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Response by email: caitlin.elliott@planning.nsw.gov.au

Greg Sullivan
Acting Director, Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and Environment

Dear Greg

**APPLICATION FOR A SITE COMPATIBILITY CERTIFICATE –
SCC_2019_NSWCA_001_00 (40 KING STREET, ADAMSTOWN – MEREWETHER GOLF
COURSE)**

I refer to the Department's letter notifying City of Newcastle ('CN') of the above application for a Site Compatibility Certificate ('SCC') under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('SEPP Seniors') and inviting CN to comment on the application. The information submitted with this application has been reviewed and the following advice is provided for your consideration.

1. Strategic context

In CN's Pre-DA lodgement letter to the applicant dated 24 June 2019, concern was raised that the scale and density of the proposal was inconsistent with the local planning context outlined in CN's Local Planning Strategy ('LPS') and the Greater Newcastle Metropolitan Plan 2036 ('GNMP 2036'). This concern remains in relation to the indicative proposal accompanying the application for the SCC.

The LPS categorises all residential land in the Newcastle LGA to enable planning controls that support the types and density of development suitable to each locality. These categories / land use zones correlate with walkability and accessibility to transport and services. The four categories are:

1. Renewal corridor
2. Substantial growth precinct
3. Moderate growth precinct
4. Limited growth precinct

In the case of the subject site, it is surrounded by low density residential land categorised as being within a 'limited growth precinct.' The LPS identifies that: *"development within this precinct is intended to be limited and, as such, the type of development envisaged is to be more suburban in nature but may still include housing types such as townhouses and villas."*

The scale and density of the proposal is inconsistent with the type of development envisaged for the surrounding low-density limited growth residential area and the zone objectives of the Newcastle Local Environmental Plan 2012. Concern is raised that, whilst the proposal may be consistent with higher densities encouraged along the Adamstown Renewal Corridor of the Newcastle Development Control plan 2012, the site is not within that renewal corridor, which is located to the north of the subject site.

It is noted that the Willow Tree Planning report, on Pages 15-16, addresses this concern by referring to the aim of SEPP Seniors under sub-clause 2(2)(a) which confirms that the SEPP aims to 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.”*

CN's LPS supports growth within identified renewal corridors and strategic centres consistent with the GNMP 2036. The GNMP 2036 aims to deliver housing close to jobs and services and includes:

“Action 16.1: Greater Newcastle councils will focus new housing in existing urban areas, particularly within strategic centres and along urban renewal corridors.”

Comments are made in this application that the site is *“immediately adjacent to other parcels of land, to the north, which are mapped as being Existing Urban Areas with Infill Opportunities.”* This site is adjacent to an area identified in Figure 7 of the GNMP 2036 as *“Urban Renewal Corridor Stage 2”* and is associated with:

“Action 16.3: For the stage 2 urban renewal corridors, Newcastle City Council and Lake Macquarie City Council will undertake an investigation of renewal potential and ensure proposals do not prevent future redevelopment opportunities.”

Further justification is provided on Page 15 of the Willow Tree Planning report where it notes that the SEPP was specifically drafted to apply to land occupied by a Registered Club, implying that the SCC application process is a process that can operate concurrently with the process of the strategic identification of growth corridors for residential housing without impact.

However, concern is raised if the residential density set by the proposed SCC remains, it may displace or minimise the demand for residential densities in the renewal corridors and growth precincts identified in the LPS.

CN is required to have its Local Strategic Planning Statement in place by 1 July 2020. This important strategic document will play a key role in managing growth for our area. A Local Housing Strategy will also be prepared based on our housing needs and evidence report. CN has now completed its 'evidence gathering' for the preparation of the Local Housing Strategy and Local Strategic Planning Statement. This work has identified that the CN LGA has sufficient zoned land to meet its residential housing needs over the next 20 years. Therefore, substantive infill development should be occurring within the renewal corridors, growth precincts, or existing residential zoned land as these are the areas where community services and infrastructure will be planned.

CN's Housing Needs and Evidence Report identified that the proportion of retired people living in the Newcastle LGA is expected to grow. The Report found that while there is an existing pipeline of apartment and resort-style products, consultation with focus groups suggests that there may be an unmet demand for 2-3 bedroom units that are single storey, adaptable, on flat land, with a small garden and within walking distance of shops, medical facilities and public transport. Newcastle's LSPS and Local Housing Strategy will be facilitating new opportunities

for this style of housing to help meet the housing needs of Newcastle's aging population and will be encouraging more low-rise medium density housing in suitable locations.

