uses provides an appropriate and responsive built form which sits comfortably within its surrounds and does not create any adverse impacts on surrounding land uses;
- The architectural team tested several bulk and scale options for the site, including a traditional Retirement Village villa model and stepping the building down at the Club House building to the east and the interface with the existing Golf Course to the west. It was decided that full floor plates for a Vertical Village type of design offered a smaller footprint, and would thereby result in less impacts to the existing Golf Course, as well as a more efficient floorplate utilising apartment-style layouts;
- The resulting bulk and scale of the proposed Seniors Housing and ancillary Wellness Centre would have a minimal, if any, impact on the neighbouring properties due to the significant setbacks to the site boundaries;
- There are no properties adjoining the western portion of the proposed Seniors Housing and ancillary Wellness Centre, and it is considered that siting the built-form within the tree canopy line is a sufficient measure to mitigate any concerns that may arise;
- It is considered that the transition in the building heights from the proposed Seniors Housing to the new Club House (subject to a separate application) is sufficient and would assist in visually and physically separating their uses within the overall site.

It is acknowledged that the layout of the site was driven in part by the various needs of Merewether Golf Club, including the need to avoid land use conflicts with the proposed Seniors Housing and ancillary Wellness Centre development. As such, the potential for ball-strike incidents was factored into this overall planning for the proposed Seniors Housing and ancillary Wellness Centre development. At the initial concept design stage, advice was sought from an experienced golf designer to confirm such risks would not eventuate at the site. This involved evaluating such matters as the locations of greens and lines of play. Where required, netting can also be provided to mitigate the potential impacts of miss hits. Overall, it is considered that the Merewether Golf Club can continue to operate safely in parallel with the proposed Seniors Housing and ancillary Wellness Centre in place.

Moreover, the proposed Seniors Housing and ancillary Wellness Centre is considered to be sufficiently separated from the nearby Club House. The Pedestrian and Vehicular Circulation diagrams provided as part of the Architectural Plans in **Appendix 1** demonstrate the proposed elements of separation between these land uses.

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The site is mapped as being within a Mine Subsidence District. An attached correspondence letter from Subsidence Advisory NSW (refer to **Appendix 21**) sets out how the proposed Seniors Housing and ancillary Wellness Centre would be subject to Subsidence Advisory's standard Development Application – Merit Assessment Policy. At such time, the risks of subsidence would either be required to be mitigated through engineered design or the emplacement of grout into the mine voids. The Preliminary Structural and Civil Assessment provided in **Appendix 12** also sets out how Subsidence Advisory NSW was consulted with regarding the proposed development of the site. Subsidence Advisory NSW advised that it was generally in agreement with the proposed subsidence parameters proposed to be implemented at the site so as to make it suitable for the proposed development. These matters would be investigated in more detail at the Development Application stage in consultation with Subsidence Advisory NSW.

With regards to Environmentally Sensitive land, the following is noted:

- Clause 4(6)(a) of SEPP Seniors specifies that SEPP Seniors cannot apply to land classified as Environmentally Sensitive;
- Environmentally Sensitive land includes "land which is identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions" (as relevant to the current site):
 - Floodway;
 - High flooding hazard; and
 - Natural hazard.

Whilst the site is mapped as being within a Mine Subsidence District, and one of the development lots is classified as bushfire prone land (with the actual bushfire hazard around 79m from the proposed Seniors Housing), neither of these matters are considered to constitute a Natural Hazard as defined in the *Newcastle Local Environmental Plan 2012* (NLEP 2012).

A portion of the overall SCC Footprint is mapped as being within the Probably Maximum Flooding (PMF) extent (refer to **Figure 18** in **Section 5.4** below). However, the NLEP 2012 does not define the terms 'floodway' or 'high flooding hazard,' meaning that the site cannot be considered, under the terms of the NLEP 2012, to be subject to such flooding impacts. Indeed, the Land and Environment Court decision of *Radray Constructions Pty Ltd v Hornsby Shire Council* [2014] NSWLEC 1024 confirmed that a flood affectation of PMF does not constitute a 'floodway' or a 'high flooding hazard,' particularly when it is not defined in the relevant Local Environmental Plan as such. The PMF portion of the SCC Footprint therefore does not satisfy any of the definition of *Environmentally Sensitive Land* contained in Schedule 1 of the Seniors Housing SEPP and does not exclude the operation of The Seniors Housing SEPP for the site. Nevertheless, matters of potential flooding impacts are still relevant to the overall consideration of whether the site is suitable to support the proposed Seniors Housing and ancillary Wellness Centre. Such an assessment is contained in **Section 5.4** below. No built-form development is planned within this north-western portion of the overall SCC Footprint which is affected by the PMF. Rather, it would be used for stormwater and sewage discharge to support the proposed Seniors Housing and ancillary Wellness Centre. In addition, this PMF affected area would not be located over any areas of the site required for access or egress to support the function of the proposed Seniors Housing and ancillary Wellness Centre.

The SCC Application describes the site, the locality, the proposed Seniors Housing and ancillary Wellness Centre, and clearly demonstrates that the development, for the purpose of Seniors Housing (Serviced Self-Care Housing) is compatible with the surrounding environment, having regard for the criteria specified in Clause 25(5)(b) of SEPP Seniors and the Planning Principle of Compatibility as established in *Project Venture Developments Pty Ltd v Pittwater Council* (2005) NSWLEC 191. This SCC Application has been prepared to address the provisions of the Department of Planning, Industry and Environment's (DPIE's) SCC form and is supported by appended consultant reports.

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1.2 BACKGROUND

Merewether Golf Club has, in recent years, considered various options in order to achieve economic uplift and viability of its existing land at the Merewether Golf Club site. Previous options considered for this site have included the sale of discrete land parcels, and the potential rezoning or development of the entire site for the purposes of Residential Accommodation. However, Merewether Golf Club has been keen to find a solution which preserves the historic integrity of the site as a golf club, as it has been operating so since 1933. The current opportunity to develop a relatively small portion of the site for Seniors Housing whilst retaining the remainder of the site as a Golf Club would continue this Outdoor Recreation Facility land use at the site and historic integrity of the ongoing use and service provided to local residents. This approach is considered to be, in fact, the best means Merewether Golf Club has at its disposal by which to continue operating the site so as to remain consistent with the objectives of the site's RE2 Private Recreation zoning under the NLEP 2012.

This SCC Application Report seeks the issue of a SCC for the following:

Development of 148 Serviced self care housing dwellings provided under the Retirement Villages Act 1999 within two buildings up to five habitable storeys in height plus rooftop terrace and plant areas, with basement and on-grade car parking up to 400 spaces, as well as ancillary recreational, entertainment, and wellness centre facilities, along with areas for bushfire asset protection, stormwater conveyance and emergency vehicle access.

Such an SCC would certify the site's suitability for the construction of Seniors Housing on a confined area of the broader Merewether Golf Club site, notwithstanding the prohibition of Seniors Housing under NLEP 2012. Further, the SCC would certify that the site is suitable for more intensive development than currently exists and that the proposed seniors living development is 'compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b)' of SEPP Seniors, being:

- (i) *the natural environment (including known significant environmental values, resources, or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development;*
- (ii) *the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land;*
- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision;*
- (iv) *in the case of applications in relation to land that is zoned open space or special uses - the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development;*
- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development;*
- (vi) *if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003 – the impact that the proposed development is likely to have on the conservation and management of native vegetation.*

This SCC, once issued, would not constitute a development consent. Rather, the proposed Seniors Housing and ancillary Wellness Centre would still be required to be assessed and determined by the relevant planning authority, under a future DA.

Pursuant to Clause 24 (2) of the SEPP Seniors:

"A consent authority must not consent to a development application unless the consent authority is satisfied that the relevant panel has certified in current site compatibility certificate that..."

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Further, Clause 25 (9) of SEPP Seniors provides:

"(9) A certificate remains current for a period of 24 months after the date on which it is issued by the relevant panel."

Accordingly, a consent authority is not lawfully capable of granting consent to an application made in reliance upon an SCC unless the SCC is current at the time the application is determined. It is envisaged that a future DA for the proposed Seniors Housing and ancillary Wellness Centre would be lodged with Newcastle City Council and determined within this timeframe.

1.3 ENGAGEMENT WITH RELEVANT AUTHORITIES

Consultation has been carried out with Newcastle City Council and utility service providers during the SCC Application process. The consultation process identified a number of matters which required further investigation to demonstrate a more holistic assessment of the proposed Seniors Housing and ancillary Wellness Centre, its impacts, and the demonstration of compatibility with the site and its surrounds.

This SCC Application considers these comments from Newcastle City Council, as summarised in **Table 1** below.

Table 1 Newcastle City Council Pre-DA Meeting Comments	
NCC Comment	How Addressed
Strategic Context, Built Form Character and Density of Development	
Scale and density inconsistent with the local planning context outlined in Council's Local Planning Strategy (LPS) and the Greater Newcastle Metropolitan Plan 2036.	The proposed Seniors Housing and ancillary Wellness Centre 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.
The Local Planning Strategy categorises all residential zoned land in the Newcastle LGA to enable planning controls that support the types and density of development suitable to each locality. These correlate with walkability and accessibility to transport and services.	<p>Subclause 2(2)(a) of SEPP Seniors states that the aims of SEPP Seniors will be achieved by "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."</p> <p>It is also noted that the proposed provision of services within the Wellness Centre would assist the site in demonstrating that it is committed to meeting the everyday servicing and facilities requirements of its Seniors Residents above and beyond what is required under Clause 26 of SEPP Seniors, as this Wellness Centre has the potential to offer some of the services which are required under Clause 26(1) of Senior SEPP (and therefore in addition to those offsite services which Seniors Residents could access via the proposed Shuttle Bus).</p> <p>It is furthermore noted that SEPP Seniors was drafted so as to specifically apply to land on which a Registered Club is located, which includes the current site.</p>

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Table 1 Newcastle City Council Pre-DA Meeting Comments

NCC Comment	How Addressed
The site is surrounded by low density residential land categorised as being within a 'limited growth precinct.'	<p>Subclause 2(2)(a) of SEPP Seniors states that the aims of SEPP Seniors will be achieved by "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."</p> <p>In any event, it is noted that the site is not currently subject to any maximum building height control under the NLEP 2012, and the proposed Seniors Housing and ancillary Wellness Centre would have a height of around 19.9m when measured at upper-most ceiling height as per SEPP Seniors (to be confirmed at DA lodgement stage). This would allow for five storeys plus rooftop terrace and plant areas.</p>
The scale and density of this proposal is generally inconsistent with the type of development envisaged for the surrounding low-density limited growth residential area and the zone objectives.	<p>The Visual Impact Assessment (refer to Appendix 16) also sets out how the proposed Seniors Housing and Wellness Centre would not have any significant impacts on existing viewscales within the locality.</p> <p>Potential overshadowing of the proposed Seniors Housing and ancillary Wellness Centre 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 Seniors Housing and ancillary Wellness Centre 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 location of the proposed Seniors Housing and ancillary Wellness Centre footprint ensures that no adverse impacts associated with any future development will be imposed on adjoining land uses and residential areas.</p> <p>Subclause 2(2)(a) of SEPP Seniors states that the aims of SEPP Seniors will be achieved by "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." There is therefore no need to consider the objectives of the RE2 Private Recreation zone under the NLEP 2012 as they may apply to the proposed Seniors Housing and ancillary Wellness Centre.</p>

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Table 1 Newcastle City Council Pre-DA Meeting Comments

NCC Comment	How Addressed
	<p>In any event, the current opportunity to develop a relatively small portion of the site for Seniors Housing whilst retaining the remainder of the site as a Golf Club would allow the site to continue to be used for an Outdoor Recreation Facility. This approach is considered to be, in fact, the best means Merewether Golf Club has at its disposal by which to continue operating the site so as to remain consistent with the objectives of the site's RE2 Private Recreation zoning under the NLEP 2012. These objectives are:</p> <ul style="list-style-type: none"> ▪ <i>To enable land to be used for private open space or recreational purposes.</i> ▪ <i>To provide a range of recreational settings and activities and compatible land uses.</i> ▪ <i>To protect and enhance the natural environment for recreational purposes.</i> <p>The proposed Seniors Housing and ancillary Wellness Centre can be considered a direct response to the first of these above-listed objectives by protecting the current open space land use at the site. It would furthermore provide additional, complementary activities and compatible land uses at the site. As this SCC Application Report has detailed, it is also considered that the proposed Seniors Housing and ancillary Wellness Centre can also be undertaken without significant environmental impacts so as to hamper the continued enjoyment of the broader Merewether Golf Club site for recreational purposes.</p>
Comments were made in the meeting that the site is adjacent to a 'renewal corridor', however, this site is not located within a strategic centre or an identified urban renewal corridor.	<p>The proposed Seniors Housing and ancillary Wellness Centre is consistent with the intended character of the area as it provides for a housing product that meets the needs of a growing demographic in the local community, being elderly and people with a disability. The built form of the proposed Seniors Housing and ancillary Wellness Centre has been designed to respond to the existing and future characteristics of the locality, as the strategic planning environment encourages future higher densities along the Adamstown Renewal Corridor in close proximity of Merewether Golf Club.</p>
<p>The development constitutes a piecemeal approach to redevelopment of the site in lieu of preparing a detailed master plan to identify appropriate development opportunities.</p> <p>During the rezoning process for the land adjoining Ella St (2014), the Department of Planning and Environment (DP&E) raised</p>	<p>It is noted that there is no requirement under SEPP Seniors to undertake Masterplanning nor Concept Plan DAs in order to affect a Seniors Housing development under SEPP Seniors.</p> <p>The SCC Application process is itself considered to be sufficient in lieu of a rezoning proposal to allow such land uses to take place on the relevant land, be it</p>

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Table 1 Newcastle City Council Pre-DA Meeting Comments

NCC Comment	How Addressed
<p>concerns about the piecemeal approach to redevelopment and the exacerbation of traffic issues associated with the existing sub-optimal traffic access to the site. DP&E suggested that a master plan be prepared before any further development is considered on the site.</p> <p>The Urban Planning Team does not support further redevelopment of this site without a detailed master plan having been prepared.</p>	<p>zoned for urban purposes/adjoining land zoned for urban purposes, or otherwise under SEPP Seniors.</p> <p>The development constitutes the long term vision for the site which ensures that the public benefits associated with the golf club and its large expanse of generous open space remain available to members and the community more broadly while allocating a small parcel of the overall landholding to a form of development expressly contemplated for sites used as registered clubs.</p>
Built Form and Density	
<p>The Pre-Lodgement Briefing note dated 21 May 2019, describes the development as being five storeys in height. However, draft concept plans depict a six-seven storey development.</p> <p>The maximum number of dwellings to be permitted via the SCC should also be clearly stated in the application for the certificate.</p>	<p>This SCC Application seeks to allow up to five habitable storeys at the site, plus rooftop terrace and plant areas. It also seeks to provide 148 Serviced Self-Care Housing dwellings at the site, provided under the <i>Retirement Villages Act 1999</i>.</p>
<p>Clause 24(2) of SEPP Seniors requires that a consent authority must consider whether the site is suitable for more intensive development and compatible with its surrounding environment.</p>	<p>Refer to Section 6.1 below.</p>
<p>The proposal is consistent in character to medium-high density residential development. The site is surrounded by open space and low density, low-rise residential development. It would appear that the proposal relies upon the open spaces available within the golf course land itself as the only form of transition between the five-seven storey development proposed and the surrounding one and two storey residential development. However, concern is raised that the change in built form character is too abrupt and there is a jarring of scale between this development and the existing immediately surrounding development.</p>	<p>The proposed Seniors Housing and ancillary Wellness Centre would have a confined area of visibility due to the existing dense vegetation within the overall Merewether Golf Club site and along the overall Golf Club boundary. Potential public viewpoints at ground level would also be largely blocked by existing housing and vegetation. Furthermore, the topography of the site means that the proposed Seniors Housing a(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 Seniors Housing and ancillary Wellness Centre would incorporate several key measures to mitigate the potential for visual impacts:</p> <ul style="list-style-type: none"> ▪ The proposed Seniors Housing and ancillary Wellness Centre 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

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NCC Comment	How Addressed
	<p>where reasonable and practicable to do so; and</p> <ul style="list-style-type: none"> ▪ Use of facade treatment, articulation and colour selection to reduce the potential for height impacts. <p>In addition, it is considered that the proposed Seniors Housing and ancillary Wellness Centre would sit most favourably in the context of its environment. Residential buildings to the north and south of the proposed Seniors Housing and ancillary Wellness Centre would experience minimal visual impacts as the result of the proposed Seniors Housing.</p> <p>Refer to Sections 5.1 and 5.9, as well as Appendix 15 and Appendix 16 for more information.</p>
<p>Similar higher density existing development is more appropriately located in clusters around existing local service centres, convenient to amenities and services. Concern is raised that the scale of the proposed development creates the appearance of a new town centre with no local retailing, services other than that conducted privately on the site by the club. The outcome of locating more people at a higher density than neighbouring areas, some distance away from supporting amenities and services is not considered to be justified at this stage.</p>	<p>The proposed Seniors Housing would include an ancillary Wellness Centre at the site. The final details of land uses to be included as part of this Wellness Centre would be included at the Development Application stage. However, at this time, it is anticipated that the Wellness Centre could incorporate the following land uses:</p> <ul style="list-style-type: none"> ▪ Lap Pool; ▪ Hydro Pool; ▪ Gymnasium; ▪ Consulting suites for the use by services such as: <ul style="list-style-type: none"> ○ Hairdressing/Beauty Therapy; and ○ Allied Health Professionals such as Physiotherapy, Podiatry, General Medical Services, Nutrition and Holistic Professionals; ▪ Home Care, such as: <ul style="list-style-type: none"> ○ Linen; ○ Cleaning; ○ Meal preparation; ○ Personal care; ○ Nursing and medication management; ○ Online grocery shopping and delivery management, including cold Storage and distribution of online grocery purchases; ○ Household task; ○ Administration; ○ Assistance with self-care activities; ○ Pet care; and ○ Short-term crisis care. <p>The following additional ancillary land uses would also</p>

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NCC Comment	How Addressed
	<p>be provided as part of the proposed Seniors Housing buildings (rather than within the ancillary Wellness Centre), and would only be available to onsite residents. Such landuses are therefore also sought as part of this SCC Application at the site:</p> <ul style="list-style-type: none"> ▪ Arts and crafts area; ▪ Men's shed; ▪ Golf cart storage areas for Seniors Housing residents to use; ▪ Cellar; ▪ Cinema; and ▪ Library. <p>These land uses are not uncommon for registered clubs to provide for the use of their members and guests. Such registered club developments are, however, not necessarily categorised as being for the purpose of a "local centre."</p> <p>Furthermore, whilst members of the public would have opportunities to access the site, this would not comprise completely unrestricted access across the entire site.</p> <p>As set out below, the site is located outside of Greater Sydney. As such, there is no requirement under SEPP Seniors for the site to be located within 400m of accessible public transport providing access to the required services and facilities. 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> <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 and the Draft Shuttle Bus Plan of Management contained in Appendix 18 for more details.</p> <p>Moreover, it is considered that this provision of services within the Wellness Centre would also assist the site in demonstrating that it is committed to meeting the everyday servicing and facilities requirements of its Seniors Residents above and</p>

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NCC Comment	How Addressed
	<p>beyond what is required under Clause 26 of SEPP Seniors, as this Wellness Centre has the potential to offer some of the services which are required under Clause 26(1) of Senior SEPP (and therefore in addition to those offsite services which Seniors Residents could access via the proposed Shuttle Bus).</p> <p>Indeed, there is no suggestion within the Aims of Seniors SEPP that Seniors Housing can only be provided around existing local service centres. Subclause 2(2)(c) of Seniors SEPP is worded as follows:</p> <p><i>ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.</i></p> <p>The Applicant's proposed Seniors Housing and ancillary Wellness Centre in this instance seeks to meet these responsibilities as set out in SEPP Seniors.</p>
Given the above concerns, it is recommended that a development with a lower density than currently proposed be considered as a part of an overall masterplan for the redevelopment of the site.	The footprint of the proposed Seniors Housing and ancillary Wellness Centre development was chosen based on a range of strategic factors, including the overriding imperative to allow the existing Merewether Golf Club to continue functioning. Carving out more land for the purposes of urban development would have prevented the Merewether Golf Club from continuing operations. It also would have been contrary to Subclause 25(5)(b)(iv) with respect to unnecessary impacts to existing open space.
Minimum Site Requirements	
<p>Clause 40(3) of Seniors SEPP provides that site frontage must be at least 20m wide measured at the building line.</p> <p>The site frontage to King Street would appear to be under 20m. An objection under <i>State Environmental Planning Policy No.1 – Development Standards</i> would need to be submitted at the DA stage</p> <p>The suitability of the site is a relevant matter for the assessment of the SCC under Clause 24(2)(a) of SEPP Seniors. The site frontage provision implies that Seniors Housing is intended to have direct street frontage in order to facilitate independent and unrestricted pedestrian and vehicular access for the future Seniors Housing residents to</p>	<p>Subclause 40(3) of SEPP Seniors states that:</p> <p><i>The site frontage must be at least 20 metres wide measured at the building line.</i></p> <p>In this context, the words "measured at the building line" follow the previous words "site frontage," indicating that the reference to "site frontage" is in fact qualified by the physical location of the building line. These matters would be considered further at the time of DA lodgement.</p> <p>In this instance, the site frontage along the building line is considered to be at least 800m.</p> <p>The Traffic Impact Statement included in Appendix 6 concludes that:</p>

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NCC Comment	How Addressed
the wider locality and local service centres for amenities and services.	<p><i>All vehicles will be able to enter and exit the site in a forward direction. The internal roadways allow for appropriate circulation through the site, providing access to all buildings and facilities, as well as parking bays.</i></p> <p>And furthermore that:</p> <p><i>All internal parking aisles are to be designed in accordance with AS2890.1. For circulation roadways a minimum of 3 metres between kerbs is required for one-way roadways, whilst a minimum 5.5 metres is required for two-way.</i></p> <p>It is therefore considered that access to and circulation through the site is adequate.</p>
Location and Access to Services	
Clause 26 of Seniors SEPP requires that seniors housing be located within 400m of transport which provides suitable access for seniors residents to shops, banking, retail and commercial services, community services, recreational activities and the practice of a medical practitioner. This is a relevant consideration in issuing an SCC Application, as per Clause 25(5)(b)(iii) of SEPP Seniors.	<p>Section 5.8 sets out how the proposed Seniors Housing and ancillary Wellness Centre can meet these requirements. More specific details are also provided in the Access Report contained in Appendix 13, as well as the Draft Plan of Management and the Draft Shuttle Bus Plan of Management in Appendix 17 and Appendix 18.</p> <p>Table 8 in Section 7.2 further details how the proposed Seniors Housing development would meet each of the key Subclauses of Clause 26, and Table 7 in Section 7.1 advises how this meets the requirements of Subclause 25(5)(b)(iii) of SEPP Seniors.</p>
<p>In relation to access to facilities and services, concern is raised in regard to the suitability of the site due:</p> <ul style="list-style-type: none"> ▪ The development site would appear to be more than 400m from a local centre containing the necessary facilities and services utilising the existing single access/egress point via King Street; ▪ The nearest bus stop would appear to be more than 500m from the entry gate to the site at the end of King Street; and ▪ There is currently no suitable access pathway on either side of King Street. 	<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> <p>The removal of the word 'public' reflects a clear acceptance that other forms of transport outside the Greater Sydney area are acceptable for the purpose of conveying residents to those facilities.</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</p>

