Statement of Environmental Effects in relation to

Forster Solaris
Civic Precinct and Mixed Use Development

April 2017

Project: 16104

Tuncurry Office
Suite 4, 11 Manning Street
Tuncurry NSW 2428

PO Box 568 Forster NSW 2428

Phone (02) 6555 2178
Fax (02) 6555 2741
Email forster@coastplan.com.au

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1. Introduction

1.1 Overview of Proposal

The proposed development involves a form of public/private partnership that has been formed to facilitate the development of a significant site which is part of the Forster town centre and which is the subject of a proposal which will provide the land for commercial/residential development integrated with a civic precinct. The proposed development will provide community facilities developed on the site in the form of a new library, and community space including meeting rooms and a visitor information centre. The proposal is being developed by a private developer who will construct and hand over the community facilities to Council, enabling modern, high quality facilities to be developed which, when combined with the proposed development of the remainder of the site, will provide a dynamic and integrated precinct with a strong activation and sense of connection. In return, the developer will obtain development rights over the remainder of the land and airspace to develop a commercial, entertainment, tourism, and seniors housing development which integrates with the community facilities.

A Planning Proposal has recently been adopted by Council and has received a Gateway determination which will allow for the proposal in its current form to proceed. The application submitted seeks consent concurrently with the finalisation of the Planning Proposal, which facilitates the development as proposed.

1.2 Scope of Report

This report has been prepared to accompany the development application and provides information as required by Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. The report addresses matters that are required to be considered by the consent authority under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*.

The Statement of Environmental Effects provides:

- A description of the site.
- A description of the proposed development.

- A review of the statutory and non-statutory planning instruments applying to the land.
- A review of the environmental impacts of the proposed development through the use of available site information and specialist reports.
- A discussion of the suitability of the site for the development.
- A discussion of how the proposal relates to the public interest.

1.3 Supporting Documentation

This Statement of Environmental Effects is supported by several specialist investigations and assessments. Copies of these documents have been submitted with the development application. The following list of documents has been submitted in support of the development application:

- Architectural Plans and Details – TVS Architects
- SEPP 65 Design Review and Certification – TVS Architects
- Landscape Details – O_2 Landscape Architecture
- Stormwater Management Concept and Management Plan – Coastplan Group Pty Ltd
- Disability Access Report – Lindsay Perry Access and Architecture
- Crime Prevention Through Environmental Design Report – Coastplan Group Pty Ltd
- Flora and Fauna Assessment – East Coast Environmental
- Arborist Report – TLC Tree Solutions
- Traffic Assessment Report – MR Cagney
- Acoustic Assessment – Matrix Industries
- Cultural Heritage Investigations – Rob Yettica
- Geotechnical Assessment – Regional Geotechnical Solutions

1.4 Site History

The subject land was previously utilised for an educational establishment (public school) and it is understood that the use as a school ceased in the 1980's, when the public school was relocated to its current location.

The school lands were subsequently sold, except for Lot 2 DP 46697 which was retained by the Department of Education and is still used for administration by that department.

In 2007, Great Lakes Council granted a consent over the land for a residential flat development which approved 134 residential units over the land with basement carparks and associated recreational facilities.

Following this consent, a Civic Precinct Master Plan was created which provided an urban form for redevelopment of the civic precinct and the subject land to deliver community facilities, integrated with commercial and residential development to create a civic precinct to deliver the urban outcomes identified in the Council's previous studies. This Master Plan provided for the development of the community facilities on the land located on the opposite side of West Street, fronting the foreshore, where the current visitor information centre is located and where the former School of Arts hall was located. The commercial and residential development which was integrated with this Master Plan was located on the subject land.

As Council examined opportunities for development of the community facilities, it became clear that there were significant funding constraints to the development of high quality community facilities which would provide a special place for the local community. It was recognised by Council that it would be necessary to take a more commercial approach to achieve optimal community outcomes. The subject land was acquired by Council in May 2014, giving Council control of key assets to shape and guide the future development of the town centres.

Council resolved to examine the relocation of the civic facilities to the subject land, and to engage with a private partner to fund the development of the facilities in turn for the development of the remainder of the subject land with commercial and residential development, which would be integrated and complementary to the civic facilities. In these negotiations, it was determined that it would be feasible to develop the land in such a manner, but only with the increased yields for the land which would necessitate changes to the building height and floor space controls over the land. As a result, Council resolved to submit a planning proposal to alter height and floor space ratios over the land and a Gateway determination was issued.

This application has been prepared based on the amended controls for the land and will be considered concurrently with the Planning Proposal to alter these controls.

1.5 The Partnership and delivery of Public Benefits

The proposal is the subject of a formal and binding agreement between the developer and Council which requires the construction of Stage 1 by a certain time to deliver all of the civic/community facilities approved in the development, including library, community space, visitor information centre, community green spaces, and public parking. The value of these facilities has been estimated at $12 million, which will be funded by the developer and by grant funding in return for the development rights to the remainder of the land and airspace. Given Council's investment in the site of $3 million, the proposal provides a high value return to the community in the form of a high quality suite of civic uses and areas, which would otherwise be beyond the financial constraints of the Council budget.

The mixed use outcomes for the development site also provide significant public benefits by creating an integrated commercial, entertainment, tourism, and residential precinct, providing activities and uses for visitors and local residents. The economic return to the community is also significant, with Economic Impact Assessments for the proposal estimating the following benefits:

- Creation of approximately 236 construction jobs on site and generation of an additional $0.9 million in revenue to local retailers during construction.
- Facilitate the creation of approximately 260 jobs when the development is operational, contributing around $15.1 million annually to the local economy.
- Additional revenue from spending of new residents at the site would be in the order of $3.4 million.
- Additional revenue from spending of tourists at the site would be in the order of $3.04 million.
- Total estimated spend of residents, tourists and workers at the site would be around $5.5 million annually.
- Provision of 1,000m^2 of supermarket floor space in the town centre (where none currently exists), helping to address the 1,775m^2 of undersupplied supermarket space for the area.

1.6 Planning Proposal

On 14 March 2017, MidCoast Council adopted a draft Planning Proposal to alter the maximum height of buildings and floor space ratio controls over the subject land. The Planning Proposal had been prepared for the proponent and Council, and was independently reviewed before being adopted and sent to the Department of Planning and Environment to seek a Gateway determination. The required Gateway determination has been received and the proposal has been submitted in a manner consistent with the amended height and floor space ratio controls, as proposed within the Planning Proposal. It is understood that the development application and Planning Proposal will be jointly exhibited, in accordance with the provisions of clause 72K of the *Environmental Planning and Assessment Act 1979*.

1.7 Pre Lodgement Discussions

There have been numerous meetings with Council in the development of the design concept, and discussion of key issues in relation to the proposal, including in relation to:

- Traffic and parking
- Service vehicle access arrangements
- Pedestrian and cycleway improvements in the area
- Public road improvements
- Stormwater management and water quality modelling
- Ecological issues and landscaping
- SEPP 65 and information required
- Public plaza installations and landscaping

2. Site and Surrounding Locality

2.1 Site Details

The following data is provided in relation to the site:

Title Description	Lot 11 DP 47987 Lot 12 DP 47987 Lot 13 DP 47987
Property Address	34-36 West Street, Forster
Site Area	Lot 11 – 2830m^2 Lot 12 – 4374m^2 Lot 13 – 5008m^2
Zoning – Great Lakes LEP 2014	B4 – Mixed Use

The subject site is located at the southern end of the Forster town centre. The site in its regional context is shown in Figure 1.

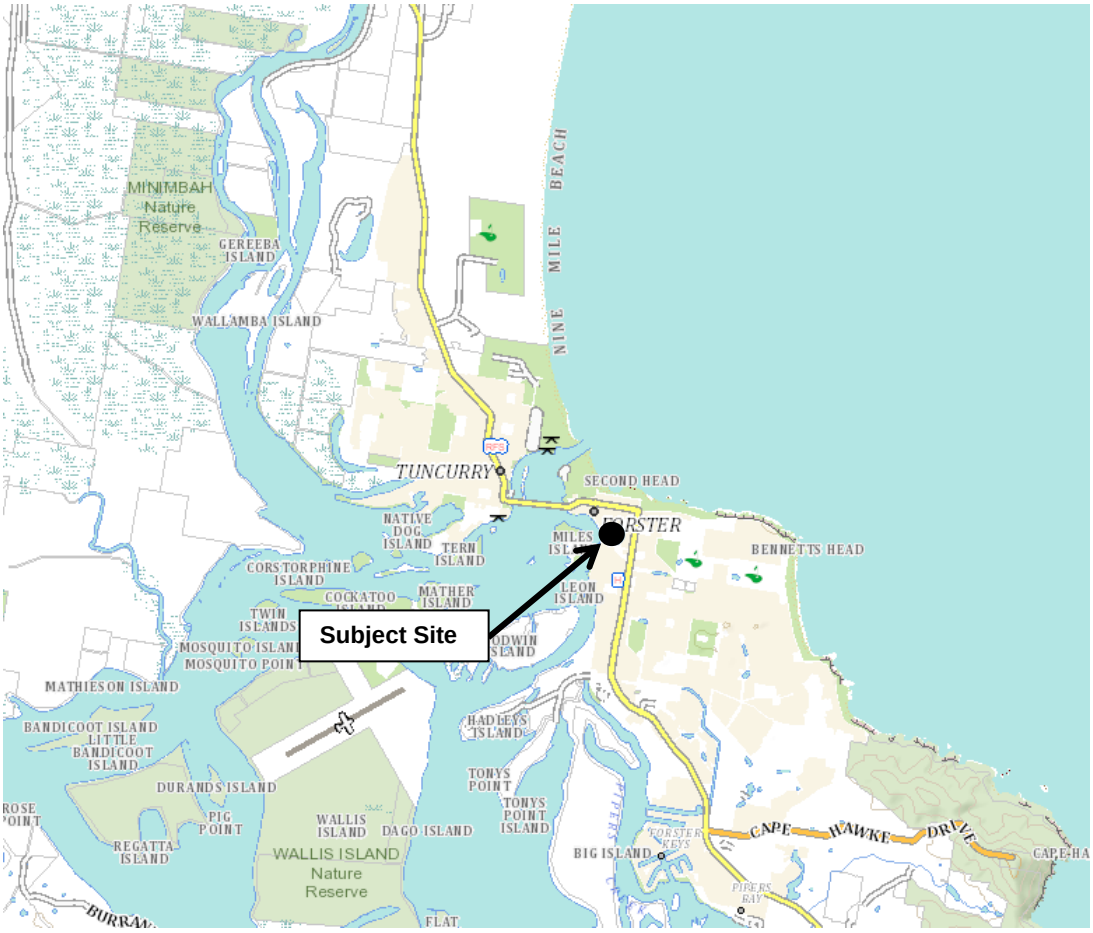


Figure 1 – Location of Site (Regional) **[Source: www.google.com.au/maps]**

The site and surrounding area is depicted in Figures 2 and 3 below.

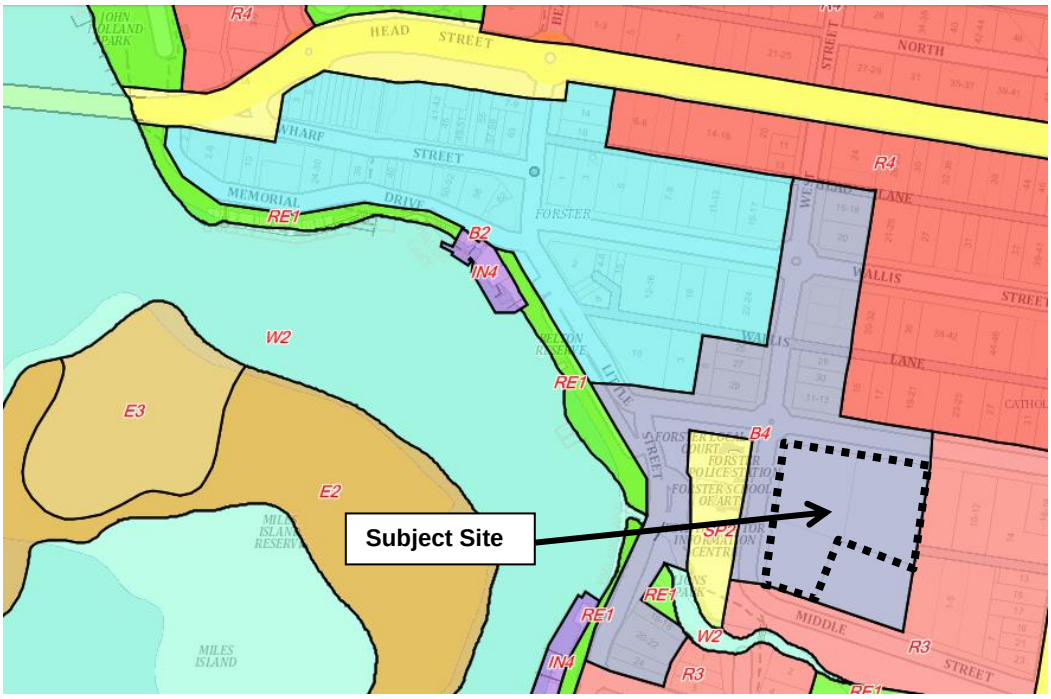


Figure 2 - Site Locality Plan (Zoning) **[Source: MCC Exponare]**

Figure 3 - Site Locality Plan (Satellite) **[Source: Google Earth]**

The following photographs of the site are provided.

Lake Street frontage of site

North west corner at Lake/West Street intersection

Internal view of site

West Street frontage of site

Middle Street frontage of site

2.2 General Description

The subject site is comprised of three large allotments which were previously utilised for the purposes of a public school, and comprise a large development site in the Forster township.

The site has been significantly modified and disturbed as a result of its previous use. The site has long street frontages to Middle Street, West Street and Lake Street.