2. Compatibility of proposed built form character with surrounding development

In CN's Pre-DA lodgement letter to Willow Tree Planning dated 24 June 2019, concern was raised with the height, scale and character of the proposed built form of the development and its compatibility with the existing surrounding development.

The proposed indicative development accompanying the application for the SCC consists of four towers linked together in a linear form and with a height of five storeys over basement parking with communal rooftop terraces. Depending upon the slope of the land and how much internal space is proposed in association with the rooftop terraces, the development may have the appearance of a higher development than the five habitable storeys proposed.

Immediately surrounding the site, built form character is predominantly one and two storey single dwelling houses..

The Willow Tree Planning report refers to the Land and Environment Court Planning Principle for compatibility set out in the judgment by Senior Commissioner Roseth in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. Relevant excerpts from this judgment are re-produced below:

24. ".....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?"*

*26. "For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.....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**....."*

*27. 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 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."*

It is clear that the intention of the inclusion in SEPP Seniors of the 'compatibility test' in the Site Compatibility Certificate process is to ensure that the SEPP allows seniors housing to occur where it would otherwise be prohibited but is compatible with the surrounding land uses.

The above excerpts from the Project Venture judgement all refer to tests of comparison and impacts between the proposal and surrounding development as well as referring to the character of the street and the streetscape in which the development is located. It is considered the supporting information submitted with the proposal has not addressed this Planning Principle appropriately.

Concern is raised that, throughout the supporting documentation for this proposal, the assertion is made that the proposed development is compatible with or sympathetic to its context with the reference to *“the surrounding strategic planning environment for Adamstown, which encourages future higher densities along the Adamstown Renewal Corridor on land adjacent to Merewether Golf Club.”* (Page 51 of the Willow Tree Planning report)

Page 90 of the Willow Tree Planning report states that, in relation to the compatibility of the proposal with the surrounding environment that the subject site *“Comprises significant buffer lands to surrounding development 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 subject site is not located within or adjacent to the renewal corridor. Development that is immediately adjacent to and surrounding the subject site is generally low density residential development. The submitted documentation would appear to overlook this adjacent built form character and refer to the renewal corridor instead.

It is considered that the documentation accompanying the proposal has not demonstrated that this development is compatible with the built environment surrounding the site. A lower, less dense built form is considered would be more appropriate in terms of compatibility and providing a better transitional response to the streetscape character of the immediately surrounding lands.

3. Contamination

The applicant has submitted a letter report prepared by Douglas Partners (23 August 2019) providing a summary of the pertinent findings of a preliminary site investigation (‘PSI’) for the proposed residential and clubhouse development located within the broader Merewether Golf Club.

It is noted that the letter report refers to a PSI also prepared by Douglas Partners (2019) however only a summary letter report has been provided.

In terms of the letter report submitted; the following findings are noted:

- A number of potential contamination sources have been identified from the current and former land uses on and adjacent to the site
- These land uses may have resulted in contamination of the site
- The presence, extent or implications of potential contamination has not been confirmed to date
- Investigation should be conducted; and
- Remediation (where required) should be conducted.

The letter report concludes that: *“The site is therefore considered to be suitable for the proposed development from a contamination perspective, subject to appropriate investigation, remediation and validation where required.”*

Although the letter report does not provide sufficient information to consider whether the land is contaminated, sites with similar land uses have been successfully investigated, remediated and validated for residential and senior’s living use.

In this regard, these matters would need to be addressed in any development application lodged in accordance with the requirements of Clause 7 of State Environmental Planning Policy

4. Traffic

The submitted traffic report by SECA Solution Ref: P1270 Merewether Golf Club 24/06/2019(24 June 2019) has been reviewed by CN's Traffic Team and Engineering Assessment Team. Based on the submitted traffic data information, concern is raised that several intersections between Glebe Rd, Lockyer St and the site are likely to be affected by the proposal and any other future development on the site.

The following concerns are raised:

Traffic at the intersection of King Street and Glebe Road will increase by approximately 30-50%. Safety concerns are raised at this intersection as there have been a few accidents at this location and sightlines are limited at this intersection. Additional right-turns into King Street from the eastbound lanes and a combination of right/left turns to/from King Street and Glebe Road will further add to the complications at the intersection. City recommends that further investigation be done to allow for right turn from the eastbound lane from Glebe Rd turning into King St.