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NCC Comment	How Addressed
	accessible <i>transport</i> to residents, linking them to the relevant facilities and services specified in Subclause 26(1). Refer to Section 5.8 and the Draft Shuttle Bus Plan of Management contained in Appendix 18 for more details.
The SCC Application should be supported by information demonstrating how future residents will access local services and facilities. Although a 'courtesy bus' is noted in the plans, details of the terms of service of this courtesy bus have not been provided. It is recommended that detail be provided with the application for the site compatibility certificate regarding the frequency of services, destinations and ongoing funding and management of this service for the lifetime of the development.	Refer to the Draft Shuttle Bus Plan of Management contained in Appendix 18 .
Bush Fire Hazard and Evacuation	
A portion of the site is mapped as bushfire prone land. The remainder of the site could be considered to be land in the vicinity of land identified as bushfire prone land for the purposes of Clause 27 of SEPP Seniors.	Refer to Section 5.3 and Appendix 7 for more details.
<p>In regard to the management of the bushfire hazard and the suitability of the site for emergency vehicle access and emergency evacuation, the following concerns are raised:</p> <ul style="list-style-type: none"> There is currently only one access/egress point to and from the development site via King Street. It is noted that there is an existing electricity substation as well as overhead power lines adjacent to the King Street entrance to the site. These could be a source of fire and represents a potential threat to the continued operation of this egress route in an emergency. It is recommended that you liaise with NSW Rural Fire Services and Ausgrid on this issue. A bushfire report and evacuation plan addressing the above issues should be submitted in support of the application for the site compatibility certificate. Consideration should be given to including a secondary access, even 	

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Table 1 Newcastle City Council Pre-DA Meeting Comments

NCC Comment	How Addressed
<p>if only for emergency evacuation purposes.</p> <ul style="list-style-type: none"> Should only one access/egress point be pursued, it is recommended that you consider modelling an emergency evacuation event to demonstrate the adequacy of this arrangement. 	
Separation of Club-Related Activities and Seniors Housing	
<p>Cl.23(1) of SEPP Seniors requires that the proposal provide appropriate separation between the club and the seniors housing to avoid land use conflicts.</p> <p>For the purposes of the assessment of an application for a site compatibility certificate, this clause is a relevant consideration pursuant to cl.25(5)(b)(ii) of SEPP Seniors.</p>	<p>Noted.</p> <p>The Pedestrian and Vehicular Circulation diagrams provided as part of the Architectural Plans in Appendix 1 demonstrate the proposed elements of separation between these land uses.</p>
<p>In relation to access to facilities and services, concern is raised in regard to the suitability of the site due to the following issues:</p> <ul style="list-style-type: none"> There would appear to be inadequate separation of pedestrian access and on-site parking between the seniors housing and the club facilities. The two uses appear to be one in the same development. The two uses appear to be sharing the same main pedestrian access and porte cochere. The connection between the two uses as currently shown in the concept plans is considered to be too immediate to adequately manage the above concerns. The seniors housing units should have separate and secure on-site parking, separate pedestrian access, separate secure basement parking and storage and, preferably, separate vehicular access into the site, particularly where access to the golf course is closed out of hours. It is noted that cl.40 of SEPP Seniors requires a minimum 20m site frontage to a public street. This would potentially enable the seniors development to front directly onto a public street 	<p>The Pedestrian and Vehicular Circulation diagrams provided as part of the Architectural Plans in Appendix 1 demonstrate 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 Pedestrian and Vehicular Circulation diagrams provided as part of the Architectural Plans 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>

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Table 1 Newcastle City Council Pre-DA Meeting Comments

NCC Comment	How Addressed
<p>and allow future residents to access services and transport independent of the operations of the club.</p> <ul style="list-style-type: none"> ▪ The high number of residents living adjacent to and moving around adjacent to fairways and greens should be protected from been struck by golf balls. ▪ The club includes three function rooms. Measures will need to be put in place to ensure that conflicts do not occur between the operation and use of these function rooms and the amenity of the seniors housing units, particularly in relation to noise nuisance. 	<p>With respect to how ball strike risks have been mitigated at the site, refer to Section 5.10.</p> <p>Refer to the Acoustic Assessment in Appendix 14.</p>
Proposed Non Seniors Housing Uses	
Under the Newcastle Local Environmental Plan (NLEP) 2012 the subject land is located in a RE2 Private Recreation zone.	Noted.
<p><u>Dual key visitor accommodation</u></p> <p>The <i>dual key</i> visitor accommodation would not be permissible under the NLEP 2012 and would not constitute seniors housing under the Seniors SEPP.</p>	This land use is no longer being sought at the site.
<p><u>Clubhouse</u></p> <p>The clubhouse redevelopment would be permissible with consent as a registered club.</p>	Noted.
<p><u>Wellness centre</u></p> <p>The proposed development also includes a 'Wellness Centre' and this centre is proposed to service the future residents of the SEPP Seniors development, club members and, external clients. The fact that it is catering to external clients would prevent this centre from being considered as being ancillary to the SEPP seniors housing or club activities as it is essentially an independently operated business. This use however would be permissible, with consent, as a recreation facility (indoor).</p>	Refer to Section 3.4 for more details.
<u>Function Rooms</u>	Noted.

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Table 1 Newcastle City Council Pre-DA Meeting Comments	
NCC Comment	How Addressed
It is noted that the function rooms are also intended to be separately hired out to non-club members and non-residents as a business separate from club activities. Function centres are a permissible use, subject to consent.	
<u>Cumulative Intensity of uses</u> Concern is raised with regard to the cumulative intensity of use proposed on the site and the potential external impacts on the amenity and character of the surrounding low-density residential area. The cumulative intensity of use proposed would need to be addressed within the SCC and DA.	These matters are dealt with in the Traffic Impact Statement provided in Appendix 6 and the Acoustic Assessment provided in Appendix 14 .
Parking and Traffic Impact	
A parking and traffic impact assessment report is to be submitted in support of the proposal for both the DA and SCC. This report is to examine the likely traffic impacts of the development on the local road network as well as include justification for the provided parking based on an assessment of applicable parking generation rates under section 7.03 of Newcastle Development Control Plan 2012. In particular, the operation of the Glebe Road and King Street intersection is to be considered (pre and post development). Given that the Wellness Centre and Function Centre are proposed to provide services to external clients as well as future residents and club members, these uses will generate a separate demand for on-site parking in addition to the seniors housing and club activities.	Refer to Section 5.2 and Appendix 6 .
Power Line Easements	
The potential six storey development is proposed in close proximity to overhead power lines with parking, the main driveway entry and the entry to the basement level directly under the wires. Concern is raised in regard to whether this contravenes the terms of the easement for the overhead wires. The terms of this easement should be provided with the application for the site compatibility certificate.	Refer to the Bushfire Statement contained in Appendix 7 . It is noted that this land use is not formally expressed in a covenant affecting the land title. Nevertheless, consultation has been undertaken with TransGrid to confirm its requirements for works around this informal 'easement.'

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Table 1 Newcastle City Council Pre-DA Meeting Comments

NCC Comment	How Addressed
It is recommended that you undertake consultation with Transgrid regarding the proposal.	Refer to Appendix 7 .
Tree Removal	
An arborist report is required to be submitted to support the development proposal. The report should include details of all necessary tree removal required to enable the development to be constructed and safely used, including any required tree removal to facilitate recommended asset protection zones. The report should identify the species and condition of all affected trees and have regard for the provisions of the <i>Biodiversity Conservation Act 2016</i> .	An Ecological Due Diligence Assessment has been prepared and is included as Appendix 10 .
Site Contamination	
CN records indicate that part of the site (Lot 1 in DP 229558 and Lot 4 in DP 1223244) is potentially contaminated due to above ground and below ground fuel storage activities observed on the site during an environmental audit undertaken on 25 July 2005. Please refer to detailed comments below relating to State Environmental Planning Policy No.55 – Remediation of Land.	A Preliminary Site Investigation Summary has been prepared and is included as Appendix 19 . Refer to Section 5.11 for more details.
Waste Management	
Consideration in the early design stages should be given to construction and on-going waste management for the proposed development. It is recommended you consult with CN's Waste Management Services in this regard. Please contact Waste and Commercial Collections Manager, David Thomas on 49746046.	<p>These matters are addressed in the Traffic Assessment provided in Appendix 6. Essentially, for the Serviced Self-Care Housing component of the site, waste collection would be completed internal to the site via a standard Council waste collection vehicle. The internal roadways would allow for appropriate circulation enabling the vehicles to exit in a forward direction. Further details are also provided in the Draft Plan of Management (refer to Appendix 17). These details would be finalised at the time of DA lodgement.</p> <p>In terms of the Golf Club component of the site, servicing for the Club House would be managed in a manner consistent with the current arrangements will all onsite servicing.</p>
A detailed Waste Management Plan is to be submitted with the development application which demonstrates how the collection service will be undertaken. The plan is to include details of frequency and the maximum size vehicle. Such collection will need to be achieved without unreasonable	Noted. These matters would be addressed at the DA stage of the proposed Seniors Housing and ancillary Wellness Centre.

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Table 1 Newcastle City Council Pre-DA Meeting Comments

NCC Comment	How Addressed
impacts on the amenity of the area and/or the traffic environment in the locality of the site.	

A meeting was held with DPIE on 16 August 2019 to discuss the SCC Application. This SCC Application considers the relevant comments from DPIE, as summarised in **Table 2** below.

Table 2 Department of Planning, Industry and Environment

DPIE Comment	How Addressed
Distinguish clearly between DA and SCC assessment matters.	Has been resolved throughout this SCC Application Report.
Visual impacts from a streetscape perspective should be detailed.	A new Visualisation has been prepared to demonstrate this (refer to page 34 of Appendix 1).
Assessment of Clause 25(5)(b) matters should be robust	Refer to Section 7.1 .
Clarify location of Club House and its relationship with the overall SCC Application.	<p>The primary purpose of this Site Compatibility Certificate Application Report is to inform the Site Compatibility Certificate Application for the proposed Seniors Housing and ancillary Wellness Centre. Where relevant, reference to the Club House portion of the site has been included so as to allow the potential future cumulative impacts of developing the overall site to be understood (e.g. in terms of biodiversity, subsidence, noise and vibration, accessibility and visual impact).</p> <p>A formal SCC Footprint Plan has been provided and is reproduced as Figure 1 below (also appended to the SCC Application Form which accompanies this SCC Application Report). The formal SCC Footprint Plan is the SCC Area which is being sought for formal approval of all aspects of the Application as per this SCC Application. This includes land within the broader Merewether Golf Club site which is required to support the functional operation of the proposed Seniors Housing and ancillary Wellness Centre, including with respect to:</p> <ul style="list-style-type: none"> Stormwater discharge; Sewage discharge; Potential bushfire emergency service vehicle access; Bushfire asset protection zone; and Club house. <p>We have received legal advice that the SCC footprint and area in which any aspect of the future Seniors Housing and Wellness Centre development authorised</p>
Clarify relationship between SCC Footprint Plan (which relates to a larger portion of land), and the Proposed Developable Land Footprint.	

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Table 2 Department of Planning, Industry and Environment

DPIE Comment	How Addressed
	<p>by an SCC is undertaken is required to be included in any site compatibility certificate issued for the site as the use of that land is for the 'purpose' of seniors living. This includes works and use of land to support the Seniors Housing such as stormwater drainage services.</p> <p>Of note, the proposed developable land footprint (refer to Figure 2) and the formal SCC Footprint Plan (refer to Figure 1) include the location of the Merewether Golf Club House, both in terms of where it is currently located, and regarding where it is proposed to be located as part of a future DA (although these locations would largely remain the same). The rationale for including this Club House within the SCC Footprint subject to this SCC Application Report is as follows:</p> <ul style="list-style-type: none"> ▪ The proposed Seniors Housing and future Club House redevelopment will need co-location of utility servicing infrastructure which is required to allow the proposed Seniors Housing development to function; and ▪ Accessways between the buildings would also need to be provided, thereby also allowing the proposed Senior Housing development to function. <p>Moreover, the SCC Footprint Plan (refer to Figure 1) includes land which is approved for use as a Registered Club/Golf Course Fairway. On this basis, there is nothing preventing the land on which the Club House is/will be located on from also being within the SCC Footprint.</p> <p>It is also noted that the environmental assessment contained in Part E of this SCC Application Report has considered these areas outside of the proposed developable area on Figure 2 only where this was deemed to be required. For example, additional tree clearing would not be required within the emergency vehicle access or stormwater conveyance areas of the SCC Footprint, as these areas are already grassed portions of the Merewether Golf Club. As such, potential ecological impacts to these portions of the site were not assessed.</p>
Clarify the proposed Wellness Centre	<p>The proposed Seniors Housing would include an ancillary Wellness Centre at the site, which is to be constructed at the same DA stage as the proposed Seniors Housing. It therefore forms part of this SCC Application. The final details of land uses to be included as part of this Wellness Centre would be</p>

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Table 2 Department of Planning, Industry and Environment

DPIE Comment	How Addressed
	<p>included at the Development Application stage. However, at this time, it is anticipated that the Wellness Centre could incorporate the following land uses:</p> <ul style="list-style-type: none"> ▪ Lap Pool; ▪ Hydro Pool; ▪ Gymnasium; ▪ Consulting suites for the use by services such as: <ul style="list-style-type: none"> ○ Hairdressing/Beauty Therapy; and ○ Allied Health Professionals such as Physiotherapy, Podiatry, General Medical Services, Nutrition and Holistic Professionals; ▪ Home Care, such as: <ul style="list-style-type: none"> ○ Linen; ○ Cleaning; ○ Meal preparation; ○ Personal care; ○ Nursing and medication management; ○ Online grocery shopping and delivery management, including cold Storage and distribution of online grocery purchases; ○ Household task; ○ Administration; ○ Assistance with self-care activities; ○ Pet care; and ○ Short-term crisis care. <p>It is considered that this provision of services within the ancillary Wellness Centre would assist the site in demonstrating that it is committed to meeting the everyday servicing and facilities requirements of its Seniors Residents above and beyond what is required under Clause 26 of SEPP Seniors. Indeed, these ancillary uses have the potential to offer some of the services which are required under Clause 26(1) of Senior SEPP (and therefore in addition to those offsite services which Seniors Residents could access via the proposed Shuttle Bus). These land uses are also consistent with the Department of Planning, Industry and Environment's definition of ancillary uses as per the <i>Planning Circular – How to Characterise Development</i>, due to the fact that:</p> <ul style="list-style-type: none"> ▪ These proposed uses are subordinate to the dominant purpose of Seniors Housing sought under this SCC Application; and

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Table 2 Department of Planning, Industry and Environment	
DPIE Comment	How Addressed
	<ul style="list-style-type: none"> These proposed uses do not serve their own purpose, and are therefore not an independent use at the same site.
Clarify physical separation of entries/exits for the proposed Seniors Housing, Wellness Centre and Club House buildings.	The Pedestrian and Vehicular Circulation diagrams provided as part of the Architectural Plans in Appendix 1 demonstrate the proposed elements of separation between these land uses.
Further information to be provided about the proposed height, scale and character.	<p>The proposed Seniors Housing and ancillary Wellness Centre was designed with reference to the following matters:</p> <ul style="list-style-type: none"> The existing Club House is a two story building consisting of bar, gaming, restaurant and function on the first floor and club specific facilities on the ground floor. The future Club House, which does not form part of this SSC Application, will consist of bar, gaming, restaurant and function facilities on the ground floor adjoining club specific facilities, with a function room on the first floor and further club specific facilities on the lower ground floor; The architectural consultant decide to use adjoining trees as a reference to inform the height of the proposed Seniors Housing and ancillary Wellness Centre, as these treescapes are more relevant to any view impacts that the surrounding community may experience, compared to the ridgelines which are located in the distance, and also existing at a higher level; In the absence of a statutory height control the assessment of height for any proposed development on the site is to be based on a merit assessment. Initial concept designs and building heights were based on a broad satellite survey of the broader Golf Course. Following a Pre-DA Meeting with Newcastle City Council (refer to Table 1 above), and to reaffirm this approach, the consideration of using the existing tree canopy to inform the built-form height led the architectural team to commission a full individual tree survey of all trees in the vicinity of the proposed Seniors Housing and ancillary Wellness Centre, including the height and spread of each tree. The detailed tree survey results reaffirmed our approach regarding the height and footprint of the buildings. The latest building design fits within the surrounding tree canopy, therefore reducing

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Table 2 Department of Planning, Industry and Environment

DPIE Comment	How Addressed
	<p>potential visual impacts for neighbouring properties. This design direction was reinforced following the commissioning of an independent visual impact assessment (refer to Appendix 16) which found that views from neighbouring properties were minimal, and many properties have no views of the proposed development due to the height of buildings sitting within the height of the surrounding tree canopy;</p> <ul style="list-style-type: none"> ▪ The architectural team tested several bulk and scale options for the site, including a traditional Retirement Village villa model and stepping the building down at the Club House building to the east and the interface with the existing Golf Course to the west. It was decided that full floor plates for a Vertical Village type of design offered a smaller footprint, and would thereby result in less impacts to the existing Golf Course, as well as a more efficient floorplate utilising apartment-style layouts; ▪ The resulting bulk and scale of the proposed Seniors Housing and ancillary Wellness Centre would have a minimal, if any, impact on the neighbouring properties due to the significant setbacks to the site boundaries; ▪ There are no properties adjoining the western portion of the proposed Seniors Housing and ancillary Wellness Centre, and it is considered that siting the built-form within the tree canopy line is a sufficient measure to mitigate any concerns that may arise; ▪ It is considered that the transition in the building heights from the proposed Seniors Housing to the new Club House (subject to a separate application) is sufficient and would assist in visually and physically separating their uses within the overall site.
How would the proposed Seniors Housing and ancillary Wellness Centre interact with the Merewether Golf Club.	<p>It is envisioned that the proposed ancillary Wellness Centre to the Seniors Housing development will be available to onsite residents, residents' visitors and Merewether Golf Club members between the hours of 7am until 10am, and 2pm until 7pm, daily. Between the hours of 10am until 2pm daily, it will be available exclusively to onsite residents and residents' visitors. The provision of these hours and access rights would be confirmed at the DA stage, and in consultation with the future Village Resident's Association according to their needs.</p> <p>It is acknowledged that the layout of the site was driven in part by the various needs of Merewether Golf</p>

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Table 2 Department of Planning, Industry and Environment	
DPIE Comment	How Addressed
	Club, including the need to avoid land use conflicts with the proposed Seniors Housing and ancillary Wellness Centre development. As such, the potential for ball-strike incidents was factored into this overall planning for the proposed Seniors Housing and ancillary Wellness Centre development. At the initial concept design stage, advice was sought from an experienced golf designer to confirm such risks would not eventuate at the site. This involved evaluating such matters as the locations of greens and lines of play. Where required, netting can also be provided to mitigate the potential impacts of miss hits. Overall, it is considered that the Merewether Golf Club can continue to operate safely in parallel with the proposed Seniors Housing and ancillary Wellness Centre in place.
Re-confirm the Lots/DPs subject to this SCC Application.	<p>The proposed Seniors Housing and ancillary Wellness Centre development would take place on the following lots:</p> <ul style="list-style-type: none"> ▪ Lot 1 DP229558; ▪ Lot 2 DP229558; ▪ Lot 3 DP229558; and ▪ Lot 4 DP1223244. <p>However, the entire Site Compatibility Certificate Footprint also encompasses Lot 3 in DP515310 so as to accompany supporting asset protection zones, emergency access and stormwater conveyance requirements to support this built-form.</p>
Indicate how the Merewether Golf Club meets the definition of a Registered Club.	The site contains an existing Registered Club, which SEPP Seniors defines as a club in respect of which a certificate of registration under the <i>Registered Clubs Act 1976</i> is in force. A Registered Club under the <i>Registered Clubs Act 1976</i> is defined as a club that holds a Club Licence, which refers to a Licence granted under the <i>Liquor Act 2007</i> . Appendix 20 shows the existing Liquor Licence held by the Merewether Golf Club, as well as a map showing the boundaries of this Liquor Licence (in this case, including both Club areas and a Non-Restricted Area, which all form part of the overall Club Licence).
Please include justification and context for the inclusion of ancillary land uses such as cellar, café and cinema if these are to be included.	<p>The following additional ancillary land uses would be provided as part of the proposed Seniors Housing buildings (rather than within the ancillary Wellness Centre), and would only be available to onsite residents. Such landuses are therefore also sought as part of this SCC Application at the site:</p> <ul style="list-style-type: none"> ▪ Arts and crafts area; ▪ Men's shed;

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Table 2 Department of Planning, Industry and Environment	
DPIE Comment	How Addressed
	<ul style="list-style-type: none"> ▪ Golf cart storage areas for Seniors Housing residents to use; ▪ Cellar; ▪ Cinema; and ▪ Library. <p>It is considered that this provision of these services within the proposed Seniors Housing (such as Arts and Crafts, Men's Shed, Gold Cart Storage, Cellar, Cinema and Library) would assist the site in demonstrating that it is committed to meeting the everyday servicing and facilities requirements of its Seniors Residents above and beyond what is required under Clause 26 of SEPP Seniors. Indeed, these ancillary uses have the potential to offer some of the services which are required under Clause 26(1) of Senior SEPP (and therefore in addition to those offsite services which Seniors Residents could access via the proposed Shuttle Bus). These land uses are also consistent with the Department of Planning, Industry and Environment's definition of ancillary uses as per the <i>Planning Circular – How to Characterise Development</i>, due to the fact that:</p> <ul style="list-style-type: none"> ▪ These proposed uses are subordinate to the dominant purpose of Seniors Housing sought under this SCC Application; and ▪ These proposed uses do not serve their own purpose, and are therefore not an independent use at the same site. <p>The Ancillary land uses proposed go beyond the minimum requirements and form part of what our client considers will be a very unique offering for future residents on the site,</p>
Please advise if Subsidence Advisory NSW have been consulted regarding the mine subsidence constraints on the site.	<p>An attached correspondence letter from Subsidence Advisory NSW (refer to Appendix 21) sets out how the proposed Seniors Housing and ancillary Wellness Centre would be subject to Subsidence Advisory's standard Development Application – Merit Assessment Policy. At such time, the risks of subsidence would either be required to be mitigated through engineered design or the emplacement of grout into the mine voids. The Preliminary Structural and Civil Assessment provided in Appendix 12 also sets out how Subsidence Advisory NSW was consulted with regarding the proposed development of the site. Subsidence Advisory NSW advised that it was generally in agreement with the proposed subsidence parameters proposed to be implemented at the site so as to make it suitable for the proposed development. These matters would be investigated in more detail at</p>

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Table 2 Department of Planning, Industry and Environment	
DPIE Comment	How Addressed
	the Development Application stage in consultation with Subsidence Advisory NSW.
Advise if local NSW fire Brigade has provided a response in writing to the bushfire report and evacuation proposal options.	<p>Furthermore, consultation with NSW Rural Fire Services has confirmed that the NSW Rural Fire Services has no in principle objection to the proposed Seniors Housing and ancillary Wellness Centre development, subject to the following statements:</p> <ul style="list-style-type: none"> Compliance with Section 4.2.7 of Planning for Bushfire Protection 2006 (or any subsequent version) exempting the provision of a secondary access; The bush fire risk to the proposed development is considered to be low given its location within managed lands and its setbacks to the bushfire prone vegetation; and The Bush Fire Emergency Management and Evacuation Plan for the facility is not to exclude evacuations as an opinion, but instead include triggers to be considered for the stay on site and/or evacuation options based on the bush fire risk. <p>The Bushfire Statement in Appendix 7 sets out the matters which would be included in the Bushfire Emergency and Evacuation Plan at the Development Application stage of the proposed development. Most significantly, no constraints were identified with regards to meeting emergency management procedure requirements.</p>
Advise the origin (date, source etc) of the traffic counts for Glebe Road, Lockyer and Kings Streets, and any other relevant information on traffic counts and modelling within the Traffic Impact Statement.	Seca Solution undertook traffic surveys at the intersection of Lockyer Street and King Street, on Wednesday 26 th June 2018, in order to determine the current peak hour flows in this location. The morning survey was undertaken between 7am-9.15am with the peak hour determined as 8:00am to 9:00am, whilst the afternoon survey was undertaken between 2.30pm-5.30pm with the peak hour was determined as 2:45pm to 3:45pm. Traffic surveys were also undertaken at the intersection of Glebe Road and King Street on Wednesday 19th June 2019. The morning survey was undertaken during the peak hour between 8am-9am, whilst the afternoon survey was undertaken between 2.45pm-6.00pm with the peak hour determined as 4:30pm to 5:30pm. This survey data is provided full within Attachment D of Appendix 6 .
In addition to Table 1 of the application, provide a summary of the changes to the application following the Pre-development application lodgement advice from Council (24.6.2019).	Since the Pre-DA Meeting was held with Newcastle City Council, the following changes have been made to the Architectural Plans provided in Appendix 1 :

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Table 2 Department of Planning, Industry and Environment	
DPIE Comment	How Addressed
	<ul style="list-style-type: none">▪ Additional CGI, of the entry further describing what the proposed Seniors Housing and ancillary Wellness Centre will look like from a street perspective, also the physical and visual separation of the Club House and Seniors Housing/ancillary Wellness Centre pedestrian access;▪ Update of the Pedestrian Circulation diagram to further clarify the separation of the Club House and Seniors Housing/ancillary Wellness Centre pedestrian access and clearly annotate separate Club, Wellness Centre and Seniors Housing drop-off and reception areas;▪ Addition of two Vehicle Separation diagrams; Lower Level and Ground Level, to describe the separation of vehicular access for Club House patrons and Seniors Housing, visitors and those accessing the ancillary Wellness Centre. Inclusion of clear annotation of separate Club House, Seniors Housing and ancillary Wellness Centre drop-off and reception areas;▪ Addition of Lot + DP numbers and boundaries to all site plans, including the SCC Footprint Plan; and▪ Clarification of the location of the Club House within the SCC Footprint, with the inclusion of labels and on all drawings, diagrams and CGI's that include the Club clarifying "PROPOSED CLUBHOUSE SUBJECT TO FUTURE APPROVALS."

