



Planning

**MAJOR PROJECT ASSESSMENT:
CONSTRUCTION OF A SENIORS HOUSING
DEVELOPMENT AT 216-222 MAIN ROAD
AND 21 ROWLAND TERRACE, TOUKLEY**

Proposed by RUSTRUM PTY LTD



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

December 2009

Cover Photo: Aerial view of Toukley

Photo Source: Google Earth

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NSW Department of Planning

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1 EXECUTIVE SUMMARY

This is a report on a project application by Rustrum Pty Ltd seeking approval to construct a Seniors Housing Development containing 53 self-contained units over basement parking at 216-222 Main Road and 21 Rowland Terrace, Toukley in the Wyong Local Government Area ("the proposal").

The project has a capital investment value of \$18 million and would employ about 290 people during construction and 5 people once operational.

The Director-General, as delegate of the Minister for Planning, declared the proposal a Major Project under Part 3A of the Act on 3 October 2008, being a building greater than 13m in height in a sensitive coastal location.

During the exhibition period, the Department received a total of 4 submissions from government agencies and 13 submissions from the public (10 letters of objection and 3 letters of support).

A number of concerns were raised regarding the height of the proposal and its impact on the adjoining residential properties to the east in Rowland Terrace.

At a post exhibition meeting with the proponent held on 20 August 2009, the Department requested the design be modified to reduce its height, bulk and scale and create a better transition to the neighbouring residential development in Rowland Terrace.

In response the proponent submitted a Preferred Project Report (PPR) to the Department on 18 September 2009. The PPR included an amended design which lowered the overall building height but failed to provide a satisfactory level of information with respect to some design, overshadowing and acoustic issues. The proponent submitted this information and the PPR was considered adequate on 12 October 2009.

Subject to some further changes to the design the proposal achieves a sound planning outcome for the site and minimises impacts on the amenity of neighbouring residential properties.

The Department's recommended changes can be imposed as conditions on the recommended approval.

On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will add to the stock of accommodation in Toukley for seniors and people with a disability.

The Department recommends that the project be **approved**, subject to conditions.

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2 BACKGROUND

2.1 THE SITE

Site Location and Context

The site is known as 216-222 Main Road and 21 Rowland Terrace, Toukley and is located in the Wyong Shire Council local government area.

Toukley is a coastal town on the Central Coast of New South Wales, approximately 105km north of Sydney and 55km south of Newcastle (refer to the Regional Context Plan at **Figure 1**).



Figure 1: Regional Context (source: Google Maps)

The site is located about 175m west of the Toukley Town Centre on the southern edge of Lake Budgewoi (refer to the Aerial Photo at **Figure 2**).

The property has the following legal description:

- Lots 2, 3 & 4 DP406181
- Lot 2 DP 213097; and
- Lot 91 DP 565884.



Figure 2: Aerial photo of the site (source: Six Viewer)

Existing site features

The site is an irregular shaped parcel of land with an area of 5,300m². There is an existing dwelling house at its eastern end fronting Rowland Terrace. The balance of the site was used for residential purposes but is now overgrown with weeds except for what remains of some landscape plantings and opportunistic regrowth of casuarinas and eucalypts (refer to **Figures 2 and 3**).

The site slopes down from Main Road to the lake representing a change in level of about 9m. The concrete driveway provides access to the lower part of the site from the upper portion which has a series of retaining walls

Surrounding development

Land adjoining to the east (fronting Rowland Terrace) contains dwelling houses of generally 1-2 storeys.

The southern boundary is formed by Toukley Gardens Park and Main Road which provides direct access to the Toukley Town Centre.

Land to the west contains the Beachcomber Hotel and a 4 storey residential development fronting the lake, known as "whitesails".

The northern boundary is formed by a foreshore Crown reserve of about 6m in width and beyond is Lake Budgewoi.



Figure 3: View of the site from the jetty in front of the Beachcomber Hotel



Figure 4: View looking west from Rowland Terrace showing the existing double garage on the site

3 THE PROPOSED DEVELOPMENT

3.1 EXHIBITED PROPOSAL

The proponent seeks approval to construct a Seniors Housing Development for 53 self-contained dwellings in buildings of 3-5 storeys in height over basement parking with associated landscaping and drainage works (refer to **Figures 5, 6, 7 and 8**).

The CIV is estimated at \$18 million. The number of jobs created is 290 full-time construction jobs and 5 full-time equivalent operational jobs.

The development will involve excavation of about 20,000m³ of soil to make way for a parking basement. Vehicular access to the main parking basement for 45 units will be off Main Road. The remaining 8 units will have vehicular access from Rowland Terrace. A total of 70 cars spaces will be provided at basement level (60 spaces off Main Road and 10 spaces off Rowland Terrace). A waste and recycling room is provided at each floor of the development and in the basement.

The main pedestrian entry will be at Main Road and a secondary pedestrian entry will be available from Rowland Terrace. Lift access will be available to each floor. The following communal facilities will be provided:

- salon/clinic;
- gymnasium;
- community/meeting room; and
- outdoor swimming pool.

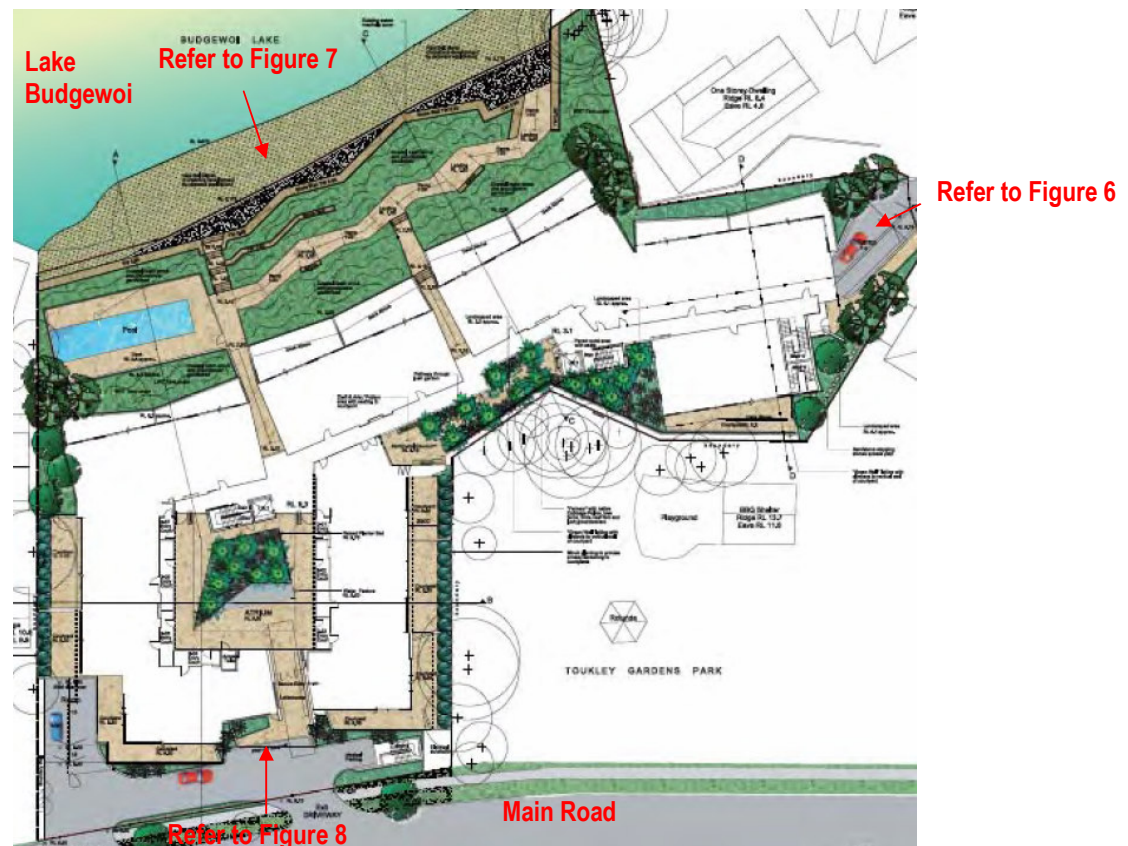


Figure 5: Site Plan showing footprint of the exhibited proposal

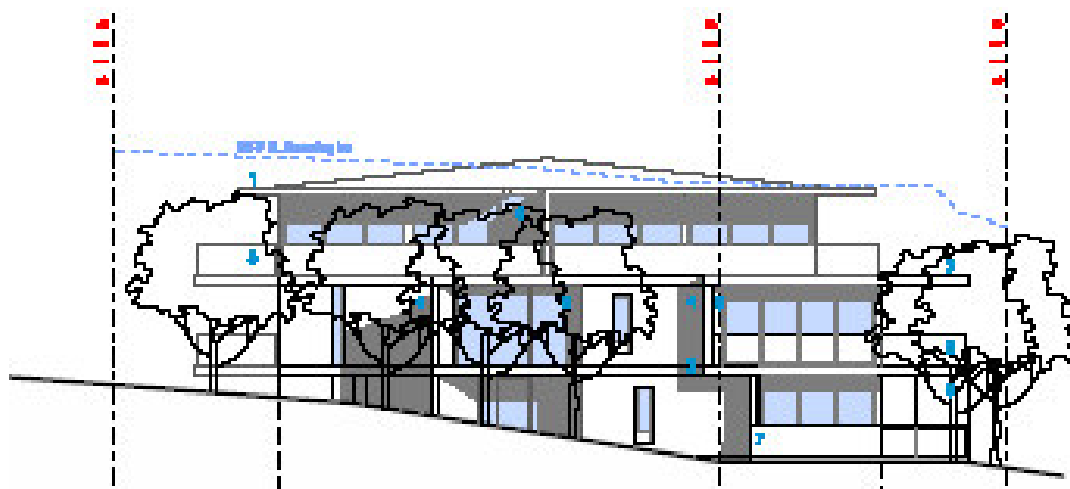


Figure 6: Exhibited development when viewed from Rowland Terrace (eastern elevation)



Figure 7: Exhibited development when viewed from Lake Budgewoi (northern elevation)

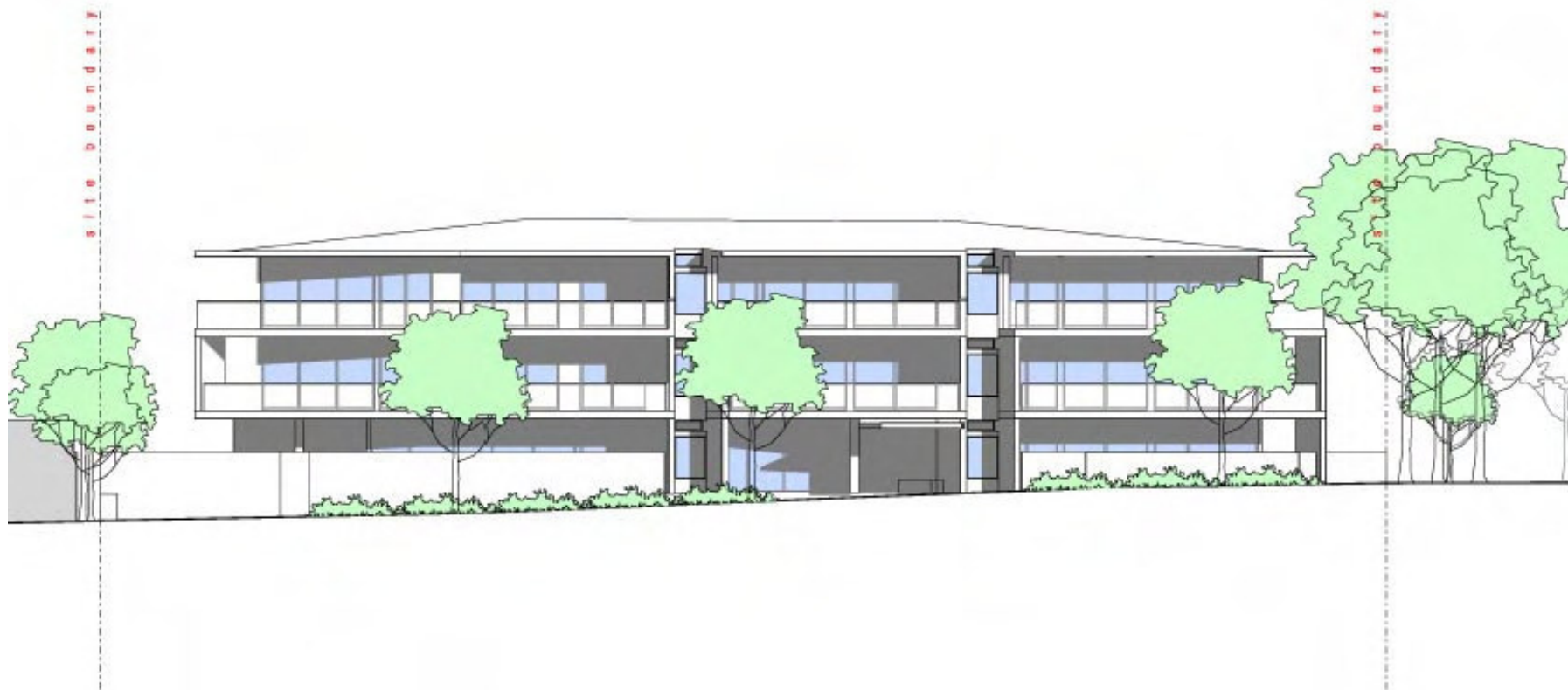


Figure 8: Exhibited development when viewed from Main Road (southern elevation)

3.2 PREFERRED PROJECT REPORT (Amended Proposal)

In response to concerns with the height, bulk and scale and the poor transition to the lower scale residential development fronting Rowland Terrace, a Preferred Project Report (PPR) was submitted to the Department on 18 September 2009, incorporating the following changes:

- deletion of the third (top) level at Rowland Terrace and an increase in the building setback to the northern boundary; and
- deletion of the fifth level in the central building pod along the waterfront.