2.3 Site Context and Surrounding Area

The site is located in the southern parts of the Forster town centre, at the edge of the main mixed use and high density residential areas at the interface with the medium density residential areas to the south. The subject site is located within the Civic Precinct and Commercial Dining Precinct of the town centre and adjoins the South Central Forster area.

The existing and future development/character of the surrounding areas are described below:

2.3.1 Land to the North

Land to the north is part of the Forster town centre mixed use and high density residential areas. The area is currently developed with commercial, residential, and tourist development. Development varies from two-storey buildings to 10/11-storey residential towers. The following photographs show the current development north of the site.

Existing commercial building opposite site

Residential development opposite site

Tourist motel opposite site

The area to the north is zoned B4 – Mixed Use, and R4 - High Density Residential under the local planning controls. The development controls provide for tall buildings in this area with maximum building heights of up to 36.3m (11-12 storeys) permitted by the development standards.

2.3.2 Land to the East

Land to the east is part of the South Central Forster Medium Density Residential area. The area is currently developed with commercial, residential, and tourist development along Lake Street. In addition, the adjoining land to the east along Middle Street is comprised of offices occupied by the Department of Education. It is apparent that many of the buildings were formerly part of the school that occupied the subject land. Development is currently comprised of 1-2 storey buildings. The following photographs show the current development east of the site.

Existing holiday units located to the east along Lake Street

Department of Education offices east of site along Middle Street

The area to the east is zoned B4 – Mixed Use, and R3 – Medium Density Residential under the local planning controls. The development controls provide for tall buildings in this area with maximum building heights of 19.8m (5-6 storeys) and 13.2m (3-4 storeys) permitted by the development standards.

2.3.3 Land to the South

Land to the south is comprised of a natural edge between neighbourhoods, with the Pennington Creek corridor creating a natural barrier between areas. The corridor also contains community gardens and pathways. The land beyond Pennington Creek is part of the South Central Forster Precinct and is a medium density zone. The area contains older housing stock, generally 1-2 storeys, dwellings which have been adapted for medical consulting rooms, and redeveloped sites with 3–5 storey development. The following photographs show existing development south of the site.

Pennington Creek corridor on opposite side of Middle Street

Community garden and cycleway along Pennington Creek corridor

Older housing stock with redevelopment behind

Redeveloped site adjacent to Pennington Creek Reserve

The area to the south is zoned B4 – Mixed Use, and R3 – Medium Density Residential under the local planning controls. The planning controls provide for tall buildings in this area with maximum building heights of 19.8m (5-6 storeys) and 13.2m (3-4 storeys) permitted by the development standards.

2.3.4 Land to the West

Land to the west is located within the Civic Precinct and Commercial/Dining Precinct of the town centre. The area is developed with various public buildings (police station, court house, and tourist information centre), with areas to the north west occupied by residential and tourist uses, as well as the Lakes and Ocean Hotel. The following photographs show the existing development in this area:

Police Station and Court House

View west along Lake Street towards Lakes and Ocean Hotel

Existing parkland and regional bus stop

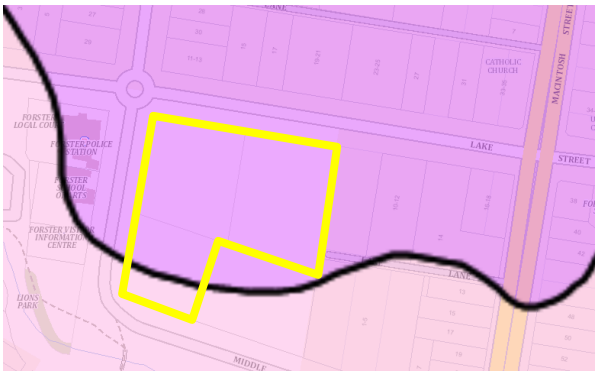
Existing Tourist Information Centre

The area to the west is zoned B4 – Mixed Use, and SP2 – Infrastructure (Public Facility) under the local planning controls. The planning controls provide for tall buildings in this area with maximum building heights of 33m (10-11 storeys) and 19.8m (5-6 storeys) permitted by the development standards.

2.4 Soils

The soils on the subject site have been examined in depth by a geotechnical assessment for the land prepared by Regional Geotechnical Solutions. The site is comprised of deep Aeolian sands overlying a stiff clay/silty clay layer.

The Acid Sulfate Soils Planning Maps for the area identify the site as Class 3 and Class 4, as shown on the map below. The classification for these soils means that there is potential for Acid Sulfate Soils to be present at depths below 1-2 metres below the natural surface.



The geotechnical assessment for the land has included screening for Acid Sulfate Soils which has determined that the soils are not Acid Sulfate Soils. The geotechnical assessment found, however, that there is some actual acidity in the soils, but that this was not due to Acid Sulfate Conditions.

The geotechnical assessment for the site encountered groundwater at depths of 3-4 metres below the existing surface.

The geotechnical assessment for the site found that the sands on the site were highly permeable and provided for rapid infiltration of surface water.

The geotechnical assessment provided recommendations for the structural design for buildings on the land.

2.5 Topography

The land is flat to slightly sloping, with flat areas (grades generally 1%) in the northern parts of the site (Lots 12 and 13), with gradual slopes (2-6%) over the southern parts of the site (Lot 11); with a grade generally from north to south. There are no significant topographic features on the site.

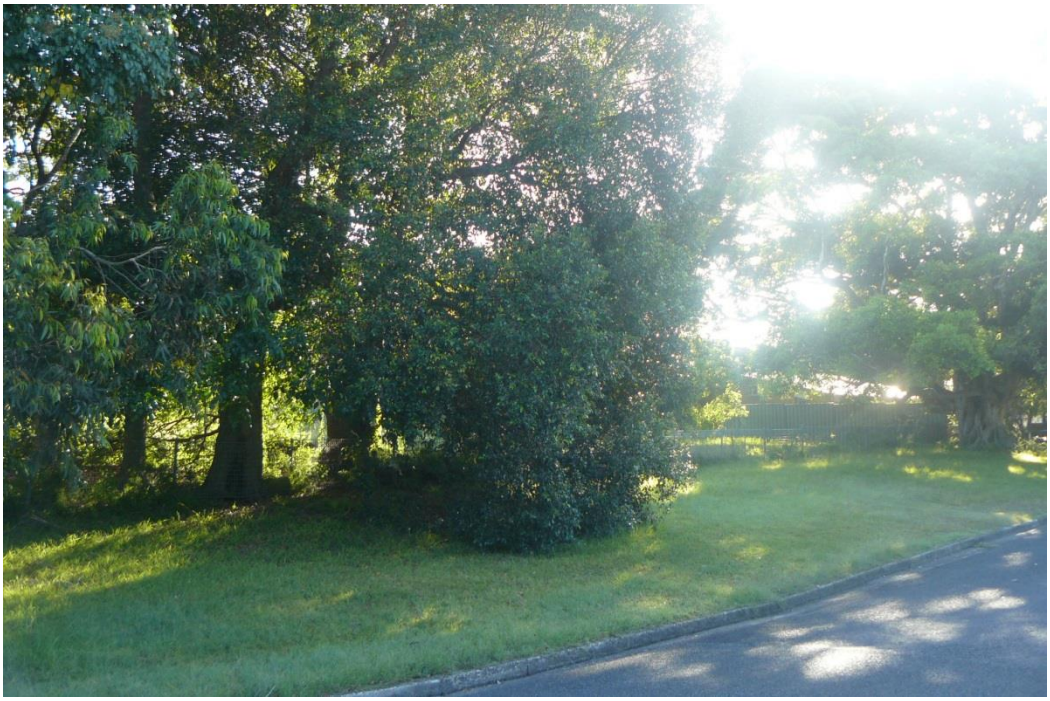
2.6 Site Drainage

Overland drainage of the site is to the surrounding street system which has kerb and gutter and piped drainage systems. The primary gradient of the area is to the south, and stormwater from the site and surrounding area generally grades toward Pennington Creek. There is an existing large pipe which drains the area crossing West/Middle Streets and discharging to Pennington Creek.

2.7 Ecological Values

The site is highly disturbed, with vegetation on the land comprised of a mix of landscape planting, domestic garden species intrusion, and seed stock from the soil or deposited by fauna dispersion. The ecological assessment for the site advises that, prior to clearing, the site most likely supported Coastal Dune Blackbutt/Smooth Bark Apple/Swamp Mahogany forest assemblage, grading to rainforest community to the south. The disturbed vegetation community over the land is considered to have negligible ecological significance.

There is a small stand of rainforest trees in the south west corner of the site. The ecological assessment considers that these trees may be derived from seed stock or deposited by faunal dispersion. The stand of trees includes one threatened plant species; and the stand of trees has been identified as analogous to littoral rainforest community, which is an endangered ecological community. The small area of the community and isolated occurrence of the threatened species means that the community and species are probably not viable in the long term.



Small stand of rainforest trees

2.8 Existing Development

The subject lands are currently vacant. There are some remnants of the previous use as a school, including concrete and bitumen sports courts and a brick toilet block.

2.9 Traffic and Access

2.9.1 Public Roads

The site has wide unobstructed frontage to three (3) streets, being Lake Street (approximately 120m frontage), West Street (approximately 120m frontage), and Middle Street (approximately 50m frontage). There is currently a single concrete driveway access constructed centrally along the Lake Street frontage.

The Lake Street frontage of the site is improved with concrete kerb and gutter and is marked with 45 degree angle parking areas. There is a narrow 1.2m wide footpath along this frontage which connects to the east and west.

The West Street frontage of the site is improved with concrete kerb and gutter and the road carriageway width varies, with a wider section in the northern parts of the frontage which has 90 degree angle parking provided on each side. The southern end of the frontage is much narrower and contains parallel parking along each side. There is no pedestrian infrastructure along the site frontage.

The Middle Street frontage is also provided with kerb and gutter along the site frontage only, with the opposite side having a gravel shoulder used for informal parking and access. Parking along the frontage is limited to parallel parking. There is no pedestrian infrastructure along the site frontage, other than an isolated pram ramp at the corner of the West/Middle Street intersection.

Roads in the area are generally in a grid pattern as set by the original Forster Town Plan. The main traffic flow through the Forster township is from the bridge connecting to Tuncurry along Head Street, and then turning south along Macintosh Street. The connections to the town centre area are primarily via either the entry-only connection with Head Street at Wharf Street, the roundabout intersection at Beach/Head Streets, or along Lake Street from the signalised intersection at Macintosh Street. Lake Street therefore acts as a main connector for traffic to the town centre. West Street to the north of the site also provides a link from Head Street to the roundabout at the intersection of West Street and Lake Street.

The frontages of the site West and Middle Streets are generally much quieter with peak hour traffic loads in the order of 30-40 total vehicle movements.

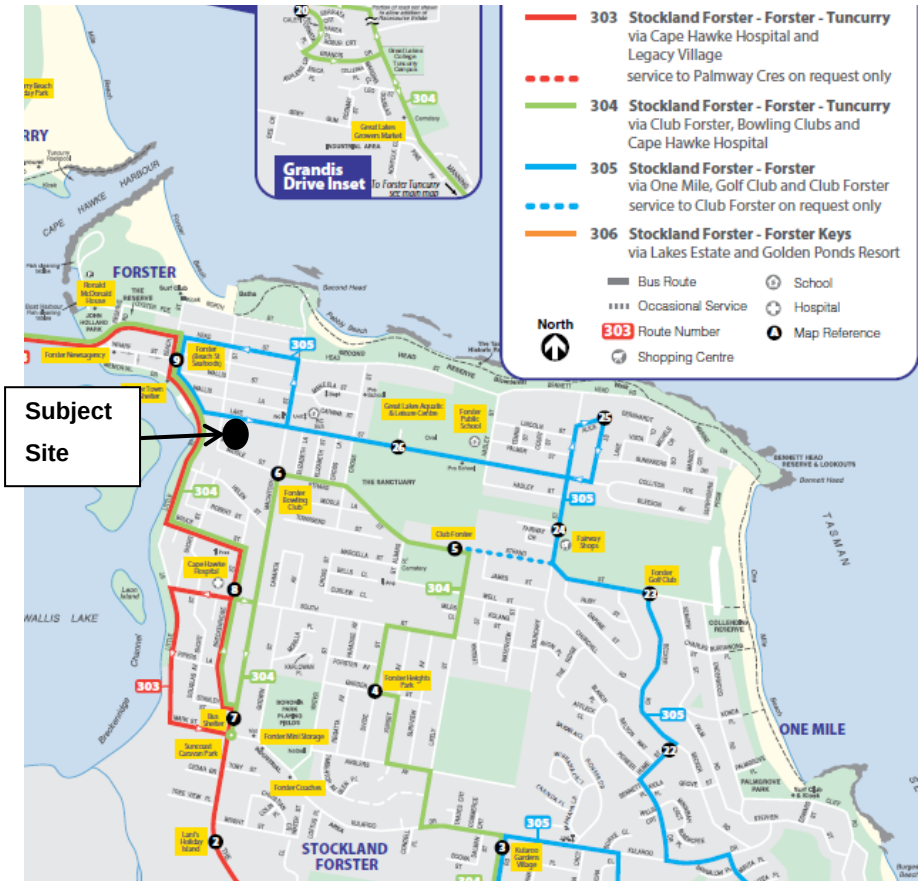
2.9.2 Public Transport

Public transport in the Forster Tuncurry area is limited to bus and taxi services. A taxi rank is currently provided in Beach Street, Forster, approximately 300m north west of the subject land. Bus services in the area are provided by Forster Buslines, with three bus routes connecting though the town centre and past the subject land as follows:

- Route 303 connects the town centre to Tuncurry and Stockland Forster, as well as to Cape Hawke Hospital and the Medical Precinct in central Forster. The route operates eight times a day on weekdays, and three times a day on Saturdays.
- Route 304 connects the town centre to Tuncurry and Stockland Forster via the various clubs and residential areas east of Macintosh Street in central Forster. The route operates seven times a day on weekdays, and three times a day on Saturdays.