1.4 REPORT STRUCTURE

The structure of this SCC Application Report has been arranged as follows:

- **Part A** Introduction
- **Part B** Site Analysis
- **Part C** Proposed Development
- **Part D** Strategic Justification
- **Part E** Environmental Assessment
- **Part F** Statement of Compatibility
- **Part G** Conclusion

This SCC Application demonstrates that the site and the proposed Seniors Housing and ancillary Wellness Centre are compatible with the surrounding environment, having regard to the existing streetscape, surround land uses and proposed future built-form development.

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The proposed Seniors Housing and ancillary Wellness Centre is consistent with the requirements of SEPP Seniors and meets the relevant requirements of Clause 25 of SEPP Seniors. Accordingly, it is considered that an SCC may be issued for the site to facilitate the proposed Seniors Housing and ancillary Wellness Centre for the purpose of Serviced Self-Care Housing.

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PART B SITE ANALYSIS

2.1 THE SITE

The site is identified as 40 King Street, Adamstown. The site is comprised of multiple allotments, Lots 1, 2 and 3 in DP229558, Lot 4 in DP1223244. However, the entire Site Compatibility Certificate Footprint also encompasses Lot 3 in DP515310 so as to accompany supporting asset protection zones, emergency access and stormwater conveyance requirements to support this built-form. It is situated within an approximate 2.6ha area of the existing Merewether Golf Club site.

The overall Merewether Golf Club site exhibits a total area of around 38.5ha with multiple street interfaces, including:

- King Street to the north, terminating in an at-grade car park head within the site;
- June Street to the north-east, terminating in a cul-de-sac head adjacent to the site boundary;
- City Road to the south, being separated from the site by a bushland corridor; and
- Drew Street to the north-west, running parallel to a portion of the site boundary.

Land directly adjoining the broader site comprises the following:

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

Existing built-form development at the Merewether Golf Club consists of a Club House occupying a two storey building in the central-north of the golf club site, as well as two detached sheds in the vicinity of the Club House. At-grade car parking is provided adjacent to the Club House. The remainder of the golf club site incorporates fairways, greens, border vegetation (mature trees and shrubs) and footpaths associated with the golf course. Six waterbodies of varying size are located throughout the golf course, with several sand bunkers also dispersed throughout the golf club site.

Vehicular and pedestrian access to the site is facilitated via King Street. From its intersection with the northern site boundary, King Street continues through low-rise gates into the site. From the site boundary, King Street continues for a distance of around 100m, before terminating at the at-grade car park adjacent to the Club House. Internal to the site, at-grade angled carparking spaces are provided on both sides of King Street.

The specific site forming the subject of this SCC Application is located in the central north of the overall Merewether Golf Club site and comprises the Club House, a portion of the golf course, the at-grade car park and King Street (internal to the site). A formal SSC Footprint plan has been provided and is appended to the SCC Application Form.

The indicative location of the site within the existing Merewether Golf Club is depicted in **Figure 3** and **Figure 4**.

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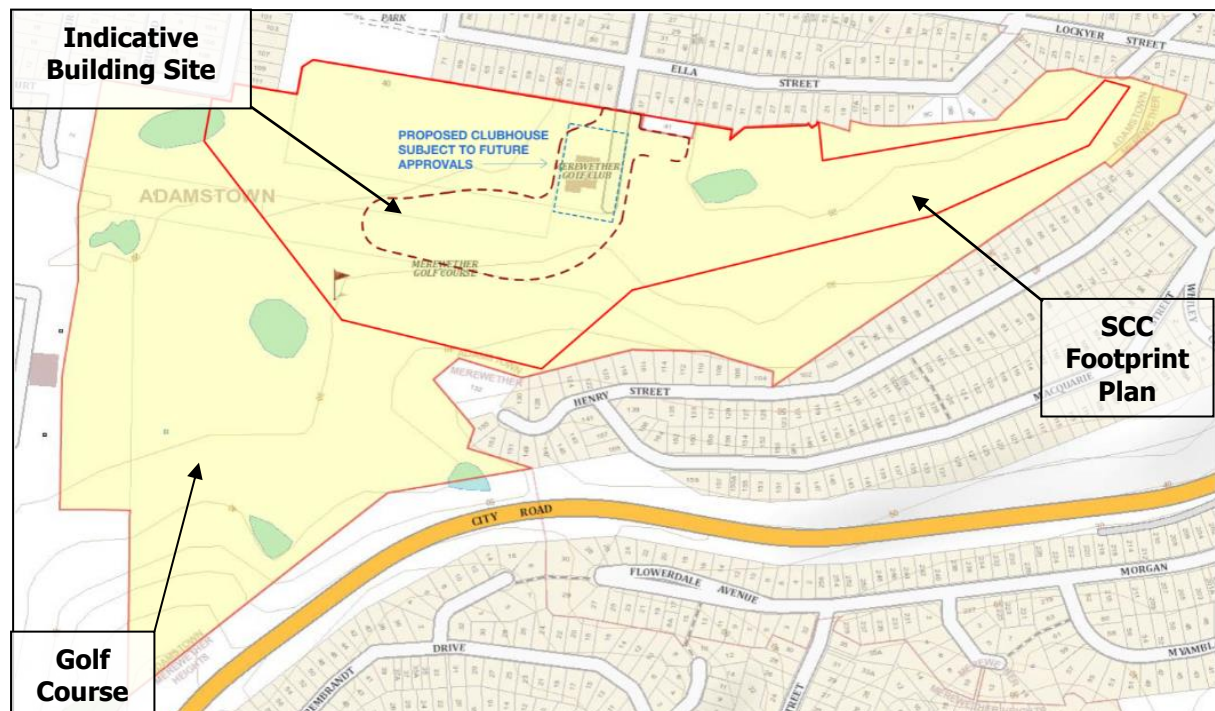


Figure 3 Cadastre Map (SIX Maps, 2019)



Figure 4 Existing Site Development (SIX Maps, 2019)

2.2 LOCAL CONTEXT

The site is located within the suburb of Adamstown, which forms part of the Newcastle Local Government Area (LGA). It is located around 5.5km (by road) south-west of Newcastle Central Business District.

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The site is adjacent to low density residential suburban areas predominantly comprised of single and double storey dwelling houses with front and rear yards, and backyard swimming pools in some instances. Mature trees are dispersed throughout the suburban area, being planted on the street verge as well as within private properties.

Key features of the surrounding context include:

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

The site is located within 1.8km driving distance of Adamstown train station, 2.2km of Broadmeadow train station and 4.1km of Kotara train station, all of which are serviced by the Central Coast and Newcastle Line. The nearest bus services are located around 550m north-east of the site of the proposed Seniors Housing and ancillary Wellness Centre (measured along the existing road alignment). The site is also serviced by the local and regional road network.

The local context is shown in **Figure 5**.

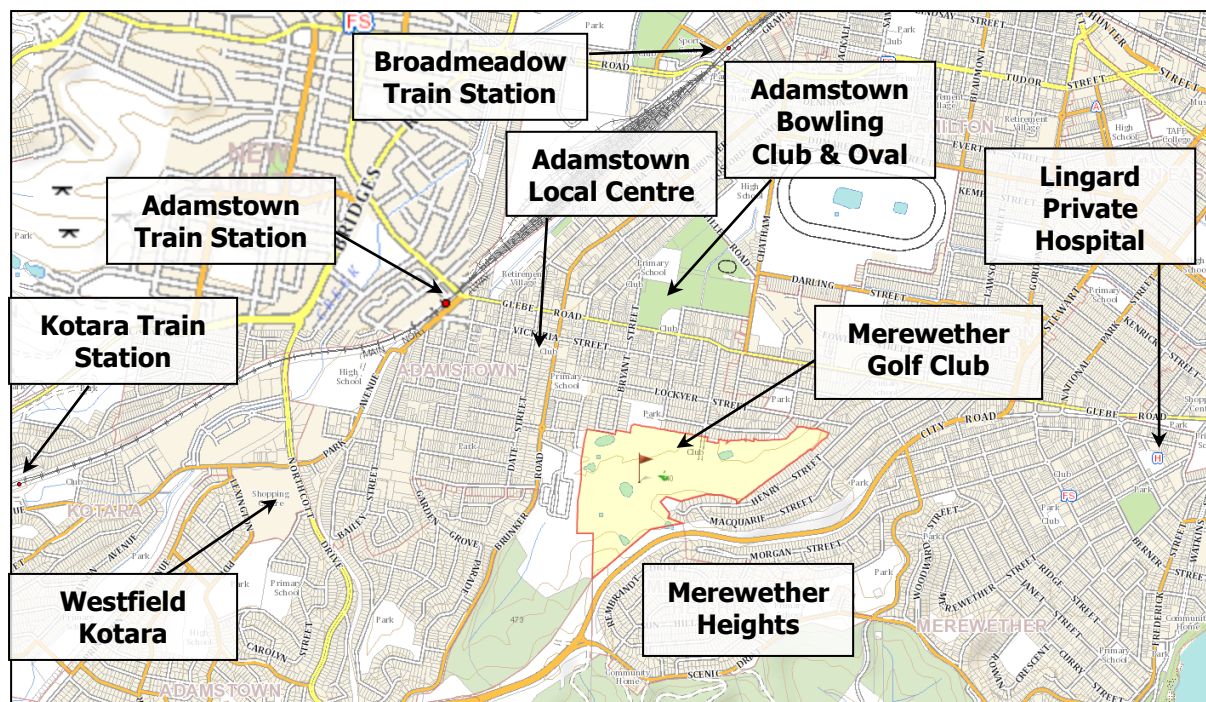


Figure 5 Site Context Map (SIX Maps, 2018)

The surrounding locality is predominately zoned R2 Low Density Residential, along with some areas of RE1 Public Recreation, as well as the SP2 zoned Pacific Highway to the south of the site (refer to **Figure 12** in **Section 4.6.1** below).

The suburb of Adamstown has a mixture of large detached dwellings set back from the street, and attached/semi-detached townhouses. The buildings date from the 1970's to 1990's, with newer developments as the area experiences redevelopment. The suburb is considered to have a

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predominately native landscape. It offers access to different formal and informal green spaces including Myers Park, West Park, Belmore Street Children Park and extension of Glenrock State Conservation Area.

2.3 ECOLOGICAL CONSTRAINTS

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. Mature native and exotic tree species which have been retained in rows to help delineate the configuration of the golf course. There is one small ephemeral watercourse/drainage line running across the proposed Seniors Housing and ancillary Wellness Centre site. Additionally, the area contains a fully paved car parking area as well as an existing Club House, a driving range shelter, a covered barbecue area and greenkeeper sheds.

The proposed Seniors Housing and ancillary Wellness Centre would primarily require golf green grass to be removed, along with some mature trees.

2.4 BUSHFIRE PRONE LAND

The proposed Seniors Housing and ancillary Wellness Centre development would take place on the following lots:

- Lot 1 DP229558;
- Lot 2 DP229558;
- Lot 3 DP229558; and
- Lot 4 DP1223244.

However, the entire Site Compatibility Certificate Footprint also encompasses Lot 3 in DP515310 so as to accompany supporting asset protection zones, emergency access and stormwater conveyance requirements to support this built-form.

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 (refer to areas shaded yellow to orange and red on **Figure 6** below). However, Lot 3 DP515310 is around 14.29ha in size (refer to Site Survey in **Appendix 3**), and the proposed Seniors Housing and ancillary Wellness Centre would be located around 79m from this bushfire prone land (refer to **Figure 17** in **Section 5.3** below). Indeed, no built-form would take place on this Lot 3.

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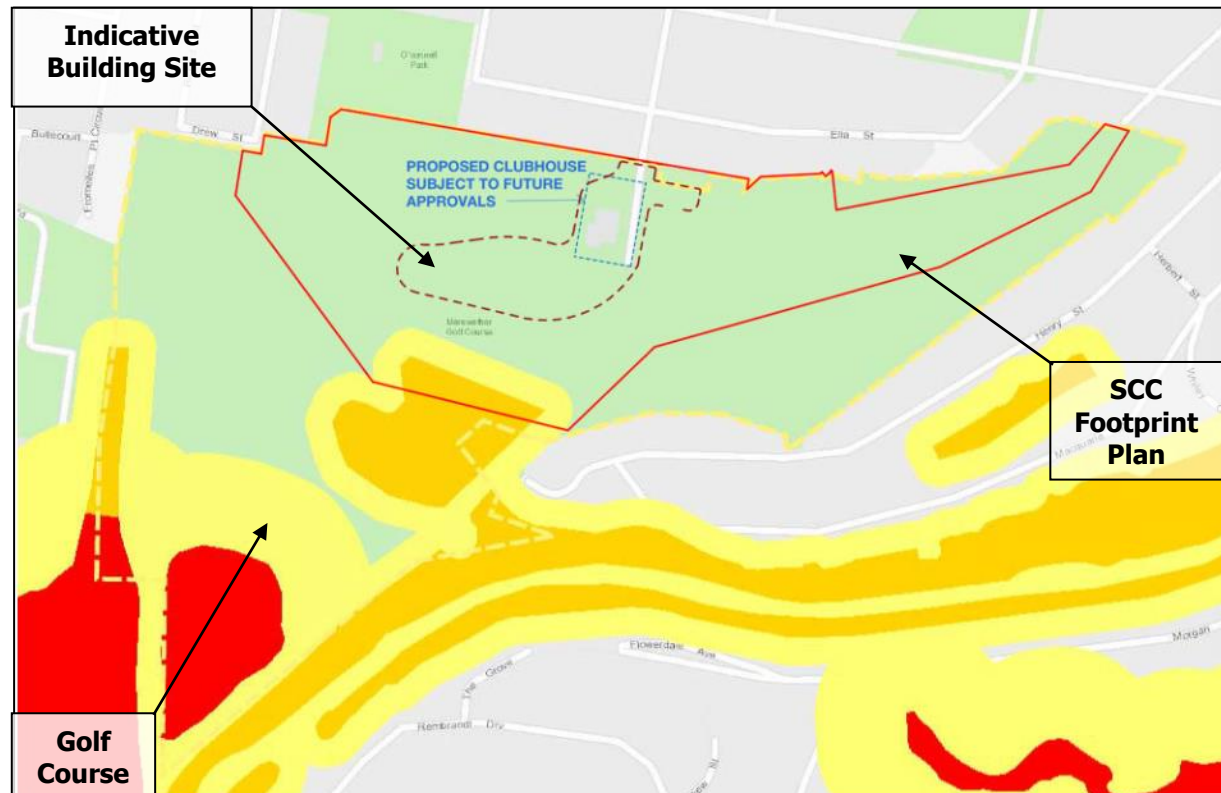


Figure 6 Bushfire Mapping at Merewether Golf Club (NSW Planning Portal, 2019)

2.5 ACCESS TO SERVICES AND FACILITIES

2.5.1 PUBLIC TRANSPORT AND ACCESSIBLE PEDESTRIAN ROUTES

The existing Merewether Golf Club is not highly accessible by public transport. The nearest bus service is Route 21 which travels in the direction of either Newcastle East or Broadmeadow (Stop IDs 229112 and 229121 on either side of James Street). These bus stops are located around 550m north-east of the site of the proposed d Seniors Housing (measured along the existing road alignment).

The site is also located within 1.8km driving distance of Adamstown train station, 2.2km of Broadmeadow train station and 4.1km of Kotara train station, all of which are serviced by the Central Coast and Newcastle Line. The site is also serviced by the local and regional road network.

The site is located at a distance of greater than 400m from existing public transport. The proposed Seniors Housing therefore cannot demonstrate compliance with Subclause 26(2)(a) of SEPP Seniors. In order for compliance with this Subclause to be addressed, the proposed Seniors Housing would incorporate a Shuttle Bus service into its operation in order to comply with the access requirements contained in Clause 26. This would be required to provide a transport service to the Seniors Housing occupants of the site, and is considered to be suitable to meet the requirements of this Clause. More specific details of the service would be included in the DA to confirm how it would offer weekday access to the service and facilities listed in Clause 26. Refer to **Sections 5.8, 7.2** as well as **Appendix 13, Appendix 17** and **Appendix 18** for further details.

2.5.2 UTILITY SERVICES

Relevant utility service providers were consulted with during the preparation of this SCC Application (refer to **Appendix 9**). The findings are as follows:

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- Ausgrid has multiple overhead electricity circuits within Merewether Golf Course grounds. Circuits are 132000 Volt and 33000 Volt Transmission lines and 11000 Volt & 415 Volt Distribution mains;
- Hunter Water advised that:
 - A water main extension would be required to provide every lot with water frontage and a water point of connection;
 - As the proposed Seniors Housing 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;
- The NBN has confirmed that the site can be serviced by the NBN Network; and
- Jemena has confirmed that there is a 210 kPa gas main located in Ella Street and in King Street that could supply the proposed Seniors Housing and ancillary Wellness Centre, subject to further augmentation where required.

These utility assets are considered adequate or are otherwise able to be sufficiently upgraded so as to be able to service the proposed Seniors Housing and ancillary Wellness Centre at the site.

2.5.3 RETAIL, COMMUNITY, MEDICAL AND RECREATIONAL FACILITIES

The proposed Seniors Housing and ancillary Wellness Centre at the site will be capable of providing access to the facilities set out below in accordance with the requirements of Clause 26. The site cannot demonstrate compliance with Clause 26(2)(a) of SEPP Seniors, as the site is located more than 400m of the following essential services:

- Shops, bank service providers and other retail and commercial services that residents may reasonably require;
- Community services and recreation facilities; and
- The practice of a general medical practitioner.

As the site is located outside Greater Sydney, access to the above facilities would be provided by a "transport service" operated by the facility in compliance with the requirement of Subclause 26(2)(c).

The Access Report (refer to **Appendix 13**), Draft Plan of Management (refer to **Appendix 17**) and Draft Shuttle Bus Plan of Management (refer to **Appendix 18**) set out how the proposed Seniors Housing would incorporate a Shuttle Bus service into its overall management.

This shuttle bus would provide a transport service to the Seniors Housing occupants of the site, and is considered to be suitable to meet the requirements of SEPP Seniors. Moreover, 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:

- 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.

Further details are also provided in **Section 5.8** below.

Figure 9 in **Section 4.4** below shows how the site is located in the vicinity of several Major Health Precincts, including:

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- Lingard Merewether (Private), which is located around 2.7km west of the site (via road);
- Charlestown health precinct, which is located around 5.6km south of the site (via road);
- John Hunter Hospital, which is located around 5.8km north-west of the site (via road); and
- Calvary Mater Hospital, which is located around 6.9km north of the site (via road).

Adamstown is the closest Local Centre to the proposed Seniors Housing (around 1.2km by road) to the west. Kotara (around 3km by road) and Charlestown (around 5.6km by road) are the nearest Strategic Centres, as mapped in the *Greater Newcastle Metropolitan Plan 2036* (Metropolitan Plan).

These above-identified locations can easily 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, as detailed in **Section 5.8** and **Appendices 18** and **19**.

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PART C PROPOSED DEVELOPMENT

3.1 PROPOSED SENIORS HOUSING AND ANCILLARY WELLNESS CENTRE

Concept plans have been prepared in support of the proposed Seniors Housing and ancillary Wellness Centre. A summary is provided below.

The proposed basement level would include:

- Carparking;
- Serviced Self-Care Housing dwellings;
- Arts and crafts area;
- Men's shed;
- Golf cart storage areas for Seniors Housing residents to use;
- Cellar; and
- Associated land uses.

The proposed ground floor level would include:

- Serviced Self-Care Housing dwellings;
- Pool/Gym area;
- Cinema;
- Administrative Offices;
- Wellness Centre Lounge;
- Wellness Centre Consulting Rooms;
- Library and lounge areas;
- Reception; and
- Associated land uses.

The proposed first floor level would include:

- Serviced Self-Care Housing dwellings;
- Associated land uses.

The proposed second to fourth floor levels would include:

- Serviced Self-Care Housing dwellings; and
- Associated land uses.

The proposed fifth floor level would include:

- Serviced Self-Care Housing dwellings; and
- Associated land uses.

Rooftop areas are designed to be trafficable, and would include terrace and plant areas.

All of these above-mentioned land uses are indicative and subject to further amendments and changes at the time of DA lodgement.

The Architectural Plans provided as **Appendix 1** also set out the indicative locations of Club House facilities which are proposed to be provided at the site as the Merewether Golf Club House is redeveloped, most likely in tandem with the proposed Seniors Housing and ancillary Wellness Centre. Such ancillary Club House facilities might include elements such as:

- Club Carparking;
- Buggie storage;

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- Cart workshop;
- Pro shop;
- Office;
- Café;
- Bakery;
- Reception;
- Gaming areas;
- Sports lounge;
- Kitchen;
- Back of house;
- Loading dock;
- Function rooms; and
- Meeting rooms.

It is emphasised that the above-mentioned Cub House works do not form part of this SCC Application, and that the details of what is to be provided as part of these future Club House works at the site is subject to a future DA.