Refer to **Figure 9** which shows the changes to the proposal when viewed from the lake.

The changes reduced the number of units from 53 to a total of 50. The main parking basement is now setback 0.5m from the street boundary along Main Road. The carparking layout, vehicular access and the general footprint of the building remains unchanged.

Further analysis was required particularly in terms of overshadowing impacts to the adjoining residential property to the east. The PPR was considered adequate on 12 October 2009. The amended proposal was not re-advertised but it was placed on the Department's web site. The key development data for the exhibited and preferred project proposals are outlined in **Table 1** below.

Table 1 – Development data

	Exhibited	Preferred Project Report
Site Area	5,300 m ²	5,300 m ²
GFA	5,868m ²	5,548m ²
Number of storeys	Main Road - 3 Buildings facing the Lake - 4 to 5 Rowland Terrace - 3	Main Road - 3 Buildings facing the Lake - 4 Rowland Terrace - 2
Height	Main Road RL19.70 (ridge) RL 18.20 (ceiling) Central pod facing the Lake RL19.70 (ridge) RL 18.20 (ceiling) Rowland Terrace RL16.60 (ridge) RL 15.10 (ceiling)	Main Road RL19.70 (ridge) RL 18.20 (ceiling) Central pod facing the Lake RL16.00 (ridge) RL 15.50 (ceiling) Rowland Terrace RL13.50 (ridge) RL 12.00 (ceiling)

	Exhibited	Preferred Project Report
Site coverage	73%	71%
FSR	1.11:1	1.05:1
Carparking	Rowland Terrace basement - 10 Main Road basement - 60 TOTAL - 70	Rowland Terrace basement - 10 Main Road basement - 60 TOTAL - 70
Setbacks	<p>Rowland Terrace <u>No. 19</u></p> <p>Levels 1 and 2 1.5m (balcony) 4.5m (building) Level 3 4.5m (balcony) 6.5m (building)</p> <p><u>No. 10</u></p> <p>Levels 1 to 3 1.5m to 4.2m (building)</p> <p>Main Road 4.75m to 7m (to the balconies) 5m to 8m (to courtyard ground level) 7.4m to 9.6m (building at all levels)</p> <p>Beachcomber Hotel (to the building) 3m to 4.8m (ground) 3m to 6.8m (above ground)</p> <p>Toukley Park (to the building west) 4.6m to 6.9m</p>	<p>Rowland Terrace <u>No. 19</u></p> <p>Levels 1 and 2 2.8m (balcony) 6.0m (building) Level 3 N/A</p> <p><u>No. 10</u></p> <p>Levels 1 and 2 1.5m to 3.8m (building) Level 3 N/A</p> <p>Main Road 4.75m to 7m (to the balconies) 5m to 8m (to courtyard ground level) 7.4m to 9.6m (building at all levels)</p> <p>Beachcomber Hotel (to the building) 3m to 4.8m (ground) 3m to 6.8m (above ground)</p> <p>Toukley Park (to the building west) 4.6m to 6.9m</p>

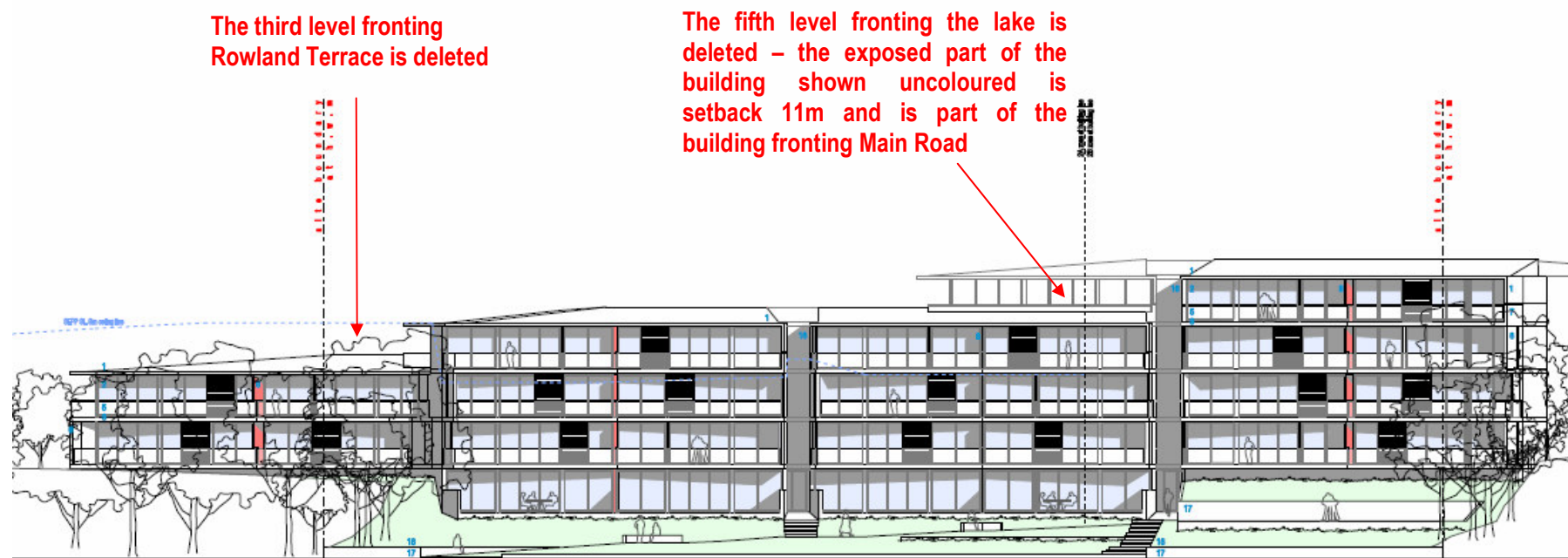


Figure 9: Amended scheme when viewed from the lake (northern elevation)

4 STATUTORY CONTEXT

4.1 PART 3A DECLARATION

The proposal is classified as a major project under Part 3A of the Environmental Planning and Assessment Act 1979 'the Act' because it meets the criteria of Schedule 2 of the then *State Environmental Planning Policy (Major Projects) 2005* being a building greater than 13m in height in a sensitive coastal location - Schedule 2, Clause 1(1)(g)(i). The opinion was formed by the Director-General, as delegate to the Minister for Planning, on 3 October 2008.

It is noted that the Major Projects SEPP was amended on the 1 July 2009. Under the now *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP), the proposal would no longer be a project to which Part 3A of the Act applies. However, under the savings and transitional provisions of the Major Development SEPP, this amendment does not apply to projects where project applications were received prior to July 2009.

As the project application was lodged prior to 1 July 2009, the Minister for Planning is the approval authority for the project.

4.2 PERMISSIBILITY

The site is zoned part 2(a) Residential and part 2(b) Multiple Dwelling Residential under the Wyong Shire Local Environmental Plan 1991 (LEP 1991) (Refer to the Zoning Plan at **Figure 10**).

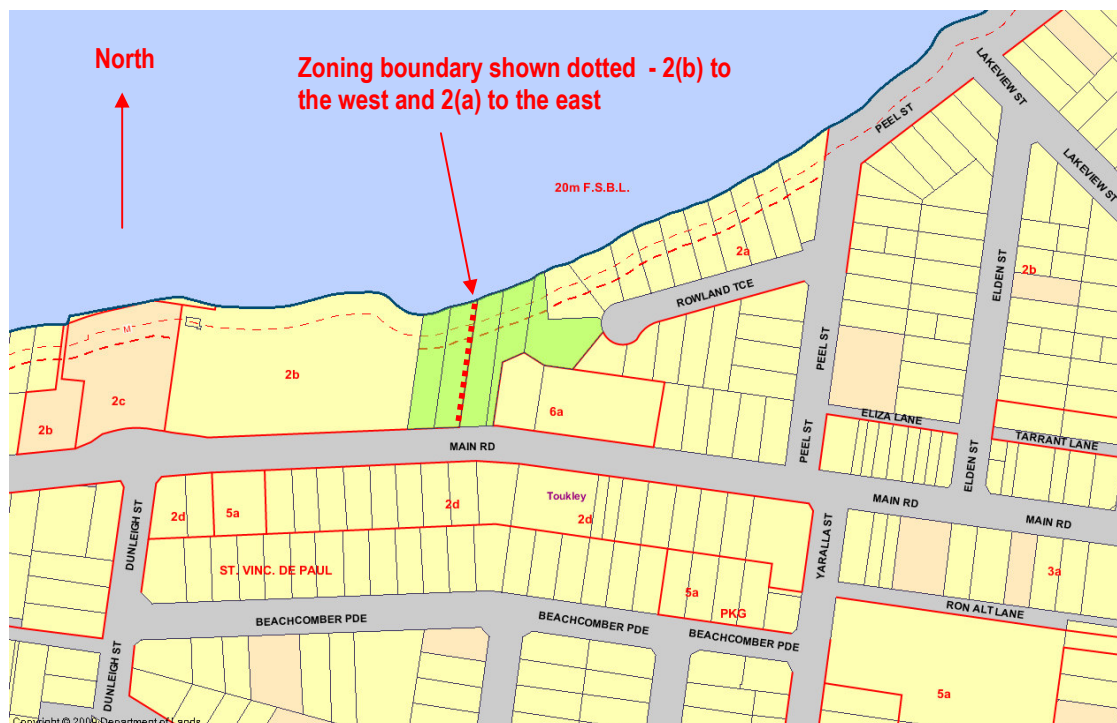


Figure 10: Zoning plan (the site is shaded green) (source: Wyong Shire Council)

Development for the purposes of 'residential flat buildings' and 'housing for seniors and people with a disability' (purposes defined in the LEP) are prohibited under the 2(a) zone, but are purposes permissible only with development consent under the 2(b) zone.

Notwithstanding, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) applies to the proposal. The policy applies to land zoned primarily for urban purposes and permits development for the purposes of 'dwelling houses', 'hospitals' and 'residential flat buildings.' The development is permissible under the Seniors Housing SEPP.

4.3 EXHIBITION AND NOTIFICATION

The Department has exhibited the EA in accordance with section 75H (3) of the Act. The EA was placed on public exhibition from 26 June 2009 to 25 July 2009 and submissions were invited in accordance with section 75(H) of the Act.

4.4 ENVIRONMENTAL PLANNING INSTRUMENTS (EPis)

To satisfy the requirements of section 75I, the Director-General's report is to include a copy of or reference to the provisions of any:

- State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project; and
- environmental planning instrument that would (but for Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project.