- Route 305 connects the town centre to Stockland Forster, via the One Mile Beach area. The route operates five times a day on weekdays, and twice a day on Saturdays

The following extract from the Buslines Route Map shows the current connections within the town centre.



2.10 Hazards

2.10.1 Flooding

There is a small area of land in the south western corner of the site (adjacent to Middle Street) which is identified as within the flood planning area on the maps held by Council. The map below shows the extent of flooding over the subject land.

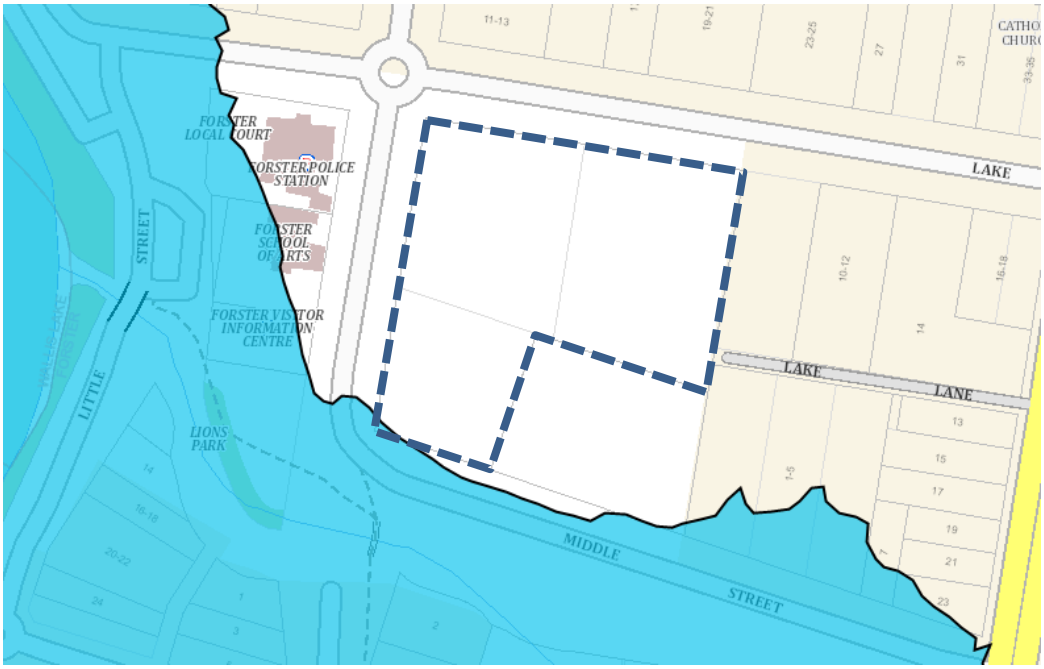


Figure 4 - Site Locality Plan (Flood Planning) **[Source: MCC Exponare]**

As can be seen, the extent of the flood planning area over the land is minimal and does not significantly affect future development options for the land.

2.10.2 Bushfire

The subject land is not identified as bushfire prone land on maps held by Council and is located over 200 metres from any areas mapped as containing bushfire prone vegetation.

2.11 Heritage

2.11.1 European Heritage

There are no items of European heritage listed as being present on the land and the site is not located in a heritage conservation area. There are no items identified on adjoining lands.

2.11.2 Aboriginal Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) database has been undertaken and did not reveal any Aboriginal Sites or Places on the subject site. There were some sites identified in the surrounding area. The subject land has been disturbed through past activities and would be identified as 'disturbed land' under the *Due Diligence Code of Practice for the*

Protection of Aboriginal Objects in New South Wales. The site is, however, located in close proximity to Pennington Creek and it was recognised that the area may have been utilised for Aboriginal occupation.

Previous cultural heritage investigation of the site was undertaken by the Forster Local Aboriginal Land Council in 2006 for a previous proposal on the land which involved the complete development of the land in a similar manner to that proposed. The report concluded that there was 'no further reason to hold up development'. The report included a recommendation for excavation works to be monitored in the south west corner.

The author of the 2006 assessment provided a report in relation to the proposal. This report confirmed sensitivity in the south western corner of the site and noted the highly disturbed nature of the site. Consistent with the 2006 assessment, the recent assessment recommends monitoring during excavations over the land.

3. The Proposed Development

3.1 Proposed Development Uses

The proposed development involves a mixed use development containing a range of uses, including civic/community uses, commercial uses, residential uses, and tourist uses. The following list details the forms of development contained within the proposal:

Civic/Community Uses

- Library
- Community Centre
- Visitor Information Centre
- Community Plaza (Flexible)
- Community Plaza (Outdoor)
- Community Gardens

Commercial/Entertainment Uses

- Supermarket
- Restaurant/Cafes (5)
- Cinemas
- Nightclub

Residential Uses

- Seniors Self Care Dwellings
- Penthouse Apartments
- Residents Club, Terraces and Facilities

Hotel/Serviced Apartments

- Hotel Rooms
- Serviced Apartments
- Hotel Facilities and Café/Restaurant

The following statistics are relevant for the proposal:

Relevant Statistic	**Proposal**
Site Area	12,153m^2
Gross Floor Area	36,541m^2
FSR	3.01:1
Landscape Area	21%
Deep Soil Areas	5%
Maximum building heights above existing ground level	Building A (Stage 1) – 25.9m Building B (Stage 2) – 36.2m Building C (Stage 3) – 36.0m Building D (Stage 4) – 26.0 - 28.0m

3.2 Design Drawings

The development is detailed in designs prepared by TVS Architecture. A full suite of plans has been prepared and submitted with the application.

The designs have been prepared by registered architects and the necessary SEPP 65 Design Report and Design Certification have also been prepared by the supervising architect and submitted with the development application.

3.3 Civic/Community Facilities

The civic and community facilities which are being relocated to the land are contained within Building A, which is located in the north eastern parts of the land.

The proposed library has a floor area of 1,753m^2 and will provide for relocation and expansion of the existing library facilities currently located at Breese Parade. The library will exist over two (2) levels connected by stairs and a two (2) level passenger lift. The proposed library creates a high quality public space with 5m ceiling heights and void areas creating a large internal space. The building also has large areas of glass surrounding the library, with visual connection to the community lounge and community gardens as well as allowing natural light entry. The library includes a large back-of-house area and breakout to external reading areas, gardens, and community plaza areas.

The visitor information centre is located at the front of the community facilities, and can be accessed from both the community lounge and the outdoor community plaza. The visitor information centre creates a high quality public space with 5m ceiling heights, providing a large internal space for displays. etc. The building also has large areas of glass, with visual connection to the community plaza as well as allowing natural light entry. The visitor information centre includes a large back-of-house area and connection with external staff breakout areas in the open space to the east.

The community centre provides a series of flexible spaces which can create small activity/meeting rooms, larger halls and performance areas, or which can be fully opened to the community lounge to create a very large hall or performance space. The building creates a high quality public space with 5m ceiling heights in the rooms, creating high quality public space. The community centre includes common facilities to support a wide range of uses, including toilets, cleaner rooms, kitchens, and storage areas.

The community facilities surround a large community space made up of an indoor community lounge and external community plaza. As discussed, the community lounge connects with the library and community centre rooms, as well as directly accessing the external community plaza located between the building and the Lake Street frontage. The community plaza is a key design feature which provides connection from the street into the community centre and library, and sets a high quality presentation to the street as seen in the render of the perspective below:

The community garden area is located at the rear of the library and provides a various gardens complementing the uses, along with a water sensitive display which includes water storage, and water treatment structures to assist in providing community education in Water Sensitive design.

3.4 Commercial/Entertainment Uses

Building B and C, which is located in the north western parts of the site, contain ground floor commercial facilities (supermarkets, shops, restaurants/cafes and gymnasium). The proposed cinemas are located on levels 3 and 4 of Building C, and the proposed nightclub is located in the basement of Building D, whilst the childcare centre and another retail space are located on the ground level of Building D.

The proposed supermarket is a small local facility which will provide for the day-to-day needs of residents in this part of town. There is currently no supermarket located in the Forster town centre and a previous economic assessment of the area has identified an undersupply of supermarket facilities in the area. The supermarket is an important facility for the area, being within a local walking catchment for the high density residential and tourist areas. The supermarket is located centrally within proposed Building B/C and is surrounded by smaller

retail/restaurant uses which address the street and other public space. A small entry plaza is located near the Lake/West Street intersection, with small retail uses each side serving the entry. Passenger lifts provide access between the supermarket entry and the carpark below.

As discussed, the ground level of Buildings B and C are activated at street front through the provision of small retail shops and restaurants/cafes. The small retail shops are located at the supermarket entry, and to the West Street frontage, whilst restaurants/cafes are located at areas where the building interfaces with high amenity public areas. There are two (2) restaurants/cafes opening to the western side of the community plaza area, and two (2) restaurant/cafes at the frontage to Lake Street near the intersection with West Street, which will obtain lake views along the Lake Street corridor.

The ground floor commercial facilities in Building B provide a high quality commercial space, with ceiling levels in excess of 4 metres and ample space for servicing, etc., whilst still providing large spaces presenting excellent internal amenity.

The proposed cinemas are located in Building C, primarily at levels 3 and 4. Access to the cinemas is provided via a small lobby at the ground floor level off the West Street frontage. The lobby connects to the upper levels via stairs and two passenger lifts. There is a two level upper lobby providing seating, tickets/snack sales, and a lower level cinema bar. There are three cinemas provided which would provide combined seating for up to 800 persons.

The proposed child care centre is located at the ground floor of Building D and provides a 294m^2 area for a childcare operator to set up a childcare centre catering for up to 50 children, and includes an outdoor play area for the use of the children. The facility would be accessed from an entry from West Street which is combined with an entry for the gymnasium.

The proposed gymnasium is a 386m^2 space provided at the ground level of Building C.

The proposed nightclub will be adjunct to the hotel and will provide a late night venue in the area. The proposed nightclub is located in the basement of Building D and has an entry from the West Street frontage which connects to the basement night club via a stair and passenger lift. The nightclub will provide a high class venue for boutique entertainment with high quality finishes and boutique acts and cabaret (similar to the 'Marble Bar' at the Hilton in Sydney).

The proposed hours of operation for the uses will depend on seasonality and demand; however the following table details the maximum hours of operation sought for the proposed uses:

Use	Opening Time	Closing Time
Supermarket	7am	10pm
Retail Shops	7am	10pm
Restaurants/Cafes	6am	10pm
Cinemas	10am	11pm
Gymnasium	24 hour	24 hour
Nightclub	7pm	5am

3.5 Residential Accommodation

Residential accommodation within the development is primarily in the form of seniors housing uses, as well as top level penthouses.

The seniors housing is comprised of housing designed to meet the requirements for self-contained dwellings under *State Environmental Planning Policy (Housing for Seniors and Persons with a Disability) 2004*. The numbers of units proposed are as follows:

- 1 bedroom (5 units)
- 2 bedroom (72 units)
- 3 bedroom (62 units)
- Total (139 units)

There are four different 2 bedroom layouts detailed in the plans, and five different 3 bedroom units detailed in the plans. The unit layouts provide self-contained accommodation for seniors, each with bedroom accommodation, open plan kitchen/living/dining areas, ensuite/bathroom, and laundry area (tub, washing machine and dryer).

In addition there are facilities provided for the residents in the form of:

- Level 2 Residents Club, providing private bar and meeting place for residents and their guests.
- Level 3 rooftop terrace providing lawn area and gardens and covered pedestrian access between Buildings A and B.
- Level 5 indoor communal recreation area with indoor community recreation facility (games and leisure areas with kitchen and bar) with outdoor terrace and landscaped gardens.
- Level 6 communal recreation facility comprised of roof terrace with pool, spa, sauna and toilets/shower.
- Membership to the new gymnasium.

The units will be managed under a retirement village contract, with management of the communal areas, etc., provided by the retirement village operator. The operator will be Evermore Retirement Living, who own and operate the Evermore Supported Living Village in Bruce Street, approximately 280m south of the subject land (adjacent to Cape Hawke Hospital). The operators will then be able to provide housing for younger active seniors, with another facility available in the area for when residents become more in need of care.

The top level of the residential towers in Buildings B and C provides four (4) penthouse units which will provide luxury apartments that are not part of the seniors housing retirement village, and are instead unrestricted residential development. The penthouses are comprised of 2 x 3 bedroom units, 1 x 4 bedroom unit, and 1 x 5 bedroom unit. Each penthouse unit will be owned under a separate strata title.

The total number of residential units (seniors housing and penthouses) will be 143 units.

3.6 Hotel/Serviced apartments

A five-star hotel is proposed to be constructed in the south western parts of the site adjacent to the Middle Street frontage of the site.

The hotel provides 84 hotel suites over four levels (levels 2-5). Each suite provides accommodation for between 2-4 persons and contains a sleeping area with lounge, desk and bathroom, with a small balcony provided for each room.

Levels 6 and 7 contain eighteen (18) serviced apartments (11 x 1 bedroom and 7 x 2 bedroom). There are eight different serviced apartment designs, with all apartments accessed from the common hallway in Level 6. Some apartment designs are two-storey and have an internal stair connecting the two levels.

