

STATUTORY COMPLIANCE TABLE

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
Environmental Planning and Biodiversity Conservation Act 1999			
	The <i>Environment Protection & Biodiversity Conservation Act 1999</i> (EPBC Act) was introduced in 1999 and aims to seven (7) protect matters of national environmental significance, including: • World Heritage properties; • National heritage places; • Wetlands of international importance (Ramsar wetlands); • Threatened species and ecological communities; • Migratory species; • Commonwealth marine areas; and • Nuclear actions (including uranium mining).	The proposed development will not result in any impacts on Matters of National Environmental Significance as governed by the EPBC Act and the proposed development does not warrant referral to the Australian Department of Agriculture, Water and the Environment (DAWE).	Appendix A1
Environmental Planning and Assessment Act 1979			
Section 1.3 - Objects of the Act	(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposed development will promote the social and economic welfare of the community as follows: • The proposal will provide additional and diverse housing opportunities (particularly seniors housing) to the local community in an established town centre identified for future growth; • The proposal represents the orderly economic use of a site identified for medium residential development which is currently vacant; and • The proposal will result in employment opportunities during the construction and operation phases. Environmental studies undertaken as part of this EIS confirm that the proposed development can proceed with respect to relevant environmental considerations.	

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	(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposed development is consistent with ESD principles. ESD is discussed in detail in Section 6.23 of the EIS and Appendix AL .	Appendix AL
	(c) to promote the orderly and economic use and development of land,	The proposed development represents the orderly development and use of the subject site. The site is currently vacant and unused and is located within a town centre identified for future growth.	
	(d) to promote the delivery and maintenance of affordable housing,	The proposed development will result in the delivery of diverse housing opportunities (particularly seniors housing) within the Charlestown area and Lake Macquarie LGA.	
	(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development is unlikely to result in any significant adverse impacts relating to flora and fauna, ecological communities or their habitats. Ecology is addressed in detail within Section 6.20 of the EIS.	Section 6.20 Appendix AI
	(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposed development is unlikely to result in any adverse impacts relating to built or cultural heritage. European and Aboriginal cultural heritage are discussed in detail in Section 6.21 and 6.22 of the EIS.	Appendix AJ Appendix AK
	(g) to promote good design and amenity of the built environment,	The proposed development has undergone a rigorous and comprehensive architectural design process to provide a design which responds to site constraints and opportunities and provides a good urban design outcome (refer Section 6.1 of the EIS). The architectural design process has included consultation with the Lake Macquarie Urban Design Review Panel (UDRP) and State Design Review Panel (SDRP). The recommendations of both panels have been considered and addressed in the architectural design. The proposed development is consistent with the future character identified for the Charlestown Town Centre	Appendix D Appendix E

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		and the subject site and will contribute the built form amenity of the area.	
	(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposed development will be constructed in accordance with relevant Australian Standards, best practice construction methods and conditions of Development Consent. The architectural design seeks to promote the health and wellbeing and safety of occupants. The applicant seeks to retain and operate the seniors housing component of the proposed development.	Appendix P Appendix AH
	(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The consent Authority for the proposed development is the NSW Minister for Planning and Homes. DPE will liaise with relevant government Authorities throughout the development assessment process. Consultation with relevant state and local agencies has informed the proposed development (refer Section 5.0 of the EIS).	Section 5.0
	(j) to provide increased opportunity for community participation in environmental planning and assessment.	The State Significant Development process allows for extensive public input and involvement. Additionally, the Applicant has completed public consultation as part of preparing the EIS (refer to Section 5.0 of the EIS), including notification of up to 700 residents and businesses within the locality and a community drop-in session.	Section 5.0 Appendix W
Section 4.12 Application	(8) A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.	This EIS is prepared in the form required by the regulations.	
Section 4.15 - Evaluation	(a) the provisions of —		
	(i) any environmental planning instrument, and	Addressed within this Statutory Compliance Table.	
	(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the	Addressed within this Statutory Compliance Table.	

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	making of the proposed instrument has been deferred indefinitely or has not been approved), and		
	(iii) any development control plan, and	Not applicable to State Significant Development – refer Section 2.1 of SEPP (Planning Systems).	
	(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.	
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Addressed within this Statutory Compliance Table.	
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Refer Section 6.0 and Section 7.0 of the EIS.	Section 6.0 Section 7.0
	(c) the suitability of the site for the development,	The proposed development is permissible with development consent within the subject site and is consistent with relevant strategic planning policies and statutory planning provisions. This EIS demonstrates that the site is suitably located and can accommodate the proposed development.	Section 2.0 Section 4.0 Section 6.0 Section 7.0
	(d) any submissions made in accordance with this Act or the regulations,	Comments received during community consultation undertaken to date have been considered by the applicant in finalising the Development Application (refer Section 5.0). The proposed development will be publicly exhibited following submission. Any submissions made will be considered and addressed by the applicant.	Section 5.0
	(e) the public interest.	This EIS demonstrates that the proposed development is within the broader public interest.	Section 7.0
Environmental Planning and Assessment Regulation 2021			
Section 24 Content of development applications	(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and	The Development Application contains all information and documentation required by the approved form, the EP&A Act and the EP&A Regulation.	

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	(ii) the Act or this Regulation, and		
Section 25 Information about concurrence or approvals	A development application must contain the following information— (a) a list of the authorities — (i) from which concurrence must be obtained before the development may lawfully be carried out, and (ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41,	Included within the EIS.	Section 4.1.3
Section 27 BASIX Development	(1) A development application for BASIX development must be accompanied by— (a) a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is lodged, and (b) the other matters required by the BASIX certificate.	A BASIX Certificate has been prepared for the proposed development and is enclosed within Appendix AAA .	Appendix AL
Section 29 Residential apartment development	(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.		
	(2) The statement must— (a) verify that the qualified designer designed, or directed the design of, the development, and (b) explain how the development addresses— (i) the design quality principles, and (ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.	Refer Plus Architecture Design Report	Appendix E
	(3) If the development application is accompanied by a BASIX certificate for a building, the design quality principles do not need to be addressed to the extent to which they aim— (a) to reduce consumption of mains-supplied potable water or greenhouse gas emissions in the use of— (i) the building, or (ii) the land on which the building is located, or (b) to improve the thermal performance of the building.	Noted.	
	(1) An environmental impact statement must contain the following information—		