The Department has considered the project against the relevant provisions of several environmental planning instruments:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability);
- State Environmental Planning Policy No. 71 – Coastal Protection;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Wyong Shire Local Environmental Plan, 1991.

The Department is satisfied that, subject to the implementation of the recommended conditions of approval, the amended proposal is generally consistent with the aims and objectives of these instruments. An assessment of the proposal against the relevant requirements is at **Appendix B**. The main area of non-compliance relates to the departure from the height controls under the Seniors Housing SEPP. This has been discussed in detail in **Section 6.1**.

4.5 OTHER PLANS AND POLICIES

The proposal has been considered against the following non-statutory documents:

- 1) Central Coast Regional Strategy;
- 2) NSW Coastal Policy 1997;
- 3) NSW Coastal Design Guidelines;
- 4) Development Control Plan 2005 Chapter 64 - Multiple Dwelling Residential Development; and
- 5) NSW Government State Plan 2009.

The Department is satisfied that, subject to the implementation of the recommended conditions of approval, the amended proposal is generally consistent with the aims and objectives of these plans and policies. An

assessment of the proposal against the relevant requirements is at **Appendix B**. The project satisfies a key priority in the NSW Government State Plan (2009) by supporting business investment and jobs.

4.6 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** – In making its recommendation on the proposed development, the Department has taken into consideration economic, environmental and social matters during the course of the assessment. The proponent has generally demonstrated that the development will be a social and economic benefit for the region, through the creation of residential accommodation for seniors and people with a disability and provision of employment opportunities at the construction stage. The site is ideally located close to the town centre which includes a range of shops and services such as doctors and community facilities. The site is cleared with little environmental value and is suitable for development.
- **Precautionary Principle** – The precautionary principle has been utilised in a limited capacity given the proposal will occur on land zoned for residential purposes. Notwithstanding, a range of conditions have been imposed (eg. stormwater, erosion and sedimentation and landscaping) to ensure the development minimises its impact on the environment in particular the adjoining lake.
- **Inter-Generational Principle** – The development provides additional residential housing opportunities now and into the future for Toukley. In particular, the development will add to the stock of seniors and disability housing for future generations. This is considered to be beneficial for the region.
- **Biodiversity Principle** – The Biodiversity Principle has been considered in the protection and management of the adjoining lake by imposing appropriate environmental conditions and ensuring an appropriate building setback to the lake boundary.
- **Valuation Principle** – The Valuation Principle has been considered and the proposal has incorporated principles of Water Sensitive Urban Design. The system is designed to promote an environmentally sustainable outcome through management of stormwater runoff. Conditions have also been recommended to ensure provision of a rainwater tank and energy efficient fixtures as part of the BASIX commitments.

4.7 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Minister's consideration and determination of the application must be consistent with the relevant provisions of the Act, including the objects set out in the Act's section 5. The objects of most relevance to the Minister's decision on whether or not to approve the proposed project are found in Section 5 (a)(ii), (vi) and (vii).

The relevant objects of the Act in section 5 are as follows:

- “(a) to encourage:*
(ii) the promotion and co-ordination of the orderly and economic use and development of land,
(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats,
and
(vii) ecologically sustainable development.”

The Department has considered the relevant Objects of the Act as follows.

1. The proposed development will make use of existing infrastructure resulting in an orderly and efficient use of the land.
2. The proposed development will not have an adverse impact on the environment due to the cleared nature of the site and the environmental conditions recommended on the approval to protect the water quality of the lake.

3. The approval includes conditions to protect the surrounding environment and encourage ESD by reducing water and energy usage and committing to measures in accordance with the BASIX certificate.

5 CONSULTATION AND ISSUES RAISED

5.1 PUBLIC EXHIBITION DETAILS

The EA was exhibited for 30 days from 26 June 2009 to 25 July 2009. Notification of the exhibition was given in the Gosford Central Coast Express Advocate.

Exhibition locations were at:

- Department of Planning Head Office, Bridge Street Sydney;
- Department of Planning Regional Office, Gosford;
- Civic Centre, 16 Hely Street, Wyong; and
- Toukley library, Victoria Avenue, Toukley.

The EA was also provided for download on the Department's website.

Letters were sent to neighbouring landowners and relevant government agencies, including Council, notifying of the exhibition and inviting a submission. A total of 17 submissions were received, comprising 13 submissions from the local community (10 objection and 3 support) and 4 submissions from public authorities.

A Preferred Project Report (PPR) was lodged on 18 September 2009. However, as a number of issues were not adequately addressed the Department requested further information. The final PPR was accepted on 12 October 2009. As the changes to the nature of the project resulted in an improved design and environmental outcome, it was not re-exhibited but was placed on the Department's website.

With the exception of Wyong Council there was no objection to the proposal from agencies, subject to appropriate conditions being imposed on the approval.

5.2 SUBMISSIONS FROM THE LOCAL COMMUNITY

The 13 submissions from the local community included 10 letters of objection and 3 letters of support. The main issues in objection to the proposal raised by the local community included:

- Traffic and vehicular access impacts;
- Parking congestion;
- Excessive building height and visual impact;
- Construction impacts;
- Geotechnical impacts;
- Loss of trees;
- Conflict with adjoining hotel use in terms of noise; and
- Amenity impacts to residential properties.

An assessment of the key issues from the above list can be found in **Section 6** of this report.

The proposal is supported on the grounds it will satisfy the demand for seniors housing; the site is suitable because it is close to services and facilities; it will provide employment; and it will stimulate redevelopment in the area. A summary of all submissions received can be found in **Appendix D**. The proponent's response to submission is in **Appendix E**.

5.3 SUBMISSIONS FROM PUBLIC AUTHORITIES

Submissions were received from the following public authorities:

- Wyong Shire Council;
- Department of Water and Energy (now NSW Office of Water);
- Department of Environment and Climate Change (now Department of Environment, Climate Change and Water);
- Department of Health; and
- Department of Roads and Traffic Authority.

Wyong Shire Council raised a number of concerns regarding climate change, design, height, acid sulfate soil, groundwater impacts, acoustic impacts, internal amenity, encroachment of the Foreshore Building Line, streetscape presentation, crime risk and security, impacts on trees, stormwater drainage, traffic and access, structural issues, carparking earthworks and construction.

Many of these issues are dealt with as recommended conditions on the approval. The salient issues regarding height, climate change and design are addressed in **Section 6**.

The remaining agencies did not raise any objection to the proposal.

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

6.1 HEIGHT AND VISUAL IMPACT

The building height and its relationship to surrounding development has been a significant issue raised by both the Department and Wyong Council. The DGRs were issued by the Department with a recommendation that the proposal be "...a maximum of 4 residential storeys to the foreshore and 3 residential storeys to the Main Road grading to a low scale 2 residential storeys at Rowland Terrace." The genesis of these height parameters is discussions with Council particularly in regard to the draft Toukley Planning Strategy and the future strategic directions under the Central Coast Regional Strategy which promote higher densities close to the town centre. Council generally agreed with the height parameters set by the Department even though they exceed the existing controls in both the Seniors Housing SEPP and LEP 1991. The proponent was also advised that any non-compliance with the height controls would need to be accompanied by sound planning justification. The amended proposal is generally consistent with the Department's height recommendation and in part is at odds with the Seniors Housing SEPP and LEP 1991.

The site is unusual in that it has a split zoning being part 2(a) and part 2(b). Council does not have any specific height control in LEP 1991 other than the objectives of both zones stipulate that development should generally not exceed 2 storeys. 'Residential Flat Buildings' are not permitted in the 2(a) zone and therefore under the Seniors Housing SEPP the height of the building in the 2(a) zone must be 8m or less and if adjacent to a boundary not more than 2 storeys. That part of the building in the 2(a) zone that does not comply with the 8m height control in the Seniors Housing SEPP is shown in **Figures 11, 12 and 13** below. The departure represents approximately one level of the development in the 2(a) zone (except for that part of the building fronting Rowland Terrace). This equates to 7 units or about 700m² which is approximately 12% of the total GFA.

The amended proposal is generally a maximum of 4 storeys and 11m (measured to the ceiling) in the 2(a) zone. There is a minor part of the building which is 5 storey where it transitions due to topography between the central building pod fronting the lake and the building fronting Main Road. The proposal generally represents a departure of up to 2 storeys and 3m above the height controls in the Seniors Housing SEPP (note: the lower level(s) have been excavated below the existing ground line).

A summary of the proponent's justification for the non-compliance with the height control is as follows:

- It is consistent with the higher densities identified in the draft Toukley Planning Strategy and Central Coast Regional Strategy;
- It is similar to 4 storey development to the west;
- There are no adverse impacts to adjoining properties; and
- It does not result in any abrupt change of scale.

The Department has considered the justification provided by the proponent and provides the following assessment.

The site is located within 200m of the Toukley Town Centre and the Central Coast Regional Strategy recommends future planning strategies identify low to midrise living opportunities up to six storeys (where appropriate) within 800m from the Town Centre. The Department is of a view that there is merit in allowing a greater density and height on the site due to the transitional character of the area and the higher densities identified in the Regional Strategy. However, the site's waterfront location does not warrant six storeys. Council have indicated they would support up to 4 storeys fronting the water except where it conflicts with the height control in the Seniors Housing SEPP.

The western part of the site is zoned Residential 2(b) under Council's LEP. The adjoining property to the west contains the Beachcomber Hotel and residential development up to 4 storeys fronting the lake. These buildings

have uniform and uninteresting facades when viewed from the lake and their replication should be avoided. The proposed development fronting the lake will be separated into three 'pods' to provide some visual relief and break up its mass when viewed from the lake and nearby foreshore areas. A light colour palette is suitable for the coastal context and the use of natural timber screens and coloured privacy blades and upper level soffits will enliven the façade. The building's design, materials and finishes is therefore acceptable and superior to similar nearby development.

The non-compliant part of the building in the 2(a) zone adjoins a single storey dwelling house at No. 19 Rowland Terrace and Toukley Gardens Park. No. 19 is sited closer to the lake than the proposed development. The proposed building will be up to 11m above existing ground level and 3m from the common boundary with No. 19. The ridge of No. 19 is RL 6.4m and the roof of the proposal is RL 16.6 which represents a height difference of 10m. There will be no adverse impact in terms of overshadowing, overlooking or loss of views upon No. 19 due to its siting and orientation to the lake. The development would however create an abrupt change in building scale and visually overwhelm this dwelling.

In that regard it is recommended that unit 13 at level 3 be deleted. Part of the building will still not comply with the 8m height control but the change will result in a better transition to the lower scale development in Rowland Terrace. Subject to this change the Department supports the non-compliance for the following reasons:

- The proposal is generally consistent with the strategic direction for future development in the area which supports higher densities in appropriate locations close to the Toukley Town Centre;
- The proposal will not result in any unreasonable adverse amenity impacts to the neighbouring lower scale residential area in Rowland Terrace (See **Section 6.3** below);
- The development will step down to lower scale residential development in Rowland Terrace;
- The visual impact of the development when viewed from the lake is acceptable;
- The site is unusual in that it has a split zoning being 2(a) and 2(b);
- The design of the building including materials and finishes is suitable for its lakeside setting; and
- The neighbouring residential development to the west is up to 4 storeys facing the water.

The amended proposal is considered acceptable in regards to height, bulk and scale subject to the further changes recommended in the conditions of approval.