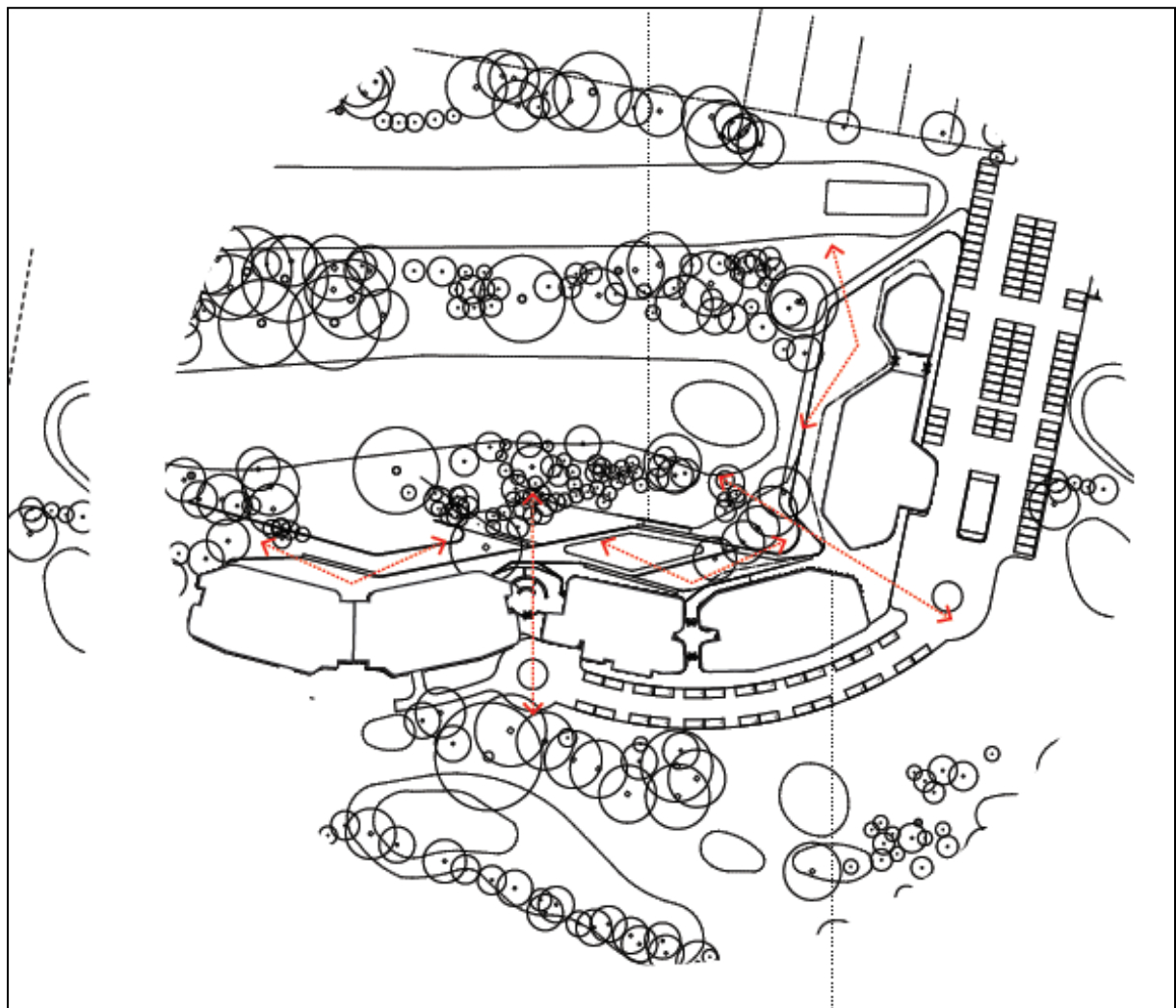


Figure 7 Concept Plan (Marchese Partners, 2019)

The Architectural Plans as prepared by Marchese Partners, illustrating the concept design for the proposed Seniors Housing, ancillary Wellness Centre, and parallel Merewether Golf Club development,

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accompany this SCC Application as **Appendix 1**. It is again noted that these Architectural Plans are subject to change at the time of DA lodgement.

Figure 8 below sets out the proposed developable land footprint which is proposed to be subject to a future DA at the site. A formal SCC Footprint Plan has also been provided and is appended to the SCC Application Form which accompanies this SCC Application Report. That formal SCC Footprint Plan is the SCC Area which is being sought for formal approval as per this SCC Application. The developable land footprint has been reproduced below primarily for the purposes of explaining how different elements of the SCC Area would function together once development takes place.



Figure 8 Proposed Developable Land Footprint (Marchese Partners, 2019)

The proposed developable area is shaded white in **Figure 8** above. It includes all built-form works which are required to achieve the proposed Seniors Housing and ancillary Wellness Centre development at the site. The proposed asset protection zones and other bushfire zones to the immediate south of the proposed developable area are shown in blue, orange and yellow on **Figure 8** above. The asset protection zone would be used to provide a suitable buffer between the proposed developable area and the adjoining bushfire buffer land and bushfire category 1 land. The proposed emergency access land outlined in dashed red in the eastern side of the site would be used as an emergency vehicle access track in the case of bushfire, should this be found to be required at the time of DA lodgement. This dashed red outline in the north-east of the site also shows where proposed stormwater conveyance would be undertaken to support the proposed Seniors Housing and ancillary Wellness Centre at the site.

It is noted that the environmental assessment contained in Part E of this SCC Application Report has considered these areas outside of the proposed developable area only where this was deemed to be required. For example, additional tree clearing would not be required within the emergency vehicle access or stormwater conveyance areas of the SCC footprint, as these areas are already grassed portions

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of the Merewether Golf Club. As such, potential ecological impacts to these portions of the site were not assessed.

3.2 CAR PARKING

It is proposed to provide up to a maximum of 400 car parking spaces at the site through a mixture of on-grade and basement car parking. Separate, secure basement car parking access is proposed to be provided for these different land uses at the site (i.e. Seniors Housing and Golf Club). The Vehicular Circulation diagrams provided as part of the Architectural Plans in **Appendix 1** demonstrate these features.

3.3 PLAN OF MANAGEMENT

A Draft Plan of Management for the proposed Seniors Housing has been prepared and is included as **Appendix 17**. The Draft Plan of Management sets out relevant details of the proposed Seniors Housing, including but not limited to:

- Hours of operation;
- Breakdown and separation of different land use types proposed at the site;
- Provision of liquor and gambling facilities;
- Staff structure;
- Wellness Centre and Home Care Services provision;
- Fire safety;
- Site access and deliveries;
- Security;
- Waste management;
- Proposed Shuttle Bus service;
- Complaints Management; and
- Proposed Village Rules for the Seniors Housing.

These details would be finalised at the time of DA lodgement

3.4 WELLNESS CENTRE

The proposed Seniors Housing would include an ancillary Wellness Centre at the site. The final details of land uses to be included as part of this Wellness Centre would be included at the Development Application stage. However, at this time, it is anticipated that the Wellness Centre could incorporate the following land uses:

- Lap Pool;
- Hydro Pool;
- Gymnasium;
- Consulting suites for the use by services such as:
 - Hairdressing/Beauty Therapy; and
 - Allied Health Professionals such as Physiotherapy, Podiatry, General Medical Services, Nutrition and Holistic Professionals;
- Home Care, such as:
 - Linen;
 - Cleaning;
 - Meal preparation;
 - Personal care;
 - Nursing and medication management;
 - Online grocery shopping and delivery management, including cold Storage and distribution of online grocery purchases;
 - Household tasks,
 - Administration,

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- Assistance with self-care activities;
- Pet care; and
- Short-term crisis care.

It is noted that the provision of these services would be confirmed at the DA stage, and in consultation with the future Village Resident's Association according to their needs. Additional or alternative services may be deemed appropriate at that point, depending on the site's needs.

The ancillary Wellness Centre would be constructed at the same DA stage as the proposed Seniors Housing, and is therefore included as part of this SCC Application so as to permit the assessment of the impacts of the realistic future redevelopment of the site, which it is anticipated will occur concurrently.

It is considered that some of these above-listed land uses would meet the definition of Recreation Facilities (Indoor) and would therefore be permissible at the site with consent under the NLEP 2012 (i.e. Lap Pool Hydro Pool and Gymnasium). The proposed Allied Health Professional Consulting Suites would be undertaken as an ancillary land use to the proposed Recreation Facilities (Indoor), and to meet this ancillary end, they would only be available to members of the overall Wellness Centre, Golf Course or Seniors Housing development, rather than being available to the general public at large.

The provision of the Home Care components to the proposed Wellness Centre are proposed to be undertaken as ancillary land uses to the proposed Seniors Housing development. To this end, this SCC Application seeks permission for an "ancillary Wellness Centre." It is noted that the pool/gymnasium facilities along with the services offered within the proposed professional suites would also be used to offer residents the opportunity to stay active and participate in rehabilitation, recovery and respite programs where required, as well as allowing them to access selected specialist services.

It is considered that this provision of services within the Wellness Centre would also assist the site in demonstrating that it is committed to meeting the everyday servicing and facilities requirements of its Seniors Residents above and beyond what is required under Clause 26 of SEPP Seniors, as this Wellness Centre has the potential to offer some of the services which are required under Clause 26(1) of Senior SEPP (and therefore in addition to those offsite services which Seniors Residents could access via the proposed Shuttle Bus).

These land uses are also consistent with the Department of Planning, Industry and Environment's definition of ancillary uses as per the *Planning Circular – How to Characterise Development*, due to the fact that:

- These proposed uses are subordinate to the dominant purpose of Seniors Housing sought under this SCC Application; and
- These proposed uses do not serve their own purpose, and are therefore not an independent use at the same site.

3.5 SHUTTLE BUS SERVICE

The site is located at a distance of greater than 400m from existing public transport (refer to **Section 2.2** above). The proposed Seniors Housing therefore cannot demonstrate compliance with Subclause 26(2)(a) of SEPP Seniors. In order for compliance with the access to facilities requirements pursuant to clause 26 to be achieved, any proposed Seniors Housing would incorporate a Shuttle Bus service into the daily practice. This would be required to provide a 'transport service' to the Seniors Housing occupants of the site, and is considered to meet the requirements of clause 26(2)(c) of SEPP Seniors.

The Draft Shuttle Bus Plan of Management has been prepared to demonstrate how this service is proposed to operate, and is included as **Appendix 18**.

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As set out in **Section 2.5.3**, 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. Moreover, 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:

- 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.

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.

3.6 CONSISTENCY WITH COMPATIBILITY PLANNING PRINCIPLE

A key component of the SCC Application and subsequent future DA is to demonstrate compatibility of the proposed Seniors Housing and ancillary Wellness Centre with the site and its surrounds. In *Project Venture Developments v Pittwater Council (2005)* NSWLEC 191, an appeal against the refusal by Pittwater Council, the Planning Principle of 'compatibility' in the urban environment was established. Key elements of the Planning Principle are as follows:

- *There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*
- *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:*
 - *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
 - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, architectural style and materials are also contributors to character.*
- *Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*
- *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
- ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

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Based on the planning principles formed under *Project Venture Development v Pittwater Council* the proposed Seniors Housing and ancillary Wellness Centre is considered to be compatible the key elements as outline in **Table 3** below.

Table 3 Consistency with Compatibility Planning Principle	
Key Element	Comment
Built Form	<p>The proposed Seniors Housing and ancillary Wellness Centre has been designed with respect to the surrounding land uses. The propose buildings will be setback from the golf course boundaries to minimise the impact on surrounding land uses. The proposed building envelopes has been designed to respond to the site's constraints and to deliver the best urban outcome for both future residents of the site and surrounding properties. Landscaping would further serve to soften the perceived height and bulk form around the scale of the proposed Seniors Housing and ancillary Wellness Centre.</p> <p>Moreover, the proposed Seniors Housing and ancillary Wellness Centre 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>
Traffic	<p>Up to 400 car parking spaces would be provided across the site, including basement and on-grade parking, to support the Seniors Housing development. The Traffic Impact Statement has demonstrated how the proposed Seniors Housing and ancillary Wellness Centre would not have undue impacts on the existing road network.</p>
Height	<p>The proposed building height has been designed to respond to the topography of the site and its surrounds, particularly given the strategic planning identification of land immediately adjacent to the site as being suitable for urban renewal and higher densities in the future. The proposed height also responds to existing mature tree canopy heights within the site, and is therefore considered to be a suitable urban design response to the site's existing natural features.</p>
Landscaping	<p>The proposed Seniors Housing and ancillary Wellness Centre will be extensively landscaped, including by making use of existing dense vegetation, established trees and other landscaping surrounding the site and within the overall Merewether Golf Club site.</p>

Overall, the proposed Seniors Housing and ancillary Wellness Centre presents a development concept of a sympathetic height and scale with increased landscaping and connection to the existing vegetation, which is in keeping with the existing and desired future character of the local area. The proposed Seniors Housing and ancillary Wellness Centre building envelopes are considered appropriate and responsive to the site and its surrounds.

Therefore, the proposed Seniors Housing and ancillary Wellness Centre of the site for the purposes of Seniors Housing (Serviced Self-Care Housing) is deemed compatible with the site and its surrounding land uses.

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PART D STRATEGIC JUSTIFICATION

The key planning policies and legislation relevant to an assessment of the proposed Seniors Housing and ancillary Wellness Centre are:

State Planning Context

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy No. 64 – Apartment Design Guide;*
- *State Environmental Planning Policy (Infrastructure) 2007;* and
- *State Environmental Planning Policy No. 55 – Remediation of Land.*

Regional Planning Context

- *Greater Newcastle Metropolitan Plan 2036;*
- *Hunter Regional Plan 2016;* and
- *NSW Ageing Strategy 2016-2020.*

Local Planning Context

- *Newcastle Local Environmental Plan 2012;* and
- *Newcastle Development Control Plan 2012.*

This planning framework is considered in detail in the following sections.

4.1 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY) 2004

SEPP Seniors applies to the proposed Seniors Housing and ancillary Wellness Centre. In accordance with Subclause 4(1)(b) of SEPP Seniors, the site is identified as being 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 NLEP 2012. Seniors Living is prohibited under the current RE2 Private Recreation zoning under the NLEP 2012.

Under Subclauses 4(1) and 4(4) of SEPP Seniors, the site is identified as Land Adjoining Land Zoned Primarily for Urban Purposes, due to the fact that:

- The majority of the adjoining lots to the north and east are zoned R2 Low Density Residential zone under the NLEP 2012 including the following properties:
 - 47-71 Ella Street to the north;
 - 37 King Street to the north;
 - 1-43 Ella Street to the north;
 - The Ella Street and King Street road reserves to the north;
 - 17-27A Lockyer Street to the north;
 - 39 June Street to the north;
 - 3-13 Lockyer Street to the north;
 - 32-102 Henry Street to the east;
 - 111 Bryant Street to the north;
 - Drew Street and Richard Street road reserves to the north;
 - 18 Richard Street to the north;
 - 15 Bullecourt Circuit to the north;
 - Fromelles Place Circuit and Bullecourt Circuit road reserves to the north;
 - 7 Fromelles Place to the west;
- Dwelling Houses and Hospitals are expressly permitted in the R2 Low Density Residential Zone under the NLEP 2012.

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However, Subclause 6(a) specifies that SEPP Seniors does not apply to land described in Schedule 1, being Environmentally Sensitive Land. Pursuant to Schedule 1, 'Environmentally Sensitive Land' includes 'open space.' Subclause 7 however precludes the application of subclause 6(a) and Schedule 1 for land that is used for the purposes of an existing club and is described as private open space. The site is used for an existing registered club and is zoned for private open space. The site contains an existing Registered Club, which SEPP Seniors defines as a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force. A Registered Club under the *Registered Clubs Act 1976* is defined as a club that holds a Club Licence, which refers to a Licence granted under the *Liquor Act 2007*. **Appendix 20** shows the existing Liquor Licence held by the Merewether Golf Club, as well as a map showing the boundaries of this Liquor Licence (in this case, including both Club areas and a Non-Restricted Area, which all form part of the overall Club Licence).

Therefore the land is not excluded from the application of SEPP Seniors due to this open space designation.

With regards to Environmentally Sensitive land, the site is mapped as being within a Mine Subsidence District, and one of the development lots is classified as bushfire prone land (with the actual bushfire hazard around 79m from the proposed Seniors Housing). However, neither of these matters are considered to constitute a Natural Hazard as defined in the NLEP 2012.

Furthermore, Environmentally Sensitive Land is defined to include a 'floodway.' Small portions of the overall Merewether Golf Club are mapped as being within the PMF (refer to **Section 5.4** and **Appendix 8**). A portion of the overall SCC Footprint is mapped as being within the Probably Maximum Flooding (PMF) extent (refer to **Figure 18** in **Section 5.4** below). However, the NLEP 2012 does not define the terms 'floodway' or 'high flooding hazard,' meaning that the site cannot be considered, under the terms of the NLEP 2012, to be subject to such flooding impacts. Indeed, the Land and Environment Court decision of *Radray Constructions Pty Ltd v Hornsby Shire Council* [2014] NSWLEC 1024 confirmed that a flood affectation of PMF does not constitute a 'floodway' or a 'high flooding hazard,' particularly when it is not defined in the relevant Local Environmental Plan as such. The PMF portion of the SCC Footprint therefore does not satisfy any of the definition of *Environmentally Sensitive Land* contained in Schedule 1 of the Seniors Housing SEPP and does not exclude the operation of The Seniors Housing SEPP for the site. Nevertheless, matters of potential flooding impacts are still relevant to the overall consideration of whether the site is suitable to support the proposed Seniors Housing and ancillary Wellness Centre. Such an assessment is contained in **Section 5.4** below. No built-form development is planned within this north-western portion of the overall SCC Footprint which is affected by the PMF. Rather, it would be used for stormwater and sewage discharge to support the proposed Seniors Housing and ancillary Wellness Centre. In addition, this PMF affected area would not be located over any areas of the site required for access or egress to support the function of the proposed Seniors Housing and ancillary Wellness Centre.

Clause 15(b) of SEPP Seniors provides that development under SEPP Seniors to take place on land which is Land Adjoining Land Zoned Primarily for Urban Purposes for the purposes of the following forms of Seniors Housing:

- Hostel; or
- Residential Care Facility; or
- Serviced Self-Care Housing.

As the proposed Seniors Housing would constitute Serviced Self-Care Housing, it would therefore fall within this requirement under Clause 15(b).

Subclause 17(1) of SEPP Seniors moreover provides that consent may not be granted to a Seniors Housing development on Land Adjoining Land Zoned Primarily for Urban Purposes unless it is for the purposes of one of the three sub-categories of Seniors Housing identified in Clause 15 above. Subclause 17(2) of Seniors SEPP moreover provides that consent may not be provided for such a development as Serviced Self-Care Housing unless it is also provided as a Retirement Village within the meaning of the

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Retirement Villages Act 1999. The proposed Seniors Housing is sought to be provided under the *Retirement Villages Act 1999*, thereby satisfying this requirement.

However, Subclause 23(1) provides that a consent authority may not consent to a DA on land that is used for the purposes of an existing registered club unless:

- (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.

Subclause 23(2) further provides that, some of the measures which may be considered to demonstrate compliance with Subclause 23(1)(a) include, but are not limited to:

- Any separate pedestrian access points for the club and the residential areas of the proposed development; and
- 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.

Section 5.6 and **Appendix 14** set out how the proposed Seniors Housing and ancillary Wellness Centre would incorporate suitable noise management measures to mitigate potential impacts at the site. These matters of suitable separation would be considered further in the future DA for the proposed Seniors Housing (Serviced Self-Care Housing) at the site.

The Pedestrian and Vehicular Circulation diagrams provided as part of the Architectural Plans in **Appendix 1** demonstrate the proposed elements of separation between these land uses. This includes 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. Each of the facilities – Golf Club, Wellness Centre and Seniors Housing have dedicated reception and arrival areas and associated Porte Cochere vehicular arrival points. The Architectural Plans provided in **Appendix 1** also demonstrate how separate, secure basement car parking access is proposed to be provided for these separate land uses at the site. 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. These matters would be detailed further at the DA stage.

Subclauses 24(1)(a)(iii) and 24(2) moreover provide that consent may not be granted to development for Seniors Housing on land that is being used for the purposes of an existing registered club unless the consent authority is satisfied that the relevant panel (in this case the Hunter and Central Coast Regional Planning Panel) has certified in a current SCC that:

- The site of the proposed development is suitable for more intensive development; and
- Development for the purposes of Seniors Housing of the kind proposed in the DA is compatible with the surrounding environment having regard to (at least) the criteria specified in Subclause 25(5)(b).

These matters are dealt with in **Sections 4.4, 5.1, 5.9** and **7.1**.

The aim of the SEPP Seniors are:

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 - 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*

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- c. be of good design.*
- (2) *These aims will be achieved by:*
 - 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 the 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.*

The proposed Seniors Housing and ancillary Wellness Centre realises the aims of SEPP Seniors by providing a facility that increases the range and services offered to seniors in the locality. Under SEPP Seniors, Seniors Housing is defined as:

Residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

For the purpose of this SCC Application Report, Serviced Self-Care Housing is expressly defined by clause 13(3) of the SEPP as follows:

(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.*

(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.*

(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.*

This SCC Application seeks authorisation for Serviced Self-Care Housing in the form of 148 Serviced Self-Care Housing dwellings, each of which will have access to *meals, cleaning services, personal care, nursing care* which will be available on site.

Table 4 sets out the following Development Standards that apply to any form of Seniors Housing development pursuant to Clause 40 of SEPP Seniors. Any variation to these standards must be supported by a written objection pursuant to *State Environmental Planning Policy No. 1 – Objection to Development Standards*.

Table 4 Development Standards for Seniors Housing	
Control	Requirement
Clause 40(2) Site Size	1,000m ² . The site of the proposed Seniors Housing and ancillary Wellness Centre has an overall site area of around 2.3ha. When the adjoining

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Table 4 Development Standards for Seniors Housing	
Control	Requirement
	Merewether Club House portion of the overall Merewether Golf Club site is added to this, it equates to an overall site area of around 2.9ha.
Clause 40(3) Site Frontage	20m. In this instance, the site frontage along the building line is considered to be at least 800m.
Clause 40(4) Building Height	<p>8m or less, measured vertically from ceiling of top most floors to ground level immediately below. This is due to the fact that SEPP Seniors provides the following definition of Height:</p> <p><i>In relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.</i></p> <p>This differs from the definition of Height under the NLEP 2012 (refer to Section 4.6.3).</p> <p>However, Clause 40(4) only applies to developments undertaken on residentially zoned land where development for the purposes of Residential Flat Buildings is also prohibited. The proposed Seniors Housing and ancillary Wellness Centre would take place on land zoned RE2 Private Recreation, which is not a residential land zoning. As such, this Clause 40(4) building height control does not apply to the proposed Seniors Housing and ancillary Wellness Centre.</p> <p>The proposed Seniors Housing would have a height of around 19.9m when measured at upper-most ceiling height as per SEPP Seniors (to be confirmed at DA lodgement stage).</p> <p>A building that is adjacent to a boundary of the site must not be more than two storeys in height.</p> <p>The proposed Seniors Housing and ancillary Wellness Centre would not locate any buildings adjacent to the site's boundaries.</p> <p>A building located in the rear 25% of the site must not exceed one storey in height.</p> <p>The proposed Seniors Housing and ancillary Wellness Centre would not locate any buildings within this rear portion of the site.</p>

A detailed assessment against SEPP Seniors accompanies this SCC Application as **Appendix 2**.

4.2 STATE ENVIRONMENTAL PLANNING POLICY NO 65 – APARTMENT DESIGN GUIDE

Clause 4 of *State Environmental Planning Policy 65 – Apartment Design Guideline* (SEPP 65) clarifies that the SEPP applies to development for the purposes of:

...residential flat building, shop top housing, or mixed use development with a residential accommodation if:

(a) the development consists of any of the following:

- i. the erection of a new building,*
- ii. the substantial redevelopment or the substantial refurbishment of an existing building,*
- iii. the conversion of an existing building, and*

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- (b) *the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) *the building concerned contains at least 4 or more dwellings.*

The proposed Seniors Housing is not identified as a Residential Flat Building. However, it includes development that is identified as Seniors Housing, which is comprised of Serviced Self-Care Housing. This Serviced Self-Care Housing can be defined as Self-Contained Dwellings in accordance with Clause 13 of SEPP Seniors.

Subclause 13(1) defines Self-Contained Dwellings as:

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.

Subclause 13(3) defines Serviced Self-Care Housing as:

Seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

Seniors Housing is contained within the umbrella definition of "Residential Accommodation" in the *Standard Instrument – Principal Local Environmental Plan*. It is considered that the apartment-style components of the proposed Seniors Housing can comply with the key requirements of SEPP 65.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) provides for certain proposals, known as Traffic Generating Development to be referred to NSW Roads and Maritime Services (RMS) (formally the Roads and Traffic Authority) for concurrence assessment.