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
Section 190 - Form of environmental impact statement	(a) the name, address and professional qualifications of the person who prepared the statement,	The EIS includes a Declaration addressing S190(1)(a).	
	(b) the name and address of the responsible person,	The EIS includes a Declaration addressing S190(1)(b).	
	(c) the address of the land— (i) to which the development application relates, or (ii) on which the activity or infrastructure to which the statement relates will be carried out,	Included within the EIS.	Section 1.1.2
	(d) a description of the development, activity or infrastructure,	Included within the EIS.	Section 3.0
	(e) an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.	Included within the EIS.	Section 6.0 Section 7.0
	(2) The person preparing the statement must have regard to—		
	(a) for State significant development— the State Significant Development Guidelines, or	Consideration was given to DPE's State Significant Development Guidelines in preparing this EIS. The EIS was prepared in accordance with Section 5 and Appendix B of the Guidelines.	
	(3) An environmental impact statement must also contain a declaration by the person who prepared the statement of the following— (a) the statement has been prepared in accordance with this Division, and (b) the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and (c) the information contained in the statement is not false or misleading. (d) for State significant development or State significant infrastructure—the statement contains the information required under the Registered Environmental Assessment Practitioner Guidelines.	The EIS includes a declaration confirming that the EIS addresses the relevant matters. Section 190(3) of the EP&A Regulation states that an EIS must be authorised by a REAP. Notwithstanding this, Schedule 6 Part 2 of the EP&A Regulation 2021 outlines transitional arrangements which apply to the subject application. The transitional provisions apply to the proposed development and REAP authorisation is therefore not required for the EIS.	

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Section 191 - Compliance with environmental assessment requirements	The environmental impact statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).	This EIS addresses the requirements of the Industry Specific SEARS for Seniors Housing. A SEARs compliance table is enclosed within Appendix B of the EIS.	Appendix B
Section 192 - Content of environmental impact statement	(1) An environmental impact statement must contain the following—		
	(a) a summary of the environmental impact statement,	Included within the EIS.	Executive Summary
	(b) a statement of the objectives of the development, activity or infrastructure,	Included within the EIS.	Section 1.2.3
	(c) an analysis of feasible alternatives to the carrying out of the development, activity or infrastructure, considering its objectives, including the consequences of not carrying out the development, activity or infrastructure,	Included within the EIS.	Section 2.3
	(d) an analysis of the development, activity or infrastructure, including—		
	(i) a full description of the development, activity or infrastructure, and	Included within the EIS.	Section 3.0
	(ii) a general description of the environment likely to be affected by the development, activity or infrastructure and a detailed description of the aspects of the environment that are likely to be significantly affected, and	Included within the EIS.	Section 2.1 Section 6.0
	(iii) the likely impact on the environment of the development, activity or infrastructure, and	Included within the EIS.	Section 6.0
	(iv) a full description of the measures to mitigate adverse effects of the development, activity or infrastructure on the environment, and	Included within the EIS.	Section 6.0 Appendix AW
	(v) a list of the approvals that must be obtained under another Act or law before the development, activity or infrastructure may lawfully be carried out,	Included within the EIS.	Section 4.1.3
	(e) a compilation, in a single section of the environmental impact statement, of the measures referred to in paragraph (d)(iv),	Included within the EIS.	Appendix AW

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	(f) the reasons justifying the carrying out of the development, activity or infrastructure, considering biophysical, economic and social factors, including the principles of ecologically sustainable development set out in section 193.	Included within the EIS.	Section 7.0
Section 193 - Principles of ecologically sustainable development	(1) The principles of ecologically sustainable development are the following— (a) the precautionary principle, (b) inter-generational equity, (c) conservation of biological diversity and ecological integrity, (d) improved valuation, pricing and incentive mechanisms.	This EIS has been prepared in accordance with Section 193 of the EP&A Regulation. The proposal is consistent with principles of ecologically sustainable development, as discussed in Section 6.23 and Appendix AL of the EIS.	Appendix AL
Crown Land Management Act 2016			
	The <i>Crown Land Management Act 2016</i> (CLM Act) makes provision for the ownership, use and management of the Crown Land of New South Wales. The subject site contains a Crown Drainage Reserve which runs through the site, between James Street and Tiral Street. Clause 1.4 of the CLM Act provides principles for the management of crown land.	The proposed development is consistent with the principles outlined within Clause 1.4. The narrow portion of Crown Land which intersects the subject is identified as a Drainage Reserve. The public drainage function of the subject site is proposed to be improved by the development. The proposal incorporates piped and overland flow drainage through the site to allow the conveyance of stormwater between Tiral Street and James Street. The proposed development incorporates publicly accessible through site links and open spaces which provide public benefits through facilitating pedestrian movements through the site and use for passive recreation by the public.	
National Parks and Wildlife Act 1979			
	The objects of the <i>National Parks and Wildlife Act 1979</i> (NPW Act) are the conservation of nature and objects, places or features of cultural value within the landscape. The NPW Act also has controls that apply to Aboriginal relics and sites.	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was undertaken for the subject site and is enclosed as Appendix AK . The assessment found that the site is not considered to contain potential for Aboriginal cultural material to be present. No AHIP or	Section 6.22 Appendix AK

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		further studies relating to Aboriginal heritage are considered warranted.	
Biodiversity Conservation Act 2016			
	The <i>Biodiversity Conservation Act 2016</i> (BC Act) aims to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.	The BC Act is addressed in the SBDAR enclosed within Appendix A1 .	Appendix A1
State Environmental Planning Policy (Planning Systems) 2021			
This SEPP identifies state or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.			
	Chapter 2 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> (SEPP Planning Systems) identifies State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.	As discussed in Section 4.1.1 of the EIS, the proposed development is identified as SSD as it satisfies the triggers set out in Section 28 of Schedule 1 of SEPP (Planning Systems).	Section 4.1.1
State Environmental Planning Policy (Housing) 2021			
<i>State Environmental Planning Policy (Housing) 2021</i> (SEPP (Housing)) consolidates five (5) housing related policies. The key aim of the policy is to deliver more affordable and diverse forms of housing in NSW.			
Chapter 3 - Diverse Housing			
Part 5 - Housing for seniors and people with a disability	Chapter 3, Part 5 of the SEPP (Housing) outlines provisions relating to housing for seniors or people with a disability.		
Section 79 Land to which Part applies	This Part applies to land in the following zones— ... (d) Zone R3 Medium Density Residential, ... (i) Zone B4 Mixed Use, ...	Part 5 of Chapter 3 of SEPP (Housing) applies to the subject site and proposed development and is addressed below.	
Section 81 - Seniors housing permitted with consent	Development for the purposes of seniors housing may be carried out with development consent— (a) on land to which this Part applies, or	Part 5 of Chapter 3 applies to land zoned R3 Medium Density Residential and B4 Mixed use and therefore applies to the subject site. Seniors housing is defined in the LMLEP 2014 as follows:	