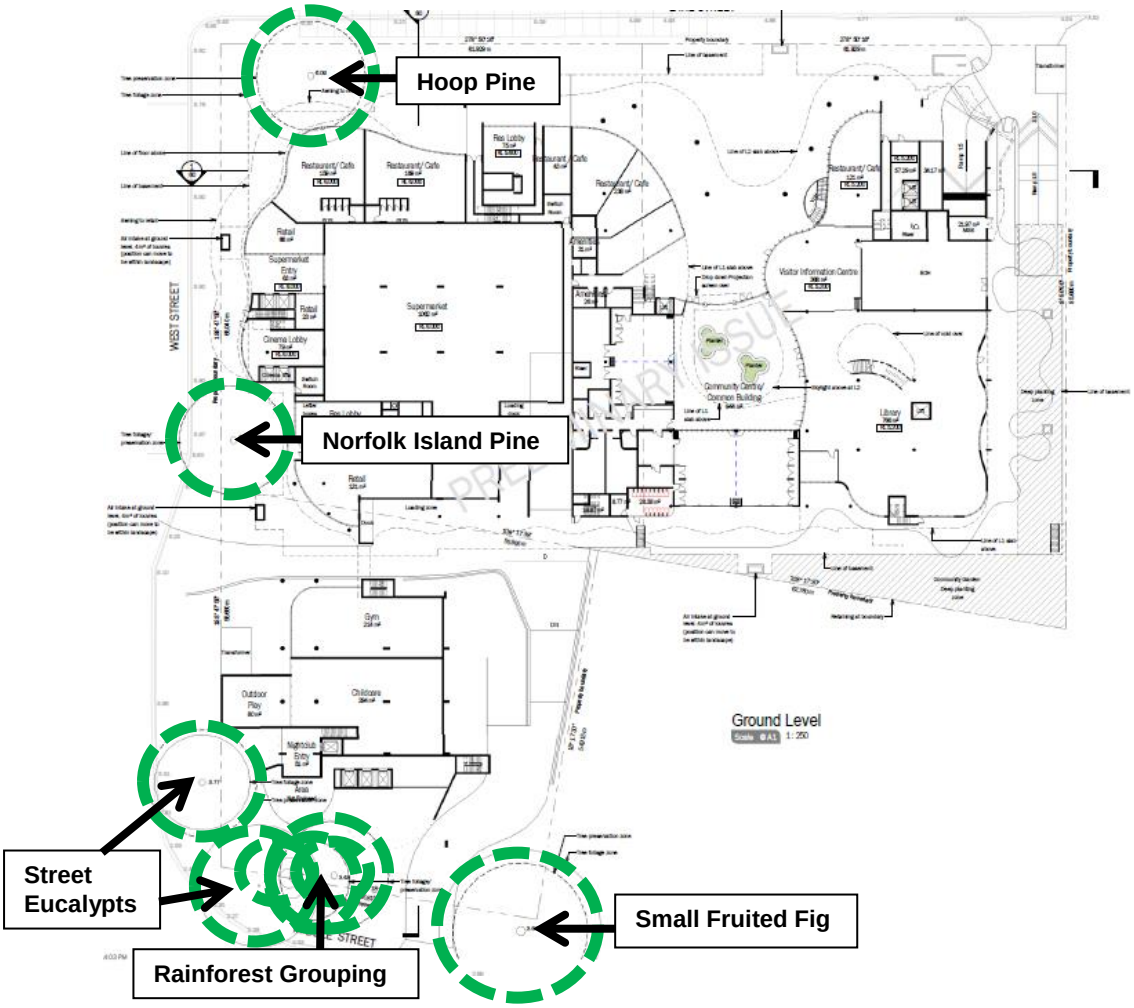
The hotel includes visitor facilities at Level 1, including a restaurant/bar, pool/terrace, function room, business centre as well as amenities, etc. A porte-cochere at ground level provides access to the site and all levels are connected by stairs and three (3) passenger and service lifts.

3.7 Landscape and Open Space

The proposed mixed use development and need for a large basement parking area means that the development footprint is very large and reduces the opportunity for retention of many of the trees on the site. The design, however, has focused on targeting the retention of certain trees on the land that have scale to match the building and are located in the street frontage, or where they have been identified as having some ecological value. As a result, the development design (especially the basement footprint) has been established to enable retention of the following trees:

- Hoop Pine on Lake Street frontage.
- Norfolk Island Pine on West Street frontage.
- Large Eucalypts (Grey Gum and Blackbutt) in road reserve at West/Middle Streets corner.
- Large Small Fruited Fig in road reserve close to site frontage in south eastern corner.
- Grouping of rainforest trees in south western corner of the site, including threatened species *Syzigium paniculatum*.

The trees above are to be retained on the site and an Arborists recommendation for retention has been submitted with the application. The location of these trees is shown on the following mark-up of the site plan.



Landscaping of the site has been undertaken in harmony with these retained trees and a landscape plan for the proposal has been included with the development application.

A key treatment is the public areas along the frontages of the site. The public plaza is envisaged as a high quality engaging and vibrant hub. It forms the 'arrival' zone and an extension of uses within the civic centre - an open and flexible gathering space which allows for a multitude of formal & informal uses such as markets, community events/performances, tourism promotional events and informal gatherings. Other key elements include the following:

- Waterwall along the western edge as a feature (both aesthetic & audible) to enhance the plaza and lead users into the space. The waterwall also combines with the planter to provide separation to alfresco dining areas

- Continuous formal seating/gathering nooks along the northern edge which are positioned to enclose the plaza and invite views towards the civic centre. Feature signage may also be integrated within the seating walls
- Decorative pavement bands which reflect the semi-organic design language of the architecture and reinforce/interpret the site's natural context (eg Wallis Lake & foreshore)
- Street furniture such as pedestrian lighting, drinking fountains, litter bins and way-finding signage
- Landscape lighting to highlight feature elements and reinforce night-time uses
- Provision of services to enable community events (eg external GPO's, AV)
- Local-native signature trees and feature mass understory planting along the northern edge. This serves to enclose the space, enhance the 'arrival zone' and provide a lateral buffer (whilst also obscuring views) to Lake Street's broad road corridor
- The plaza space has been maximised by encroaching within the existing roadway. This also removes the 'clutter of parked motor vehicles' within the 'arrival zone'/building forecourt
- Integration of distinctive/bespoke artwork (envisaged as an interpretation of oyster poles to celebrate local industry)
- Open lawn pocket to 'visual soften' the plaza and allow for informal seating/ gathering.

The street frontage is also significantly improved with the treatment of the Lake Street frontage with planting islands, and tree planting to create a low speed pedestrian scale street, enhancing the public space created.

This area is detailed in the section below taken from the landscape details and the development perspectives submitted with the development application:

Another key landscape feature for the civic/community facilities is the large community garden space provided off the library and community centre. This area serves several functions (depending on the area served), and the following areas are proposed to be established as part of the landscaping for this area:

- Secure external breakout area for visitor information staff providing paved areas with gardens, seating and tables, to be utilised as a gathering space, eating area, etc., for staff.
- Secure external reading space off main library area, providing a quiet intimate space with seating and private nooks.
- Native sensory garden including bush tucker discovery trail, herb/vegetable patch, and timber boardwalk.

- Children's play area with mounded rubber floor and play equipment.
- Children's gathering and art/craft area.
- Story-telling amphitheatre with gathering space and tiered seating.
- Breakout space for community centre rooms used for gathering area and outdoor extension of meeting rooms.

There is a delineation of the site along the West Street frontage where the service access exists. This frontage has a different character from the plaza areas, where there are defined entrances to the childcare/gymnasium and hotel/nightclub. These areas are provided with larger garden planting areas, building upon the theme set by the retained rainforest vegetation. The Middle Street frontage is dominated by the retained vegetation and the large fig retained at the eastern end. The treatment of this area is set by the narrow open area of the site and the need for vehicular access. A central island to the access is utilised for stormwater treatment (bioretention) and is planted for this purpose. Given the retained vegetation for this frontage, minimal additional planting has been proposed.

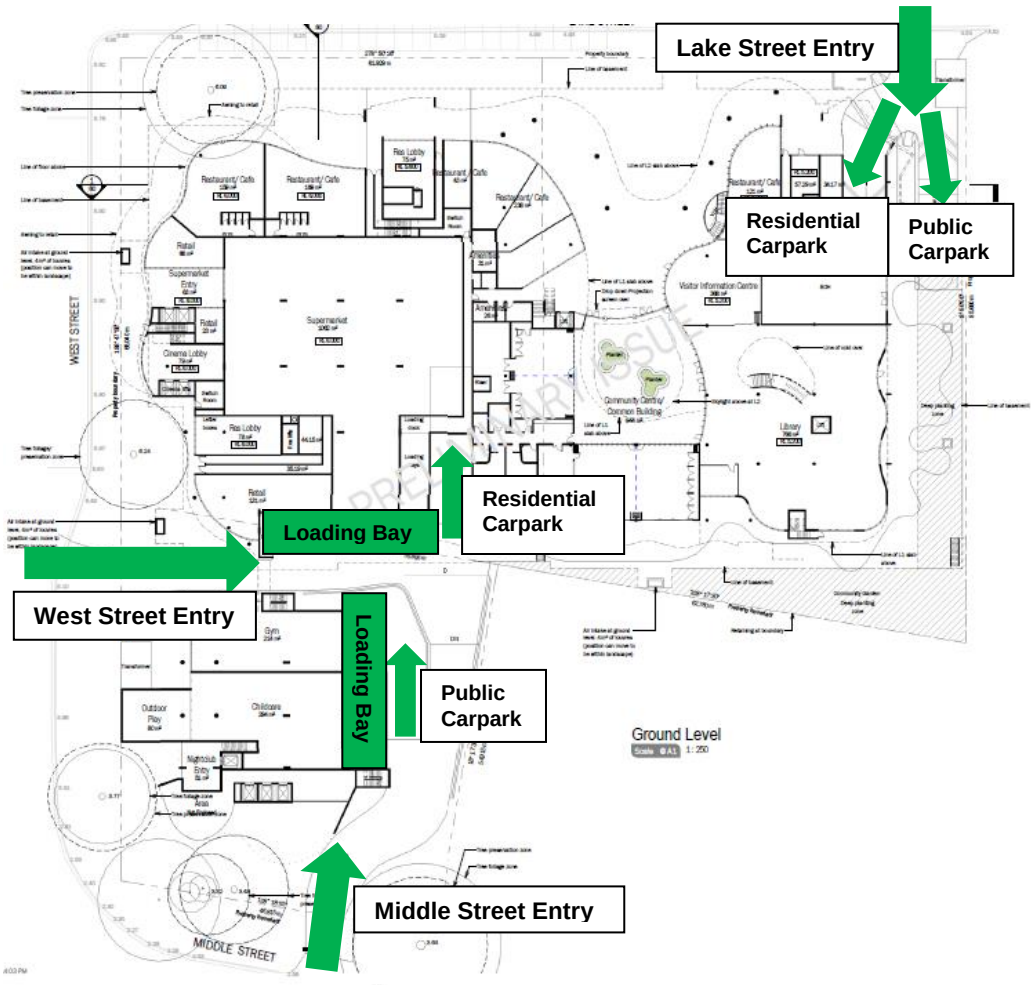
The rooftop terraces have been treated with large lawn areas, as well as extensive garden areas which can support the growth of shrubs and small trees.

The proposal also includes 'green roof' areas around the perimeter areas of Buildings A and B to soften the appearance of the level 2 and 3 carparking area elevations and contribute to streetscape amenity.

3.8 Traffic and Access

The site has three street frontages which are available to provide access into the site from the public road system. The Lake Street and West Street intersection in the north western corner of the site is provided with a roundabout treatment.

There are access points provided for vehicles into the site from each frontage, providing access to the parking and service areas of the site. The different access points are shown in the following marked-up site plan.



The access off Lake Street is provided from the new roundabout-controlled connection to be created and connects with a ramp down to the basement parking area, as well as a ramp up to the residents' parking area to be constructed at level 2.

The access off West Street provides access to the ramp up to the residents' parking areas located on level 1. The driveway from West Street also provides access (ingress only) for service vehicles accessing the loading bays servicing the commercial uses (supermarkets, etc).

The access from Middle Street provides a second entry to the basement carpark area and there is another ramp within the carpark which provides access to the lower basement parking area. This access also includes a porte-cochere drop off for the hotel. A large ramp connecting to the driveway from the north provides the service vehicle access (egress only) from the loading dock areas of the commercial uses.

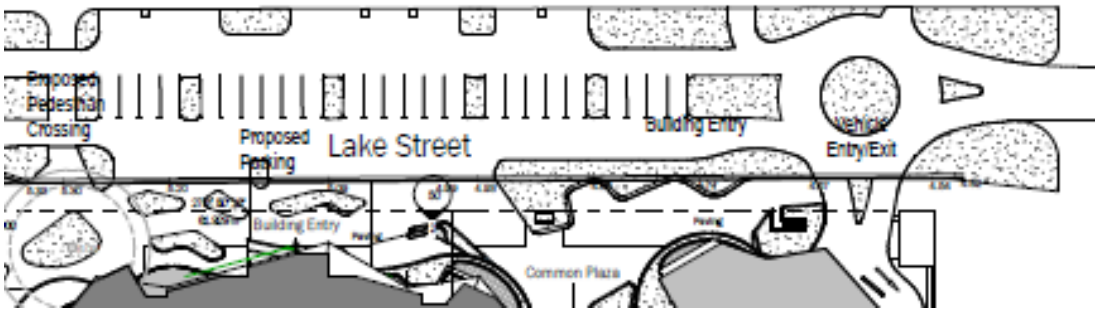
Parking is provided over four different levels within the building as follows:

- Lower Basement Level – providing 42 parking spaces for hotel/public use.
- Basement Level – providing 252 spaces for public use.
- Level 1 parking area – providing 78 spaces for residents.
- Level 2 parking area – Providing 141 spaces for residents.
- **Total – 513 (294 public + 219 resident)**

The access of service vehicles through the site has been based upon the largest possible vehicle that could service the commercial uses, which is an articulated semi-trailer. The servicing arrangement involves trucks entering the site in a forward direction from the West Street driveway, and driving a sufficient distance to allow them to reverse into a loading bay parallel to the service driveway. Once completed unloading, the trucks can then drive out down the ramp to the Middle Street driveway and leave the site.