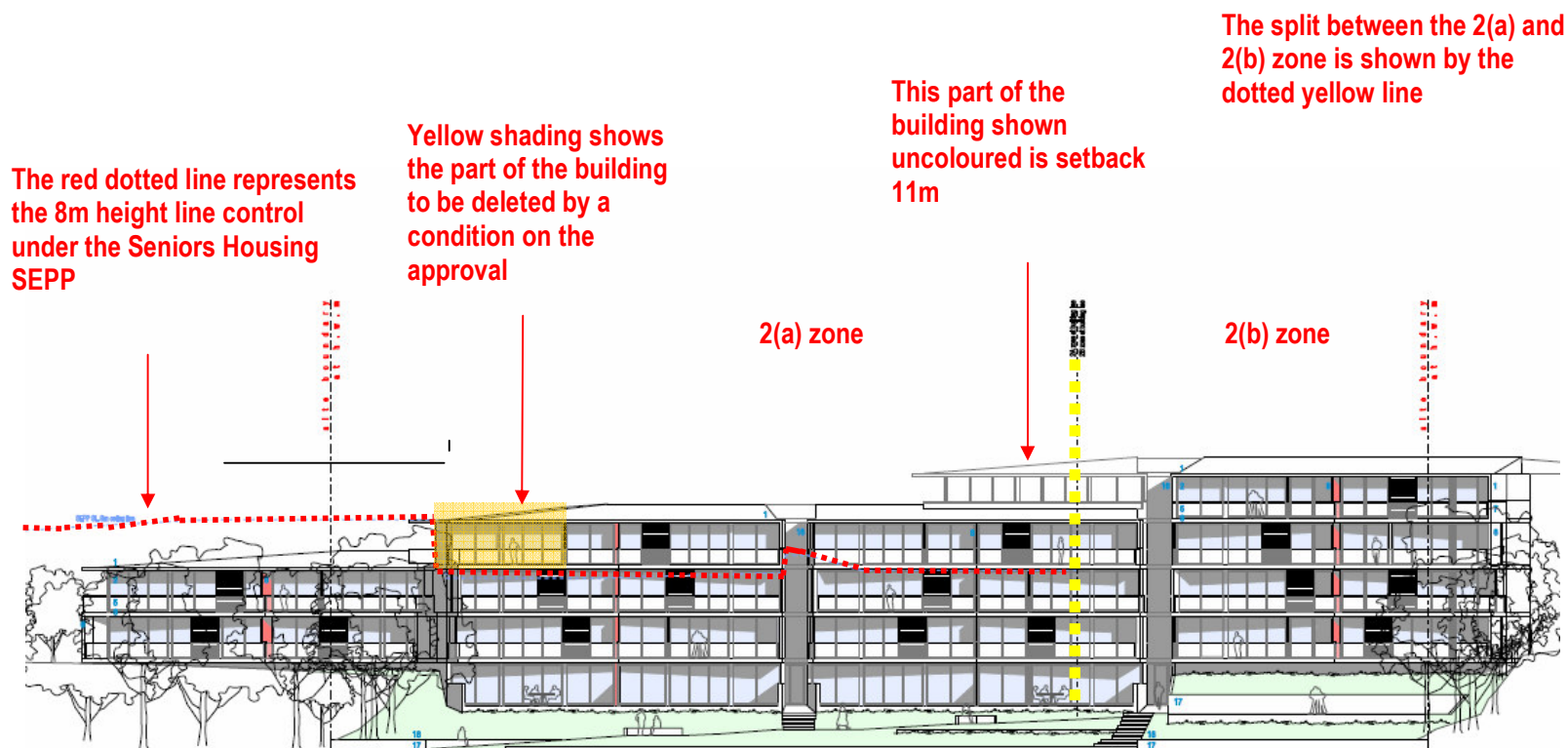


Figure 11 – View from the lake showing non-compliance with Seniors Housing 8m height line

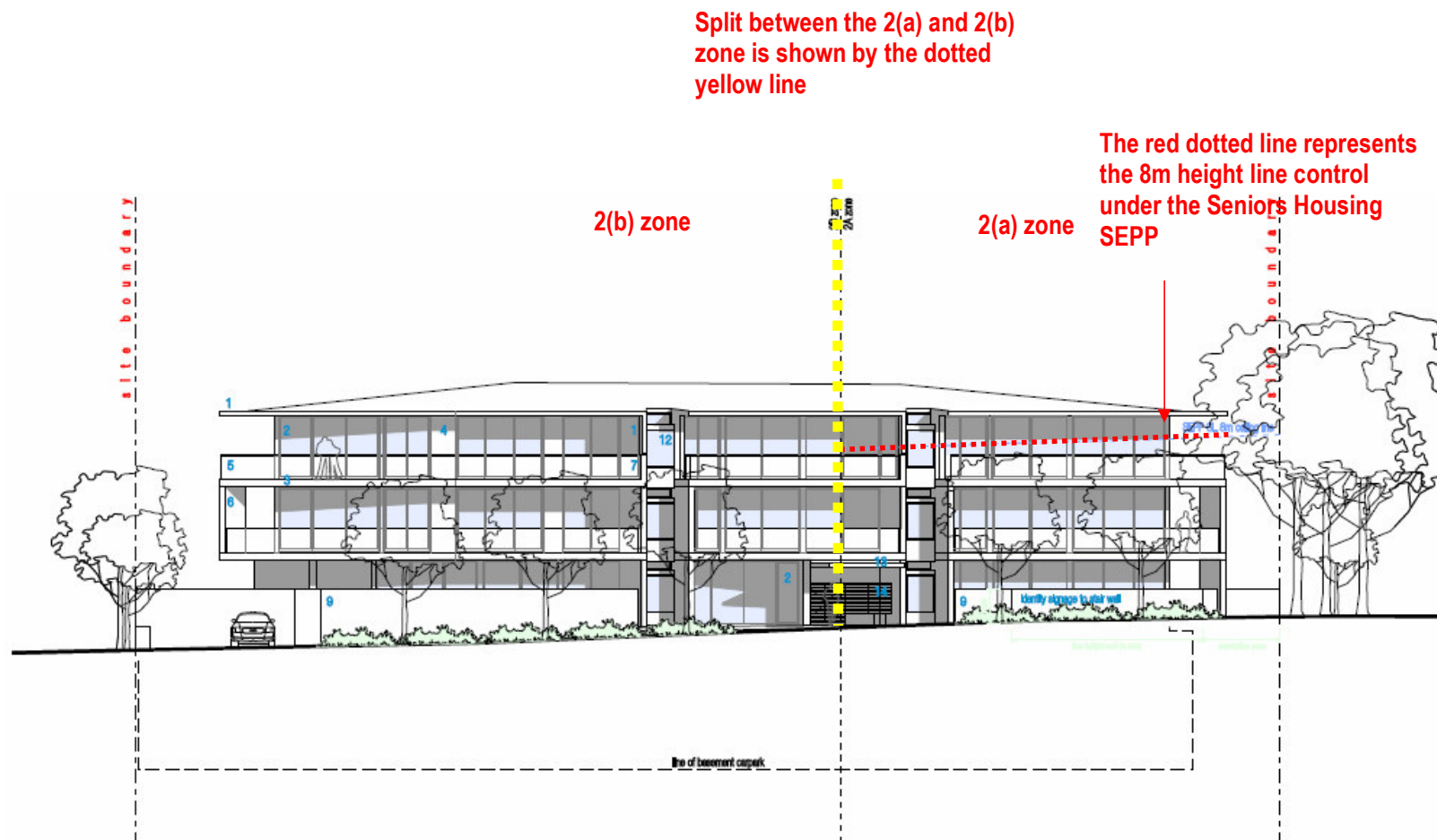


Figure 12 – View from Main Road showing non-compliance with Seniors Housing 8m height line

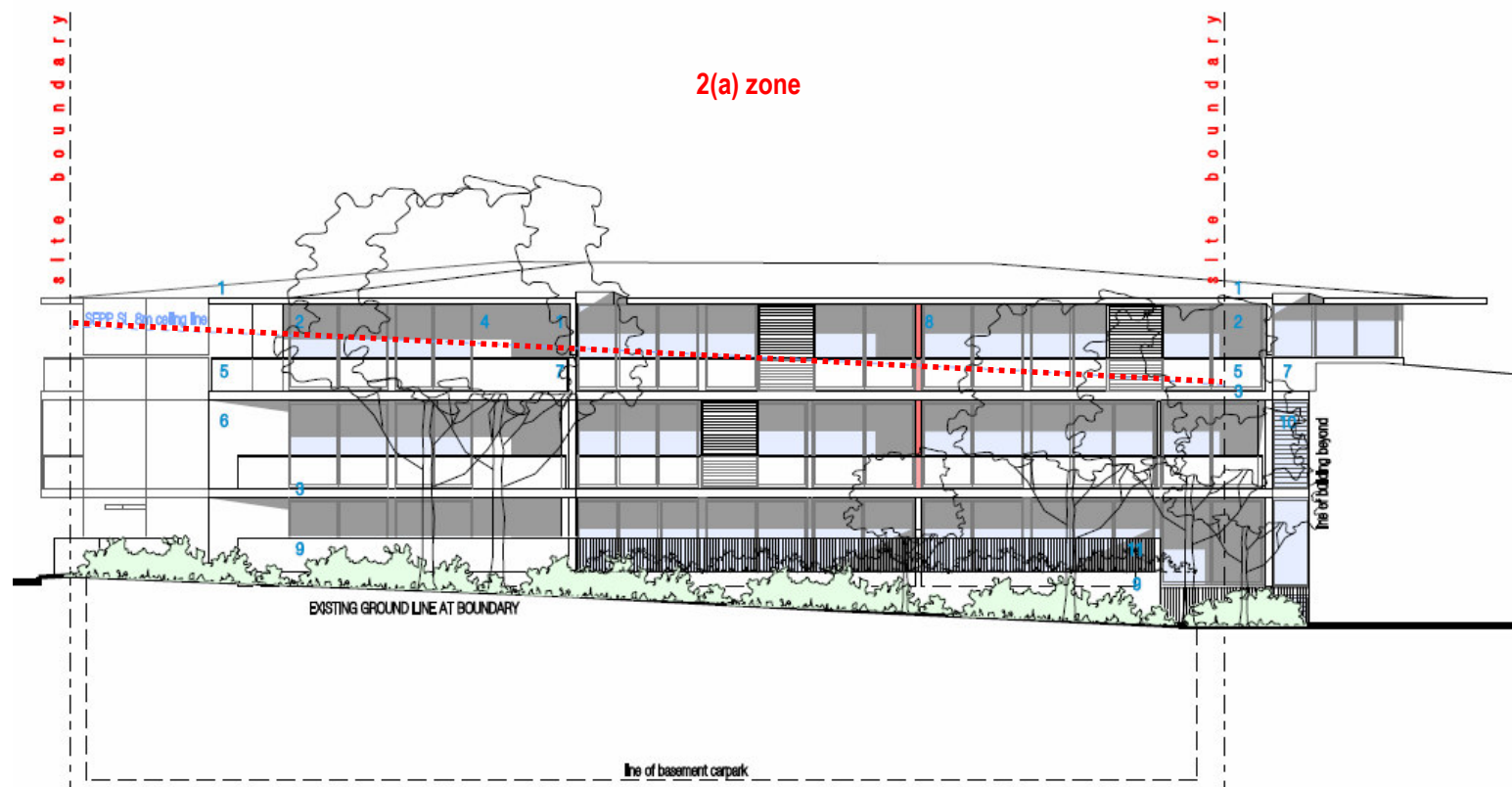


Figure 13 – View looking west from ToukleyGardens Park showing the non-compliance with Seniors Housing 8m height line

6.2 URBAN DESIGN

The Department's Urban Design team recommended that the bulk and scale of the building be reduced by stepping down the development when viewed from the water to create a better transition to adjoining low scale development in Rowland Terrace. This has been addressed with further changes as described in **Section 6.1**.

Some queries were also raised regarding colours and finishes and the privacy blades between the balconies and vertical screens facing the lake. The amended design illustrates the screens, finishes and colours in more detail and the elevations and sections now clearly show the role of these screening elements in providing privacy and enlivening the facades.

It is recommended that a condition be imposed requiring all glazing to be clear with no films or tints and the proposed colour palette is natural light tones with white balcony projections creating depth in the elevation. The light colour palette should be enlivened with screens and vibrantly coloured privacy blades and upper level soffits. A condition to that effect is recommended on the approval.

Council raised concerns with the design and stated that “...the design presents a stark, jarring and overbearing presentation to the environmentally sensitive shoreline of the lake.” Council has also requested a redesign to reduce the scale, form and massing of the building. The Department does not agree with Council's comments and is of the view that with the further design changes described above and appropriate materials and finishes the amended proposal is acceptable for the lake setting.

6.3 IMPACTS TO ADJOINING PROPERTIES TO THE EAST (ROWLAND TERRACE)

Acoustic Privacy

The proposed development will generate some additional traffic and noise along Rowland Terrace from both residents and visitors accessing the basement carpark which provides parking for six units (amended proposal). The balance of the traffic generated by the proposal will access the parking basement off Main Road. While the incidence of visitors parking in Rowland Terrace may increase, it is not considered to be so significant as to unduly impact the amenity of the neighbourhood. In any event a condition is recommended on the approval requiring visitor parking on the site.