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	(b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.	seniors housing means a building or place that is— (a) a residential care facility, or (b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or (c) a group of independent living units, 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. Where a residential care facility and independent living units are defined as follows: residential care facility means accommodation for seniors or people with a disability that includes— (a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,	

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		but does not include a dwelling, hostel, hospital or psychiatric facility. independent living unit means a dwelling or part of a building, whether or not attached to another dwelling— (a) used to house seniors or people with a disability, and (b) containing private facilities for cooking, sleeping and bathing, and (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis, but does not include a hostel. The proposed development incorporates seniors housing, including a RAC facility (Building A) and independent living units (Buildings B and C). The seniors housing component of the proposed development is therefore permissible in accordance with Clause 81 of SEPP(Housing). Seniors housing is also a permissible land use under the site's zoning in accordance with the LMLEP 2014.	
Section 84 - Development standards—general	(1) This section applies to development for the purposes of seniors housing involving the erection of a building.	The proposed development involves the construction of seniors housing and this section therefore applies to the proposed development.	
	(2) Development consent must not be granted for development to which this section applies unless—		
	(a) the site area of the development is at least 1,000m ² , and	The subject site has an area of approximately 2.11 ha.	
	(b) the frontage of the site area of the development is at least 20m measured at the building line, and	The proposed seniors living development has frontages to both James Street to the North and Tiral Street to the south which substantially exceed 20m.	

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	(c) for development on land in a residential zone where residential flat buildings are not permitted— (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m - the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys - the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	N/A - Residential flat buildings are permissible within the subject site.	
	(4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following— (a) the Land and Housing Corporation, (b) another social housing provider.	Noted. Compliance with Subsection 2(a) and (b) is achieved notwithstanding the Applicant being a social housing provider.	
Section 85 - Development standards for hostels and independent living units	(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	Schedule 4 is addressed in the Accessibility Assessment enclosed as Appendix Y .	Appendix Y
	(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.	Noted. Uniting is a Social Housing Provider. ILUs located above the ground floor of the proposed development are not required to comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20.	
Section 87 - Additional Floor Space Ratios	(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if— (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or	The Applicant has taken a conservative approach to the interpretation of Clause 87, whereby it is considered that the subject site is precluded from the Section 87 because it does not have a mapped maximum floor space ratio.	

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	(b) the development is carried out on land in Zone B3 Commercial Core. (2) Development consent may be granted for development to which this section applies if— (a) the site area of the development is at least 1,500m², and (b) the development will result in a building with the maximum permissible floor space ratio plus— (i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or (ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or (iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and (c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.	Notwithstanding this, the proposed development remains consistent with the intent of Section 87 and the overarching principles of SEPP (Housing) which seek to encourage housing for seniors and people with a disability in appropriate locations. It is noted that the proposed development includes exceedances to the height standards which apply to the site and accordingly, a Clause 4.6 Variation Report has been prepared and accompanies the EIS. The height exceedances in many locations are less than the 3.8m height bonus offered by this clause for seniors housing developments.	
Section 88 - Restrictions on occupation of seniors housing	(1) Development permitted under this Part may be carried out for the accommodation of only the following— (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part.	Noted. The proposed seniors housing component of the proposed development (Building A, B and C) will accommodate the groups listed in Section 88(1) (a) – (c).	
	(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the	Refer above.	

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	kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.		
Section 90 - Subdivision	(1) Development consent may be granted for the subdivision of land on which development has been carried out under this Part.	Noted. The proposed Development incorporates the subdivision of the subject site.	
	(2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone B3 Commercial Core.	N/A. The subject site is not zoned B3 Commercial Core.	
Section 91 - Fire sprinkler systems in residential care facilities	(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.	Fire sprinklers are proposed within the development.	Appendix L
Section 93 - Location and access to facilities and services— independent living units	(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services— (a) by a transport service that complies with subsection (2), or (b) on-site.	Uniting will operate a bus service for residents of the seniors village which provides access to key facilities and services within the Charlestown Town Centre, including retail and commercial services, community services, recreational facilities and medical services.	
	(2) The transport service must— (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land within the Greater Sydney region— (i) not be an on-demand booking service for the transport of passengers for a fare, and (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and		

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	(c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.		
	(3) For the purposes of subsections (1) and (2), access is adequate if— (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and (b) the distance is accessible by means of a suitable access pathway, and (c) the gradient along the pathway complies with subsection (4)(c).		
Section 94 - Location and access to facilities and services—residential care facilities	(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services— (a) on-site, or (b) by a transport service other than a passenger service.	Refer above	
Section 95 - Water and sewer	(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will— (a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage.	The proposed Development will be connected to reticulated water and sewer facilities. Utilities are discussed in detail in Appendix AP .	Appendix AP

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.	A Section 50 Certificate has been provided by Hunter Water is enclosed within Appendix AP .	Appendix AP
Section 97 - Design of in-fill self-care housing	In determining a development application for development for the purposes of in-fill self-care housing, a consent authority must consider the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004, published on the Department's website.	The proposed development has been designed with due consideration to the objectives of <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> .	
Section 98 - Design of seniors housing	A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.	Division 6 (Sections 99-105) is addressed below.	
Section 99 - Neighbourhood amenity and streetscape	Seniors housing should be designed to—		
	(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and (b) recognise the desirable elements of— (i) the location's current character, or (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and	The proposed RAC building is purposely designed to facilitate its effective and efficient functioning as a residential care facility. The Applicant operates number of residential care facilities and has an excellent understanding of the operational requirements of such facilities. The proposed development is consistent with the future character identified for the site and the Charlestown Town Centre in which the site is positioned. The Charlestown Town Centre is identified for significant future growth, focussed on taller buildings and higher density built form. The proposal will contribute to achieving the strategic vision outlined for the Charlestown Town Centre.	Section 6.1