In addition, the proposal involves public works to enhance the street environment, improve traffic calming though the area, and provide on street parking for the area. The proposed works involve the following:

- Construction of a roundabout at the Lake Street driveway to manage traffic flow to/from the basement and through traffic in Lake Street. This roundabout also provides traffic calming for Lake Street and provides a visual cue that the area is a lower speed traffic environment in a built up area. The roundabout marks the boundary of the lower speed mixed use environment and expands on the existing street environment of West and Lake Streets to the north and west.
- Construction of new planted traffic islands for the new and existing roundabouts.
- Construction of planted centre traffic islands and centre parking in Lake Street, with street frontages changed to parallel parking with planted islands to define parking areas and lower the speed environment.
- Creation of a loading area and bus stop area at the Lake Street frontage in front of the site.

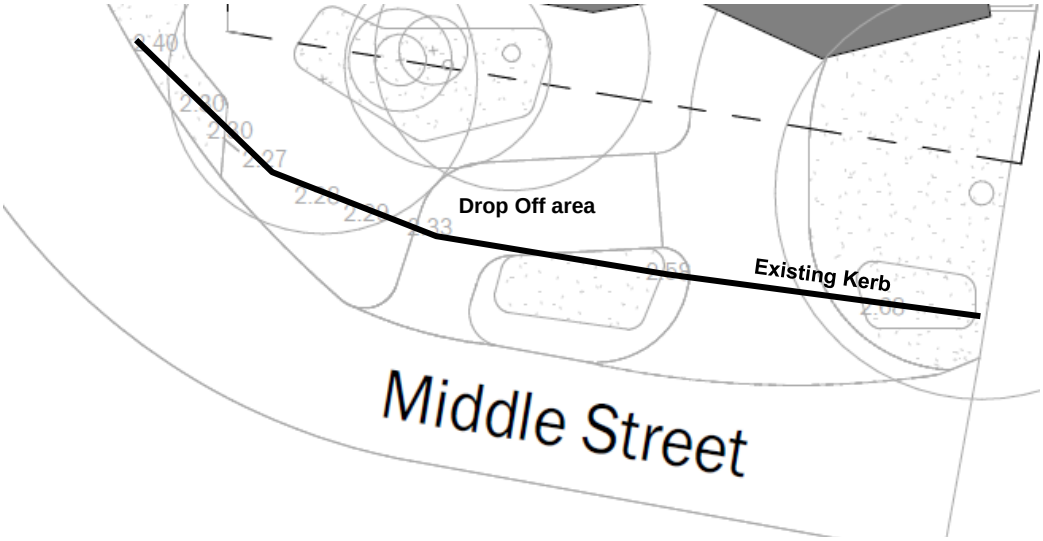


Proposed Lake Street Treatment

- Enhancement of existing 90 degree parking and construction of new 90 degree parking areas along the West Street frontage, including planted traffic islands to narrow the street and lower the speed environment.

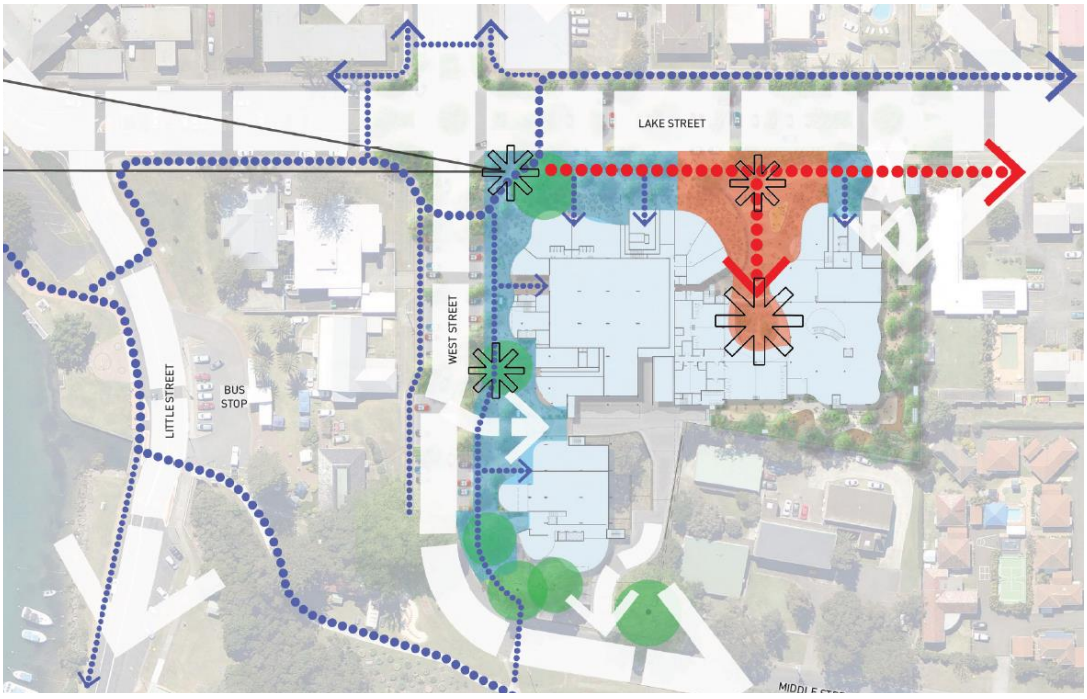
Proposed West Street Treatment

- Middle Street will be improved via an extension of the kerb to create a wider verge. This will enable the construction of a short lane for short term parking and drop off for hotel visitors with minimal impact to the tree protection areas for the retained trees at this frontage. The widened kerb will also act as a traffic calming device slowing traffic entering the lower speed mixed use area.

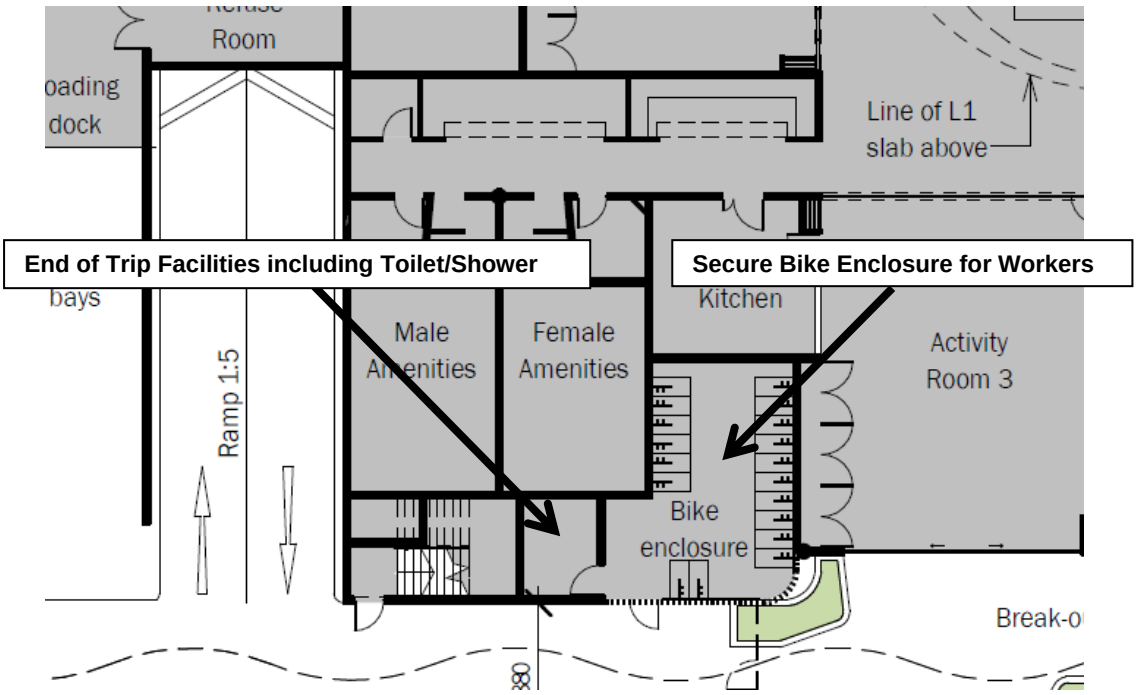


The proposal provides significant improvements to the pedestrian and cycle infrastructure at the site which includes:

- Creation of new pedestrian plazas along the Lake and West Street frontages.
- Creation of new crossing areas at the Lake and West Street intersection.
- Connection of the new off road cyclepath to be constructed by Council through the north western corner of the site to link with new crossings.
- Construction of a communal bike parking enclosure for civic/commercial employees with end of trip facilities (toilet/shower) included.
- Public bike rails and racks within the community plaza area.



Major pedestrian/cycleway connection for site



3.9 Stormwater Sensitive Design Controls

Stormwater management within the proposed development has sought to implement best practice stormwater management, with techniques showcased to assist in promoting water quality outcomes in urban development.

A key component for stormwater management for the site is the reduction in demand for potable water for use on the site. This is achieved by the construction of a very large 1 megalitre water storage tank below the basement which will be utilised for the collection of all roof water within the development. The collected water is used to supply the following water needs in the development via a commercial RainBank system:

- All external landscaping needs
- Residential toilet flushing
- Residential laundry supply
- Hotel toilet flushing
- Commercial toilet flushing

With the large rainwater storage provided, and the high use demand generated by the proposed development, there will be a significant reduction in stormwater volume generated from the site.

The ground level hardstand areas of the pedestrian plazas will be drained to localised treatment areas in the form of bioretention pods and gardens incorporated into the landscape areas.

Hardstand and terrace areas above ground level will also generate stormwater flows; however these are likely to have higher levels of fines and other pollutants which make them unsuitable for reuse. These areas will instead be drained to a small water tank located in the community gardens which will be utilised for irrigation purposes in the garden, with overflow from the tank directed to a bioretention raingarden. This tank and treatment area will be displayed in the community gardens, with information and display for use as an educational tool.

The proposed stormwater management and treatment on the site has been examined through MUSIC Modelling and the proposed system results in significant improvement of water quality leaving the site.

In addition to the treatment of water from the development site, the proposal also includes the construction/installation of water quality treatments within the road reserves as part of the upgrades to the public road environment. The proposal includes the provision of several bio-retention pods in the blisters and traffic islands in Lake and West Street which access stormwater from the existing gutters for treatment with outflow via infiltration and overflow back to the street gutter system. This will result in further improvements to stormwater quality in the area.

3.10 Strata Subdivision

The proposed development will involve a strata subdivision of the development to provide separate title for various components, with strata lots created for each of the components, as follows:

- One strata lot for the civic/community facilities.
- One strata lot for the commercial facilities (supermarket, shops, restaurants/cafes, cinemas, child care, and gymnasium).
- One strata lot for the retirement village units.
- One strata lot for the hotel.
- Individual strata lots for the penthouses.

Common areas will include the basement carpark, pedestrian plaza areas, and access driveways, etc.

3.11 Development Staging

It is proposed to stage the development, with the proposal carried out in four (4) stages as follows:

Stage 1

- Library
- Visitor centre
- Community centre
- Community lounge
- Community plaza
- Community gardens
- Restaurant/café
- Basement carpark (162 spaces)
- Bike parking and end of trip facilities
- 53 seniors living units
- Lower common terrace for residents
- Stage 1 resident parking (77 spaces)
- Lake Street road improvements

Stage 2

- Supermarket
- Retail shops
- Restaurants/cafes (4)
- Remainder of basement parking (128 spaces)
- 59 seniors living units
- Penthouses (x2)
- Stage 2 resident parking (149 spaces)
- Pedestrian plaza (West Street frontage)
- Service road access and driveways

Stage 3

- Cinemas
- 29 Seniors Units
- Penthouses (x2)
- Upper level resident terraces and common facilities
- West Street improvements

Stage 4

- Childcare centre
- Gymnasium
- Hotel
- Serviced apartments
- Nightclub
- Middle Street improvements

4. Planning Controls and Legislation

4.1 Environmental Planning and Assessment Act 1979

4.1.1 Integrated Development

Section 91 of the Act identifies development which is 'integrated development', being development which requires development consent and another type of approval specified in the Clause. In relation to the proposal, it has been lodged as integrated development with the following approvals also required:

- Approval under the *Water Management Act 2000*, as the proposed basement will require extraction of groundwater (dewatering) during construction of the basement.

4.1.2 Regional Development

Schedule 4A of the Act describes the types of development for which Regional Panels are authorised to act as consent authority for development applications.

The proposed development is captured as this type of development as it fits into the following provisions which would designate it as regional development:

> ***3 General development over $20 million***
> *Development that has a capital investment value of more than $20 million.*

4 Council related development over $5 million

Development that has a capital investment value of more than $5 million if:

(a) a council for the area in which the development is to be carried out is the applicant for development consent, or

(b) the council is the owner of any land on which the development is to be carried out, or

(c) the development is to be carried out by the council, or

(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

As the development is identified in Schedule 4A of the Act, it will be determined by the Joint Regional Planning Panel (Hunter and Central Coast).

4.2 State Environmental Planning Policy (State and Regional Development) 2011

This State Environmental Planning Policy (SEPP) provides requirements for development which are identified as state or regional development. As previously discussed, the proposal is identified as regional development under Schedule 4A of the Act. The SEPP also identifies certain types of development which are specified to be State Significant in schedules 1 and 2. The proposed development is not captured by the descriptions in schedules 1 and 2, and it is noted that Point 13 of schedule 1 provides:

13 Cultural, recreation and tourist facilities

(1) Development that has a capital investment value of more than $30 million for any of the following purposes:

(a) film production, the television industry or digital or recorded media,

(b) convention centres and exhibition centres,

(c) entertainment facilities,

(d) information and education facilities, including museums and art galleries,

(e) recreation facilities (major),

(f) zoos, including animal enclosures, administration and maintenance buildings, and associated facilities.

(2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:

(a) has a capital investment value of more than $100 million, or

(b) has a capital investment value of more than $10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.