The adjoining properties at Nos. 10 and 19 Rowland Terrace currently enjoy relatively low levels of noise given the site currently contains a single dwelling house. The proposed development will result in more noise from people talking etc. from balconies and courtyards compared to the existing situation. However, it is not considered to be at a level that would warrant further modification to the proposal.

Visual privacy

The potential overlooking impact will be from the first floor balcony and bedroom windows of unit 15 facing No. 10 Rowland Terrace. The closest edge of the balcony will be 1.5m from the boundary about 1.3m above the rear yard of No. 10. The existing fence and vegetation will assist in visual screening however this is not a permanent measure. It is therefore recommended that the “kink” in the balcony be removed so it becomes a straight line to minimise direct views to the rear of No. 10. A condition to that effect is recommended on the approval. A condition requiring a fixed privacy screen along the eastern edge of the balcony is recommended on the approval. This will mitigate any direct overlooking impacts from the eastern end of the balcony.

There will be some potential for overlooking from the first floor bedroom windows of unit 14 towards the front yard and the single garage at No. 10 Rowland Terrace. The proposed landscaping along the boundary will assist in visual screening. Notwithstanding, the overlooking from these windows is acceptable and will have a positive effect by providing casual surveillance of the street. There is the potential for an oblique view of the rear

yard while standing up against the window to bedroom 2. Therefore a condition is recommended on the approval requiring a highlight window to bedroom 2 to minimise overlooking impacts.

The potential for overlooking from the above ground north facing balconies to the rear of No. 19 Rowland Terrace is reduced under the amended scheme given the setback from the edge of the balconies to the common boundary will increase from 1.5m to 2.8m. The dwelling house at No. 19 is orientated to the lake and there is no opportunity for overlooking the living room windows or its primary private open space. However, to minimise the extent of overlooking of the entry and front yard a condition is recommended on the approval requiring a reduction in the size of the balconies at levels 1 and 2 facing No. 19 Rowland Terrace.

There may be some potential for overlooking from the balconies at the eastern end of the building fronting the lake to No. 19 Rowland Terrace. The primary view for occupants from these balconies is directly north to the lake. However, there will be an oblique view across the side boundary towards part of the open space in front of the dwelling house at No. 19. The impact will be mitigated by the removal of the top floor unit (refer to **Section 6.1**) and use of privacy screens/wall blades along the eastern edge of the balconies as shown on the amended plans. There is potential to also view part of the property at No. 19 across the side boundary from bedroom 1 of the easternmost units fronting the lake. Therefore a condition is recommended on the approval requiring highlight windows to bedroom 1 to minimise overlooking of No. 19 Rowland Terrace.

Overshadowing

The proposed development will result in some additional overshadowing to No. 10 Rowland Terrace. The proponent has advised that the living rooms are at the front and adjoin a north facing verandah. This part of the dwelling receives ample northern sunlight and is not impacted by the proposal. The potential overshadowing impact is to the south facing rear yard which already has limited sunlight during winter due to its orientation and the shadow cast by the existing house. An assessment of the shadow impact is provided in the table below.

Time (winter solstice)	Area of rear yard receiving sunlight (m ²)	% (approximate)
9:00am	16	10%
10:00am	42	40%
11:00am	52	50%
12 noon	53	50%
1:00pm	48	50%
2:00pm	34	33%
3:00pm	14	10%

Approximately 50% of the rear yard at No. 10 will receive direct sunlight for about 3 hours roughly between 10:30am and 1:30pm during the winter solstice. The proposal is therefore considered acceptable with regards to overshadowing to No. 10 Rowland Terrace. The Seniors Housing SEPP refers to AMCORD, a national resource document for development, which requires a minimum of 3 hours of solar access to 50% of private open space of adjacent dwellings. The proposal is therefore acceptable with regards to overshadowing.

View Loss

There are no significant views from the rear yard of No. 10 Rowland Terrace due to intervening boundary fences and the existing dwelling house on the subject site. Any views from the front of the dwelling house to the north and northeast will not be affected by the proposed development.

The existing dwelling house at No. 19 Rowland Terrace is slightly forward of the proposed development and there will be no affect on the direct views of the lake from the front of the house. However, the oblique views across the side boundary may be affected by fencing along the boundary. In that regard a condition should be

imposed on the approval requiring details of fencing which minimise the impact on oblique views of the lake from No. 19 Rowland Terrace.

6.4 POTENTIAL NOISE CONFLICTS WITH THE BEACHCOMBER HOTEL

The Beachcomber Hotel has objected to the proposal due to the potential conflict associated with their live entertainment and the future residential development on the site. This is a complex issue because the site is currently vacant at its western end and therefore does not represent a sensitive receiver to the adjoining Beachcomber Hotel.

The hotel is licensed to trade until 1:00am, except for Sundays when trading is restricted to 12 midnight (excluding New Years Eve which is 2:00am). It provides restaurant, pub, accommodation and function facilities with a maximum capacity of about 1,000 patrons. Adjoining the western side of the hotel is the Whitesails residential development. The tourist accommodation and function room act as a partial buffer between the main hotel area and the existing residences at Whitesails.

The subject site was previously used for residential purposes and therefore noise impacts from the hotel did have the potential to raise conflicts with its former residential neighbours on the site. However, it is understood the previous residential use was lower in density compared to the current proposal for 50 units which includes 6 units along the western boundary. These units will have elevated courtyards/balconies facing the hotel and internal living areas and bedroom windows setback 4.5m at lower level and 6.8m at the upper levels. The intervening residence on the hotel site is occupied by the Manager of the hotel. The main sources of noise that will potentially impact future occupants will be from live music and general patron activity (such as talking and shouting) and noise from cars in the adjoining carpark.

The hotel is legally bound to comply with the standard noise conditions on its liquor licence which are applicable to all hotels in New South Wales. These conditions protect the amenity of nearby residences by limiting the amount of noise above the background noise level and they are generally more onerous after midnight. The noise from live entertainment can be dealt with by sound proofing measures and volume control at the source. The noise associated with patron behaviour is more difficult to control and needs to be subject to stringent management practices. The main potential conflict will be patrons congregating on the footpath (particularly at closing time) or making their way to vehicles in the car park adjoining the site. As part of their operational management plan the hotel employs security personnel to move people on and minimise impacts to the surrounding area. However, there is always likely to be some noise associated with the hotel use. Therefore an acceptable level of noise should be tolerated to ensure the viable operation of the hotel and protection of residential amenity of the neighbourhood. The hotel has been in existence since 1959 and should not be unduly penalised with the introduction of a residential development next door. On the other hand the subject site has been used for residential purposes previously and is zoned for residential flat buildings and therefore the right to develop the property for residential purposes should not be undermined.

The proponent provided an acoustic assessment with the PPR which examined noise from patrons leaving the hotel and traffic noise along Main Road. However, it failed to consider potential noise impacts from live entertainment. The acoustic assessment adopted typical noise measurements from other similar venues in Newcastle to predict noise impacts and identify measures to control noise. It was found that 10-15 people congregating on the footpath outside the premises within 10-30m of the units would result in a peak noise level of 68-70dB(A) which exceeds the sleep arousal criterion. The report recommends that design measures such as thicker glazing, solid core timber doors of 30-40mm, brick veneer/cavity brick and acoustic insulation be used to minimise noise impacts to future occupants. The Department is now satisfied that sound proofing measures can be incorporated into the design to mitigate noise impacts for future occupants of units facing the Beachcomber Hotel. The Department therefore recommends a detailed acoustic assessment be undertaken prior to issue of a Construction Certificate which identifies soundproofing measures to minimise noise impacts from the Beachcomber Hotel and traffic noise to the future occupants of the building.

As stated above, the western boundary adjoins the carpark and the Manager's residence on the Beachcomber Hotel site. The ground floor units facing the hotel will have a raised floor level about 2m above the ground level of the hotel site due to the parking basement below. A solid boundary wall up to 2m high with a planter atop will present to the hotel site. This is not considered to be an issue where it adjoins the car park and given the residence is used as part of the hotel and its solar access and northern views of the lake will not be undermined the interface with the proposed wall along the boundary is acceptable.

6.5 CLIMATE CHANGE AND SEA LEVEL RISE

The Tuggerah Lake estuary is comprised of three coastal lagoons (Tuggerah Lake, Budgewoi Lake and Munmorah Lake) and is open to the sea at The Entrance about 10km south of the site. The site has frontage to the southern shore of Lake Budgewoi which has an average depth of 1.7m. The current water level of Lake Budgewoi is approximately zero metres AHD with a tidal range generally less than 10cm. The site is about 2km west of the ocean. Wave action and foreshore erosion/recession are not considered to be a major issue for the lake due to its enclosed nature. The site is subject to coastal flooding and the impacts of changes to rainfall events and sea level rise on the flood levels must be considered.

The proponent has undertaken a preliminary assessment of flood risk and sea level rise and estimates the building will have an economic life of 60 years, but acknowledges it may be in use for a longer period. Council raised concerns with the life span of the building and is of the view it has the potential to be inundated by sea level rise within its 60 year life span. The proponent has recognised the site is affected by increased flood risk due to potential sea level rise and is of a view that the increasing risk is both acceptable and manageable.

The *Draft Coastal Planning Guideline: Adapting to Sea Level Rise*, dated October 2009 identifies the NSW sea level rise planning benchmarks as 40cm by 2050 and 90cm by 2100. Where possible, new development should be located outside coastal risk areas for the 2100 year sea level rise projection particularly where the risks are high or where evacuation may be difficult.

At present the 1 in 100 yr flood level for the site is 2.2m AHD. The current Flood Planning Level (FPL) is 2.7m AHD (2.2m AHD + 0.5m freeboard). The projected sea level rise of 0.4m by 2050 will result in a FPL of 3.1m AHD at that time. The projected sea level rise of 0.9m by 2100 will result in a FPL of 3.6m AHD at that time.

The ground level of the building is proposed to have a level of 3.1m AHD, which satisfies the FPL (with sea level rise) at 2050 but is below the PFL of 3.6m AHD in 2100. The proponent was asked to review their plans to determine whether the ground level plan could be raised to achieve a better level of protection and they identified that the ground level could be raised by 300mm (i.e. to 3.4m AHD). The conditions of consent include a condition requiring the ground floor level to be raised by this amount.

The raising of the ground level to 3.4m AHD, improves the level of protection, but the ground level of the building remains marginally below the sea level rise planning level for 2100. Accordingly a merit assessment in accordance with the planning criteria in the guideline is provided below:

Planning criteria	Proposal	Acceptable
Development avoids or minimises exposure to immediate coastal risks (seaward of the immediate hazard line).	The proposed development is above the FPL (with sea level rise) until 2050 and is not subject to an immediate coastal risk. The minimum habitable floor level is 0.2m below the FPL for 2100. There is scope to implement appropriate management responses and adaption strategies in the future (eg. wall/levee protecting lower ground units, flood proofing or evacuation plans).	Yes
Development provides for the safety of residents, workers or other occupants on-site from	A condition will be imposed on the approval requiring an evacuation management plan of the ground floor during extreme flooding events.	Yes

risks associated with coastal processes.

Development does not adversely affect the safety of the public off-site from a change in coastal risks as a result of development.	Given the nature of flooding impacts it is not considered likely that there will be additional risk caused by the development to public safety off-site.	Yes
Infrastructure, services and utilities on site maintain their function and achieve their intended design performance.	The existing sewer line and proposed drainage infrastructure will be located in a low lying part of the site close to the boundary of the lake. The function and performance of the infrastructure will potentially be affected by flooding and sea level rise. Therefore a condition is recommended on the approval requiring measures that will be adopted to protect/relocate infrastructure and ensure future protection.	Yes - subject to a condition on the approval
Development accommodates natural coastal processes.	The site is setback from the lake. The setback area can accommodate natural coastal processes.	Yes
Coastal ecosystems are protected from development impacts.	The foreshore has been modified and is currently overgrown with weeds. The reinstatement of saltmarsh along the foreshore will be subject to separate application. The proposal will not adversely affect the ecosystem along the foreshore.	Yes
Existing public beach, foreshore or waterfront access and amenity is maintained.	There is no existing public access to the foreshore at this location.	Yes

Based on the merit assessment it is considered that there is no immediate risk in terms of flooding and sea level rise to the lowest habitable floor level of the development. It is considered there is adequate capacity for adaptive management of the site (eg. flood proofing and small levees) should the risk estimates change significantly during the life of the building.