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		Notwithstanding the above, the development has been designed to establish a suitable interface between the medium density housing components of the proposed development and lower density residential development to the south and east as well as considering the existing character of the site and its surrounds. Section 6.1 of the EIS details the urban design considerations for the proposed development and architectural responses to site constraints and opportunities.	
	(c) complement heritage conservation areas and heritage items in the area, and	The subject site does not contain any mapped heritage items, nor is it positioned with a heritage conservation area. The proposed development will not result in any adverse impacts relating to heritage. Heritage is discussed in detailed in Appendix AJ and Section 6.21 of the EIS.	Appendix AJ
	(d) maintain reasonable neighbourhood amenity and appropriate residential character by— (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	Refer EIS Section 6.1 .	Section 6.1
	(e) set back the front building on the site generally in line with the existing building line, and	Refer EIS Section 6.1 .	Section 6.1

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	(f) include plants reasonably similar to other plants in the street, and	The proposed landscaping scheme is consistent with the existing landscape character of the Charlestown area. The landscape scheme focuses on retaining and embellishing existing vegetation within the site.	Appendix H
	(g) retain, wherever reasonable, significant trees, and	The proposed landscape scheme seeks to maximise the retention of significant vegetation on the site where possible. In particular, the proposed architectural design provides for the retention of a significant area of vegetation adjacent to the southern boundary of the site. The proposal seeks to relocate and retain a number of existing palm trees within the site.	
	(h) prevent the construction of a building in a riparian zone.	There are no riparian zones within the subject site.	
Section 100 - Visual and acoustic privacy	Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by—		
	(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	Refer EIS Section 6.1 and Appendix R and AX .	Section 6.1 Appendix R Appendix AX
	(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Refer Acoustic Impact Assessment.	Appendix X
Section 101 - Solar access and design for climate	The design of seniors housing should—		
	(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and	Refer Design Report.	Appendix E
	(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	Refer ESD Report.	Appendix AL

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
Section 102 Stormwater	-The design of seniors housing should aim to— (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	Refer Stormwater Report.	Appendix J
Section 103 Crime prevention	-Seniors housing should— (a) be designed in accordance with environmental design principles relating to crime prevention, and (b) provide personal property security for residents and visitors, and (c) encourage crime prevention by— (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Refer CPTED Report.	Appendix AH
Section 104 Accessibility	-Seniors housing should— (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	A range of safe pedestrian links are provided throughout the site which provide connections between street frontages, car parking areas, residential units, key communal outdoor areas and facilities and building entries.	
Section 105 Waste management	-Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	Refer Waste Management Plan	Appendix AN
Section 107 - Non-discretionary	(1) The object of this section is to identify development standards for particular matters relating to development	Noted	

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
development standards for hostels and residential care facilities—the Act, s 4.15	for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		
	(2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities—		
	(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site	The proposed development incorporates substantial deep soil planting areas. 37% of the total development area is treated with deep soils planting.	Appendix D
	(h) for a residential care facility—at least 1 parking space for every 15 beds in the facility	The proposal achieves this standard.	Appendix S
	(j) at least 1 parking space for the purpose of ambulance parking	The proposal achieves this standard.	Appendix S
Section 108 - Non-discretionary development standards for independent living units—the Act, s 4.15	(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	
	(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—		
	(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	The proposed development incorporates substantial deep soil planting areas. 37% of the total development area is treated with deep soils planting.	Appendix D
	(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,	Within Buildings B and C, 78% and 71% of units respectively and achieve the 2 hour solar access requirement.	
	(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	The proposal complies with this requirement. Uniting is a Social Housing Provider.	Appendix S

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
State Environmental Planning Policy (Biodiversity and Conservation) 2021			
	The aim of the SEPP is to protect the biodiversity values of trees and other vegetation, and amenity through the preservation of such, in non- rural areas of the State.	SEPP (Biodiversity and Conservation) 2021 is addressed within the SBDAR appended to the EIS.	Appendix A1
State Environmental Planning Policy (Industry and Employment) 2021			
This SEPP consolidates the former SEPP (Western Sydney Employment Area) 2009 and SEPP 64 – Advertising and Signage.			
Chapter 3 – Advertising and Signage			
Section 3.1 Aims, objectives	(1) This Chapter aims— (a) to ensure that signage (including advertising)— (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and	The proposed signage is considered consistent the objectives of the proposed development as follows: • The signage is compatible with scale of the proposed development, which is permissible within the subject site; • The proposed signage will assist with wayfinding and/or building identification; • The proposed signage is positioned adjacent to key vehicular and pedestrian site entries; and • A high quality signage design which is consistent with the architectural design of the proposed development will be implemented.	
Section 3.6 - Granting of consent to signage	A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied— (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	Section 3.1(1)(a) is addressed above. Schedule 5 is addressed below.	
Schedule 5 Assessment Criteria	-Refer Schedule 5	The Schedule 5 Assessment criteria are assessed below: • The proposed development is consistent with the desired future character of the subject site and surrounds. The proposed signage is located such that it is integrated into and consistent with the character of the proposed development;	

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
		• There is no established outdoor signage theme in the immediate locality; • The subject site does not contain any visual quality or sensitive environmental characteristics which will be affected by the proposed development; • Signage will be fully located within the proposed signage zones such that it will not compromise important vistas, dominate the skyline or affect the viewing rights of other advertisers; • Landscape zones are sized and located to ensure that signage will not result in adverse impacts on the streetscape, setting or landscape of the locality and are compatible with the proposed built form; • Backlighting within the proposed signage will be designed to minimise glare such that no unacceptable impacts to nearby residents, pedestrians or vehicles occurs; and • Signage zones are located such that they will not result in any impacts to the safety or use of roads or footpaths in the locality.	
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development			
This SEPP raises the design quality of residential apartment development across the state through the application of a series of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.			
	The SEPP applies to the erection of a RFB, shop top housing or mixed use development with a residential accommodation component that is at least three (3) or more storeys, and contains at least four (4) or more dwellings. Schedule 1 of the SEPP sets out Design Quality Principles which must be considered by development applications for development to which the SEPP applies.	The SEPP applies to the proposed development. The proposed development has been reviewed by the Lake Macquarie Design review Panel (UDRP) on two (2) occasions, on 9 July 2020 (ref: SEPP65/2/2020) and October 13 October 2021 (ref: SEPP65/2/2020/A). The application was also reviewed by the State Design Review Panel (SDRP) on 30 March 2022. The findings of the UDRP and SDRP have considered and addressed in the final design of the proposed development.	Section 6.1 Appendix E