Referral may be required dependent on the site's access to a classified road and the proposed intensity of the development. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

The proposed Seniors Housing and ancillary Wellness Centre includes additional parking for over 200 motor vehicles for 'any other purpose of development' identified in Column 1, Schedule 1 of SEPP Infrastructure. The proposed Seniors Housing and ancillary Wellness Centre DA would therefore be referred to the RMS. A Traffic Assessment has been prepared by SECA Solution and accompanies this SCC Application Report as **Appendix 6**.

4.4 GREATER NEWCASTLE METROPOLITAN PLAN 2036

The *Greater Newcastle Metropolitan Plan 2036* (Metropolitan Plan) responds to changing global economic trends, such as new smart technology, creative and sharing economies, the ageing population and global connectedness. It states how Greater Newcastle's ageing population will be supported through improvements to aged care facilities, community-based health services and the introduction of private providers of care and wellness for older residents. It furthermore states how Hunter New England Health and the private health sector, working with Greater Newcastle councils and Transport for NSW, will:

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

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The Metropolitan Plan identifies how, in 2016, the population of the Hunter Region aged 65 and over was 102,800, representing 17.9% of the population. It predicts that by 2036, this demographic will increase to 163,100 or 23.5% of the Region's population. Furthermore, it states that providing housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size. A 60% target for new dwellings in the existing urban area by 2016 is therefore set. The Metropolitan Plan explains how this may be achieved through a variety of housing types, including secondary dwellings, apartments, townhouses and villas.

The Metropolitan Plan furthermore sets out a target of 25% small lot and multi-dwelling houses by 2036 to increase housing diversity in urban areas. It is considered that this may include a mix of apartments, dual occupancies, townhouses, villas and homes on lots less than 400m². Moreover, urban densities of between 50-75% per hectare are recommended for specified catalyst areas and urban renewal corridors. This would influence housing affordability and diversity, focus new housing in areas close to jobs and green spaces, support efficient transport, and reduce urban sprawl. Local Strategies are required to consider local housing needs based on household and demographic changes.

It is recommended that these Local Strategies plan for a range of housing choices, including retirement villages, nursing homes, and opportunities to modify existing dwellings to enable occupants to age in place. Local Strategies should identify the infrastructure necessary to support local communities and provide access to transport and community services and facilities. The strategic direction established through Local Strategies would then be implemented through local planning controls to provide housing choice and diversity, and liveable homes that are responsive to the changing needs of households.

The proposed Seniors Housing, being for Serviced Self-Care Housing, allows individuals to downsize to a form of residential accommodation that provides Seniors Living assistance whilst also providing the amenity and independence of regular apartment accommodation. This would allow current residents of the Newcastle area to age in place, particularly in the case of couples and individuals who do not yet require a high-level of aged care. The proposed Seniors Housing would therefore help meet the strategic need for more diverse housing in order to meet the needs of an ageing population as recognised in the Metropolitan Plan.

As shown on **Figure 9** below, the Metropolis Plan locates the site in the vicinity of several Major Health Precincts.

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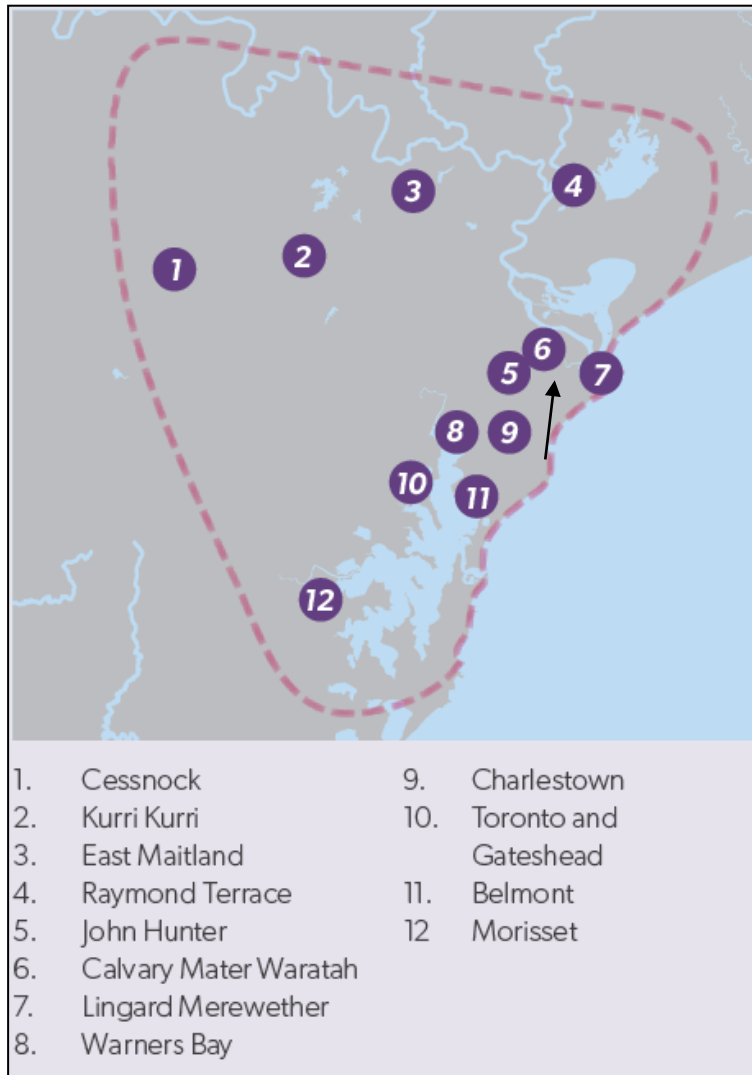


Figure 9 Major Health Precincts in Greater Newcastle (DPIE, 2018)

Under the Metropolitan plan, the site is also located in the near vicinity of, and adjacent to, the mapped Urban Renewal Corridor Stage 1 and Stage 2 for the Adamstown area as shaded in pink and as hatched in pink on **Figure 10** respectively. The site itself is marked as being for environmental and open space purposes, as shaded green on **Figure 10**.

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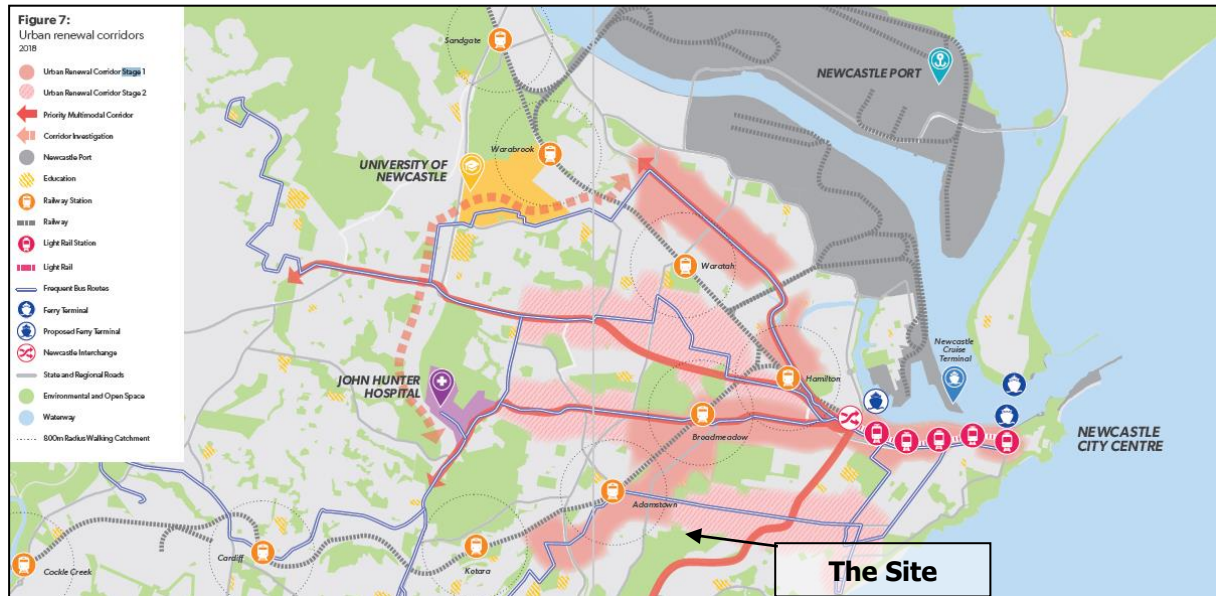


Figure 10 Urban Renewal Corridors (DPIE, 2018)

This is reiterated on the Housing Opportunities mapped provided in the Metropolitan Plan, which identifies the site as an Other Existing Urban Area (shaded in grey on **Figure 11** below). **Figure 11** also identifies the site as being immediately adjacent to other parcels of land, to the north, which are mapped as being Existing Urban Areas with Infill Opportunities (as shaded pink on **Figure 11**).

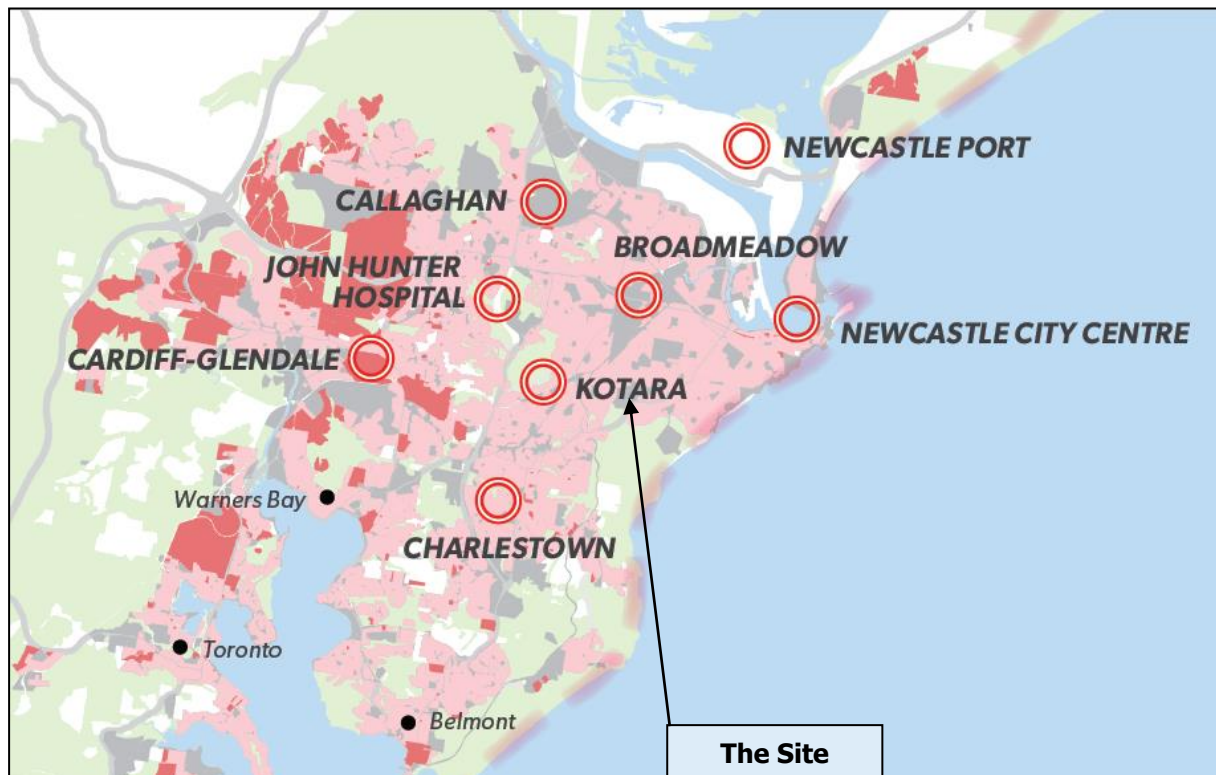


Figure 11 Housing Opportunities (DPIE, 2018)

The Metropolitan Plan identifies how the focus of housing delivery in existing urban areas will be within strategic centres and along urban renewal corridors in the metro core (refer to **Figure 10** and **Figure 11** above). These locations will play an important role in accommodating future housing and employment growth. They will become a network of connected places, linking to each other and their

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surrounding communities and developing as mixed-use neighbourhoods that offer a range and choice of housing as well as other services. The Metropolitan identifies two stages of urban renewal corridors which will develop into high amenity areas with frequent and accessible transport, with the potential to be home to more people if planned well. These corridors have the highest development feasibility and potential to be supported by public transport improvements in the shorter term.

The proposed Seniors Housing would therefore be an appropriate urban design 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.

4.5 HUNTER REGIONAL PLAN 2016

The *Hunter Regional Plan 2016* (Regional Plan) predicts that, by 2036, 25% of the Hunter Region's population (or 69,500 more people) will be over the age of 65 years. Moreover, the majority of these people are expected to live in Greater Newcastle. The Regional Plan identifies how the economy is increasingly diversified, with strong growth occurring in health care, social assistance, accommodation, food and professional services. This growth demonstrates how the Hunter Region is well-placed to benefit from the macro trends affecting the Australian economy, such as the ageing population and greater exposure to the global economy.

Direction 22 of the Regional Plan is concerned with promoting housing diversity. It acknowledges how one of the key trends that will shape the Hunter Region's 2036 housing demand is the projected increase in the ageing population. It is recognised how the number of single and couple-only households is growing. However, most houses in the Hunter Region are three and four-bedroom detached homes. More studio and one and two-bedroom dwellings will be required to meet growing demand. Similarly, social and affordable housing will be necessary to meet the needs of people on low incomes. Increasing the overall supply of housing will help to reduce pressure on the cost of housing.

Relevant Actions stemming from Direction 22 under the Regional Plan are as follows:

- Action 22.1 Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel; and
- 22.2 Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes.

The proposed Seniors Housing would respond to the need for housing and services for the growing ageing community and would contribute to the realisation of greater housing diversity within the Hunter Region.

4.6 NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

4.6.1 Zoning and Permissibility

The site is zoned RE2 Private Recreation under the provisions of the NLEP 2012 (refer to **Figure 12**). Under the NLEP 2012, development for the purposes of Dwelling Houses and Registered Clubs is permitted with consent in the RE2 Private Recreation zone. However, due to the prevailing minimum lot size (40 ha), the site itself may not meet the criteria for land zoned primarily for urban purposes under SEPP Seniors. Nevertheless, the site is clearly identified as being Land Adjoining Land Zoned Primarily for Urban Purposes under Seniors SEPP, as it adjoins the R2 Low Density Residential zone to the north, east and west where Dwelling Houses and Hospitals are expressly permitted with consent. The site is therefore Land Adjoining Land Zoned Primarily for Urban Purposes in accordance with Subclauses 4(1) and 4(4) of SEPP Seniors.

Moreover, the site of the proposed Seniors Housing and ancillary Wellness Centre also does not constitute Environmentally Sensitive Land so as to exclude the application of SEPP Seniors.

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In summary, the site constitutes Land Adjoining Land Zoned Primarily for Urban Purposes despite its RE2 Private Recreation zoning under the NLEP 2012.

The objectives of the RE2 Private Recreation zone under the NLEP 2012 are:

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

Within the RE2 zone the following are permissible without consent:

Environmental facilities; Environmental protection works; Home occupations.

Within the RE2 zone the following are permissible with consent:

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

Within the RE2 zone the following are prohibited:

*Pubs; **Any development not specified in item 2 or 3.***

The proposed development is for *Seniors Housing*, meaning:

a building or place that is:

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*

but does not include a hospital.

Note. Seniors housing is a type of residential accommodation.

Seniors Housing is an innominate use prohibited in the RE2 zone. The proposed development for Seniors Housing is therefore prohibited on the site pursuant to NLEP2012.

However, as described in **Section 4.1**, SEPP Seniors provides for Seniors Housing as a permissible use at this site, despite its RE2 Private Recreation zone.

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The site also directly adjoins land zoned R2 Low Density Residential, RE1 Public Recreation and SP2 Infrastructure (Classified Road). To the south-west, there are also portions of land zoned E3 Environmental Management and E1 National Parks and Nature Reserves (refer to **Figure 12** below).

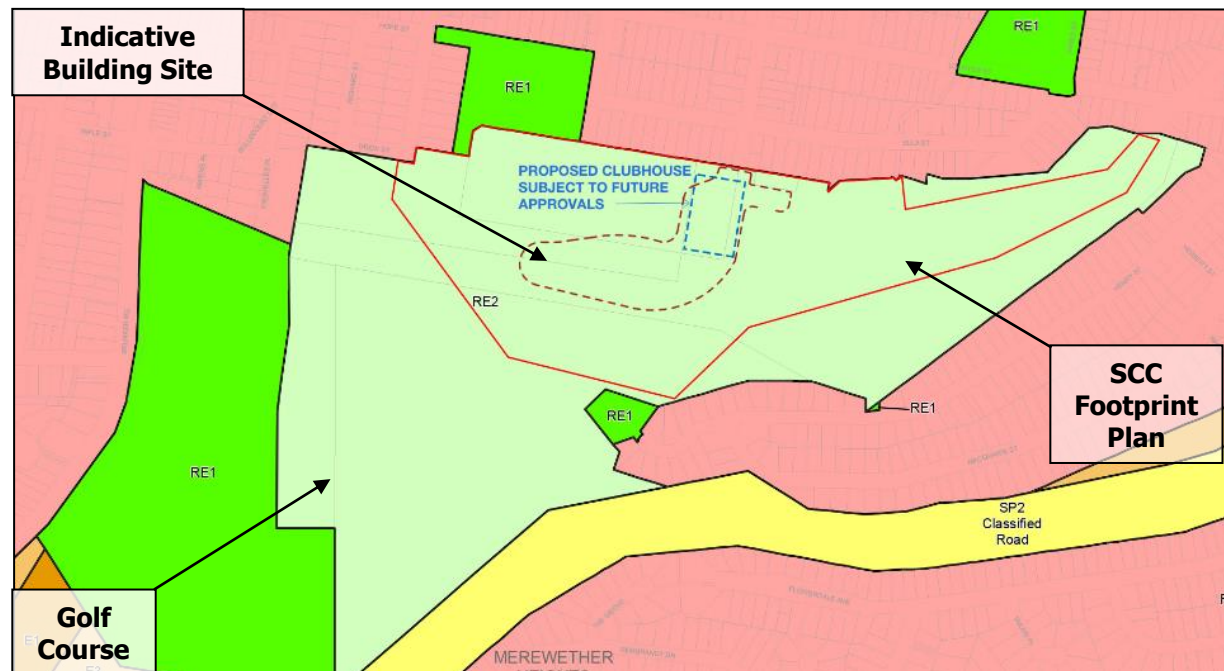


Figure 12 Zoning Map (NSW Legislation, 2019)

The proposed Seniors Housing and ancillary Wellness Centre is consistent with the intended character of the area as it provides for a housing product that meets the needs of a growing demographic in the local community, being elderly and people with a disability. The built form of the proposed Seniors Housing and ancillary Wellness Centre has been designed to respond to existing and future characteristics of the locality, as the strategic planning environment encourages future higher densities along the Adamstown Renewal Corridor in close proximity of Merewether Golf Club.

4.6.2 Subdivision

No subdivision is currently proposed for the site.

4.6.3 Height of buildings

Clause 4.3 of the NLEP 2012 limits the heights of buildings to that described within the Height of Buildings Map. The objectives of the development standard are as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,*
 - (b) *to allow reasonable daylight access to all developments and the public domain.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The site is not subject to a maximum building height pursuant to NLEP2012 (refer to **Figure 13**). Of note, land directly adjoining the site is subject to an 8.5m maximum building height. For the purpose of the NLEP 2012, building height (or height of building) means:

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*

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(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

As described in **Table 4** within **Section 4.1**, the calculation of building heights differs for the purposes of the NLEP 2012 and SEPP Seniors.

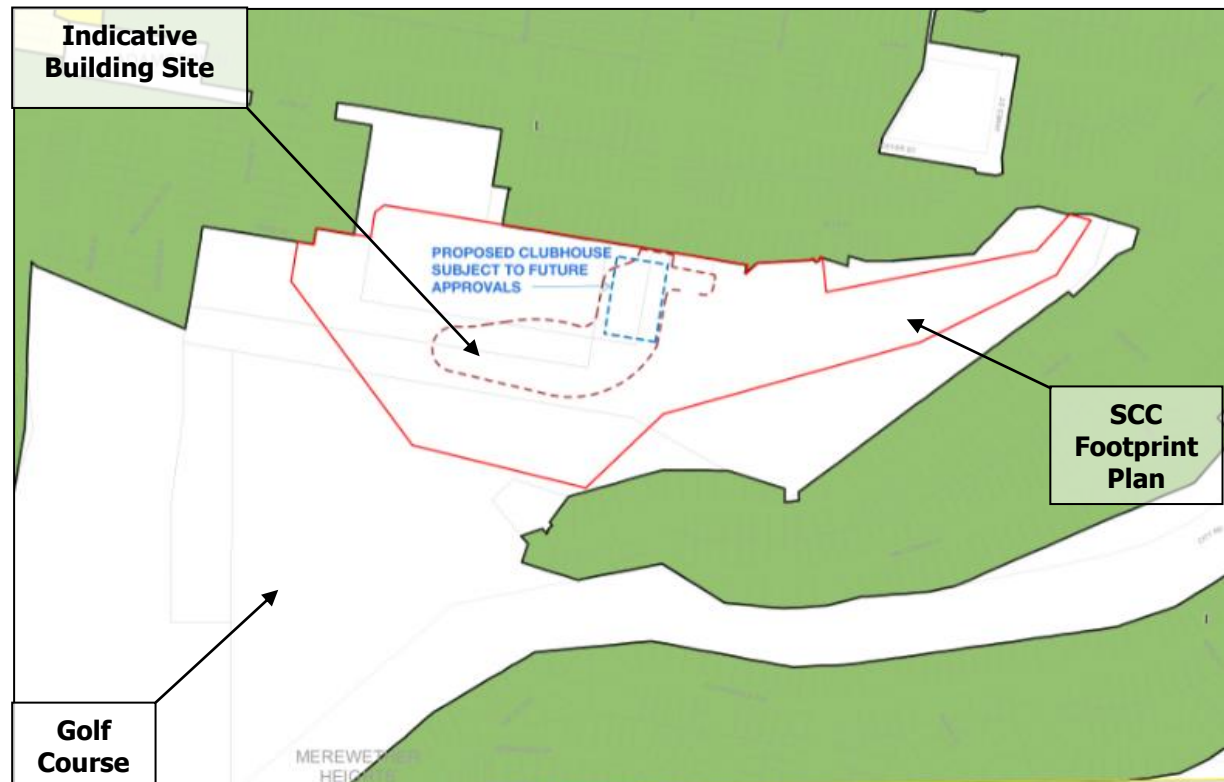


Figure 13 Building Height Map (NSW Legislation, 2019)

Clause 40(4) of SEPP Seniors sets out a general building height requirement for developments undertaken as per the SEPP. This height limit is set at 8m. However, this control only applies to developments undertaken on residentially zoned land where development for the purposes of Residential Flat Buildings is also prohibited. The proposed Seniors Housing and ancillary Wellness Centre would take place on land zoned RE2 Private Recreation, which is not a residential land zoning. As such, this Clause 40(4) building height control does not apply to the proposed Seniors Housing.

The built form of the proposed Seniors Housing and ancillary Wellness Centre has been designed to respond to existing and future characteristics of the locality, as the strategic planning environment encourages future higher densities along the Adamstown Renewal Corridor in close proximity of Merewether Golf Club.

4.6.4 Floor Space Ratio

The site is not subject to a maximum floor space ratio (FSR) pursuant to NLEP2012 (refer to **Figure 14**). Of note, land directly adjoining the site is subject to a 0.6:1 maximum FSR.