The existing and proposed infrastructure in the low lying part of the site close to the lake may be subject to an immediate risk from flooding and sea level rise. It is recommended that a condition be imposed on the approval requiring the detailed design and location of sewer and drainage infrastructure to take into account flood risk and rising sea levels.

The geotechnical investigation, prepared by Network Geotechnics and submitted with the application encountered water in 3 boreholes at the upper portion of the site at 3.8m, 4m and 5.2m. Water was also encountered in the lower portion of the site in 3 boreholes at depths of 1.1m, 1.9m and 0.8m. These levels are subject to fluctuation depending on variations in rainfall, site drainage, tidal flows and other factors. The preferred project report states

"There was no evidence of a significant local aquifer or groundwater emergence zones on the site or adjoining properties. There is no significant extractable water resource and no evidence of groundwater dependant ecosystems. No significant effects are likely to arise from climate change effects on groundwater."

The Department is satisfied that there will be no significant adverse impact on groundwater from excavation subject to appropriate conditions imposed on the approval.

6.7 STORMWATER

The development will result in an increase in the amount of hard surface area on the site and a stormwater drainage system will collect runoff before it is discharged into the lake. A number of measures have been included to ensure the stormwater runoff does not adversely impact water quality in Budgewoi Lake. This involves treatment during storage in re-use tanks, provision of an oil separator in the outlet pipe system, gross pollutant traps and a rock mattress to dissipate water velocity and discharge into the lake. The *Department of Environment and Climate Change and Water* raised no objection to the proposed stormwater drainage system and water quality. Subject to the imposition of condition requiring a detailed stormwater management plan the proposal is considered acceptable with regards to stormwater runoff and water quality.

A 30,000lt tank will collect rainwater from all roof surfaces. It will be connected to all toilets and laundries and also used for watering the gardens.

6.8 GEOTECHNICAL ASSESSMENT

Concern has been raised from adjoining landowners regarding the potential impacts on the structural integrity of their houses due to the proposed excavation on the subject site. A geotechnical assessment, prepared by Network Geotechnics, dated 28 November 2008 indicates the proposed basement would be at RL 2.9m which means the footings will be between 3m and 7m below existing ground level. The assessment states:

"It is unlikely that the proposed up to 6m deep excavation would generate environmental effects which need management to reduce risk of damage. Matters to be concerned with include stability of temporary batters, possibility of groundwater and issues associated with dewatering."

"Provided that excavation batters are designed and constructed under engineering guidance, it is expected that the excavations would not destabilise adjacent properties."

It is recommended that suitable engineering conditions including the requirement for a dilapidation assessment be imposed on the approval.

Specific concern has been raised by the landowner at No. 19 Rowland Terrace as follows:

- Impact to the retaining wall during excavation;
- Impact to structural integrity of the house;
- Landslip and drainage problems; and
- Heavy rain and drainage problems.

In response the proponent sought additional advice from a qualified structural engineer. The nearest part of the building will be 4.5m from the boundary to No. 19 and the basement will be excavated with a finished floor level of 2.9m just below the level of the rear yard at No. 19. The existing concrete block retaining wall is in good condition and supports an earth embankment over 2.5m high. The existing swimming pool located behind the rear boundary on the site will be removed reducing the lateral pressure on the existing retaining wall. It is considered that with appropriate conditions in place such as a detailed geotechnical assessment and measures to ensure the proposed building works will not undermine the structural integrity of the houses and associated structures on the adjoining properties.

The proponent submitted a generic Construction Management Plan (CMP) which addresses traffic management project sequencing, waste management and environmental impacts. The proposed development is not expected to generate any significant adverse impacts to the surrounding neighbourhood during the site preparation, excavation and construction phase subject to compliance with the CMP and conditions on the approval.

6.9 IMPACTS ON THE FORESHORE

The northern (waterfront) boundary adjoins a Crown land coastal reserve which has a varied width of about 6m. A rock mattress at the stormwater outlet is proposed on part of the coastal reserve. It is recommended that condition be imposed on the approval prohibiting activities and uses on the coastal reserve without approval from *NSW Land and Property Management Authority*.

The foreshore is currently strewn with rubbish and weeds and offers little landscape amenity. The landscape plan submitted with the application shows the reinstatement of the saltmarsh along the coastal reserve. This will be subject to a separate application with the relevant authority. The *NSW Office of Water* provided comment to the effect that the proposed coastal scrub heath and groundcover landscaping will add some value to the foreshore.

The balconies facing the water partly encroach the 20m Foreshore Building Line (FBL) by up to 2.8m. Council has advised they do not support structures forward of the FBL. The adjoining properties to the east and west have buildings and structures forward of the FBL. The non-compliance is considered acceptable given the encroachment is only minor and relates to the balcony projections and not the building. The visual impact is acceptable and there will be no adverse impact on the foreshore subject to appropriate conditions on the approval regarding stormwater drainage.

6.10 TRAFFIC, PARKING AND ACCESS

The amended proposal will provide a total of 70 parking spaces in two separate basement areas with 60 spaces accessed from Main Road and 10 spaces accessed from Rowland Terrace. The Seniors Housing SEPP requires 0.5 car spaces for each bedroom which equates to 54 spaces. The proposal complies with the parking requirements in the Seniors Housing SEPP. There are no specific requirements for visitor parking in the Seniors Housing SEPP. It is recommended that parking for visitors be provided in accordance with Council's requirements in DCP 64 (i.e. 1 per 5 units). This will reduce on street parking in the vicinity of the site. The development is acceptable in regards to parking. The Roads and Traffic Authority raised no objection to the proposal but recommended some conditions including:

- Vehicular access from Main Road must be left in and left out;
- A concrete median must be provided in main Road across the full width of the frontage to prevent right turn movements;
- Provision of streetlighting; and
- Removal of a proposed street tree.

These requirements are recommended as conditions on the approval.

6.11 ABORIGINAL CULTURAL HERITAGE

An Aboriginal Archaeological Assessment prepared by Insite Heritage (dated March 2009) was submitted with the application. The visual survey found the site to be highly disturbed from previous development and no aboriginal archaeological sites or artefacts or areas of potential subsurface archaeological deposits were identified. Community consultation was undertaken in accordance with the *Department of Environment and Climate Change Guidelines 2005*. This involved letters being sent to stakeholders and Aboriginal groups and an advertisement in the Central Coast Express Advocate. DECCW did not raise any objection to the proposal and recommended standard conditions for the excavation and construction phase in the event that human remains are found. These conditions have been included on the approval.

6.12 ACID SULFATE SOIL

Council raised concern that the initial Acid Sulfate Soils Assessment undertaken by Network Geotechnics was short on detail in terms of whether or not acid sulfate soil will be disturbed during the excavation period. The soil samples undertaken to assess existing acidity ranged up to 3m below the existing surface level. Based on the limited sampling the assessment indicates that there is potential for some of the soil to produce acidity upon oxidation and that the disturbance of acid sulfate soil will depend on the amount of excavation. The assessment recommended some management measures and the provision of an Acid Sulphate Soil Management Plan. Despite Council's request for further detailed information it is considered appropriate that conditions be imposed on the approval requiring a detailed Acid Sulphate Management Plan before issue of Construction Certificate.

7 CONCLUSION

The Department has assessed the merits of the project in accordance with the requirements in the Act. The main concerns raised in the submissions relate to the building's height, bulk and scale and its relationship to the adjoining lower scale residential area to the east in Rowland Terrace. In response the proponent amended the design which resulted in a lower overall height and a better building transition to the east.

The Department is of the view that the height of the easternmost building fronting the lake should also be reduced in height to minimise the abrupt change in scale with adjoining development in Rowland Terrace. This can be dealt with as a condition on the approval.

Notwithstanding the changes recommended on the approval, the proposal still represents a departure from the objectives relating to height in LEP 1991 and the height controls under the Seniors Housing SEPP. The justification for the non-compliance with the objectives and statutory height controls is acceptable in this circumstance because:

- The proposal is consistent with the *Central Coast Regional Strategy* which identifies areas within 800m of the Toukley Town centre as being suitable for low to midrise living opportunities (up to six storeys where appropriate)
- The draft *Toukley Planning Strategy* identifies the area as suitable for higher density development;
- The site in general and in strategic terms is well suited to seniors housing;
- The neighbouring site to the west contains residential development up to 4 storeys facing the lake;
- The site is within easy walking distance of the town centre which has a range of services and facilities; and
- The proposal will satisfy the demand for seniors and disability housing.

The assessment found that the amended proposal:

- is generally consistent with aims of relevant planning strategies for the area;
- the design is suitable for the coastal locality and the visual impacts are acceptable;
- will not have any adverse environmental impact due to the cleared nature of the site;
- will not have any adverse impact on the adjoining foreshore or the lake with appropriate conditions regarding stormwater, construction and access; and
- will not have any significant adverse impacts on the amenity of adjoining/neighbouring residential properties.

The project satisfies a key priority in the NSW Government State Plan (2009) by supporting business investment and jobs.

The Department also considers the project will have positive economic benefits by providing employment and adding to the range of housing accommodation in Toukley.

Consequently, the Department believes that the project is in the public interest and should be approved subject to conditions.

8 DELEGATION

In accordance with the Instrument of Delegation, dated 4 March 2009 the former Minister for Planning delegated her powers and functions to the Director-General in relation to Project Applications where there are less than 25 public submissions and the capital investment value (CIV) is less than \$50million. The application attracted a total of 13 public submissions and has a CIV of \$18million. Therefore the Director-General has the power to determine the application under s75J of the Act.

9 RECOMMENDATION

It is recommended that the Director-General as delegate for the Minister:

- (A) consider the findings and recommendations of this Report; and
- (B) approve the project application, subject to conditions, under Section 75J Environmental Planning and Assessment Act 1979; and,
- (C) sign the Instrument of Approval (**Tag A**).

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APPENDIX A. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

APPENDIX B. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Major Projects) 2005 – now State Environmental Planning Policy (Major Development) 2005

The former Major Projects SEPP applies to the site. The proposal achieves the Major Project criteria in the Major Project SEPP, being a building greater than 13m in height in a sensitive coastal location. The Major Projects SEPP was amended on the 1 July 2009. Under the now State Environmental Planning Policy (Major Development) 2005 the proposal would no longer be a project to which Part 3A of the Act applies. However, under the savings and transitional provisions of the Major Development SEPP, this amendment does not apply to projects where project applications were received prior to July 2009.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The Seniors Housing SEPP sets out a range of design principles which must be considered in the assessment of applications. The Policy also contains some development standards and a number of standards that, if met, cannot be used as grounds for refusal of an application. Table 1 provides a summary of the assessment of compliance against the relevant key provisions.

In accordance with the SEPP, seniors housing is residential accommodation that is, or is intended to be used permanently for seniors or people with a disability and includes a group of self-contained dwellings.

In the Policy a 'self-contained dwelling' means "a dwelling or part of a building (other than a hostel) whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of a building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis."

The amended proposal is for 50 self-contained dwellings (including laundry) and shared facilities such as a swimming pool, gymnasium and meeting/community room. In that regard the development is not unlike a residential flat building. All units have been designed to be adaptable for elderly or disabled people and the development achieves the accessibility and circulation requirements under the Seniors Housing SEPP. It is recommended that a condition be imposed on the approval to ensure the development is maintained as a bona fide development for seniors or people with a disability.