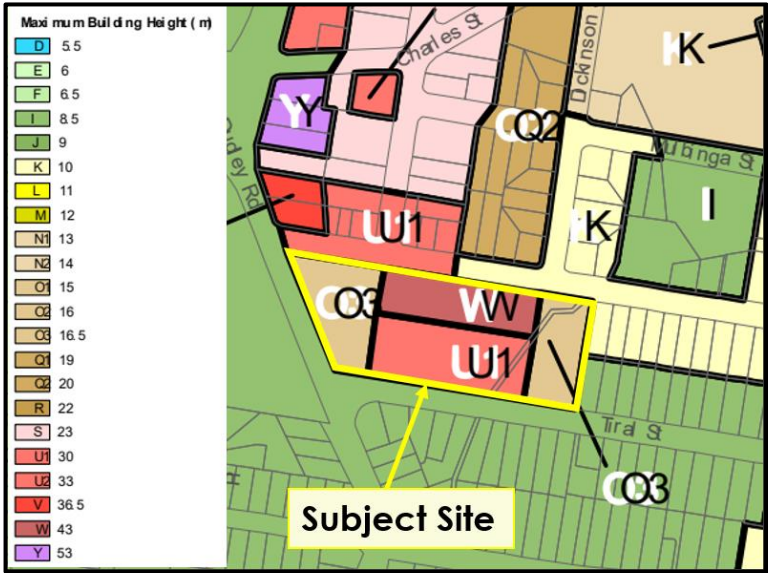
REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	The Apartment Design Guide (ADG) is to be used in conjunction with SEPP 65 and explains how to apply SEPP 65's design principles to new developments.	Consultation with UDRP and SDRP is discussed in detail within Section 6.0 of the EIS and Appendix E. The proposed development has been designed in accordance with the requirements of the SEPP and the accompanying Apartment Design Guide (ADG). A SEPP 65 Verification Statement and SEPP 65 Analysis is included within the Design report prepared by Plus Architecture and enclosed within Appendix E. The Design Report confirms that the proposal is consistent with the nine (9) design quality principles set out schedule 1 of the SEPP, and also provides consideration and assessment of the proposal against the Apartment Design Guide.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004			
SEPP (BASIX) aims to ensure consistency in the implementation of the BASIX scheme throughout the State by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.			
	A BASIX Certificate is required to be submitted with a Development Application for a 'BASIX affected development'.	BASIX certificates have been prepared for each of the proposed Buildings and are enclosed as Appendix AL . The BASIX Certificates confirm that each of the proposed buildings meets the minimum water, thermal comfort and energy targets.	Appendix AL
State Environmental Planning Policy (Transport and Infrastructure) 2021			
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (SEPP (Transport and Infrastructure)) provides a planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.			
Chapter 2 Infrastructure			
Section 2.119 - Development with frontage to classified road	(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Dudley Road adjoins the western boundary of the subject site and is identified as a classified road. The proposed development will not affect the operation of Dudley Road. The following is noted:	Appendix S Appendix X

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	• The proposed development provides access off Tiral Street and James Street, both of which are local roads; • The proposal will not generate significant amounts of smoke or dust; • The volume of vehicle trips generated by the proposed development will not result in unreasonable adverse impacts on the operation of Dudley Road (refer Appendix S); and • The proposed development incorporates measures to ameliorate traffic noise (refer Appendix X).	
Section 2.120 - Impact of road noise or vibration on non-road development	(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration— (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility. (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.	The Noise Impact Assessment enclosed within Appendix X gives consideration to noise levels set out in Section 2.120(3) and the Development Near Rail Corridors and Busy Roads Interim Guideline, 2008.	Appendix X

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. (3A) Subsection (3) does not apply to a building to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 7 applies. (4) In this section, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.		
Section 2.121 - Traffic-generating development	Section 2.121 and Schedule 3 of identify traffic generating developments that require referral to the TfNSW.	The proposed development meets the definition of traffic generating development as it incorporates more than 300 dwellings. It is understood that the proposal will be referred to TfNSW as traffic generating development. A Traffic and Parking Assessment has been prepared for the proposed development and is enclosed within Appendix S.	Appendix S
State Environmental Planning Policy (Resilience and Hazards) 2021			
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (SEPP Resilience and Hazards) SEPP aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide. Relevant chapters of SEPP (Resilience and Hazards) are considered below.			
<u>Chapter 3 Hazardous and Offensive Development</u>			
The proposal does not constitute potentially hazardous or offensive development. No hazardous materials or chemicals will be stored on-site.			
<u>Chapter 4 Remediation of Land</u>			
Section 4.6 Contamination and remediation	(1) A consent authority must not consent to the carrying out of any development on land unless—	Contamination investigations undertaken over the subject site (refer Appendix Z) indicate that remediation and management would be required to	Appendix Z Appendix AA

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
to be considered in determining development application	(a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	render the site suitable for the proposed development from a contamination perspective, due to the presence of bonded asbestos containing material at the surface and within upper soil / fill across the site. A Remediation Action Plan (RAP) has been prepared for the subject site and is enclosed as Appendix AA. The RAP details the aims, methods and procedures by which the remediation and site validation will be undertaken. Following the remediation works outlined within the RAP, the subject site will be suitable for the proposed development. This Application seeks development consent to remediate the subject site in accordance with the RAP.	
Lake Macquarie Local Environmental Plan 2014			
Zoning and permissibility	The subject site is zoned R3 Medium Density Residential and B4 Mixed Use in accordance with the LMEP 2014. The proposed development is located entirely fully the R3 zoned portion of the subject site, with the exception of a vegetated through site link adjacent to proposed Building D which is positioned in the B4 zone.	The proposed development is permissible in accordance with the site's zoning.	Section 4.1.2
Zone Objectives - R3 Medium Density Residential	To provide for the housing needs of the community within a medium density residential environment.	The proposed development will deliver medium density residential development on a vacant site within the Charlestown Town Centre which provides for the housing needs of the community. The proposed development will deliver housing across the site at the desired density identified in statutory strategic and land use planning policies.	
	To provide a variety of housing types within a medium density residential environment.	The proposed development incorporates a range of dwelling types including residential aged care units, seniors ILUs and residential units not specifically intended for seniors. A range of unit sizes are proposed, from 1-3 bedrooms.	