Pursuant to NLEP2012, FSR means *the ratio of the gross floor area of all buildings within the site to the site area.*

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The calculation of GFA is to be in accordance with the following:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) *the area of a mezzanine, and*
- (b) *habitable rooms in a basement or an attic, and*
- (c) *any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

- (d) *any area for common vertical circulation, such as lifts and stairs, and*
- (e) *any basement:*
 - (i) *storage, and*
 - (ii) *vehicular access, loading areas, garbage and services, and*
- (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) *any space used for the loading or unloading of goods (including access to it), and*
- (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) *voids above a floor at the level of a storey or storey above.*

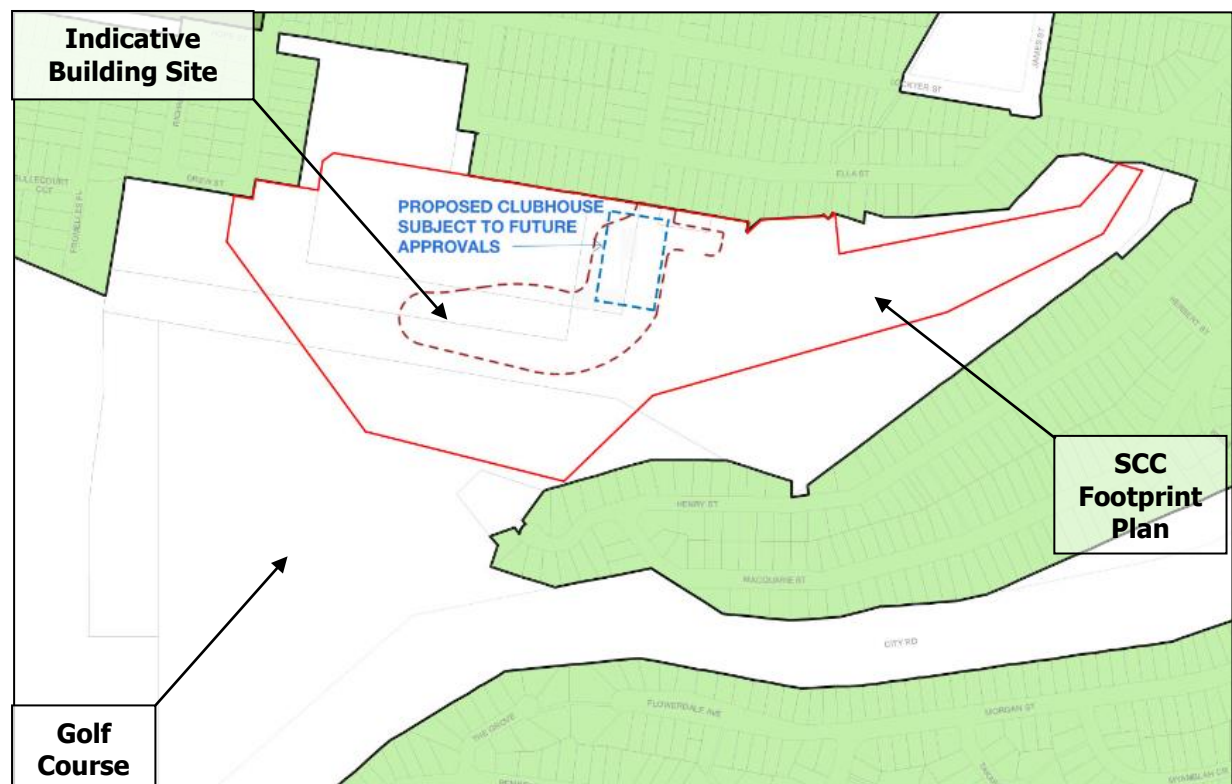


Figure 14 FSR Map (NSW Legislation, 2019)

However, Clause 50(b) of SEPP Seniors identifies a maximum FSR for Self-Contained Dwellings Serviced (Self-Care Housing) as being 0.5:1. The proposed Seniors Housing and ancillary Wellness Centre would not exceed this FSR control. These details would be finalised at the time of DA lodgement.

4.7 DEVELOPMENT CONTROL PLAN

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The *Newcastle Development Control Plan 2013* (NDCP 2012) is the primary and comprehensive DCP that applies to the whole Newcastle LGA. The NDCP 2012 provides guidelines and controls for specific types of development. Although the NDCP 2012 is relevant to the proposed Seniors Housing and ancillary Wellness Centre, the primary legislation driving the proposed Seniors Housing and ancillary Wellness Centre is SEPP Seniors.

In general, the provisions under the NDCP 2012 identify development for the purpose of residential care and/or Seniors Housing is to comply with SEPP Seniors. However, given the site's locality and building typology, the proposed Seniors Housing and ancillary Wellness Centre will consider the relevant controls for rural land and development.

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PART E ENVIRONMENTAL ASSESSMENT

Pursuant to the assessment of compatibility for the site, the following matters have been addressed.

5.1 CONTEXT AND SETTING

An assessment of the potential character interface of the proposed Seniors Housing and ancillary Wellness Centre has been provided by RobertsDay and accompanies this SCC Application as **Appendix 15**.

The suburb of Adamstown is around 5km of the Newcastle CBD. It is considered to be the gatekeeper of inner Newcastle whilst remaining quiet and relaxed. It is known and valued by locals for its good public transport and great accessibility. Adamstown is unique for being home to different sport and recreational facilities including Merewether golf Course.

The suburb is going through some transformation for a more diverse and liveable environment. According to strategic planning for the Adamstown Renewal Corridor, the future character of the area is identified as high density residential along Brunker Road, mixed uses along Glebe Road, and a town centre with a retail/commercial focus. This precinct would be improved through activation of street edges, consistent built forms and landscaping.

Adamstown is described as having a gently sloping topography with high points along Brunker Road and Pacific Highway, with streets generally following this topography. Existing view to the Glenrock Conservation Area are especially valuable. It has a primarily urban landscape alongside extensive green spaces, informal vegetated creek corridors and formal parks. There are established trees along the Merewether Golf Course and local front street setbacks creating a pleasant and green leafy environment. Most dwellings enjoy a vegetated front setback.

The urban form of Adamstown is suburban in character, with predominantly regular and well-connected streets. Street blocks are generally regular and narrow with low kerbs and footpaths, whereas lots tend to be regular and narrow. The suburb has a mixture of large detached dwellings set back from the street, and attached/semi-detached townhouses. The buildings date from the 1970's to 1990's, with newer developments as the area redevelops. The suburb's existing built form comprises low density dwelling types and predominantly detached townhouses which are generally single and double storey with pitched roofs. The nearby Adamstown Renewal Corridor is identified for future high density mixed uses under the NDCP 2012. In the local area, building materials are predominantly masonry and lightweight cladding. Buildings are generally setback generously from the boundary with landscaping. Front fences are low and vary from vegetation to solid structures.

Adamstown features several parks, sport and recreational facilities including oval sport fields, a velodrome, golf course and local parks which results in the area having a focus for people interested in recreational uses. It also marks the start of the Fernleigh Track which runs for about 15km along a disused railway line and finishes in Belmont. The suburb also has three well-regarded schools within its boundary, attracting families with kids to the area. The suburb would accommodate new population with future retail and residential developments along the Renewal Corridor. In 2016, almost 17% of the population was aged 60 and over.

It is considered that future development within Adamstown should:

- Not only be contributing to the existing neighbourhood character but also with future trends and changes in the area by:
 - Contributing to the future character as a more diverse and vibrant neighbourhood; and
 - Maintaining the existing value as an accessible recreational destination;
- Preserve the existing landscape character and ensure key ecology is respected and protected by:
 - Respecting topography and green corridors;

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- Retaining views to Glenrock State Conservation Area;
- Retaining or reinstating trees and other landscaping surrounding the site for screening; and
- Maintaining cohesiveness through landscaping that complements the built form;
- Respect and enhance the urban and built form environment by:
 - Carefully considering the interface with proposed Seniors Housing and ancillary Wellness Centre with adjoining land uses;
 - Ensuring compatible bulk and scale to create consistent built form rhythm while considering the ongoing changes in the neighbourhood;
 - Using compatible materials to form a consistent streetscape;
 - Providing consistent and/or established street setbacks; and
 - Establishing consistent fencing and street address;
- Maintain or reinforce the existing facilities and activities; and
- Respond to the growing population and diverse age groups.

The site is adjacent to three notable interfaces: the Brunker Road, Henry Street and Ella Street interfaces (refer to **Figure 15**). The sub-characters of each of these interfaces are described below:

- The Ella Street Interface: predominantly single storey detached residences, set far back from the road. There are some established native trees along the road, with no footpaths;
- The Brunker Road Interface: Newcastle branch of Australian Air Force Cadets comprising aircraft hangars and at grade parking. There are significant established trees along the golf course boundary and the Road; and
- The Henry Street Interface: Quiet intimate and leafy cul-de-sac with large detached houses with significant established trees on-block and on street.

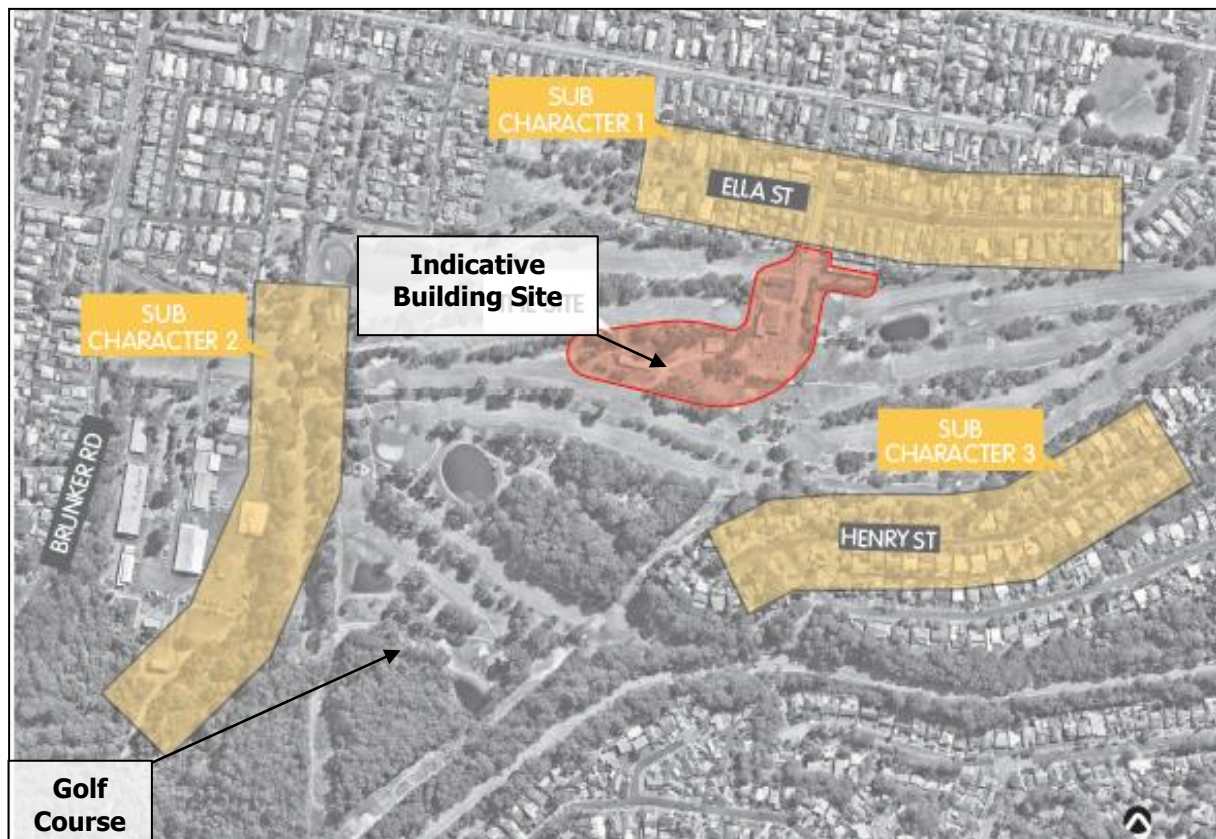


Figure 15 Sub Character Interfaces (RobertsDay, 2019)

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The corresponding viewscales which were further assessed are identified on **Figure 16**.



Figure 16 Selected Views to be Assessed (RobertsDay, 2019)

Table 5 sets out the assessment of these significant views identified on **Figure 16** above.

Table 5 Views Assessment				
Development Objectives	Criteria	Assessment Against Character Objectives		
		Inconsistent	Meets	Enhances
Natural Setting and Landscape	Respecting topography and green corridors.		View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 -126A Henry St View 5 – 116 Henry St View 6 – 118 Henry St	
	Retaining views to Glenrock State Conservation Area.		View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 -126A Henry St View 5 - 116 Henry St	

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Table 5 Views Assessment				
Development Objectives	Criteria	Assessment Against Character Objectives		
		Inconsistent	Meets	Enhances
			View 6 – 118 Henry St	
	Retaining or reinstating trees and other landscaping surrounding the site for screening.		View 2 - 49 Ella St	View 1 - King St View 3 - 69 Ella St View 4 - 126A Henry St View 5 - 116 Henry St View 6 – 118 Henry St
	Maintaining cohesiveness through landscaping that complements the built form.		View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 - 126A Henry St View 5 - 116 Henry St View 6 – 118 Henry St	
Urban and Built Form	Carefully considering the interface with proposed Seniors Housing and ancillary Wellness Centre with adjoining land use.			View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 - 126A Henry St View 5 - 116 Henry St View 6 – 118 Henry St
	Compatible bulk and scale to create consistent built form rhythm while considering the ongoing changes in the neighbourhood.			View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 - 126A Henry St View 5 – 116 Henry St View 6 – 118 Henry St
	Use of compatible materials to form a consistent streetscape.		View 1 - King St	
	Consistent and/or established street setbacks.			View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St
	Consistent fencing and street address.		View 1 - King St	
Meaning	Contributing to the future character as a more diverse and			View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St

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Table 5 Views Assessment				
Development Objectives	Criteria	Assessment Against Character Objectives		
		Inconsistent	Meets	Enhances
	vibrant neighbourhood.			View 4 - 126A Henry St View 5 - 116 Henry St View 6 - 118 Henry St
	Maintaining the existing value as an accessible recreational destination.		View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 - 126A Henry St View 5 - 116 Henry St View 6 - 118 Henry St	
Activities	Maintain or reinforce the existing facilities and activities.		View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 - 126A Henry St View 5 - 116 Henry St View 6 - 118 Henry St	
	Respond to the growing population and diverse age groups.			View 1 - King St View 2 - 49 Ella St View 3 - 69 Ella St View 4 - 126A Henry St View 5 - 116 Henry St View 6 - 118 Henry St

The proposed Seniors Housing and ancillary Wellness Centre would contribute to the existing character and future changes of Adamstown through a number of approaches as summarised below:

- The built form massing and scale of the proposed Seniors Housing and ancillary Wellness Centre would create a consistent rhythm with the surrounding, including significant datums from existing trees, framed outlooks and topography, noted from the Assessment Views;
- Key views toward Glenrock State Conservation Area would be maintained;
- The existing leafy landscape character, topography and green corridors would be maintained through the sensitive siting of the built form;
- As a part of the proposed Seniors Housing and ancillary Wellness Centre, the cohesiveness of the landscape character would be maintained through the retention and reinstating of landscaping which would also provide additional screening to mitigate any visual impacts;
- The proposed Seniors Housing and ancillary Wellness Centre would provide a sensitive outcome to the built-form and natural environment interface through significant setbacks from nearby existing residences and would demonstrate compatible bulk, with consideration to the future changes of the neighbourhood;

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- The built-form material palette would optimise on the unique natural setting of the environment to enhance the character of the leafy neighbourhood;
- The proposed use of the building would maintain the existing facilities, activities and value of the Golf Course site as a recreational destination; and
- The urban form would provide a positive enhancement to the wider context of Adamstown in a way that contributes to the diverse and vibrant neighbourhood, responsive to its growing population and changing demographic.

5.2 TRAFFIC AND PARKING

An assessment of the potential parking impacts of the proposed Seniors Housing and ancillary Wellness Centre has been prepared by SECA Solution and accompanies this SCC Application as **Appendix 6**.

Overall it is concluded that on traffic, access and parking grounds there is no impediment to the approval of the proposed Seniors Housing and ancillary Wellness Centre. The subject site and surrounding road network have sufficient capacity to accommodate the additional traffic demands associated with the proposed Seniors Housing and ancillary Wellness Centre.

The plans for the proposed Seniors Housing and ancillary Wellness Centre allow for the provision of 148 Serviced Self-Care Housing dwellings as well as the provision of a Wellness Centre. It is also understood that the existing Merewether Golf Club House would be redeveloped in parallel with this. The Traffic Impact Statement therefore took a cumulative approach to assessing the traffic impacts of the site operating with these tandem uses in place in order to arrive at a conservative assessment which is realistic and considers the co location of uses on the site.

The club refurbishment may see additional patronage. However, it is considered the majority of any increased demand would be generated by the future residents of the Serviced Self-Care Housing which do not generate external traffic demands. Increases in patronage associated with the Club use would be of a Friday evening or weekend which would not coincide with peak traffic demands associated with the site and would occur outside of the road network peak periods when the traffic volumes on the surrounding roads are lower than the weekday peaks.

Seca Solution undertook traffic surveys at the intersection of Lockyer Street and King Street, on Wednesday 26th June 2018, in order to determine the current peak hour flows in this location. The morning survey was undertaken between 7am-9.15am with the peak hour determined as 8:00am to 9:00am, whilst the afternoon survey was undertaken between 2.30pm-5.30pm with the peak hour was determined as 2:45pm to 3:45pm. Traffic surveys were also undertaken at the intersection of Glebe Road and King Street on Wednesday 19th June 2019. The morning survey was undertaken during the peak hour between 8am-9am, whilst the afternoon survey was undertaken between 2.45pm-6.00pm with the peak hour determined as 4:30pm to 5:30pm. This survey data is provided full within Attachment D of **Appendix 6**.

Traffic associated with the Seniors Housing development would typically occur outside of the AM road peak but may coincide with the PM peak whilst the Wellness Centre, assessed as a gymnasium, would typically generate its peak between 6-7pm, again outside the local peak hour (4.30-5.30pm). As a worst-case scenario, all traffic has been applied to both the AM and PM peak periods with no concessions for internal demands associated with the Wellness Centre, nor for travel to local centres by shuttle bus. Similarly, while peak hour traffic flows associated with the development have opportunities to be distributed across various routes all traffic has been assessed at the key intersection of Lockyer Street and King Street with the intersection of Glebe Road and King Street also assessed using the modelling program *Sidra Intersection 8*.

The traffic impact assessment has determined that there is no significant impact upon the local road network with key intersections able to continue to operate with minimal delays and local roads operating at similar levels of service and remaining within their environmental capacity.

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The parking demands associated with the proposed Seniors Housing and ancillary Wellness Centre can be accommodated on site in accordance with the *Newcastle Development Control Plan 2012* and SEPP Seniors, and as such would not impact upon the existing on-street parking in the locality. Parking provision for the site is sufficient to accommodate the range of uses across the site, ensuring availability of parking for all site users.

5.3 BUSHFIRE

An assessment of the potential bushfire impacts of the proposed Seniors Housing and ancillary Wellness Centre has been prepared by Ecological and accompanies this SCC Application as **Appendix 7**.

The proposed Seniors Housing and ancillary Wellness Centre development is classified as Special Fire Protection Purpose (SFPP) development under the pre-release version of *Planning for Bush Fire Protection 2018* (NSW Rural Fire Service (RFS) 2018) (PBP). The proposed Seniors Housing and ancillary Wellness Centre would require a Bush Fire Safety Authority from the RFS under Section 100B of the *Rural Fires Act 2007*.

The proposed Seniors Housing and ancillary Wellness Centre would take place on the following lots:

- Lot 1 DP229558;
- Lot 2 DP229558;
- Lot 3 DP229558; and
- Lot 4 DP1223244.

However, the entire Site Compatibility Certificate Footprint also encompasses Lot 3 in DP515310 so as to accompany supporting asset protection zones, emergency access and stormwater conveyance requirements to support this built-form.

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 (refer areas shaded yellow to orange and red on **Figure 6** in **Section 2.4** above). However, Lot 3 DP515310 is around 14.29ha in size (refer to Site Survey in **Appendix 3**), and the proposed Seniors Housing and ancillary Wellness Centre would be located around 79m from this bushfire prone land (refer to **Figure 17** below). Indeed, no built-form development would take place on Lot 3.

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Figure 17 Preliminary Bushfire Hazard Assessment and APZs (Ecological, 2019)

The predominant vegetation affecting the Merewether Golf Club site is the Category 2 vegetation located to the south of the proposed Seniors Housing and ancillary Wellness Centre. This vegetation has been identified as *Coastal Foothills Spotted Gum – Ironbark Forest* (Lower Hunter 2003) which is classified as 'forest' under PBP.

In all other directions, there are managed lands in the form of existing residential development and associated infrastructure.

The effective slope under the bushfire hazard falls into the PBP slope category 'all upslopes and flat land.'

PBP requires the assessment of a suite of bushfire protection measures to be assessed for SFPP development. These are set out as follows:

- PBP 2018 has been used to determine the width of APZ for the proposed Seniors Housing and ancillary Wellness Centre using the identified vegetation and slope data. The results of this preliminary assessment and include APZ requirements are shown on **Figure 17** above. The proposed Seniors Housing and ancillary Wellness Centre exceeds the minimum SFPP APZ requirements of PBP 2018;
- Landscaping within the APZ is to achieve the specifications of an Inner Protection Area (IPA) as described in PBP 2018 and as outlined below:
 - Trees:
 - Canopy cover should be less than 15% (at maturity);
 - Trees (at maturity) should not touch or overhang the building;
 - Lower limbs should be removed up to a height of 2m above ground;
 - Canopies should be separated by 2-5m; and
 - Preference should be given to smooth barked and evergreen trees;
 - Shrubs:

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- Create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings;
 - Shrubs should not be located under trees;
 - Shrubs should not form more than 10% ground cover; and
 - Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- Grass:
 - Should be kept mown (as a guide grass should be kept to no more than 100 mm in height); and
 - Leaves and vegetation debris should be removed.
- Most buildings within a bush fire prone area need to be constructed to an appropriate bushfire construction standard. Construction standards are governed by the Building Code of Australia (BCA) which calls up Australian Standard (AS) 3959-2009 'Construction of buildings in bushfire-prone areas' (Standards Australia 2009). PBP 2018 also applies variations to the construction standards of AS 3959-2009 and must be consulted. Construction standards for SFPP development depend on the type of development proposed, however a construction level of BAL-12.5 under AS 3959-2009 is the acceptable solution given the enlarged APZs for SFPP development;
- PBP 2018 states 'Residential buildings exceeding three storeys in height are considered multi-storey buildings'. Whilst this relates to residential development, RFS have recently raised this for consideration on another SFPP development. There are additional considerations associated with multi-storey residential buildings. A Bushfire Engineering Brief (BEB) may need to be prepared for proposed multi-storey components of the development, this should form part of a pre-DA meeting with the RFS to determine the need for a BEB based on PBP 2018;
- The proposed Seniors Housing and ancillary Wellness Centre is required to provide two alternate egress routes and destinations to a safer place (such as Adamstown or Hamilton South) under PBP 2018. The proposed Seniors Housing and ancillary Wellness Centre is located within an existing golf course with primary access off King Street and is bordered by existing residential development to the north, east and south and Bullecourt Barracks to the west. Secondary access was investigated extensively but was not feasible due to the limited public road frontage;
- In lieu of formal secondary access, the following provisions are proposed to satisfy this performance criterion that 'roads are designed to allow safe access and egress for firefighting vehicles while occupants are evacuating':
 - Offsite evacuation of this development is unlikely to ever be required during a bushfire event as the hazard to the south is small and located a significant distance (≥ 85 m) from the development necessitate offsite evacuation;
 - If a fire occurred in this small hazard under an FFDI 100 it would consume the full perimeter of the hazard within minutes. Under the best possible fire detection/reporting and evacuation notification system and perfect evacuation response by residents it may take as much as 2 hours to complete an offsite evacuation;
 - Within this time the hazard would be completely burned out or flames would abut the perimeter road precluding the safety assumed under early evacuation, and/or the rapid response of the local FRNSW Brigade (expected to be <7 minutes) would have extinguished the fire or at least removed any need for evacuation; and
 - The Bushfire Emergency and Evacuation Plan that will be developed for the site would recommend residents do not evacuate offsite during a bushfire event unless it is in response to a fire a long distance from the site with a significant amount of time to expected fire impact.