Whilst the cinemas are an entertainment facility and the library and visitor centre are information and convention centres, they do not have a capital investment value of more than $30 million. Likewise the capital investment value of the tourist component (hotel), (excluding commercial, residential and serviced apartment components), is in the order of $8.1 million and is less than $10

million (noting that only the southern part of the site is located in a sensitive coastal location). As such the proposal is not state significant development.

Part 4 of the SEPP confers the powers for determination of regional development by the Joint Regional Planning Panel for the area.

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

The proposed seniors housing component is permissible in the B4 zone with consent. The local controls do not provide specific controls for this form of housing and the proposal has been designed to meet the requirements of the *State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004* (SEPP Seniors). This policy was made to increase the supply of seniors housing within the state and allows the setting aside of a local policy to allow seniors housing where it meets certain standards and requirements. The need for housing suitable for an ageing population in the MidCoast Council local government area has been identified as a key need through the Council's housing and development strategies for the area. The development of this form of housing in town centres, close to services and facilities, is especially encouraged.

4.3.1 Preliminary (Chapter 1 – Part 1 - SEPP Seniors)

Clause 4 of SEPP Seniors identifies the land to which the SEPP applies. The clause provides that the provisions of the SEPP apply to land that is zoned urban or adjoins land that is zoned urban and on which dwelling houses, residential flat buildings, hospitals, or special uses are permissible. The subject site is zoned B4, which is primarily for urban purposes and *residential flat buildings* and *hospitals* are permissible in the zone (as well as specifically permitting *seniors housing*).

4.3.2 Key Concepts (Chapter 1 – Part 2)

The proposed development provides *self contained dwellings*, as defined in clause 13 of the SEPP as follows:

> *(1)* ***General term: "self-contained dwelling"*** *In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where*

private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

In addition, the clause provides a definition for in-fill self-care housing as follows:

(2) ***Example: "in-fill self-care housing"*** *In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

The proposal provides self-contained dwellings for Seniors Housing which would meet the definition of *in-fill self-care housing*.

4.3.3 General Requirements (Chapter 3 - Part 1)

Clause 15 of SEPP Seniors provides that any form of seniors housing could be carried out on the land under the provisions of the SEPP, regardless of it being permissible under the LEP.

Clause 18 of the SEPP provides that occupation accommodation within the development may only be occupied by persons over 55 years of age or persons with a disability, and persons in the same household (including carers), as well as persons employed to provide management and services to residents. The proposed seniors housing component will only provide accommodation for people over the age of 55 years and those with a disability.

Clause 19 of SEPP Seniors provides controls where seniors development is proposed on land within a commercial zone. Specifically the clause provides:

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.

In relation to this clause, it is not clear that the B4 (Mixed Use) zone is *primarily for commercial purposes*; however the Great Lakes LEP B4 zone allows residential buildings solely in the zone. Regardless, the seniors housing components are all located above the ground floor.

4.3.4 Site Compatibility Certificate (Chapter 3 – Part 1A)

Clause 24 of the SEPP provides that certain seniors housing developments shall require a Site Compatibility Certificate in the following circumstances:

> *(a) the development is proposed to be carried out on any of the following land to which this Policy applies:*
> *(i) land that adjoins land zoned primarily for urban purposes,*
> *(ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*
> *(iii) land that is used for the purposes of an existing registered club, or*
> *(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*

The proposal is not captured by any of these circumstances, and a Site Compatibility Certificate is not required.

4.3.5 Site Related Requirements (Chapter 3 – Part 2)

Clause 26 of the SEPP provides that development may only be approved under the SEPP if it is within 400m of certain services as listed in the SEPP, or is within 400m of a transport service which will provide transport to a point within 400m of the listed services.

The required services are:

> *(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
> *(b) community services and recreation facilities, and*
> *(c) the practice of a general medical practitioner.*

All of the above services are available in the surrounding area, as well as being provided within the other uses proposed on the land. The site will have excellent access to services, with retail and community facilities provided on the site as part of the development. Other shops, banks, and chemist, etc., are also available in the Forster town centre which is located approximately 380m walking distance to the north west. In addition, there are GP and specialist medical services located in the Central Forster Medical Precinct around Cape Hawke Hospital, and these services are located approximately 550m walking distance from the site to the south. Large scale retail facilities are also available at Stockland Shopping Village which is located approximately 1.6km south east of the site. The proposal includes the creation of retail facilities, including a supermarket on site, as well as the creation of community facilities within the proposed development.

As previously discussed, the retirement village is directly adjoining bus routes and a bus stop, which provides a public transport service from the site to the facilities in various locations, including connections with all retail areas identified, clubs, Aquatic Centre, and the medical precinct. All the necessary services listed in Clause 26 are available within 400m walking distance or by existing public transport services. The proposal has excellent access to all relevant services, well in excess of the minimum requirements of clause 26.

Clause 28 of the SEPP provides that development must be connected to a reticulated water supply and have suitable methods for the disposal of sewage. The proposal shall be connected to MidCoast Water's reticulated water and sewerage system.

Clause 29 of SEPP Seniors provides that where a Site Compatibility Certificate is not required for a development, the consent authority is required to consider clause 25(5)(b)(i), (iii) and (iv). These provisions require consideration of:

> *that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
> *(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
> *(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
> *(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

In regard to these matters:

- The proposed development is not subject to significant environmental hazards or constraints. The flooding impacts to the southern parts of the site are not significant and the proposal includes the retention of vegetation with ecological values identified in the southern parts of the site.
- The proposal is compatible with the surrounding land uses.
- Services in the area are sufficient to serve the proposed seniors housing and the entire mixed use development makes a significant addition to retail and community uses in the area.

- The proposed uses, built form, scale, and density are consistent with the planning controls affecting the land and the long term planning vision of Council for the town centre and this significant landmark site.

4.3.6 Site Analysis (Clause 30)

A site analysis has been prepared by TVS Architects which deals with the matters provided in clause 30 of the SEPP. The following discussion expands on relevant points.

Site Dimensions

The subject site has an area of 1.22 hectares with large dimensions enabling effective development of seniors housing on the land.

Topography

The site is considered relatively level with only very slight grades of between 1 degree and 6 degrees, with the land generally sloping down to the south west toward Middle Street. There are no significant topographic features on the site, and Pennington Creek located to the south of the site is the closest watercourse.

Services

The proposed development will be connected to reticulated water and sewer available in the area. The site will also be connected to mains electricity supply and NBN telecommunications services.

Existing Vegetation

The vegetation on the land is highly disturbed from previous activities on the land. The vegetation is a mixture of isolated trees within a grassy understorey. Trees exist around the perimeter frontage to the streets, with fewer trees scattered amongst the old play areas of the school. There are some large trees along the frontages which have a large scale and are suitable for retention of an urban environment. There is a small stand of trees in the south west corner which contains a threatened species (Magenta Lilly Pilli) and makes up a very small area of littoral rainforest community.

Micro-climates

The long northern frontage to Lake Street provides an opportunity for housing to be oriented to the desirable northern aspect. Prevailing winds in the area are cooling north-east breezes in summer, with the potential for strong, cold southerly winds in winter.

Location of Buildings etc

The site analysis plan shows the existing features of the land.

Views To and From the Site

The site is located in a level area which is elevated above the lower areas to the south along Pennington Creek. In general, views are available to the west and north west toward Wallis Lake and Breckenridge Channel, whilst some view opportunities to Main Beach and the ocean beyond may also be available from heights more than 10 metres above ground level.

Views to the site are generally available from the surrounding local street system with views also available to further afield from the west, where views to the site may be available from the lake and Wallis Lake Bridge (albeit partly obscured by existing buildings and vegetation on other sites.

Overshadowing by Neighbouring Structures

The site has three boundaries formed by frontages to local streets and there are no structures which would overshadow the land along these frontages. The common boundaries of the site are southern and eastern boundaries which adjoin the Department of Education offices and holiday units. The orientation, low height, and setbacks of the buildings on this adjoining land do not result in any significant shading of the subject land.

Neighbouring Buildings

The location, etc., of neighbouring buildings is detailed on the site analysis plan.

Privacy

There are no neighbouring buildings which impact on the privacy of the site. Likewise, there are no areas of private open space or living areas, etc., in adjoining dwellings in close proximity to the site boundaries which would be overlooked from within the site.

Difference in Levels with Adjoining Sites

There is no significant difference in site levels between the site and adjoining lands. The slope in the southern parts of the land is the natural grade of the land which is consistent with that on adjoining land.

Views and Solar Access of Adjoining Properties

Adjoining lands do not enjoy significant views or vistas across the subject land. The adjoining orientation of the land and the southern interface to the Department of Education Offices is a key area where overshadowing may be experienced. There are, however, no residential or other sensitive uses here which may be significantly affected by shading.

Built Form and Character of Surrounding Locality

The character of the area varies substantially, with major redevelopment identified for the area. Built forms in the locality vary from older 1 and 2 storey buildings to newer 10 and 11 storey towers redeveloped in accordance with the controls for the area.

Direction and Distance to Local Facilities

The distances to local services and facilities are included on the site analysis plan and have been previously discussed.

Public Open Space

A large area of public open space exists to the west of the subject site which includes park areas, boardwalk, and waterfront recreation structures. Further south along Little Street, the boardwalk connects with public baths, and Forster Main Beach and Ocean Baths is located approximately 400m north of the site.

Adjoining Bushland or Environmentally Sensitive Land

As discussed, the site is highly disturbed from previous activities and vegetation communities over the land are derived from past occupation. There is a small pocket of littoral rainforest in the south western corner of the site which includes a threatened tree species. There is a narrow area of riparian vegetation located along Pennington Creek on the opposite side of Middle Street.

Sources of Nuisance

There are no sources of nuisance such as major roads, rail corridors, or airport flight paths located within the surrounds of the site.

Adjoining Land Uses and Activities

As discussed, adjoining land uses include a variety of tourism, commercial, and residential uses.

4.3.7 Design Principles (Chapter 3 – Part 3 – Division 2)

Clauses 33-39 provide a number of design principles and the development must have adequate regard to these principles. The design principles provided are:

Neighbourhood Amenity and Streetscape

The SEPP provides that development should:

(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

This Clause requires recognition of the desirable elements of the location's current and developing character. The design then needs to respond to those elements.

The proposal is located in a mixed use area and the proposal has created a highly desirable street frontage outcome in such a context, with a mixed use community plaza and retail development addressing street level. The residential towers have been established consistent with the built form controls applying to the area.

(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

The area does not contain any heritage items or conservation areas.

(c) maintain reasonable neighbourhood amenity and appropriate residential character by:

(i) providing building setbacks to reduce bulk and overshadowing, and

(ii) using building form and siting that relates to the site's land form, and

(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and

(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and

The proposal maintains reasonable neighbourhood amenity and residential character as:

(i) Building setbacks are appropriate in the context of the high density residential environment in which the buildings are located and generally meet the Council controls for this form of development.

(ii) The building heights for the land have been determined as a result of detailed urban design studies.

(iii) The building height at the street frontage is compatible with the Council controls for future urban outcomes in the area.

(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

There is no consistent building line for the street frontages and the subject land is a landmark site with wide frontages which create a high quality streetscape presentation. The setback of buildings is generally consistent with Council's controls for the area.

(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 existing trees, and

(g) be designed so that no building is constructed in a riparian zone.

The landscaping proposals for the site allow for the creation of a unique landscape presentation of public plazas to the street, and include suitable connection and integration with adjoining treatments.

The proposal includes the retention of major trees in the streetscape which provide an appropriate scale to the proposed building, and retains remnant native rainforest trees and threatened species in the south west corner.

Visual and Acoustic Privacy

The proposed development layout has had due regard for visual and acoustic privacy as follows:

- The apartment balconies have a setback of more than 9 metres where they adjoin common boundaries. This setback is more than the minimum required for privacy control under the urban design controls for the town centre development area.
- An acoustic assessment has shown that some units in the lower levels facing Lake and West Streets may require acoustic seals for openings to address peak hour traffic noise.

Solar Access and Design for Climate

The proposed development layout provides for effective solar access and performance in the following manner:

- Apartments have a living area and balcony which receive sunlight in accordance with SEPP 65 and DCP requirements.
- All apartments meet the requirements of the BASIX certificate for energy and water efficiency, as well as thermal comfort.
- The proposed development does not result in overshadowing that affects adjoining dwellings or substantial areas of private open space.

Stormwater

The stormwater report submitted with the development application details compliance with the stormwater controls within the development. The development includes controls to ensure that impacts from additional stormwater generation are not felt off-site. The proposal provides for the capture and reuse of stormwater for both domestic and commercial/community uses.

Crime Prevention

The issue of Crime Prevention through Environmental Design have been examined in detail in the CPTED report submitted with the application. In regard to the residential accommodation, it has been recommended that:

- Access to resident parking areas shall be controlled with a security shutter with car/remote access required.
- Lifts shall be controlled via a key/card system (or similar) so that access to lifts and residential areas is only available for authorised persons.

- All exit doors shall be provided with a high quality locking system, including strike shields which prevent entry from the outside without a key/card system or similar to allow access for authorised persons only.
- Apartment doors shall be provided with a peephole to allow observation of hallways without having to unlock the door.

Accessibility

In relation to the matters raised within the SEPP:

- The proposal includes pedestrian network links through the site and with the pedestrian facilities in the street, as well as the bus stop at the front of the site.
- The pedestrian links provide access for pedestrians, bicycles, and mobility scooters.
- The pedestrian and vehicle access through the site is safe and effective.
- Additional parking for visitors (or residents) is provided within the development and in the public street system.

Waste Management

Waste management within the site involves waste collection in central waste rooms, with management taking bulk bins out for collection in the service vehicle area as necessary.