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposed development incorporates a range of ancillary services and facilities which complement and support the on-site community.	
	To maintain and enhance the residential amenity and character of the surrounding area	The proposed development will contribute to the emerging medium density residential character identified as desirable for the site within strategic and statutory planning policies. The proposed architectural design seeks to achieve the desired density, while also addressing the existing residential character of adjoining lands to the south and east.	Section 6.1
Zone Objectives - B4 Mixed Use	To provide a mixture of compatible land uses.	Development within the B4 zone is limited to a narrow landscaped through site link. Works proposed with the B4 zone are compatible with the future development of the remaining B4 zoned portion of the site for a suitable mix of uses which complement the function and performance of the Charlestown Town Centre.	
	To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.		
	To enable development that complements and enhances the core retail function and trading performance of Zone B2 Local Centre and Zone B3 Commercial Core.		
Section 1.9A – Suspension of Covenants, agreements and instruments	(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	In accordance with this clause, the positive covenant which applies to the site does not restrict the ability to determine the application.	
Section 2.6 – Subdivision – Consent requirements	(1) Land to which this Plan applies may be subdivided, but only with development consent.	In accordance with Clause 2.6, this application seeks development consent for the subdivision of the subject site. A plan of the proposed subdivision is enclosed with the EIS.	Appendix D
Section 2.7 – Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	The proposed development seeks consent for the removal of all remaining structures and infrastructure within the site.	

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
Section 4.1 – Minimum subdivision lot size	The LMLEP 2014 Lot size Map identifies a minimum lot size of 900m ² for the subject site.	The proposed development seeks to subdivide the site to create allotments ranging in size from 3,6,26m ² – 12,818m ² . The proposed development is consistent with this clause.	Appendix D
Section 4.1C - Exceptions for subdivisions involving battle-axe lots or corner lots in certain zones	(3) Despite clause 4.1, if a subdivision of land creates a corner lot, the lot must have an area of at least— (a) if the lot is in Zone R2 Low Density Residential—500 square metres, or (b) if the lot is in Zone R3 Medium Density Residential—1,200 square metres.		
Section 4.3 – Height of buildings	(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 proposed development is identified on the Height of Buildings Map as having a mapped maximum building height of 43m, 30m and 16.5m as shown on the figure below. 	In accordance with Section 4.6 of the LMLEP 2014, this application seeks a variation to the height of building controls outlined in Section 4.3. A written request to vary the development standard has been prepared and is included as Appendix AR of this report. The request provides justification for the proposed variation.	Appendix AR

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
Section 4.6 – Exceptions to Development Standards	Clause 4.6 seeks to provide an appropriate degree of flexibility in applying certain development standards to particular development and achieve better outcomes for and from development by allowing flexibility in particular circumstances. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	In accordance with Section 4.6 of the LMLEP 2014, this Application seeks a variation to the height of building controls outlined in Section 4.3 of the LMLEP 2014. A written request to vary the development standard has been prepared and is included as Appendix AR of this report.	Appendix AR
Section 7.2 – Earthworks	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	This application seeks consent for earthworks which are ancillary to the proposed development. Plans showing the proposed earthworks are enclosed within Appendix I. The proposed earthworks are not expected to result in any adverse environmental impacts relating to surrounding properties or the matters for consideration listed under Section 7.2. Erosion and Sediment controls and Stormwater management measures will be implemented in accordance with the concept engineering plans enclosed as Appendix J.	Appendix I Appendix J
Section 7.21 - Essential services	(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.	The proposed development will be provided with reticulated water, sewer, electricity and telecommunications facilities. A Servicing Strategy is provided within Appendix AP of the EIS. Stormwater will be managed across the site in accordance with the Stormwater Management Plan enclosed within Appendix J. Each of the proposed residential buildings has direct access to Trial or James Street.	Appendix AP Appendix J

Lake Macquarie Development Control Plan 2014

The Lake Macquarie Development Control Plan 2014 (LMDCP 2014) is the supporting document for the LMLEP 2014. It provides guidance and details requirements for development that should be taken into account when preparing a Development Application. In accordance with Section 2.1 of

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
SEPP (Planning Systems) Development Control Plans do not apply to SSD. Notwithstanding this, the proposed development has been considered against Chapter 10.1 Charlestown Area Plan of LMDCP 2014 which contains local objectives and controls for development in Charlestown Town Centre.			
1.3 Environmental Constraints	Historical coal mining within the area has resulted in the majority of the centre being either directly undermined, or within the angle of draw for mine workings. Council recommends that the Board be consulted early in the concept design phase for any new development.	Refer EIS Section 6.14.	Section 6.14
1.4 Desired Future Character	Charlestown Master Plan The desired future character of Charlestown is an accessible, vibrant, healthy, beautiful, and sustainable place to live, work and play.	The proposal is entirely consistent with the desired future character of Charlestown. The proposal will contribute to the development of the town centre in accordance with the Master Plan.	Appendix H
	Town Centre Structure The Charlestown Master Plan has established the desired future town centre structure. The structure incorporates: a. two gateways to Charlestown, one at the northern and southern end of the Pacific Highway; b. a consolidated retail precinct in the central area; c. a traditional street grid with reinstatement of connections where required; d. higher residential buildings in the south; e. higher commercial buildings to the north of the centre; f. a series of public urban spaces along Pearson Street g. stronger east-west linkages to remnant bushland; h. a network of diverse and accessible green spaces; i. public transport facilities and car parking in safe accessible locations j. improved traffic circulation within the centre	The proposal follows the Masterplan's intent of providing taller residential buildings on the northern side of the site which step down to provide an appropriate interface to adjacent development to the south.	
	Built Form Relevant to the site, the DCP seeks to:	The proposal seeks to capture views of the ocean to the south and east, through the placement of building height and orientation of built form.	Appendix AX