Table 1 Assessment of Compliance against Relevant Provisions from the SEPP Seniors

Key Provisions of SEPP Seniors	Proposal	Complies
<p>Clause 2 Aims of the policy To encourage the provision of housing (including residential care facilities) that will:</p> <ul style="list-style-type: none"> (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design. 	<p>The proposal results in an increase in the supply and variety of dwellings that may cater for the needs of seniors and people with a disability.</p> <p>The site is located in an established urban area and has ready access to existing infrastructure.</p> <p>The proposed development incorporates a mix of materials and articulated facades and use of balconies to ensure an interesting design.</p>	Yes

Key Provisions of SEPP Seniors	Proposal	Complies
<p>Clause 26 Location and access to facilities</p> <p>Residents of the proposed development will have access to:</p> <ul style="list-style-type: none"> (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and © the practice of a general medical practitioner. <p>Access complies if facilities are located at a distance of not more than 400 metres from the site of the proposed development or there is a transport service available to the residents who will occupy the proposed development located at a distance of not more than 400 metres from the site of the proposed development will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services.</p>	<p>The site is 200m west of the Toukley Town Centre which has a variety of shops, banking, community facilities and medical services. The existing pathway along Main Road is generally level for easy walking.</p>	Yes
<p>Division 2 Design Principles</p> <p>Clause 33 Neighbourhood amenity and streetscape</p> <p>The proposed development should:</p> <ul style="list-style-type: none"> (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) retain, wherever reasonable, major 	<p>The existing built form character of the general area is a mix of buildings up to 4 storeys and low scale residential development of 1-2 storeys. The area surrounding the town Centre is identified in the draft Toukley Planning Strategy and the Central Coast Regional Strategy as suitable for higher densities. The amended proposal is generally consistent with the future character of the area subject to a better grading in building transition when viewed from the lake.</p> <p>The proposal will not have any adverse heritage impacts and is not located in a Heritage Conservation Area.</p> <p>The amended proposal responds to the neighbouring low scale residential character by introducing a maximum 2 storeys at Rowland Terrace. Subject to a better transition when viewed from the lake the proposal is acceptable with regard to its impact on the neighbourhood.</p> <p>The front setback to Main Road is acceptable.</p>	Yes

Key Provisions of SEPP Seniors	Proposal	Complies
<p>existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>The proposal will involve planting of native trees and species endemic to the local area.</p> <p>Some trees will be retained and some lost to make way for the development however, the balance between retention and removal is acceptable.</p> <p>The balcony projections facing the lake encroach the Foreshore Building Line. The encroachment is minor (up to 2.8m) and not considered to have any adverse impact on the foreshore or views from the lake.</p>	
<p>Clause 34 Visual and acoustic privacy</p> <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The potential visual and acoustic privacy impacts are discussed in Section 6 of the Director-General's Report.</p>	Yes
<p>Clause 35 Solar access and design for climate</p> <p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(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.</p>	<p>Concern was raised in relation to overshadowing of the rear private open space of No. 10 Rowland Terrace. This is discussed in Section 6 of the Director-General's Report.</p>	Yes
<p>Clause 36 Stormwater</p> <p>The proposed development should:</p> <p>(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 paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or reuse for second</p>	<p>The proposal is acceptable with regards to stormwater subject to imposition of a condition on the approval.</p>	Yes

Key Provisions of SEPP Seniors	Proposal	Complies
quality water uses.		
Clause 37 Crime Prevention The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: <ul style="list-style-type: none"> (a) site planning that allows observation of approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door. 	<p>The pedestrian entry off Main Road will provide a direct and obvious path of travel for residents and visitors.</p> <p>The development will provide more natural surveillance of the surrounding area that will lessen the likelihood of people loitering.</p> <p>A Crime Risk Assessment, prepared by Martins Crime Consultancy recommends measures to increase safety for residents such as key coding, an alarm system and peep holes for doors. A condition of the approval requires consideration of the recommendations in the Crime Risk Assessment.</p>	Yes
Clause 38 Accessibility The proposed development should: <ul style="list-style-type: none"> (a) have obvious and safe pedestrian links from the site that provide access to public 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. 	<p>A Disability Access Report, prepared by Lindsay Perry Access and Architecture, a qualified access advisor, was submitted with the application. It was concluded the development generally meets the intent of the Seniors Housing SEPP.</p>	Yes
Part 4 Development standards to be complied with Clause 40 Development standards – minimum sizes and building height Site size The size of the site must be at least 1,000 square metres. Site frontage The site frontage must be at least 20 metres wide measured at the building line. Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: <ul style="list-style-type: none"> (a) the height of all buildings in the proposed development must be 8 metres or less, and (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in 	<p>Site Size – The site as a whole has an area of 5,300m².</p> <p>Site Frontage – The site has a frontage to Main Road of approximately 50m.</p> <p>Heights – Residential flat buildings are not permitted in the 2(a) zone.</p> <p>The proposal does not comply with the building height requirements of 8m and maximum 2 storeys in the 2(a) zone part of the site. This is discussed in detail in Section 6.1 of the Director-General's Report.</p>	Partial (Non-compliance with Height)

Key Provisions of SEPP Seniors	Proposal	Complies
height, and (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.		
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings Siting standards relating to <ul style="list-style-type: none"> Wheelchair access, Common area, Security, Letterboxes, Private car accommodation, Accessible entry, Interior: general, Bedroom, Bathroom, Toilet, Surface finishes, Door hardware, Ancillary items 	<p>A Disability Access Report, prepared by Lindsay Perry, dated 7 April 2009 was submitted with the application.</p> <p>The report concludes that a high level of accessibility is provided to and around the site and that the development generally meets the intent of the Seniors Housing SEPP.</p>	Yes
Part 5 Development for vertical villages Clause 45 Vertical Villages Requirements relating to affordable places and on-site support services <p>(i) the proposed development will deliver on-site support services for its residents, and</p> <p>(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.</p>	<p>The development does not rely on this part of the SEPP</p>	N/A

State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies to the land and development within the coastal zone (clause 4) as defined by the *Coastal Protection Act 1979*. The subject site is located within the coastal zone. SEPP 71 provides aims of the Policy (clause 2) and matters for consideration (clause 8) when assessing development proposals. The Policy has been made to ensure that development in the NSW coastal zone is appropriate and suitably located, there is a consistent and strategic approach to coastal planning and management and there is a clear development assessment framework for the coastal zone. The major themes of SEPP 71 include retention of visual amenity, protection of the coastal foreshore in relation to amenity, public access, wildlife corridors, water quality, views, items of heritage and suitability of development within the area.

The amended proposal is considered to be generally consistent with the provisions of SEPP 71 as follows:

- Subject to further changes recommended on the approval, the development provides a suitable transition to adjoining low scale development in Rowland Terrace. In that regard the visual impact of the amended proposal is generally supported at this location;
- The design incorporates a mix of materials including louvres, glass and privacy screens to enliven the façade; and
- It will not impact on the adjoining foreshore or lake in terms of overshadowing, stormwater runoff or erosion subject to appropriate conditions on the approval.

The site has a split zoning being part 2(a) and part 2(b) under LEP 1991. As discussed previously the development is not permissible in the 2(a) zone under LEP 1991. Council has raised concern with Clause 13 under SEPP 71 which removes the flexible zoning provisions under an environmental planning instrument. In this circumstance the proposal does not rely on the flexible zoning provisions under LEP 1991 and is permissible under the Seniors Housing SEPP.

State Environmental Planning Policy No. 65 – Design of Residential Flat Buildings (SEPP 65)

The aim of SEPP 65 is to ensure a high quality standard of flat design. The design is generally consistent with the ten design principles, in that:

- The area has been identified as suitable for higher densities under the *Central Coast Regional Strategy*;
- Subject to further changes in scale it results in a suitable transition to lower scale development in Rowland Terrace;
- The design incorporates a mix of materials including louvres, glass, privacy screens to enliven the façade;
- The majority of units achieve a high standard of internal amenity with minimum floor to ceiling heights of 2.6m, water views, a northern orientation and generous private open space in the form of courtyards/balconies.
- The future occupants will enjoy use of communal facilities including swimming pool, community room and gymnasium and also have access to terraced landscape areas adjoining the lake.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The aim of SEPP 55 is to provide for remediation of contaminated land for the purpose of reducing the risk of harm to human health or the environment and requiring that any remediation work meets certain standards and notification requirements. The Environmental Assessment, prepared by AdW Johnson has indicated that the site has been previously used for residential and tourist purposes and there is no evidence that it is contaminated. The existing dwelling house may contain asbestos material. Therefore a condition requiring its removal in accordance with NSW Workcover requirements is recommended on the approval.

State Environmental Planning Policy Infrastructure (2007)

The Policy aims to provide the RTA an opportunity to make representations. The application was referred directly to the RTA and they raised no objection to the proposal subject to comments generally on access, roadworks, tree planting, streetlighting and pedestrian pathways. These have been included as conditions on the approval.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate (No. 241280M) was submitted with the application. It indicates that the proposal will meet the NSW government requirements for sustainability, if it is built in accordance with the commitments set out on the certificate and plans.

Wyong Shire Local Environmental Plan 1991 (LEP 1991)

The Wyong Shire Local Environmental Plan 1991 (WLEP 1991) sets the broad planning framework for development in the Wyong Shire local government area and establishes permissible forms of development and land use which will be permitted in the area. The WLEP 1991 zones the site as part 2(a) residential and part 2(b) Multiple Dwelling Residential. The proposal is prohibited in the 2(a) zone but permissible in the 2(b) zone. Notwithstanding, the development is permissible under the Seniors Housing SEPP. The proposal is not consistent with the objectives of both the Residential 2(a) and 2(b) zone zones which seek to encourage detached and other forms of residential development of a domestic scale generally not exceeding two storeys. The development ranges from 2 to 4 storeys which represents a departure from the objectives. The justification for the non-compliance is discussed in Section 6.1 of the Director-General's Report. The following special provisions under the LEP apply to the proposal:

Provision	Proposal	Complies
Clause 19 – Development near lakes, rivers and creeks		
The Council shall, in respect of an application for its consent to carry out development of land adjoining Wyong River, Wallarah Creek, Tumbi Umbi Creek, Cedar Brush Creek, Ourimbah Creek, Jilliby Creek, Little Jilliby Creek, Lake Macquarie, Lake Munmorah, Bunning Creek, Budgewoi Lake or Tuggerah Lake, take into consideration:		
<ul style="list-style-type: none"> (a) the impact of that development on water quality and quantity, existing vegetation, fish, aquatic life and the location of the water body or watercourse, and (b) any effects of the development on water supply, and (c) whether the development is likely to cause detrimental effects on a watercourse or water body through erosion, sedimentation or the emission of pollutants, and (d) whether the development incorporates best practice water sensitive urban design techniques. 	The proposed development will minimise the impact on water quality in the lake by using best practice stormwater run-off and pollution control devices. A condition to that effect is recommended on the approval.	Yes
Clause 31 foreshore building lines		
<ul style="list-style-type: none"> (1) The Council, may, be resolution, fix a line (in this clause called a foreshore building line) in respect of any land fronting any bay, river, creek, lake, lagoon, harbour or ocean. (2) A foreshore building line shall, when fixed in accordance with subclause (1), be marked upon a plan or clearly described in the resolution and the plan or resolution shall be available for inspection by the public during the office hours of the Council. (3) The Council may alter or abolish any foreshore building line, where the levels, depth or other exceptional features of the site make it necessary or expedient to do so. (4) A building shall not be erected between a foreshore building line and a bay, river, creek, lake, lagoon, harbour or ocean in respect of which the line is fixed. (5) The Council may, after consideration of the appearance of the proposed structure and the effect on the locality in relation to the area between the foreshore building line and the high water mark, consent to the erection of: <ul style="list-style-type: none"> (a) boat sheds, (b) wharves, (c) jetties, (d) retaining walls, (e) swimming pools, (f) structures or works not being habitable 	<p>The balconies facing the lake will partly encroach the FBL. The non-compliance is justified in this case because it:</p> <ul style="list-style-type: none"> • is a maximum of 2.8m and therefore only minor; • it relates to balcony projections and not the building; • is not as severe when compared to other existing buildings/structures on adjoining properties fronting the lake; • is acceptable in terms of its visual impact when viewed from the lake; and • retains sufficient area for landscape along the foreshore. 	Partial

buildings below or at the surface of the ground, or

- (g) other structures which, in the opinion of the Council, are unobtrusive and acceptable,
- (h) between a foreshore building line and the bay, river, creek, lake, lagoon, harbour or ocean in respect of which the line is fixed.

APPENDIX C. COMPLIANCE WITH DCPS AND OTHER PLANS AND POLICIES

Central Coast Regional Strategy

The primary purpose of the Regional Strategy is to ensure that there is a framework in place to accommodate additional population and employment opportunities in the Region. It will do this by ensuring that land is available in existing urban areas to sustainably accommodate the projected population growth and associated housing, employment and environmental needs over the next 25 years. The *Central Coast Regional Strategy* identifies the need to support housing infrastructure with a regional transport network. The proposal is consistent with the strategy in that it will contribute to provision of residential accommodation in a location accessible to existing public bus transport. The strategy identifies Toukley as a town centre with low to mid rise living opportunities (up to six storeys, where appropriate) up to 800m from the core of the centre. The site is within 200m from the centre of Toukley and is therefore considered suitable for a higher density in accordance with the strategic directions for the area.