4.3.8 Development Standards (Chapter 3 – Part 4)

Clause 40 of the SEPP provides a set of development standards for development of land to which the SEPP applies. The following standards are relevant to the proposal:

- Site Size – The SEPP provides that the site must have an area of at least 1,000m^2. The subject site has an area of approximately 1.22 hectares.
- Site Frontage – The SEPP provides that the site must have a frontage of at least 20 metres. The subject site has a frontage of approximately 50 - 120 metres.

Clause 41 of the SEPP provides that self-contained dwellings must meet the standards provided in Schedule 3 of the SEPP. The proposed development design complies with these standards. An accessibility compliance report has been undertaken and a copy of the report has been provided with the development application. The report has found that the proposal fully complies with the requirements of Schedule 3 of the SEPP.

4.3.9 Development Standards that cannot be used as grounds to refuse consent (Chapter 3 – Part 7)

Clause 50 of the SEPP provides a series of non-refusal standards for self-contained dwellings. The standards provide controls for certain aspects and the consent authority cannot refuse consent to a development on the basis of that aspect if the standard is not breached. It should be noted that this does not prevent the consent authority approving something that exceeds the standards.

In relation to the proposed development, the non-refusal standards are:

- Building Height – If all proposed buildings are less than 8 metres in height (from ground level to uppermost ceiling). The building heights are well in excess of 8 metres but have been set to meet the local standards under the LEP (as amended by the Planning Proposal).
- Density and Scale – If the floor space ratio is less than 0.5:1. The floor space ratio of the proposed development is well in excess of 0.5:1 but has been set to meet the local standards under the LEP (as amended by the Planning Proposal).
- Landscaped Area – Minimum 30% of site area. The proposal provides a landscaped area of 21% of the site area.
- Deep Soil Zones – Minimum 15% of the site area. The proposal provides deep soil areas of 5% of the site area.
- Solar Access – Minimum of 70% of living rooms and private open space areas receive three (3) hours of sunlight daily between 9am and 3pm in mid-winter. 71% of the proposed seniors housing units receive the required 3 hours of sunlight in mid-winter.
- Private Open Space for In-fill Self-care Housing – $6m^2$ of open space a minimum of 2m in width. Each of the proposed seniors housing dwelling has a balcony over $16m^2$ in area with most of the areas in excess of 2m in width and only small areas less than 2m at the end of the angled balconies

- Parking – Minimum of 0.5 spaces per bedroom which equates to 168 spaces for the proposed seniors apartments. The proposed development provides 211 resident spaces (less 8 for the penthouses) which exceeds this standard.

The above matters are non-refusal standards and must not be construed as development standards. The exceedance of height and floor space ratio within the proposed development should not be seen as a non-compliance, but rather as a matter which must be assessed on the merits of the case, including compliance with the local controls as further discussed in Section 4.9.2 of this document. In terms of landscape area and deep soil zones, there is a need to consider the context and setting of the proposal within a high density mixed use zone and the need for suitable hardwearing areas within the public plaza landscape area. These matters are further discussed in relation to the local controls in Section 4.10.7 of the document.

4.4 State Environmental Planning Policy (Infrastructure) 2007

This State Environmental Planning Policy was prepared to facilitate the efficient delivery of infrastructure across the state and to ensure appropriate consideration to certain infrastructure is given in assessment of development.

Of relevance to this proposal is the provisions in Division 17 relating to roads and traffic. Clause 104 refers to Schedule 3 of the SEPP, which identifies 'Traffic Generating Development' to which further provisions of the clause applies. The proposed development would be development captured in column 2 of the Schedule as it involves parking for more than 200 vehicles.

The provisions of the clause require that the application is required to be referred to Roads and Maritime Services (RMS) and to consider any response from RMS and accessibility issues in relation to:

> *(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
> *(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

The traffic assessment provided has examined the impacts of the proposal on traffic and movement in the area. The proposed mixed use development provides housing in a location with a lower reliance on private car accommodation and increases the incidence of multi-purpose trips.

4.5 State Environmental Planning Policy 44 – Koala Habitat Protection

The subject land has an area in excess of 1 hectare and the provisions of *State Environmental Planning Policy Number 44 – Koala Habitat Protection* (SEPP 44) apply.

The Flora and Fauna Assessment prepared by East Coast Environmental examines the requirements of SEPP 44. The investigations reveal that the number of koala feed trees species on the land is less than 15% of the trees over the land and therefore is not *potential koala habitat*. The provisions of SEPP 44 would not require additional investigation in this case. The ecological report still included searches for koala activity on the land and found no evidence of koala habitation and there are no records of koalas in the nearby areas.

4.6 State Environment Planning Policy Number 65 – Design Quality of Residential Apartment Buildings

State Environmental Planning Policy Number 65 (SEPP 65) provides certain requirements for residential flat buildings. As required by the Regulations, the application must be accompanied by a design verification, from a registered architect, that the proposal has been designed in accordance with the design quality principles.

The architect for the project has prepared a design quality statement and certification for this proposal which addresses the design quality principles and certifies that the design quality principles are achieved for the proposal. The following summary of the proposal's compliance with the ten design principles is provided below:

Design Principle	Comment
Principle 1 - ***Context and Neighbourhood Character*** Good design responds and contributes to its context. Context	The site is located at the edge of the Forster town centre and is surrounded by various types of development and uses. The town's police station and courthouse is located

is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	opposite on Lake street to the west (corner of West St). A mix of commercial uses are located on adjoining properties. The site analysis undertaken has identified the key features of the site in its context. The building is within walking distance of the main street, Wallis lake boardwalk, main swimming beach and sea baths. A local bus route is located on Lake Street and the regional bus station is located in close proximity. The vehicular entrances are located on Lake, West and Middle Streets. Access within the site is organised to be clearly legible and in line with CPTED principles. Wayfinding is made clear through visual cues, spatial arrangements, finishes/materials and signage. Permeability of the streetscape is achieved with extensive shopfronts along all street frontages. Activation at street level is achieved through active uses such as library, community lounge, residential building entries, restaurants, cafes, retail, childcare, cinemas, nightclub and hotel. A civic plaza space is created and linked with the surrounding neighbourhood by enhanced footpath treatments. Visual connection with surrounding areas is provided through orientation of buildings which respond to the context, angling and

	orientating to major views. Future adjacent and nearby development is supported through the arrangement of buildings on the site and the scale and mix of uses, acting as a major drawcard for future development.
Principle 2- ***Built Form and Scale*** Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The aim of this development is to create a landmark civic precinct. The proposal is appropriate for the site and is commensurate in scale, height and articulation within the broader Forster area and considers the locality's emerging character. The built form is influenced by the natural environment, taking cues from the materials, patterns, colours and forms of the coastal estuary, lake and headland. Four towers resting on an organically shaped podium are separated and juxtaposed to afford visual permeability and articulation of the overall site. Appropriate modulation and articulation has been applied in the design of the built form to reduce apparent bulk and express the character of the different components making up the development. Careful consideration has been given to provide access to views of surrounding areas from public, commercial and residential spaces. Each tower is within the specified height limits as indicated on the drawings.

	The massing and architectural language of the facades have been carefully developed to achieve an aesthetic outcome and composition fitting within the context of the Forster environment.
Principle 3- ***Density*** Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The design responds to the shape of the site and its location within the greater Forster context in order to minimise effect on the surrounding sites and provide the intended focal point as a civic precinct hub. The building scale and built form massing is in line with the Council's vision for the area, responding to the height envelopes set for the site and neighbouring areas. Setbacks and heights are designed to transition the development and provide adequate solar access to adjoining properties.
Principle 4- Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep	The building design reflects a considered and efficient use of natural resources through use of materials where possible with low embodied energy, low maintenance high durability characteristics. A very high percentage of units have effective cross-flow ventilation. This is achieved through a tested breezeway entry door and open central stairs/corridors which allow residents the ability to gain natural cross ventilation without loss of visual privacy. Sun studies have informed the positioning of external sunscreens to provide shading to protect glazing form direct sunlight

soil zones for groundwater recharge and vegetation.	Aspects of sustainability integral to the design: • Selection of appropriate high durability materials • Passive solar design principles via use of screening, consideration of solar aspect • Natural light • Energy efficient appliances • Water efficient fixtures • Rainwater harvesting and reuse • Water sensitive urban design • Collection and separation of recyclable waste • Co-location of community services, supermarket, restaurants etc. in an integrated mixed use development • Bicycle parking and end of trip facility to encourage active travel options A more comprehensive ESD report is included in the Design statement within the DA drawing set. The building will incorporate energy and water efficient devises appropriate to the specification of the building and awareness of needs. Details are provided in the BASIX report.
Principle 5- Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the	The building and site has been designed to provide effective landscaping at ground floor, podium and upper level common arears for both public and private amenity. Extensive well considered sustainable landscape treatment has been incorporated into the design throughout. Water sensitive urban design has been integrated into the project to deal with stormwater in a way that showcases initiatives used. A generous community plaza has been provided extending from the corner of Lake

development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.	and West streets along Lake Street to the large civic plaza space at the Library/Community Centre entrance. These plaza areas are mostly hardstand to provide outdoor spaces for activities and outdoor dining. Planting has been provided appropriate to the use. Refer to landscape architect's report and documentation for further information and details.
Principle 6- ***Amenity*** Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.	The design principles and specific requirements of SEPP65 have been complied with in regard to achieving good amenity for residents. Being an integrated living community, substantial areas of public open space has been provided at the ground floor plane. This includes a civic plaza associated with the community centre and library which links the site along Lake Street to the Wallis Lake boardwalk precinct. The community centre is collocated and it is designed to allow residents to make use of the public facility which will add activity and make the centre more sustainable. Community open space is provided in 3 separate areas providing areas of choice for a range of resident activities both passive and active. In addition to these open spaces, extensive resident facilities have been provided in the form of resident's social club (lounge with Bar

	and outdoor deck), small group activity rooms (craft, billiards, cards etc) and resort facilities such as sauna, spa and pool.
Principle 7- ***Safety*** Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	A SPTED review has been undertaken for the project, examining opportunities for increased safety and security for the residents, users and staff. Careful consideration of access points, common areas both public and private, community gathering areas and service zones has resulted in a safe and secure development.
Principle 8- ***Housing Diversity and Social Interaction*** Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types	A mix of one, two and three bedroom apartments is provided to meet the needs of the community for a diverse range of housing stock. By proving the residential accommodation in an integrated mixed use development, the opportunity for social interaction has been greatly enhanced. Together with the provision of extensive resident's communal spaces and facilities, this affords a further enhanced living environment to enrich the living experience of residents. Larger apartments are provided on the corners of the buildings where maximum

of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.	daylight and ventilation is available and on the top most levels where open space can be incorporated.
Principle 9- Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The design is based on a strong design concept taking inspiration for the local natural environment and the uses proposed and the development pattern of the surrounding area. A layering of design elements responds to the uses within, giving a legibility to the functions within. The areas relating to the ground plane and the public uses are designed to reflect the organic curves of the waterways, gentling curving elements and natural materials. These curves are continued up the façade to integrate the curves into the carpark screens and cinema façade. Residential areas are situated above the curved lower levels. The form is more angular, representing the forms of the headland which a solid and robust elements. The shapes and form in the residential buildings are chiselled angular forms which respond the curved forms below in a complimentary way. A fine tuned aesthetic result, which is tailor made to reflect the context of the site, development program and the community aspirations.

The Design report includes a Design Quality Verification from the Registered Architect for the proposal as required by the Regulations.

4.7 State Environmental Planning Policy Number 71 – Coastal Protection

The provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) apply to the subject site as the land is located within the coastal zone. The southern extent of the site is also located in a sensitive coastal location (being within 100 metres of the mapped estuary area along Pennington Creek).

The matters for consideration for development applications located in the coastal zone are provided in Clause 8 of SEPP 71. These matters for consideration are listed below and discussed in terms of the proposed alterations/additions.

Clause	Comment
8(a)	Consistent with the aims of SEPP 71.
8(b)	No impact on existing foreshore access arrangements.
8(c)	The site does not present any opportunities for foreshore access.
8(d)	The proposal is for a new mixed use development containing tall buildings within a redeveloping urban area where controls encourage this type of building form. The development of the site in the manner proposed is consistent with the planning for the Forster town centre and the specific precinct.
8(e)	The proposed development is setback from the foreshore to Wallis Lake and does not result in any overshadowing to the foreshore. There are no existing public areas which gain views to the foreshore over the subject land.
8(f)	The proposed building will be a large development, but is located as part of the Forster town centre where there are numerous tall building developments established as part of the recognition as a major centre. The proposed development will be consistent with the planning for the area and will not significantly impact on the scenic qualities of the NSW coast.

Clause	Comment
8(g)	The proposed development is located over land which is disturbed and does not contain native vegetation communities or habitats. A small stand of rainforest species exists in the south west corner of the site and these are proposed to be retained in development of the land.
8(h)	The proposed development does not impact on any aquatic areas or areas of aquatic habitat (mangroves, sea grass, etc.).
8(i)	The site is in the middle of an established urban area which does not contain wildlife corridors.
8(j)	The site and surrounding area are not subject to any identified coastal hazards or processes.
8(k)	The proposed development is setback from the waterway and there is unlikely to be any conflict between land–based and water-based coastal activities.
8(l)	The majority of the land has been significantly disturbed from past activities over the land. Consultation has occurred with the Local Aboriginal Land Council's Cultural and Heritage Officer, Consistent with the recommendations of this consultation supervision of excavation works up to 2 metres deep over the site by Land Council representatives will occur.
8(m)	The proposal includes best practice stormwater management, including treatment of existing roads, which will provide for significant improvement to stormwater quality entering the lake. The proposal will have positive impacts on water quality in the area.
8(n)	The proposed alterations and additions do not impact on any heritage items or conservation areas.
8(o)	Not applicable.
8(p)(i)	No cumulative impact issues.
8(p)(ii)	The proposed development utilises water and energy efficient design, as evidenced in the BASIX certificate for the building.