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	- Focus of taller development at either end of the town centre to emphasise the natural landform of Charlestown. - Apartments could capture views to the ocean, to the city in the north or the forested ridgelines to the west. - Development at the south between Frederick Street and Tiral Street would be setback from the front boundary to allow space for landscape planting that reinforces the greener character of the oval and open space precinct.	The proposed development is well setback from the James and Tiral Street boundaries. The proposed setbacks allow for appropriate landscape treatments to be provided within the front setbacks. Appendix AX of the EIS provides a consideration of the view impacts resulting from the proposed development.	
	Building Character Charlestown is a busy urban and regional centre. Building character and finish should be associated with higher end commercial and retail functions and high-quality residential apartments. Lower levels would include extensive areas of glazing and window display. Upper residential levels would include part recessed and part projecting balconies with suitable awnings, screens and shutters for sun and wind protection. Use of contemporary sheet materials, high quality metal products and high performance glazing would be expected.	The proposal incorporates material, finishes and façade treatments which reference and build on the materiality of Charlestown and surrounding suburbs and provide a high quality and high end finishes, consistent with the desired future character for the area.	Section 6.1
2.1 Block Controls	The DCP includes Block Plans which show the overall desired structure of development, and the spatial relationship between development and the street at a block-by-block view. They are based on site context, existing street character, and the desired future character of the town centre. The following block control plan is set out for the site.	The proposed architectural design follows the rationale of the block control plans established for the site and proposes built form outcomes which address key site constraints and opportunities by: - Orienting built form on a north to south axis (rather than the east to west axis envisioned by block controls); - Focussing taller built form on the northern side of the site, where the site presents to the	Section 6.1 Appendix E

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
		Charlestown Town Centre and has a higher bearing capacity for larger built forms; - Reducing building heights on the southern portion of the site and maximising setbacks to Tiral Street to the south, to facilitate appropriate interface outcomes. This is achieved by placing building bulk at height towards the northern side of the site rather than at ground and lower levels adjacent to the southern boundary; and - Introducing of a middle massing to allow the incremental stepping of the proposed built form from north to south, consistent with the site's transitional character. The introduction of the middle massing also allows for building bulk to be shifted from the southern portions of the site, to a more central location. The proposed built form appropriately addresses the interface character of the site and delivers a higher quality urban form than a development which strictly complies with the block controls. Pre-DA lodgement discussions with Lake Macquarie Council confirmed that the proposed development could proceed without the preparation of a concept plan, if the proposal maintains an area of land at the west of the site which can accommodate a variety of built forms. The proposal maintains nearly all of the sites B4 zoned portion. The undeveloped area of the site is suitable of a range of future developments.	
3.2 Pedestrian Links	Proposals for pedestrian links not shown in the Block Plans will be assessed by Council on a merits basis.	The proposal provides two (2) pedestrian links through the site. The proposed pedestrian links are integrated with the overall site design and will provide public benefits through improving pedestrian permeability and accessibility within the town centre.	

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
4 Concept Plan Site 4.1 Former TAFE Site	This section seeks to ensure that development of the subject site occurs in an orderly manner and capitalises on the opportunities presented by a single consolidated site, in close proximity to a major regional centre. 1. Prior to Council consenting to any significant development on Lot 223 in DP 551260, a Concept Plan for the site must be approved by Council. 2. The Concept Plan must include the following: i. A comprehensive site and context analysis ii. Measures to retain views and vistas; iii. Measures to retain significant vegetation; iv. Proposed uses and facilities v. Site plan and elevations showing built form, heights, setbacks; vi. Indicative building character and materials vii. Measures to minimise impacts on adjoining residential areas.	As discussed above, pre-DA lodgement discussions with Lake Macquarie Council confirmed that the proposed development could proceed without the preparation of a concept plan if it can be demonstrated that a variety of built form outcomes can be achieved on the B4 area of the site proposed to be retained. The proposal seeks to develop the R3 zoned portion of the site (a minor portion of B4 zoned land) to create a consolidated seniors housing and residential development which harnesses the opportunities presented by the site as a large single landholding. In accordance with the DCP objectives, the proposed development scheme: • Is the result of a detailed and comprehensive site analysis; • Retains views and visual permeability through the site towards the town centre (refer EIS Appendix AX); • Maximises the retention of significant areas of vegetation; • Proposes an appropriate transition in built form across the site in response to the transitional character of the land; and • Orients and treats built form to minimise potential impacts on adjoining residential properties The large area of B4 zoned land in the western portion of the site is not proposed to be developed as part of this application is appropriately sized and dimensioned to facilitate a range of future development types.	

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
5.1 Site Access	2. Where access can be gained from a secondary street or rear lane, vehicle access to on-site car parking or service areas must not be located on the primary street frontage.	The proposed development seeks to locate vehicle access points to minimise potential visual and amenity impacts.	
	3. Vehicle access points should take into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees.	Vehicular access to Buildings B, C and D is provided off James Street. The key design driver in providing access off this street is to allow the retention of the significant areas of established vegetation adjacent to the southern boundary.	
	4. Driveway crossovers at the boundary must be no wider than the minimum design width required to meet Council requirements.	The vehicular access to Buildings B and C has been consolidated to minimise the number of driveway crossovers proposed. The proposed vehicular entries to Buildings B, C and D are integrated into the proposed built form to minimise their visual dominance.	
	5. Access to on-site car parking and servicing facilities must be designed perpendicular to the street alignment, and must not ramp along a street or lane alignment.		
	6. Vehicle access points should not be located adjacent to doors or windows of the habitable rooms of any residential development.	Access to Building A is proposed via a through site vehicular link adjacent to the eastern boundary which provides access to vehicular entries within the building. Vehicular access points to Building A are not highly visible from the street. Fencing and landscaping is proposed adjacent to the through site vehicular link which includes for the planting of hedges and trees to soften the visual appearance of the driveway.	
	7. Where there is no alternative to access at the primary street frontage, the crossover must not occupy more than 25% of that frontage.		
	8. Vehicle entries are to have high quality finishes to walls and ceilings.		
	9. No service ducts or pipes are to be visible from public places.		
5.2 Car Parking	1. Car parking must be provided in basement levels, where feasible.	Proposed car parking areas are incorporated into the proposed built form.	
	2. Car parking at ground level must be sleeved by retail or commercial floor space along the total length of the primary road frontage, and for at least 60% of the secondary street frontage.	To the north, car parking structures are sleeved by residential built forms and are not visible from the street.	