NSW Coastal Policy 1997 and NSW Coastal Design Guidelines

The *NSW Coastal Policy 1997* responds to the fundamental challenge to provide for population growth and economic development without placing the natural, cultural, spiritual and heritage values of the coastal environment at risk. The *NSW Coastal Design Guidelines* aim to ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW. The Guidelines provide an urban design focus for the coastal context. The coastal policies and guidelines are relevant legislation and planning provisions applying to the site. The amended design is consistent with the relevant provisions in these documents, in that:

- the combination of louvres, glass and privacy screens will enliven the façade and complement the natural coastal setting; and
- a range of conditions are imposed on the approval to minimise the environmental impact on the adjoining foreshore and lake in terms of stormwater runoff, erosion and sedimentation control, building setbacks and access.

Development Control Plan 2005 Chapter 64 Multiple Dwelling Residential Development

Provision	Proposal	Complies
Building height		
Buildings within 2(a), 2(b) and 2(e) zones shall generally not exceed two storeys and 7 metres in building height.	The proposal exceeds the height controls. This has been discussed in detail in Section 6 of the Director-General's Report.	No
Site coverage		
A minimum 25% of site area at ground level shall be 'soft' landscaping, excluding all hardstand areas.	The amended proposal has a landscape area of 1,490m ² which is equivalent to 28% of the site. The proponent has not identified whether this excludes hardstand areas such as pathways. In any event the amended proposal achieves a satisfactory level of soft landscaping across the site.	Yes

Provision	Proposal	Complies
Construction and appearance of development		
Residential flat development shall be compatible with the objectives of the zone in its scale, function and visual appearance.	The appearance of the building is acceptable when viewed from the public domain including Lake Budgewoi and surrounding foreshore areas. The changes to the height result in a better transition to lower scale development in Rowland Terrace.	Yes
Developments proposed within Wyong Shire will need to respond sensitively to their context in term of their scale, functionality and sustainability. The development needs to relate well to the public domain and contribute to the local community.		
Roof Design		
Relate roof design to the desired built form. Some design solutions may include articulating the roof, or breaking down its massing on large buildings to minimise the apparent bulk or to relate to a context of smaller building forms.	The varied roofline reduces the bulk of the building	Yes
Cut and Fill		
For all forms of residential flat development, the amount of cut and / or fill required on a site shall be minimised. This may be achieved by stepping buildings down a site, and by locating the finished ground floor level as close to natural ground level as practicable.	There will be a significant amount of excavation to make way for the basement parking. The excavation is acceptable because it is a steep site representing a change in level of about 9m from Main Road to the lake foreshore.	Yes
Building lines		
Where absolute water frontage exists, buildings must be setback 20 metres from the high water mark.	The proposed balconies facing the water encroach the 20m FBL by up to 2.8m. The non-compliance is acceptable because the encroachment is minor and there is no adverse impact on the foreshore.	
Where the rear boundary of a property adjoins a public reserve, a minimum rear setback of 4.5 metres is required, in accordance with DCP 99 – Building Lines.	The setback of the building from Toukley Gardens Park is between 1.5m and 6.9m. The reduction in some areas is acceptable given the irregular shape of the site. The reduced setback will not adversely impact the amenity of park users in terms of overshadowing or overlooming impacts.	Partial
Side Setbacks		
Side setbacks for development over 2 storeys in height.	The main area of non-compliance relates to the easternmost building fronting the lake which is 3m from the boundary and 4 storeys adjoining No. 19 Rowland Terrace. A condition is recommended on the approval to remove unit 13 at the top level to reduce its height and minimise overlooming effects to No. 19 Rowland Terrace.	
First Storey: 1.5 metres		
Second Storey: 1.5 metres		
Third Storey: 4.5 metres		
Fourth Storey: 4.5 metres		Partial
Rear Setback: 4.5 metres		

Provision	Proposal	Complies
Density		
2(a) maximum 0.5:1	The amended design will have an FSR of 1.05:1. The proposal exceeds the FSR requirement however, the increased density is supported on the basis that future strategic directions in the Central Coast Regional Strategy and draft Toukley Planning Strategy seek to encourage greater density on sites in the vicinity of the Toukley Town Centre.	No
2(b) maximum 0.6:1		
Clause 8 landscape		
A minimum 50% of the required soft landscaped area of the site at ground level shall be a deep soil zone.	At least 50% of the landscaped area will be at ground level and suitable for deep soil planting.	Yes
Private Open Space		
Each dwelling shall have a private balcony, terrace or ground level courtyard comprising at least 10m ² in area and with a minimum dimension of 2m, directly accessible from a living area within the dwelling. Additionally, communal open space is to be incorporated on site in up to two locations at a minimum rate of 20m ² per dwelling and with a minimum width of 5m.	Private open space in the form of ground level courtyards or balconies will generally be in excess of 10m ² with a minimum dimension of 2m. The setback area between the lake edge and the building will provide communal open space area which will be landscaped and afford high amenity for residents. A total of 50 units requires a minimum communal open space of 1,000m ² . A total of 1,490 m ² of landscaped area will be provided on the site mostly in the lake setback.	Yes
Solar Access		
For all forms of development, at least 75% of each required private and communal open space area, courtyard, balcony, terrace or the like shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21 (winter solstice).	The proposal complies with Council sunlight requirements in that the private open space of 37 apartments or 75% will receive 3 hours sunlight between 9:00am and 3:00pm at winter solstice. Refer to Section 6 of the Director-General's Report.	Yes
New development shall have due regard for maintaining solar access to adjoining properties and not cause overshadowing. At least 75% of required private open space areas on adjoining lands shall receive at least three hours unobstructed sunlight between the hours of 9 am and 3 pm on June 21 (winter solstice).	The proposed development results in at least 50% of the rear yard at No. 10 Rowland Terrace as receiving 3 hours sunlight during 9:00am and 3:00pm at the winter solstice. The non-compliance is acceptable given the north facing front verandah which receives ample sunlight during midwinter.	Partial

Provision	Proposal	Complies
Privacy		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised by building layout, location and design of windows and balconies and screening devices.	A series of conditions have been recommended on the approval to minimise overlooking impacts to adjoining residential properties at No. 19 and 10 Rowland Terrace through the use of highlight windows, screens and reducing the size of balconies.	Yes – subject to conditions on the approval
Development adjacent to high levels of uncontrollable external noise shall minimise the entry of that noise through building design and external wall treatment.	A detailed Acoustic Assessment shall be required before the issue of a Construction Certificate. The assessment will identify sound proofing measures that will be incorporated into the design to minimise noise impacts from traffic noise along Main Road and the operation of the adjoining hotel.	Yes – subject to conditions on the approval
Views		
New development shall be designed to minimise loss of views from adjoining and adjacent properties identified in the site analysis process, while still providing opportunities for views from the development itself. This approach is called view sharing.	The proposed development will not result in loss of any significant views from adjoining properties.	Yes
Safety and Security		
Pedestrian access shall be clearly defined, appropriately lit, visible to others and provide direct access to dwellings from areas likely to be used at night.	The development will have a safe, direct and obvious pedestrian entry from Main Road.	Yes
Crime Prevention Through Environmental Design (CPTED) is a situational crime prevention strategy that focuses on planning, design and place management. It seeks to influence the design of buildings and places to reduce the opportunities for crime. Development shall be designed in accordance with the CPTED principles (surveillance, access control, territorial reinforcement and space management), as provided in Appendix C.	A Crime Risk Assessment, prepared by Martins Crime Consultancy recommends measures to increase safety for residents such as key coding, an alarm system and peep holes for doors. A condition of the approval requires consideration of the recommendations in the Crime Risk Assessment.	Yes
A formal Crime Risk Assessment (Safer by Design evaluation) involving the NSW Police may be required for larger developments (i.e. over 20 dwellings), which in Council's opinion could create a crime risk. Proponents of development which may create a crime risk are advised to refer to the NSW Government's publication 'Crime Prevention and the Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979'.	Refer to above.	Yes

Provision	Proposal	Complies
Social Dimensions		
A variety of dwelling types is encouraged between one, two, three and four bedroom apartments; particularly in large residential flat developments and on the ground floor.	The majority of units will be 2 bedrooms. In this case it is considered acceptable given the development is designed for one segment of the housing market being the elderly and people with a disability.	Partial
b 10% of units in residential flat developments shall be designed as suitable for adaptation for occupation by disabled / aged persons in as outlined in AS 4299: Adaptable Housing.	All units have been designed for aged and disabled persons.	Yes
Aesthetics - Streetscape		
Development shall enhance the streetscape character, complementing the surrounding built form, landscape and environmental conditions of the locality.	The further changes recommended as a condition on the approval provide a better transition to lower scale development when viewed from the lake.	Yes

APPENDIX D. SUMMARY OF SUBMISSIONS

Comment	Number of times issue raised
1. Traffic and Parking	
• The proposal will cause traffic congestion and parking problems in Rowland Terrace.	4
• There will be a lack of on-street parking in Rowland Terrace due to the increase in the number of visitor vehicles to the area.	2
• The proposed turning area on Main Road is contrary to Council's DCP which seeks to reduce amount of traffic turning onto Main Road.	1
• There will be an increase in number of traffic accidents especially at Peel Street and Main Road intersection.	2
• The additional traffic generated along Rowland Terrace will change its quiet character and result in adverse noise impacts to the neighbourhood.	3
2. Building Height/Visual Impact	
• The properties in Rowland Terrace have been purchased on the assumption they adjoin a low density residential zone.	4
• The proposed buildings are excessive in height and do not comply with the planning controls.	2
• There will be adverse visual impact due to the abrupt change in height/scale.	3
• The height restriction should be a maximum of two storeys along Rowland Terrace.	1
3. Construction Impacts	
• The driveway of No. 19 Rowland Terrace will be blocked during construction.	1
• There will be adverse structural impacts on the retaining wall at No. 19 Rowland Terrace due to the excavation for parking basement.	1
• There is the potential for landslip and drainage problems to No. 19 Rowland Terrace during the construction period.	1
• Rowland Terrace is not suitable for large trucks which will impact on the road surface.	2
• There will be adverse impacts on the structural stability of adjoining houses during excavation and building.	2
• What measures are going to be put in place to avoid impact to No. 19 Rowland Terrace during heavy rain at the time of construction?	1

4. Amenity	
• There will be an adverse privacy impacts to the bedrooms at the rear of No. 19 Rowland Terrace.	3
• The increase in population density will an adverse impact on the character and amenity of the area.	1
5. Boundary Treatment	
• No details have been provided regarding the common boundary treatment with No. 19 Rowland Terrace. Identify whether the entire cost of boundary fences will be paid for by the developer.	1
• Any boundary fence/treatment along the common boundary with No. 19 Rowland Terrace may affect existing views and their green outlook.	1
• The development has not nominated which trees will be removed adjacent to the common boundary with No. 19 Rowland Terrace.	1
• The height of the retaining wall at the end of the proposed pathways near the lake should be provided so as not to impede views across the boundary.	1
• Need to clarify whether the steps on the boundary between No. 19 Rowland Terrace and the site will be retained/removed.	1
6. Future Use	
• What assurances can be made the development will be occupied by over 55s. Identify measures that will be put in place to ensure the proposal will be a bona fide over 55s development.	3
• There will be a potential conflict between future occupants and the adjoining hotel due to noise. The Hotel should not be subject to complaints because it was there first.	1
• No details have been provided of soundproofing and no acoustic report has been submitted by the proponent.	1
• Provide details regarding restrictions on possible future objections on the title of future lots owners.	1
7. Other matters	
• Adverse heritage impact arising from demolition of the existing house on the site (originally owned by Rowland)	1
• Need to address rising water levels/flooding especially impact on the proposed swimming pool	1

APPENDIX E. RESPONSE TO SUBMISSIONS

Insert Proponents response to submissions

APPENDIX F. ENVIRONMENTAL ASSESSMENT

To be provided on disk.