Overall, an appropriate level of bushfire protection is achieved by:

- 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 Seniors Housing and ancillary Wellness Centre would exceed PBP 2018 required APZ;

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- 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 Seniors Housing and ancillary Wellness Centre; 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.

If required, the following can be provided:

- A loop road around the buildings (either compressed ground or paved) to provide emergency service access to all areas of the development; and
- An 'emergency vehicle access track' through to either Drew Street (west) or June Street (east).

Furthermore, Ausgrid (who owns assets within the Merewether Golf Course), consents to proposed Seniors Housing and ancillary Wellness Centre (refer to Appendix D of **Appendix 7**). Furthermore, consultation with NSW Rural Fire Services (refer to Appendix C of **Appendix 7**) has confirmed that the NSW Rural Fire Services has no in principle objection to the proposed Seniors Housing and ancillary Wellness Centre, subject to the following statements:

- Compliance with Section 4.2.7 of Planning for Bushfire Protection 2006 (or any subsequent version) exempting the provision of a secondary access;
- The bush fire risk to the proposed Seniors Housing and ancillary Wellness Centre is considered to be low given its location within managed lands and its setbacks to the bushfire prone vegetation; and
- The Bush Fire Emergency Management and Evacuation Plan for the facility is not to exclude evacuations as an opinion, but instead include triggers to be considered for the stay on site and/or evacuation options based on the bush fire risk.

The Bushfire Statement in **Appendix 7** sets out the matters which would be included in the Bushfire Emergency and Evacuation Plan at the Development Application stage of the proposed Seniors Housing and ancillary Wellness Centre. Most significantly, no constraints were identified with regards to meeting emergency management procedure requirements. Specifically, the Bushfire Emergency and Evacuation Plan would include comprehensive information on:

- The difference between Onsite Refuge or Offsite Evacuation;
- The decision making process to seek Onsite Refuge or Offsite Evacuation;
- Circumstances under which onsite refuge is to occur;
- Preparedness for onsite refuge;
- Circumstances under which offsite evacuation is to occur;
- Off-site evacuation procedure;
- Responsibilities of personnel including the establishment of an Emergency Control Organisation;
- Monitoring of fire danger and bushfire situation.

The Bushfire Emergency and Evacuation Plan would also include both Preparedness and Evacuation matrices that link Fire Danger Rating and proximity of fire to guide decision making in relation to bushfire readiness and evacuation response.

As noted above, Lots 1-3 DP 229558 and Lot 4 DP 1223244 at the site are not mapped as bush fire prone land under the NLEP 2012. Nevertheless, 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 Seniors Housing and ancillary Wellness Centre, the means of access to and egress from the general location and other relevant matters, including:

- The size of the existing population within the locality;
- Age groups within that population and the number of persons within those age groups;

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- 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;
- The number of schools within the locality and the number of students at those schools;
- Existing development within the locality that has been carried out under this Policy or SEPP Seniors;
- 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;
- The adequacy of access to and from the site of the proposed Seniors Housing and ancillary Wellness Centre for emergency response vehicles;
- The nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed Seniors Housing and ancillary Wellness Centre and the site; and
- The requirements of New South Wales Fire Brigades.

These provisions are considered relevant to the remaining lots at the site which do not contain mapped bushfire prone land. It is noted that the definition of Streetscape under Clause 3 of SEPP Seniors suggests that the term 'locality' is meant to refer to the surrounding area within the near vicinity of the site (i.e. a street or precinct).

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 as being within any specific precinct under the NLEP 2012.

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 considered to create any additional risks in terms of bushfire evacuation.

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 Seniors Housing and ancillary Wellness Centre will not impede traffic, access or parking for the existing surrounding development.

Ausgrid were consulted regarding any impact the proposed Seniors Housing and ancillary Wellness Centre 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 Seniors Housing and ancillary Wellness Centre provided all conditions detailed in Ausgrid

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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.

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 Seniors Housing and ancillary Wellness Centre 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.

Overall, the Bushfire Report concludes that the proposed Seniors Housing and ancillary Wellness Centre can achieve the required bushfire protection measures for SFPP development under Acceptable or Performance Solutions within PBP.

5.4 OVERLAND FLOW AND FLOOD ANALYSIS

An assessment of the potential flooding impacts of developing the site has been prepared by Northrop and accompanies this SCC Application as **Appendix 8**.

Existing onsite elevations range from 15m AHD to 50m AHD. The majority of the site has grades in the order of five to seven percent with topography generally falling between northwest to northeast, towards Brunker Road to the west, and Lockyer St to the north. The proposed Seniors Housing and ancillary Wellness Centre would be accessed from the existing entry to the Golf Course off King Street, with the existing levels at the location of the proposed Seniors Housing and ancillary Wellness Centre 22-31m AHD.

The Flood Impact Statement was undertaken through a desktop review of the following documents supplied by Newcastle City Council:

- Flood Information Certificate FL2019/00044;
- PMF Levels map (40 King St, Adamstown); and
- Site survey data.

Figure 18 below shows the preliminary flood levels noted on Flood Information Certificate FL2019/00044. The map indicates that PMF levels affect a minor portion of the site to the north. However, the proposed Seniors Housing and ancillary Wellness Centre footprint would not be located within a flood affected zone.

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Figure 18 PMF Extent for Merewether Golf Course as Provided by NCC (Northrop, 2019)

The NDCP 2012 states that floor levels of all occupiable rooms within buildings are not set lower than the flood planning level (FPL), being the level of the 1% Annual Exceedance Probability flood, plus 500mm freeboard. PMF mapping of 40 King Street, Adamstown shows that the nearest flood affected portion of the site is expected to experience PMF levels of up to 15m AHD.

The ground level at which the proposed Seniors Housing and ancillary Wellness Centre site is to be located is in the order of 22-31m AHD, which is within the range of 7-16m higher than the PMF level, significantly exceeding the NDCP 2012 required level. Based on these findings, it is concluded that the proposed Seniors Housing and ancillary Wellness Centre would not be in a flood affected zone and therefore not at risk during a major floor event.

5.5 BIODIVERSITY

An assessment of the potential biodiversity impacts of developing the site has been prepared by EcoLogical Australia and accompanies this SCC Application as **Appendix 10**.

The Ecological Due Diligence Assessment has taken a cumulative approach to assessing the potential biodiversity impacts of the proposed Seniors Housing and ancillary Wellness Centre alongside the parallel Merewether Golf Club House redevelopment, given the close proximity of these separate development elements.

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. There is one small ephemeral watercourse/drainage line running across the proposed Seniors Housing and ancillary Wellness Centre site. Additionally, the area contains a fully paved car parking area as well as an existing Club House, a driving range shelter, a covered barbecue area and greenkeeper sheds.

Biodiversity database searches as well as a site visit were conducted by the ecologists. The following findings were noted:

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- Fifty-three Commonwealth listed threatened species, six listed migratory species, two Commonwealth-listed Endangered Ecological Communities and one Wetland of International Importance were identified from within a 10 x 10 km area centred on the site using the Commonwealth Protected Matters Search Tool;
- No threatened flora species have previously been recorded at the site or within the broader biodiversity study area. Several records of *Tetratheca juncea*, *Diuris praecox* and *Grevillea shiressii* (all listed Vulnerable species) are known from intact stands of vegetation in nearby areas (<1 km from the site); and
- One threatened fauna species, Powerful Owl (*Ninox strenua*), has previously been recorded from within the broader study area and around 100m to the west of the proposed development site, and additionally another record around 250m to the east. Other threatened fauna species recorded or known within close vicinity of the broader study area include, *Tyto tenebricosa* (Sooty Owl), *Ptilinopus superbus* (Superb Fruit Dove), *Glossopsitta pusilla* (Little Lorikeet) and *Miniopterus schreibersii oceanensis* (Eastern Bent-wing Bat).

The site of the proposed Seniors Housing and ancillary Wellness Centre is around 2.6ha in area. When the site of the adjoining Merewether Golf Club House is added to this area, the total study area is 2.9ha. The Ecological Due Diligence Assessment has considered the potential ecological impacts of developing both the proposed Seniors Housing/ancillary Wellness Centre and Golf Club, as it is likely that these would be developed in tandem. Moreover, as the Merewether Golf Club House sits 'within' the building footprint of the proposed Seniors Housing and its associated infrastructure, assessing the ecological impacts of developing the proposed Seniors Housing on its own would not give adequate weight to the cumulative impacts of developing these uses alongside each other. Therefore, the total 2.9ha study area was considered in detail so as to better inform these impacts. The delineation of these two separate areas is demonstrated on **Figure 19** below.

The 2.9ha study area contains some vegetation that appears to be remnant, this is in the form of three individual trees and two small stands dominated by *Melaleuca* species (approximately 0.1 ha). These remnant trees (refer to **Figure 19**) may be related to a Plant Community Type present in the wider area. There is difficulty at this stage of the project in assigning a Plant Community Type due to 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.

The remaining timbered sections of the site are comprised of planted tree and small tree species (primarily local indigenous species) which are fruiting (biologically mature) but generally of a young age (estimated 15-25 years old). These areas do not contain any shrubs, and have groundcover dominated by introduced grasses which are common within the maintained grassland areas of the golf course.

All vegetated areas within the site are maintained for use as a golf course, with the understorey either slashed regularly, absent due to mounding or mulched around seating furniture. No threatened flora species were detected during the site inspection. The landscaped areas provide no potential habitat for threatened flora species listed under the *Biodiversity Conservation Act 2016* (NSW) or the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

There were no threatened or migratory fauna species observed during the site inspection, although several fairly common native fauna species were present including *Podargus strigoides* (Tawny frogmouth), *Pseudocheirus peregrinus* (Common Ringtail Possum), *Cracticus tibicen* (Australian Magpie) and *Limnodynastes peronii* (Striped Marsh Frog). A list of fauna species opportunistically observed within the study area during the brief site inspection are listed in more detail within **Appendix 10**.

Due to the highly maintained and modified nature of the site, there is limited potential for it to contain habitat for threatened fauna species, with the exception of foraging and hunting purposes, as well as resting for species passing through. No habitat features, such as large hollow-bearing trees were present

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within the site. Small hollows, suitable for threatened microbat species, are potentially present in the remnant *Eucalyptus resinifera* located adjacent to the 18th tee. There is also some potential for microbat species to roost in buildings and structures, including the green keeper sheds.

One small drainage line, dominated by *Persicaria hydropiper*, *Cyperus* sp. and introduced grasses, crossing the 18th fairway contains limited habitat for amphibian species. Frog spawn (Striped Marsh Frog) was noted from a ponded section of the watercourse located to the west of the green keepers shed.

The site is likely used from time to time by threatened fauna, including the Powerful Owl (and other threatened owl species), *Pteropus poliocephalus* (Grey-headed Flying-fox) and microbat species for hunting or foraging purposes. However, the site is unlikely to constitute core or prime nesting or roosting habitat.

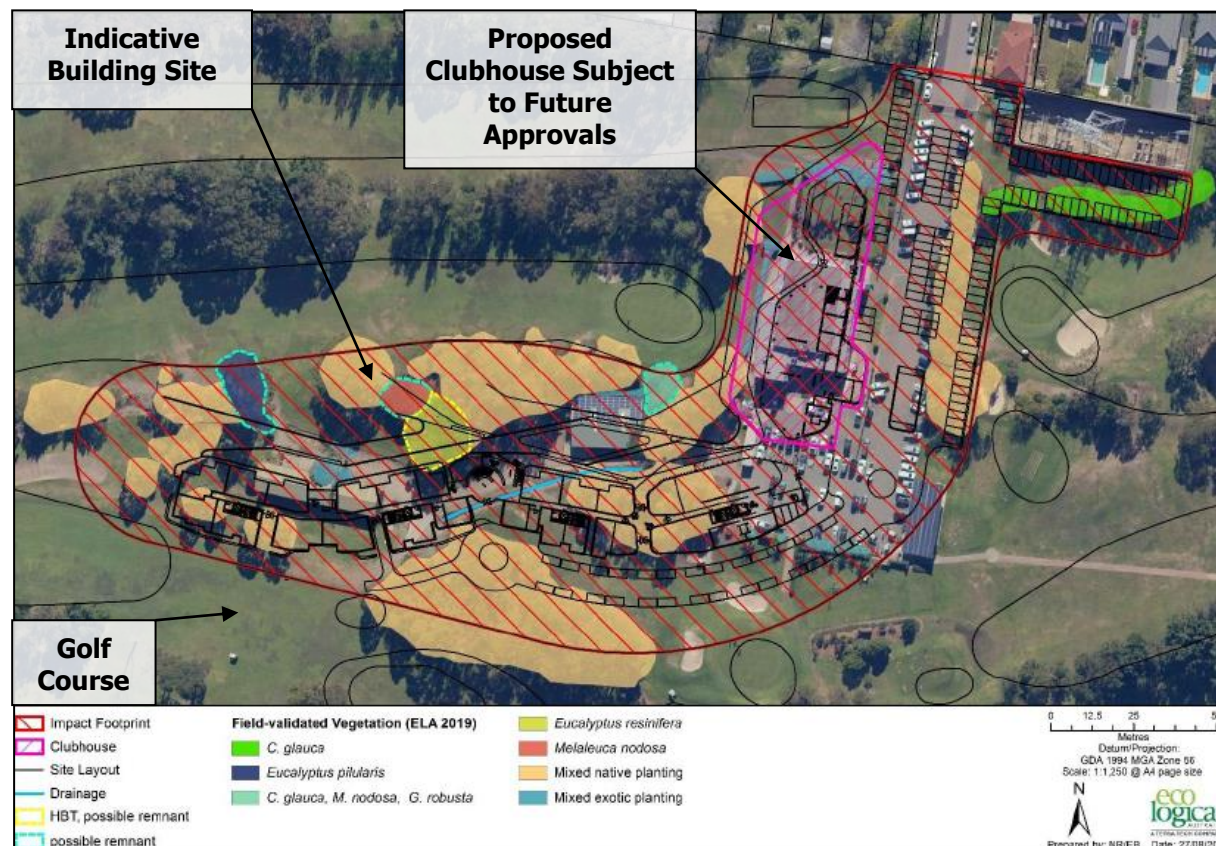


Figure 19 Vegetation at the Site and Adjacent Areas (EcoLogical, 2019)

Clauses 25(5)(b)(1) and (vi) of SEPP Seniors provide that an SCC must not be issued unless the proposed development is considered to be compatible with surrounding land uses having regard to:

- 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; and
- 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.

Appendix 10 sets out how there is potential for remnant native vegetation to provide habitat in the form of small hollows and represent a highly modified remnant Endangered Ecological Community. It is recommended that remnant vegetation is avoided for clearing. Steps to avoid or minimise loss would be set out in the future DA for the proposed development.

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The site consists largely of planted exotic and native species, with a small area considered as being comprised of remnant trees. The vegetation is likely to provide occasional foraging and hunting habitat for a variety of both common and threatened native fauna species, although no threatened species were observed during the site visit.

The *Native Vegetation Act 2003* has been repealed and replaced by the *Local Land Services Act 2013* (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. However, the *Biodiversity Conservation Act 2016* 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 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.

5.6 ACOUSTIC

An assessment of the potential acoustic impacts that could affect future development of the site has been prepared by Reverb Acoustics and accompanies this SCC Application as **Appendix 14**.

Potential noise sources associated with the future proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment which may impact on nearby residential receptors include:

- Patron activity in outdoor areas;
- Entertainment in functions rooms;
- Vehicle movements in the carpark; and
- Mechanical plant (i.e. air conditioning, refrigeration, and exhaust).

Entertainment in function rooms forming part of the proposed Merewether Golf Club House redevelopment which would be undertaken in parallel with the proposed Seniors Housing and ancillary Wellness Centre is anticipated to cease prior to 12am, with only low level music continuing until closing time. During daytimes and early evenings, these function rooms would only be used for sedate activities such as presentations, meetings, etc. Moreover, an airlock would be constructed between the function rooms and adjoining areas to prevent noise leakage.

In addition to the proposed Seniors Housing residents, the nearest residential receptors to the site for the purposes of noise generation are located to the north along King Street and Ella Street, as well as to the south in Henry Street.

Background noise levels were established using both attended and unattended noise monitoring. The measured noise levels are considered typical for residential areas near a busy road, and a commercial district. To ensure the requirements of the Liquor Administration Board's *Noise Control Guidelines* criteria, the Noise Impact Assessment adopted a noise planning level for adjacent residential areas prior to midnight of 40dB(A), L_{10} , being 5dB(A) above the established background noise levels in the area between 6pm and midnight. The relevant sleep disturbance criteria were therefore set as:

- 45dB(A) $_{LAeq}$; and
- 52dB(A) $_{LAFmax}$.

Potential construction noise and vibration impacts from the proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment were considered against the *Interim NSW Construction Noise Guideline* (Environment Protection Authority, 2017), *Assessing Vibration: A Technical Guideline* (Environment Protection Authority, 2006), and other relevant technical standards.

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The Noise Impact Assessment concludes that the site is suitable for its intended future purpose of Seniors Housing, provided that specific noise mitigation measures are implemented during the future construction and operation of the proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment. With these measures in place, noises generated from the site would be either within the criteria, and generally below the existing background noise levels within the locality for the majority of the time.

Indeed, the existing average L_{eq} levels impacting residential properties adjacent to the site are already above those noise levels which are predicted to be generated by the proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment. Moreover, since the character and amplitude of activities associated with the proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment would be similar to those already impacting the locality, these uses of the site would be considered as less intrusive when compared to an unfamiliar, introduced noise source.

Modelling results indicate no exceedance of the Liquor Administration Board's *Noise Control Guidelines* criteria during allowable time periods as a result of entertainment, patron activity or mechanical plant. However, in the unlikely event that generated noises result in complaints, the proposed noise mitigation measures set out management measures that would be employed.

Overall, with the proposed mitigation measures (or their equivalents) in place, as set out in the Noise Impact Assessment (refer to **Appendix 14**), it is considered that the proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment can proceed without any long term adverse noise impacts on the acoustic amenity of residents.

5.7 SUBSIDENCE

An assessment of the potential subsidence impacts that could affect future development of the site has been prepared by Ditton Geotechnical Services and accompanies this SCC Application as **Appendix 11**.

The proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment would consist of a two-storey Club House and five-storey residential tower complex with basement car parking. The site is located above two abandoned bord and pillar mine workings in the 3.5m to 4m thick Borehole Seam (circa 1880's to 1920s). The workings are at a depth of 65m to 75m with a mine roof level of RL -45 AHD. These workings are likely to be flooded, based on observed conditions in the Borehole Seam workings ~2 km to the east of the southern dipping seam.

According to the Subsidence Advisory NSW "Merit Based Assessment Policy for Development Applications" in Mine Subsidence Districts, the proposed buildings are classified as B3 Risk Level (i.e. >\$5M construction cost and/or > four-storeys with basement car-parking). For DA approval to be granted, Subsidence Advisory NSW would require the structures to be "Safe, Serviceable and Repairable" under the predicted subsidence parameters assessed for the site. The definition of "Repairable" means mine subsidence impact shall be limited to 'slight' in accordance with AS2870 Damage Classification and readily repairable.

The Australian Agricultural Company mined the Borehole Seam in the Hamilton Pit from 1850 to 1901 below and to the east of the existing Club House. The Newcastle Coal Mining Company mined the seam to the west of the Australian Agricultural Company workings between 1900 and 1921.

Record Tracings indicate that the two mines extracted the coal using bord and pillar (first workings) with some pillar extraction (second workings). Second workings invariably resulted in collapse of the mine roof (known as the goaf) with remnant coal pillars or stooks left behind to provide temporary support as the miners retreated away from the collapsed areas. First workings pillars and second workings goaf appear to be below the proposed re-development. At this stage, the proposed Seniors Housing, ancillary Wellness Centre is proposed to be located above the Newcastle Coal Mining Company workings.

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According to Subsidence Advisory NSW, an 11ha area of Australian Agricultural Company first workings pillars in the Hamilton Pit are known to have crushed in 1889, subsiding the surface immediately to the east and northeast of the site. The maximum subsidence at the time of the crush is estimated to be 0.92m based on a mining height of 3.0m and extraction ratio of 68%. The subsidence above the second workings areas is estimated to have ranged between 0.92m and 1.15m for mining heights between 2.4m and 3.0m respectively.

It is possible that some of the Newcastle Coal Mining Company first workings below the site are still standing. Based on a mining height of 2.4m, a maximum subsidence of 0.6m to 0.42m could occur if the pillars were to crush under dry and flooded conditions respectively. The consequence of future pillar instability beneath the site is therefore likely to be considered by the Subsidence Advisory NSW as an unacceptable business and public safety risk.

A grouting program in the workings may therefore need to be considered (pending drilling investigations) to reduce worst-case subsidence tilt, curvature and horizontal strain values to within tolerable limits (as defined by structural engineers). If the first workings have already crushed, the potential for significant subsidence would probably be reduced in these areas, removing the need for grouting. However, defining the area of standing and non-standing pillar areas may require a significant investment in investigation drilling. A proposed drilling investigation and preliminary grouting strategy is set out in more detail within **Appendix 11**. With these measures in place, it is considered that the site can be made suitable to support the proposed Seniors Housing, ancillary Wellness Centre and parallel Merewether Golf Club House redevelopment.

The site is mapped as being within a Mine Subsidence District. An attached correspondence letter from Subsidence Advisory NSW (refer to **Appendix 21**) sets out how the proposed Seniors Housing and ancillary Wellness Centre would be subject to Subsidence Advisory's standard Development Application – Merit Assessment Policy. At such time, the risks of subsidence would either be required to be mitigated through engineered design or the emplacement of grout into the mine voids. The Preliminary Structural and Civil Assessment provided in **Appendix 12** sets out how Subsidence Advisory NSW was consulted with regarding the proposed development of the site. Subsidence Advisory NSW advised that it was generally in agreement with the proposed subsidence parameters proposed to be implemented at the site so as to make it suitable for the proposed development. These matters would be investigated in more detail at the Development Application stage in consultation with Subsidence Advisory NSW.

The Preliminary Structural and Civil Advice contained in **Appendix 12** has further indicated how the site could be engineered to manage stormwater and vehicle circulation and parking layout in addition to mine subsidence. It is considered that these matters can be satisfactorily dealt with at the DA stage.

5.8 ACCESSIBILITY

An assessment of the potential accessibility requirements of the proposed Seniors Housing has been prepared by BCA Access Solutions and accompanies this SCC Application as **Appendix 13**.

The requirements of this site under Clause 26 of SEPP Seniors can be summarised as follows:

- Residents have access to:
 - Shops, bank service providers and other retail and commercial services that residents may reasonably require;
 - Community services and recreation facilities; and
 - The practice of a general medical practitioner;
- The above-listed services and facilities are within 400m of the site via a suitably accessible pathway (with complying gradients);
- Where the site is located more than 400m of such services and facilities, there is instead a transport service available to residents that:
 - Is located ≤400m from the development via a suitable access pathway;

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- Will take residents to a place located $\leq 400\text{m}$ from the above-listed facilities and services; and
- Is available to and from the site during daylight hours at least once each day from Monday to Friday (inclusive);
- The gradient along the relevant pathways is no more than 1:14, although the following are also acceptable:
 - $\leq 1:12$ for slopes for a maximum of 15m at a time;
 - $\leq 1:10$ for a maximum length of 5m at a time; and
 - $\leq 1:8$ for no more than 1.5m at a time.