- The intersections along Lockyer Street at King Street, Belmore Street and Ella Street will be impacted with an increase in traffic movements. Additional traffic management works may be required along these streets to manage safe access in the local area.
- Concern is raised about the lack of formal turning area at the entry of the site on the King Street interface. Any gates at the entry will result in non-compliant turning at the end of King Street. Generally, a formal turning area is provided at the end of a public road to clearly delineate the change in ownership. In this case, an intersection type access is proposed. It is recommended that the access design consider a formal publicly accessible turning area or formal right of access and turning facility.
- Concern is also raised about pedestrian amenity and accessibility in the area with a very limited distribution of public footpaths available between Lockyer Street and the site. In this regard, additional infrastructure will be required to be provided along the site road frontages t along King Street to the street frontage of the site to ensure that good pedestrian connection to the surrounding neighbourhood is provided.

It is recommended that the developers consider the above issues and further consult with CN to improve the traffic and pedestrian infrastructure provision as part of any future development application process.

Bus Shuttle

The development incorporates a bus shuttle service for the residents. The shuttle bus travel plan appears to be limited to the Kotara and Charlestown Shopping Centres for Monday to Friday only, the traffic report has also stated that centres such as Market town could also be serviced. In addition, the service could be extended to the local Adamstown commercial centre to foster social linkages between future residents of the development and the local community.

It is suggested that the developer give consideration to ensuring that regular services to other recreational areas such as bowling clubs and beaches and any special service to the Adamstown Train Station be provided as part of the bus shuttle service.

These matters could be addressed in any future development application for the development.

Flooding The submitted Flood Impact Statement prepared by Northrop Consulting Engineers Ref. NL181648 (4 August 2019) has been reviewed. The report has considered the identified flood area as indicated in the Flood Certificate FL2019/00044.

It appears that the report has not considered the entire upper catchment area, which extends out to City Road. The submitted contour plans and CN's stormwater and GIS data indicate that there are two stormwater catchments. The western catchment would appear to have been partly identified through the Flood Certificate, however the eastern catchment does not appear to have been analysed.

Although the development appears to be well above the identified flood path, concern is raised that the flood impact from overland flows and concentrated flows from the upper catchment may impact on the proposed development and any redirection of stormwater could impact on the surrounding downstream properties.

It is recommended that the flood impact statement be revised to include the upstream catchment areas and consider flood events up to PMF. Flood data should be prepared generally in accordance with the industry and NSW Floodplain Management guidelines.

The revised flood impact statement should also consider the impacts from overland flows on the proposed development and include an analysis of any localised impact on the downstream properties.

5. Stormwater management

Stormwater Design Philosophy and Discharge Connections

The submitted Civil and Structural Preliminary Advice prepared by Northrop Consulting Engineers Ref. NL181648vD dated 21 August 2019 has been reviewed.

The stormwater philosophy proposed for reuse and stormwater treatment is generally in accordance with Newcastle Development Control Plan 2012. The proposed new hardstand and car parking areas will need to be provided with stormwater retention/detention for at least 1% AEP event.

The proposed discharge of access stormwater to Drew Street is unable to be supported. There is no existing drainage system on Drew Street in the vicinity of the site. However, there is drainage near 91 Bryant St (CN's park) which would appear to have a Hunter Water owned drainage pipe. The applicants will need to obtain the approval of Hunter Water for any new drainage connection or consider extending new drainage along Drew Street.

Similarly, the proposed car parking adjacent to the Ausgrid substation will need to be provided with detention/retention and connections to the Hunter Water Channel adjoining 23 Ella St.

City Drainage Infrastructure

CN's drainage data records indicate that there are numerous pipes which pass through the property. The majority of the pipe system is located on the east of the site and along the northern property boundary. The pipe system is generally for the upper catchment areas.

There are no formal easements or rights of access for CN to maintain these pipes. As part of any proposed development, the easements over the public drainage pipe system will need to be formalised.

The following matters should be addressed by the developer in the development application documentation :

- The drainage pipe system will need to be surveyed, with CCTV footage and report.
- Overland flow over the pipe system for major flood events is to be provided (See comments for flooding).
- Appropriate easement widths are to be provided for overland flows and maintenance access purposes and details are to be noted on the plans.
- Formal vehicular access arrangements are to be done with CN for maintenance of the drainage infrastructure.



If you have any questions in relation to the matters raised in this letter, please do not hesitate to contact Gordon Edgar, Senior Development Officer (Planning) on 4974 2058 or by email at gedgar@ncc.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Gordon Edgar', written over a light blue horizontal line.

Michelle Bisson
MANAGER REGULATORY, PLANNING AND ASSESSMENT