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	3. Where all car parking cannot be accommodated at basement and ground level, car parking above ground level may be considered, provided that it is fully integrated into the building design, and adequately screened by a high quality architectural façade on all elevations. 4. For car parking at ground level or above, the floor to ceiling height must be a minimum of 3.2 metres. 5. Proposals for car parking at ground level must clearly demonstrate how the area used for car parking can be converted to other permissible uses in the future.	Where the car parking structures of Buildings B, C and D encroach above ground level in the southern portion of the site, they are separated from the street by the retained southern landscaped buffer. The lower ground parking level of Building A is largely below ground and does not present to Tiral Street. A small at grade parking area is proposed forward of Building A, at the Tiral Street frontage. Following advice from the UDRP and SDRP, the extent of parking spaces within this area was reduced. The geometry of the parking area was also rotated to limit the length of parking along the boundary line and provide landscaping to obscure the visibility of the parking from the street. Parking levels were also dropped to minimise the height of the wall along trial street and allow deeper soil to present a more robust landscaped buffer.	
6.3 Front Setbacks	1. Where applicable, front building setbacks are to comply with the Block Control Plans (Figures 5 - 49) 2. Development must be built to the street boundary on lots nominated in the Block Control Plans (Figures 5 - 49). 3. Balconies may project up to a maximum of 600mm into the front setback, provided that the total width of all balconies at that particular storey equates to a maximum of 50% of horizontal width of the building façade, measured at the applicable storey. 4. Minor projections into the front setback for entry awnings, sun shading devices, cornices and the like are permitted.	Refer EIS Section 6.1 .	Section 6.1
6.4 Side and Rear Setbacks	1. Where applicable, side and rear building setbacks must comply with the Block Control Plans (Figures 5 - 49)	Refer EIS Section 6.1 .	Section 6.1

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	2. Residential development must satisfy the building separation, solar access and amenity requirements of State Environmental Planning Policy No. 65 – Quality Design of Residential Flat Development. 3. When an existing building is being refurbished or converted to another use, and applicable setback distances cannot be achieved, alternative measures such as privacy screens must be used to achieve appropriate visual privacy levels.		
6.5 Façade Articulation	1. Building design must include façade articulation, smaller scale shop fronts, and smaller floor plate shop or office premises at the street level. 2. Entries must not be recessed more than one metre from the surrounding façade wall. 3. The change in wall alignment for all other façade elements must not exceed 600mm. 4. Blank façade walls must not exceed 15 metres in length.	Refer EIS Section 6.1 .	Section 6.1
6.6 Building Height	1. Development must not exceed the maximum number of storeys shown in the Block Control Plans (Figures 5 - 49) 2. Development must not exceed the maximum height in metres shown in Table 1. 3. Where an Area Plan does not specify height in storeys development must not exceed three storeys and 13m in height.	The proposed development exceeds the heights identified for the site on the DCP block control plan. The proposal achieves the desired density in a configuration which better addresses site specific conditions and opportunities and provides improved outcomes in relation to: • Solar access; • Privacy; • Increased landscape and open space opportunities; • Streetscape presentation; and • Visual permeability.	Appendix AR

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
		A detailed justification for the proposed additional height is included in the Clause 4.6 Variation report enclosed as Appendix AR .	
7 LANDSCAPE 7.1 Deep Soil Areas	4. Deep soil areas must be located to accommodate tree planting requirements. 5. Each deep soil area allocated to tree planting must have a corresponding clear air space that is at least eight metres high and six metres in width.	The proposed development exceeds SEPP 65 and ADG controls relating to deep soil planting.	Appendix E
7.2 Tree Planting	1. Tree planting in car parks must provide general shade and shelter to the car park. 2. Remnant vegetation must be maintained on the site wherever practical. 3. Where a front setback of three metres or more exists, developments must provide tree planting within the front setback.	The proposal seeks to retain the significant area of vegetation adjacent to the southern boundary of the site, which provides a vegetated setback to Tiral Street for Buildings B, C and D. Tree retention and landscaping planting is proposed within the front setbacks of the proposed development to James and Tiral Street.	
Charlestown Streetscape Masterplan			
The Charlestown Streetscape Masterplan was released in 2012. The Masterplan identifies the vision and identity for the Charlestown Town Centre. It seeks to improve the aesthetic appearance of the town centre, promote the areas personality, increase opportunity, accessibility, functionality, economic effect and provide a modern easily maintainable public domain.			
The future character identified for the Charlestown Town Centre is a 'central business district'			
	In relation to the subject site, the Streetscape Master Plan seeks to: • Retain existing vegetation adjacent to the boundaries of the site; • Provide additional planting within James Street and Tiral Street; • Provide a pedestrian footpath and turf within James Street and Tiral Street, adjacent to the site;	The proposed development is consistent with the intent of the Charlestown Streetscape Masterplan. The proposed development incorporates the following: • Tree retention adjacent to site boundaries where possible; • Additional tree planting within the site, adjacent to the Tiral Street, James Street and eastern site boundaries;	Appendix G Appendix H

REFERENCE	RELEVANT CONSIDERATION	COMMENT	EIS REFERENCE
	- An opportunity for future public art is identified to the east of the site; - Retain/install bus stops on either side of Dudley Road, adjacent to the south-eastern corner of the site; and - Provide a on-road cycleway along Dudley Road, Adjacent to the western boundary of the site.	- Street tree planting within Tiral Street and James Street; and - The provision of pedestrian footpaths and turf within Tiral Street and James Street, along the full frontage of the proposed development. In addition to the above, the proposed development incorporates two (2) through site links which allow for the movement of pedestrians through site. No development is proposed within the 2m strip of Council owned land adjacent to the eastern boundary of the site. The proposed development will not compromise the retention/provision of bus stops adjacent to the site within Dudley Road, or the establishment of a on-road cycleway within Dudley Road. The proposed development is consistent with the intent of the Charlestown Streetscape Masterplan.	
Charlestown Transport Management Plan (2021)			
	<u>Charlestown Transport Management Plan (2021)</u> The Charlestown Transport Management Plan (2021), prepared by Lake Macquarie City Council, includes a range of actions that align with Lake Mac's overarching strategies as well as future transport and mobility trends. The actions within the plan aims to improve customer experiences associated with travelling to and within Charlestown, whether by bus, taxi/ride share, walking, cycling or private vehicle usage, as reproduced in the following pages.	The Charlestown Transport Masterplan identifies the 2m wide strip of land which adjoins the subject site to the east as a priority route for feasibility analysis of safe cycle connections. The proposed development will maintain the ability of the adjoining eastern land to operate as a cycle connection.	