The site is located at a distance of greater than 400m from existing public transport (refer to **Section 2.2** above). The proposed Seniors Housing therefore cannot demonstrate compliance with Subclause 26(2)(a) of SEPP Seniors. In order for compliance with this Subclause to be addressed, the proposed Seniors Housing would incorporate a Shuttle Bus service into the daily practice. This would be required to provide a transport service to the Seniors Housing occupants of the site, and is considered to be suitable to meet the requirements of SEPP Seniors.

The Draft Shuttle Bus Plan of Management has been prepared to demonstrate how this service is proposed to operate, and is included as **Appendix 18**.

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:

- 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.

Moreover, it is also 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**), including but not limited to meals, cleaning services, personal care and nursing care. 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 Seniors Housing would create an integrated community which encourage physical wellbeing, activity and social engagement with the broader Newcastle community.

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.

It is furthermore considered that paths of travel within the site itself are capable of complying with these relevant accessibility requirements as set out in Clause 26 of SEPP Seniors for the purposes of residents accessing the proposed Shuttle Bus service.

5.9 DESIGN AND APPEARANCE

An assessment of the visual impacts of the proposed Seniors Housing and ancillary Wellness Centre has been prepared by RobertsDay and accompanies this SCC Application as **Appendix 16**.

It is noted that the Visual Impact Assessment has taken a cumulative approach to assessing the visual impacts of the proposed Seniors Housing and ancillary Wellness Centre alongside the future upgrades to the Club House, given that these buildings would be located within proximity to each other.

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The proposed Seniors Housing and ancillary Wellness Centre would have a confined area of visibility due to the existing dense vegetation within the overall Merewether Golf Club site and along the overall Golf Club boundary. Potential public viewpoints at ground level would also be largely blocked by existing housing and vegetation. Furthermore, the topography of the site means that the proposed Seniors Housing (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 Seniors Housing and ancillary Wellness Centre would incorporate several key measures to mitigate the potential for visual impacts:

- The proposed Seniors Housing and ancillary Wellness Centre 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.

In addition, it is considered that the proposed Seniors Housing and ancillary Wellness Centre would sit most favourably in the context of its environment. Residential buildings to the north and south of the proposed Seniors Housing and ancillary Wellness Centre would experience minimal visual impacts as the result of the proposed Seniors Housing and ancillary Wellness Centre.

A qualitative assessment of the visual impacts and changes to landscape as a result of the proposed Seniors Housing and ancillary Wellness Centre was undertaken as per the *RMS Environmental Impact Assessment Guidance Note: Guidelines for landscape character and visual impact assessment (2013)*. As per the RMS Guideline, the effects on key viewpoints were the main types of visual impacts assessed. Photomontages were also prepared. Given that, in general, people involved in recreational activities including sports tend to have a low sensitivity to visual changes in their surroundings. As a result, the public views selected for assessment were limited to those views along King Street and along the adjacent residential properties. **Table 6** sets out the results of this Visual Impact Assessment.

Table 6 Visual Impact Assessment			
View	View Sensitivity	Magnitude of Visual Change	Impact Level
Viewpoint 1 - King Street (The Entrance of Golf Club)	Low	Low	Low
Viewpoint 2 - 49 Ella Street Site Boundary	Moderate	Low	Moderate-Low
Viewpoint 3 - 69 Ella Street Site Boundary	Moderate	Negligible	Negligible
Viewpoint 4 - Backyard of 126A Henry Street	Moderate	Negligible	Negligible
Viewpoint 5 - Backyard of 116 Henry Street	Moderate	Negligible	Negligible
Viewpoint 6 - Backyard of 118 Henry Street	Moderate	Negligible	Negligible

As set out in **Table 6** above, it is considered that the proposed Seniors Housing and ancillary Wellness Centre would have a negligible or low impact for most existing viewpoints at the site. Only the viewpoint from 49 Ella Street would have a slightly higher visual impact, being moderate to low. This view is from the 49 Ella Street rear boundary, to the north of Merewether Golf Course. This view was assessed in order to ascertain the visual impact of the proposed built-form on this existing low density residence. In general, the dense vegetation with mature trees along the norther boundary block most potential

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views of the proposed Seniors Housing and ancillary Wellness Centre. However, both 49 and 69 Ella Street represent gaps in these viewpoints. Although the Visual Impact Assessment considered the view from slightly outside of the existing 49 Ella Street site boundary, the view that was assessed is considered to be representative of the private view from this residential backyard.

The sensitivity of the existing view from the 49 Ella Street site boundary was considered to be moderate after factoring in the following matters:

- Users engaged in active recreation including sports are less sensitive to visual change of their surroundings;
- There is an existing building structure in the view; and
- The view does not have a high visual value.

However, the sensitivity of this viewpoint increases as it is also representative of the view from the existing residential building. In general, occupiers of the residential buildings adjacent to the proposed Seniors Housing and ancillary Wellness Centre would view changes to the visual setting of their residence more critically. For these reasons, the sensitivity of this existing viewpoint from 49 Ella Street is considered to be moderate.

The magnitude of the proposed Seniors Housing and ancillary Wellness Centre on this existing view at 49 Ella Street is considered to be low due to:

- The visual impact is reduced by existing vegetation;
- The proposed built forms are consistent with the existing building in terms of massing and scale, and do not change the view's composition;
- There is minimal additional visual obstruction; and
- No effect on the overall quality of the scene.

Although it is acknowledged that the overall visual impact to 49 Ella Street would be moderate to low, this is a result of the existing view from 49 Ella Street as having a moderate sensitivity, rather than as a result of the proposed Seniors Housing and ancillary Wellness Centre resulting in a moderate level of impact. Rather, the magnitude of change that would occur to this viewpoint as a result of the proposed Seniors Housing and ancillary Wellness Centre would be low. Moreover, the proposed Seniors Housing and ancillary Wellness Centre is also consistent with the surrounding strategic planning environment or Adamstown, which encourages future higher densities along the Adamstown Renewal Corridor in close proximity of Merewether Golf Club.

5.10 COURSE SAFETY

It is acknowledged that the layout of the site was driven in part by the various needs of Merewether Golf Club, including the need to avoid land use conflicts with the proposed Seniors Housing and ancillary Wellness Centre development. As such, the potential for ball-strike incidents was factored into this overall planning for the proposed Seniors Housing and ancillary Wellness Centre development. At the initial concept design stage, advice was sought from an experienced golf designer to confirm such risks would not eventuate at the site. This involved evaluating such matters as the locations of greens and lines of play. Where required, netting can also be provided to mitigate the potential impacts of miss hits. Overall, it is considered that the Merewether Golf Club can continue to operate safely in parallel with the proposed Seniors Housing and ancillary Wellness Centre in place.

5.11 CONTAMINATION

A Preliminary Site Investigation Summary is provided in **Appendix 19**. A Preliminary Site Investigation was undertaken by Douglas Partners in 2019 to identify potentially past and present contaminating activities, report on site condition and provide a preliminary assessment of site contamination conditions for the broader Merewether Golf Course property. The findings of the Preliminary Site Investigation

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which are pertinent to the footprint of the proposed Seniors Housing and ancillary Wellness Centre are outlined in this **Section 5.11**.

Based on the available site history information and observations made during the site inspection, the principal sources of potential contamination associated with the site are considered to be:

- Additions and alterations to the Club House including possible ACM impact to adjacent soils;
- Imported fill materials which may contain a range of potential contaminants (including ACM, hydrocarbons, heavy metals) depending on the source. The historical importation of fill from various sources along with site observations would suggest areas of filling may contain hazardous building materials (i.e. ACM);
- Fuel storage facilities on the site which may have resulted in localised hydrocarbon and heavy metal impact to soils and adjacent / downstream drain sediments and surface water;
- Storage and use of oils, pesticides, fertilisers and other chemicals;
- Servicing of vehicles / machinery, and associated storage of machinery / parts on site;
- Wash down areas and associated sumps and adjacent drains / creeks;
- Restaurant facilities on-site which are assumed to have a grease trap (possible sump adjacent to Club House);
- Possible coal tar pavements within car park, given the age and historical use of coal tar in bitumen pavements in the area; and
- Near surface soils within the golf course and bowling greens which may contain residual pesticides.

Potential offsite sources of contamination include:

- The electrical substation on the northern site boundary which drains onto the golf course to the east of the substation may be a source of PCB, heavy metals and hydrocarbons. Surface water is collected in pits which appears to be discharged to the golf course east of the substation (i.e. to east of proposed Seniors Housing and ancillary Wellness Centre footprint); and
- Former Glebe Hill colliery located up-gradient and to the south of the site which may have been impacted by hydrocarbons, heavy metals. It is not known whether any shafts or drifts associated with the colliery are located on-site which can be sources of mine gases and waste backfill.

The Preliminary Site Investigation has identified a number of potential contamination sources from the current and former land uses on site and adjacent to the site which may have resulted in contamination to the site. The presence, extent or implications of potential contamination has not been confirmed to date. Further assessment would be required to assess possible remediation requirements associated with the potential contamination sources identified within the site, prior to development. Subject to the results of subsurface investigation, remediation of the site (where required) is likely to be readily achieved using standard remediation techniques including land farming (volatile hydrocarbon contamination), off-site disposal to a licensed landfill and/or on-site management (capping), subject to regulatory approvals.

It is noted that a one-level basement is proposed across the majority of the proposed building footprint. The bulk excavation associated with this basement would provide an opportunity to segregate and manage the bulk of filling and potentially contaminated soils across the site. Investigation would be conducted with reference to the NSW EPA guidelines (NSW EPA, 2011) and recommendations of the Preliminary Site Investigation. Remediation (where required), would be conducted in accordance with a site specific Remediation Action Plan to be approved by Newcastle City Council prior to development as part of the DA process for the proposed Seniors Housing and ancillary Wellness Centre.

The site is therefore considered to be suitable for the proposed Seniors Housing and ancillary Wellness Centre from a contamination perspective, subject to appropriate investigation, remediation and validation where required. If works outside the site are required in future (i.e. for service connections, modifications to course grounds etc), further investigation would be required with reference to the

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Preliminary Site Investigation to assess possible remediation requirements associated with the identified potential contamination sources.

Overall, it is considered that the site can be made suitable for the proposed Seniors Housing and ancillary Wellness Centre as per Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55).

5.12 PUBLIC INTEREST

Merewether Golf Club has, in recent years, considered various options in order to achieve economic uplift of its existing land at the Merewether Golf Club site. Previous options considered for this site have included the sale of discrete land parcels, and the potential rezoning or development of the entire site for the purposes of Residential Accommodation. However, Merewether Golf Club has been keen to find a solution which preserves the historic integrity of the site as a golf club, as it has been operating so since 1933. The current opportunity to develop a relatively small portion of the site for Seniors Housing whilst retaining the remainder of the site as a Golf Club would continue this Outdoor Recreation Facility land use at the site. This approach is considered to be, in fact, the best means Merewether Golf Club has at its disposal by which to continue operating the site so as to remain consistent with the objectives of the site's RE2 Private Recreation zoning under the NLEP 2012.

The proposed Seniors Housing and ancillary Wellness Centre is furthermore considered to be in the public interest as it would provide additional facilities for the ageing population. The proposed Seniors Housing, being for Serviced Self-Care Housing, would also allow individuals to downsize to a form of residential accommodation that provides Seniors Living assistance whilst also providing the amenity and independence of regular apartment accommodation. This would allow current residents of the Newcastle area to age in place, particularly in the case of couples who do not yet require a high-level of aged care. The proposed Seniors Housing would therefore help meet the strategic need for more diverse housing in order to meet the needs of an ageing population as recognised in the Metropolitan Plan.

The proposed Seniors Housing would moreover 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.

The proposed Seniors Housing and ancillary Wellness Centre would also generate employment opportunities both during the construction phase and once completed.

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PART F STATEMENT OF COMPATIBILITY

This Part of the SCC Application Report provides a Statement of Compatibility demonstrating the site's suitability and compatibility for the intended use, having regard to the matters for consideration in Clause 25 and Clause 26 of SEPP Seniors.

6.1 CLAUSE 24 CRITERIA (SEPP SENIORS)

Clause 24(2) of SEPP Seniors requires that a consent authority must not consent to a DA to which Clause 24 applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion:

- (a) the site of the proposed development is suitable for more intensive development, and*
- (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).*

With respect to these matters, it is considered that the proposed Seniors Housing and ancillary Wellness Centre:

- 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.

The particular matters set out in Clause 25(5)(b) are considered in more detail within **Section 7.1** below.

7.1 CLAUSE 25 CRITERIA (SEPP SENIORS)

Clause 25(5)(b) of SEPP Seniors requires that the relevant panel must not issue an SCC unless he or she is of the opinion that the proposed Seniors Housing and ancillary Wellness Centre is compatible with the surrounding land uses have regard to (at least) the criteria outlined in **Table 7** below. **Table 7** below provides a response to each criterion in Clause 25(5)(b), demonstrating the proposed Seniors Housing and ancillary Wellness Centre's consistency with the prescribed Clause of SEPP Seniors.

Table 7 Assessment of the Proposed Seniors Housing and Ancillary Wellness Centre against SEPP Seniors Clause 25(5)(b)	
Clause 25(5)(b)	Assessment of the Proposed Concept
<i>(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.</i>	Bushfire 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

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Table 7 Assessment of the Proposed Seniors Housing and Ancillary Wellness Centre against SEPP Seniors Clause 25(5)(b)

Clause 25(5)(b)	Assessment of the Proposed Concept
	<p>bushfire attack (refer areas shaded yellow to orange and red on Figure 6 in Section 2.4 above). However, Lot 3 DP515310 is around 14.29ha in size (refer to Site Survey in Appendix 3), and the proposed Seniors Housing and ancillary Wellness Centre would be located around 79m from this bushfire prone land. Indeed, no built-form development would take place on Lot 3.</p> <p>Section 5.3 and Appendix 7 set out how the proposed Seniors Housing and ancillary Wellness Centre can comply 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 Seniors Housing and ancillary Wellness Centre; ▪ 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 Seniors Housing and ancillary Wellness Centre is around 2.6ha in area. When the site of the adjoining Merewether Golf Club House is added to this area, the total study area is 2.9ha. The Ecological Due Diligence Assessment has considered the potential ecological impacts of developing both the proposed Seniors Housing/ancillary Wellness Centre and Golf Club, as it is likely that these would be developed in tandem.</p> <p>This overall 2.9ha study area contains some vegetation that appears to be remnant, this is in</p>

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Table 7 Assessment of the Proposed Seniors Housing and Ancillary Wellness Centre against SEPP Seniors Clause 25(5)(b)

Clause 25(5)(b)	Assessment of the Proposed Concept
	<p>the form of three individual trees and two small stands dominated by <i>Melaleuca</i> species (approximately 0.1 ha).</p> <p>There is difficulty at this stage of the project in assigning a Plant Community Type due to 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 Seniors Housing and ancillary Wellness Centre would include landscaped plantings to improve the state of existing vegetation at the site.</p>
<i>(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the relevant panel, are likely to be the future uses of that land,</i>	<p>Merewether Golf Club has invited Third Age to undertake the proposed Seniors Housing and ancillary Wellness Centre 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 Seniors Housing and ancillary Wellness Centre 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 Pedestrian and Vehicular Circulation diagrams provided as part of the Architectural Plans in Appendix 1 demonstrate the proposed elements of separation between these land uses.</p>
<i>(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 provisions.</i>	<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 Seniors Housing and ancillary Wellness Centre.</p> <p>As set out in Section 2.5.3, 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</p>

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Clause 25(5)(b)	Assessment of the Proposed Concept
	<p>site via a dedicated Shuttle Bus service. More details are provided in Section 5.8, 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 Seniors Housing and ancillary Wellness Centre would create an integrated community which encourage physical wellbeing, activity and social engagement with the broader Newcastle community.</p>
<i>(iv) in the case of applications in relation to land that is zoned open space and 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.</i>	<p>As already mentioned above, it is considered that the economic uplift provided to the site as a result of the proposed Seniors Housing and ancillary Wellness Centre 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 Seniors Housing and ancillary Wellness Centre 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 Figure 12 within Section 4.6.1 above).</p>
<i>(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.</i>	<p>The proposed Seniors Housing would comprise a maximum of five habitably storeys with rooftop terrace and plant areas. 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</p>

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Table 7 Assessment of the Proposed Seniors Housing and Ancillary Wellness Centre against SEPP Seniors Clause 25(5)(b)

Clause 25(5)(b)	Assessment of the Proposed Concept
	<p>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 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 Seniors Housing and ancillary Wellness Centre on the neighbouring land. Furthermore, the topography of the site means that the proposed Seniors Housing (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 Seniors Housing and ancillary Wellness Centre would incorporate several key measures to mitigate the potential for visual impacts:</p> <ul style="list-style-type: none">▪ The proposed Seniors Housing and ancillary Wellness Centre 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. <p>Overall, the Visual Impact Assessment (refer to Appendix 16) also sets out how the proposed Seniors Housing and ancillary Wellness Centre would not have any significant impacts on existing viewscales within the locality.</p> <p>Potential overshadowing of the proposed Seniors Housing and ancillary Wellness Centre 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>

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Table 7 Assessment of the Proposed Seniors Housing and Ancillary Wellness Centre against SEPP Seniors Clause 25(5)(b)

Clause 25(5)(b)	Assessment of the Proposed Concept
	The proposed Seniors Housing and ancillary Wellness Centre 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.
<i>(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.</i>	<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 Seniors Housing and ancillary Wellness Centre triggers the Biodiversity Offset Scheme, a Biodiversity Development 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 Seniors Housing and ancillary Wellness Centre.</p> <p>Refer to Section 5.5 and Appendix 10 for more details.</p>

Clause 25(2)(c) also requires that, for sites that are on Proximate Land (i.e. within 2km of another SCC site), a cumulative impact study is prepared which takes into account the capacity of existing or future:

- Services and infrastructure (including water, reticulated sewers and public transport) to meet the demands arising from the proposed Seniors Housing and ancillary Wellness Centre and any proposed financial arrangements for infrastructure provision; and
- Road infrastructure to meet any increase in traffic as a result of proposed Seniors Housing and ancillary Wellness Centre.

Given that the site is not located within 2km of any such other sites, no such cumulative impact study is required to be prepared.

7.2 CLAUSE 26 CRITERIA (SEPP SENIORS)

Clause 26 of SEPP Seniors requires that a consent authority not consent to a DA for Seniors Housing unless it is satisfied that residents of the proposed Seniors Housing and ancillary Wellness Centre will have access that complies with a number of requirements in Subclause (2). An assessment of the proposed concept's compliance with the requirements of Clause 26(2) is provided in **Table 8**.

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Table 8 Assessment of the Proposed Seniors Housing and Ancillary Wellness Centre against SEPP Seniors Clause 26(2)

Clause 26 Criteria	Comment
<p><i>(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:</i></p> <p><i>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</i></p> <p><i>(b) community services and recreation facilities, and</i></p> <p><i>(c) the practice of a general medical practitioner.</i></p>	<p>Access to each of these services which complies with the Clause 26 requirements will be provided for.</p> <p>As set out in Section 2.5.3, 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, 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 Seniors Housing and ancillary Wellness Centre would create an integrated community which encourage physical wellbeing, activity and social engagement with the broader Newcastle community.</p>
<p><i>(2) Access complies with the clause if:</i></p> <p><i>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</i></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p>	<p>The site cannot demonstrate compliance with Clause 26 via this Subclause 26(2)(a), as the site is located more than 400m from such services.</p>

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Table 8 Assessment of the Proposed Seniors Housing and Ancillary Wellness Centre against SEPP Seniors Clause 26(2)

Clause 26 Criteria	Comment
<p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</i></p>	
<p><i>(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(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),</i></p> <p><i>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</i></p>	<p>The site is located within the Newcastle LGA, which is outside of the Greater Sydney Area. As such, this Subclause 26(2)(b) does not apply to the site.</p>
<p><i>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development:</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(iii) that is available both to and from the proposed development during daylight hours at</i></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 is 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> <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</p>

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Clause 26 Criteria	Comment
<p><i>least once each day from Monday to Friday (both days inclusive),</i></p> <p><i>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).</i></p>	<p>to Section 5.8 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><i>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</i></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</i></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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PART G CONCLUSION

7.1 CONCLUDING STATEMENT

The SCC Application is submitted to the Hunter and Central Coast Regional Planning Panel in accordance with the provisions of Clause 25 of the SEPP Seniors.

Clause 24(2) of the SEPP Seniors requires that a consent authority must not consent to a DA for Seniors Housing on Land Adjoining Land Zoned Primarily for Urban Purposes, unless the relevant panel has certified in a current SCC that, in the relevant panel's:

- The site of the proposed development is suitable for more intensive development, and
- Development for the purposes of Seniors Housing of the kind proposed in the DA is compatible with the surrounding environment having regard to, at least, the criteria specified in Clause 25(5)(b).

Having had regard to comments received from Newcastle City Council, as well as the environmental constraints and the environmental assessment contained in this Site Certificate Application, it is considered that the site is suitable for a more intense development, with the proposed Seniors Housing and ancillary Wellness Centre providing for a contextually appropriate building form and land use for the site.

It is considered that the proposed Seniors Housing and ancillary Wellness Centre would be compatible with the surrounding environment having regard to the criteria specified in Clause 25(5)(b), as well as the existing streetscape, environment, surrounding land uses, and the Planning Principle for compatibility as established by *Roseth SC in Project Venture Developments v Pittwater Council [2005]*.

The proposed Seniors Housing and ancillary Wellness Centre is consistent with the aims of the SEPP Seniors and meets the requirements of Clause 25 of the SEPP Seniors. Accordingly, an SCC can be issued for the proposed Seniors Housing and ancillary Wellness Centre.

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Lots 1, 2 and 3 in DP229558, Lot 4 in DP1223244, and Lot 3 in DP515310, WTJ18-230

APPENDIX 1 ARCHITECTURAL PLANS

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APPENDIX 2 SEPP SENIORS ASSESSMENT

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APPENDIX 3 SITE SURVEY

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APPENDIX 4 COUNCIL PRE-LODGE MENT ADVICE

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APPENDIX 5 SCC APPLICATION FORM

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APPENDIX 6 TRAFFIC IMPACT STATEMENT

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APPENDIX 7 BUSHFIRE STATEMENT

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APPENDIX 8 FLOOD IMPACT STATEMENT

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APPENDIX 9 UTILITY SERVICES CONSULTATION

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APPENDIX 10 ECOLOGICAL DUE DILIGENCE ASSESSMENT

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APPENDIX 11 MINE SUBSIDENCE ASSESSMENT

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APPENDIX 12 PRELIMINARY STRUCTURAL AND CIVIL ASSESSMENT

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APPENDIX 13 ACCESSIBILITY REPORT

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APPENDIX 14 ACOUSTIC ASSESSMENT

Site Compatibility Certificate Application

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APPENDIX 15 CHARACTER ASSESSMENT REPORT

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APPENDIX 16 VISUAL IMPACT ASSESSMENT

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APPENDIX 17 DRAFT PLAN OF MANAGEMENT

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APPENDIX 18 SHUTTLE BUS PLAN OF MANAGEMENT

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APPENDIX 19 PRELIMINARY SITE INVESTIGATION SUMMARY

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APPENDIX 20 LIQUOR LICENSING

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APPENDIX 21 CORRESPONDENCE WITH SUBSIDENCE ADVISORY NSW