In relation to the development control provisions in Part 4 of SEPP 71:

- The proposed development does not rely on flexible zone provisions.
- The proposed development will not have any impact upon the present situation with regard to public access to the coastal foreshore. Similarly, there are no aspects of the proposal that will encroach upon or overshadow any portion of the coastal foreshore.
- The development shall be connected to reticulated water and sewerage.
- The proposed development includes the capture, reuse, and treatment of all stormwater generated from the site and includes measures which will significantly improve stormwater quality in the area.

4.8 Draft State Environmental Planning Policy (Coastal Management) 2016

This draft SEPP is a consideration under Section 79C as it has been on public exhibition but is not finally made. The provisions of the draft SEPP do not need to be strictly complied with, but need to be considered and given due weight.

The SEPP would repeal SEPP 71, SEPP 14 and SEPP 26 and would instead provide a consolidated instrument for land in the coastal zone. The draft SEPP was exhibited, along with draft mapping identifying various areas where the draft SEPP controls would apply, such as wetland proximity areas, and use areas. The maps identify that the site is identified as:

- Coastal Environment Area
- Coastal Use Area

Clause 14 of the draft SEPP applies to land in the coastal environment area and provides:

> ***14 Development on land within the coastal environment area***
> *(1) Development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority is satisfied that the proposed development:*
> *(a) is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment, and*

(b) is not likely to significantly impact on geological and geomorphological coastal processes and features or be significantly impacted by those processes and features, and

(c) is not likely to have an adverse impact on the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and

(d) is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, and

(e) will not adversely impact Aboriginal cultural heritage and places, and

(f) incorporates water sensitive design, including consideration of effluent and

(g) stormwater management, and

(h) will not adversely impact on the use of the surf zone.

*(2) In this clause, **sensitive coastal lake** means a body of water identified in Schedule 1.*

Relative to these matters:

- The application includes stormwater treatment and reuse which will result in improvements to water quality in the area.
- Ecological assessment of the proposal has shown that the proposal will not have a significant impact on native vegetation, or fauna or their habitats.
- The proposal will not impact on water quality in any marine estate.
- The proposal does not have any adverse impact on native vegetation, fauna or their habitats, headlands or rock platforms.
- The proposal does not impact on any known Aboriginal sites or places. Management during construction will be employed to ensure appropriate treatment if any cultural heritage materials are discovered during construction.
- The proposal includes best practice water sensitive design and includes connection of sewer to the MidCoast Water reticulated system.
- Stormwater is managed in accordance with best practice standards and results in significant improvements to stormwater quality from the site and surrounding area.
- The proposal will not impact on the surf zone.

Clause 15 of the draft SEPP provides controls in relation to land in the coastal use area as follows:

15 Development on land within the coastal use area

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

(a) is satisfied that the proposed development:

(i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and

(ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and

(iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and

(iv) will not adversely impact on Aboriginal cultural heritage and places, and

(v) will not adversely impact on use of the surf zone, and

(b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.

Relative to the above, the following is noted:

- The site is separated from the foreshore by public roads and reserves and there is no opportunity to improve foreshore access.
- The proposal does not impact on any public views to foreshores and is unlikely to result in wind funneling to foreshore areas.
- The proposal will not impact on scenic amenity of the coast, including coastal headlands.
- The proposal does not impact on any known Aboriginal sites or places. Management during construction will be employed to ensure appropriate treatment if any cultural heritage materials are discovered during construction.
- The proposal will not impact on the surf zone.
- The proposed development involves a mixed use high density residential as part of the Forster town centre and is consistent with the high density and scale of buildings envisaged for the area.

4.9 Great Lakes Local Environmental Plan 2014

Great Lakes Local Environmental Plan 2014 (LEP) is the local planning instrument applying to the land and provides the main controls in relation to permissibility and development standards. The Planning Proposal being considered concurrently with the development application proposes changes to development standards within the LEP relating to maximum building heights and floor space ratios.

4.9.1 Development Control Table

Clause 2.6 of the LEP provides that land within the zone can be subdivided with consent. The proposed strata subdivision can be approved under the provisions of the LEP.

Clause 2.3 of the LEP provides that the development control tables for each zone are used to determine if development is permissible or prohibited and provides that Council must give consideration to the objectives of the zone.

The proposed development is a mixture of uses and the following table lists each use and its definition under the LEP, and notes its permissibility under the B4 development control table:

Use	**LEP Definition**	**Permissibility**
Library	*Information and education facility*	Permissible with Consent
Community Centre	*Community facility*	Permissible with Consent
Visitor Centre	*Information and education facility*	Permissible with Consent
Supermarket	*Commercial/Retail premises (shop)*	Permissible with Consent
Retail Space	*Commercial/Retail premises (shop)*	Permissible with Consent
Restaurants	*Commercial/Retail premises (food and drink premises)*	Permissible with Consent
Cinema	*Entertainment facility*	Permissible with Consent
Nightclub	*Commercial/Retail premises (food and drink premises)*	Permissible with Consent
Seniors Units	*Residential Accommodation (Seniors Housing)*	Permissible with Consent
Penthouse Units	*Residential Accommodation (Residential Flat Building)*	Permissible with Consent
Childcare	*Childcare Centre*	Permissible with Consent
Gym	*Recreation Facility (Indoor)*	Permissible with Consent

Use	LEP Definition	Permissibility
Hotel	*Tourist/Visitor Accommodation (Hotel or Motel Accommodation)*	Permissible with Consent
Serviced Apartments	*Tourist/Visitor Accommodation (Serviced Apartments)*	Permissible with Consent
Car park	*Car park*	Permissible with Consent

The objectives of the B4 zone are:

Zone B4 Mixed Use

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that does not prejudice the established business and industrial centres.*
- *To ensure that traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.*
- *To ensure the inclusion and integration of housing to promote housing diversity and community activity within the business centre.*
- *To enable a range of tourism-related uses that support the business centre.*

The proposal has been developed as a mixed use proposal which meets all of the above objectives. The integration of compatible uses on the site has been achieved in a location near the existing town centre, encouraging sustainable use of public transport, walking and cycling. The integrated residential uses on the site minimise the need for out of area trips to meet residents' needs. The proposal has been designed to complement the existing Forster town centre providing a supermarket, which does not currently exist, which can meet the needs of existing residents in the area. Traffic from the site is to be managed in such a way to enhance pedestrian and cycle movement throughout the area and the proposal includes tourism and entertainment uses which support the business centre.

4.9.2 Development Standards

4.9.2.1 Minimum Subdivision Lot Size

Clause 4.1 of the LEP provides controls in relation to minimum lot sizes for subdivision. The LEP includes maps which identify the minimum lot size controls for certain lands. In relation to the subject land, the minimum lot size control identified on the maps for this land is 1,000m^2. Many of the proposed lots within the strata subdivision are less than 1,000m^2, however clause 4.1 includes the following provision:

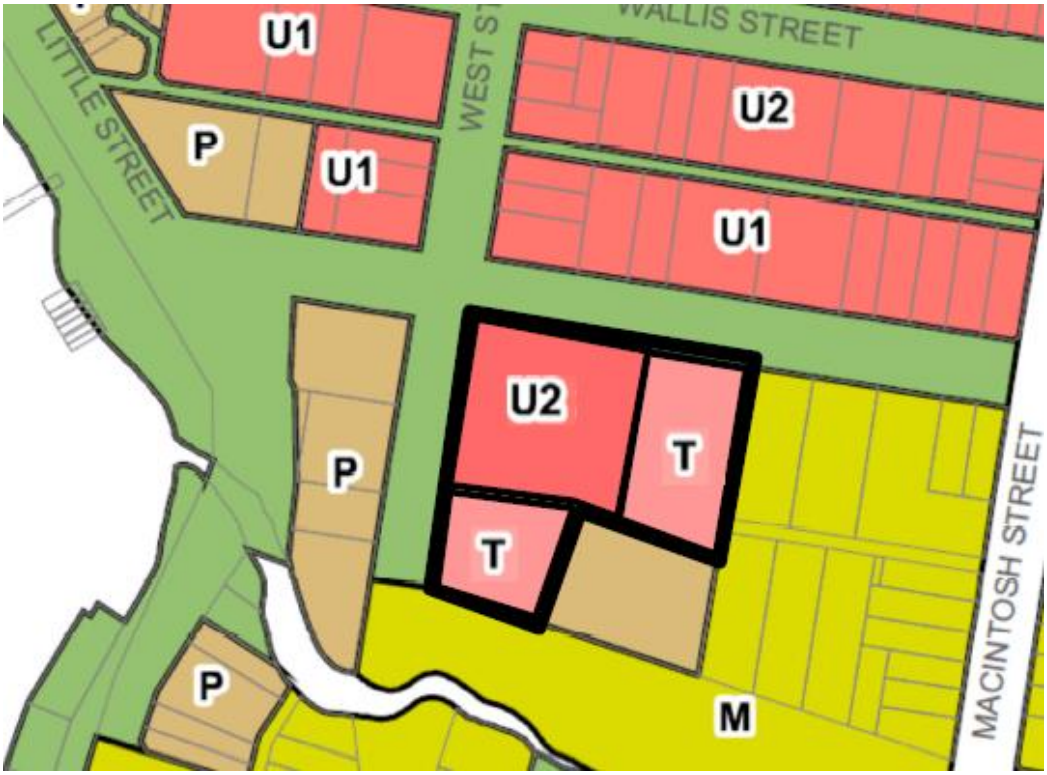
> *(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*

As the proposed lots will be individual lots in a strata plan, they would still comply with the LEP provision.

4.9.2.2 Height of Buildings

This development standard is one of the standards changed under the Planning Proposal which has received Gateway determination and is to be considered concurrently with the application.

The Height of Buildings map (under the Planning Proposal) shows that there are two (2) heights of buildings controls applicable to the site as shown in the following map (draft only).



The north western parts of the site (U2 areas) are mapped as having a 33m height control, and the southern and eastern parts of the site (T areas) are mapped as subject to a 26m standard.

Clause 4.3 of the LEP provides:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map by 10% if the land is in Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use and the consent authority is satisfied that:

(a) internal lift access will be provided to all levels in the building, and

(b) the design of the building is consistent with AS 4299–1995, Adaptable housing.

Internal lift access is provided to all levels of the buildings and the design of the seniors housing units meets the requirements of SEPP Seniors for ageing in place, which exceed the requirements of AS 4299-1995. Accordingly, the provisions of subclause (2A) mean that the height controls applicable under the clause would be 36.3m (U2 areas) and 28.6m (T areas).

The maximum height (top of lift tower) of the building in the U2 area (Building B and C) is no greater than 36.2m above the existing ground levels. Building A is located in the T area and has a maximum building height (top of lift tower) of approximately 26 metres. Building D is located in the southern T area and has a maximum building height (top of roof) of between 26 and 28 m (varies due to changes in ground level).

4.9.2.3 Floor Space Ratio

This development standard is one of the standards changed under the Planning Proposal which has received Gateway determination and is to be considered concurrently with the application.

The Height of Buildings map (under the Planning Proposal) shows that the floor space ratio applicable to the site is 3:1.

Clause 4.4 of the LEP provides:

> ***4.4 Floor space ratio***
> *(1) The objectives of this clause are as follows:*
> *(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,*
> *(b) to encourage a diversity of development on land in business zones, which is unlikely to prejudice the supply of retail or business floor space in those zones,*
> *(c) to permit a floor space ratio that will provide a transition in built form and land use intensity,*
> *(d) to encourage residential development that is consistent with AS 4299—1995, Adaptable housing.*
>
> *(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*
>
> *(2A) Development consent must not be granted for development on land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre unless the development includes commercial premises with a floor space ratio of at least:*
>
> *(a) for land in Zone B1 Neighbourhood Centre—0.3:1, and*
> *(b) for land in Zone B2 Local Centre—1:1.*

(2B) Despite subclause (2), the floor space ratio for a building on land in Zone R3 Medium Density Residential or Zone B4 Mixed Business may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by 10% if the consent authority is satisfied that:

(a) lift access will be provided to each level in the building, and
(b) the design of the building is consistent with AS 4299–1995, Adaptable housing.

(2C) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone RU5 Village may exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Internal lift access is provided to all levels of the buildings and the design of the units meets the requirements of SEPP Seniors for ageing in place, which exceed the requirements of AS 4299-1995. Accordingly, the provisions of subclause (2B) provide that the maximum floor space ratio for the site is 3.3:1.

The Gross Floor Area of the entire development proposal is 36,541m^2 which results in a floor space ratio of 3.01:1.

4.9.3 Miscellaneous Provisions

4.9.3.1 Clause 5.5 – Development Within the Coastal Zone

Clause 5.5 of the LEP provides certain considerations for development in the Coastal Zone and contains similar considerations to those contained in SEPP 71 and the Draft Coastal Protection SEPP which have been previously discussed.

In relation to the matters listed in the clause, the following is noted:

- The proposal has sought to protect the minor ecological values present on the site and results in significant improvements to water quality.
- The proposal protects natural and cultural values and results in significant benefits to the recreational and economic attributes of the NSW coast by supporting and enhancing tourism in the area.
- The site does not present any opportunities to enhance foreshore access.
- The site is not susceptible to coastal hazards, including allowance for climate change effects.
- The proposal does not impact on foreshore amenity and is part of the high density town centre and does not affect scenically significant areas.

- The proposal does not impact on rock platforms, beaches, etc.
- The proposal includes conservation of the remnant rainforest vegetation in the southern portion of the site.
- The proposal does not directly impact on any marine environments and results in significant improvements to water quality.
- The height and form of the buildings is consistent with the controls developed for the site which have been developed through urban design considerations. The proposal does not impact on scenic features such as undeveloped headlands, etc.
- The subject site does not contain any known Aboriginal Places or Sites. Management during construction has been recommended to ensure that appropriate measures are taken if any subsurface cultural materials are uncovered during works.
- The site does not contain heritage items, etc., and there is no evidence that significant artifacts, etc., are likely to occur.

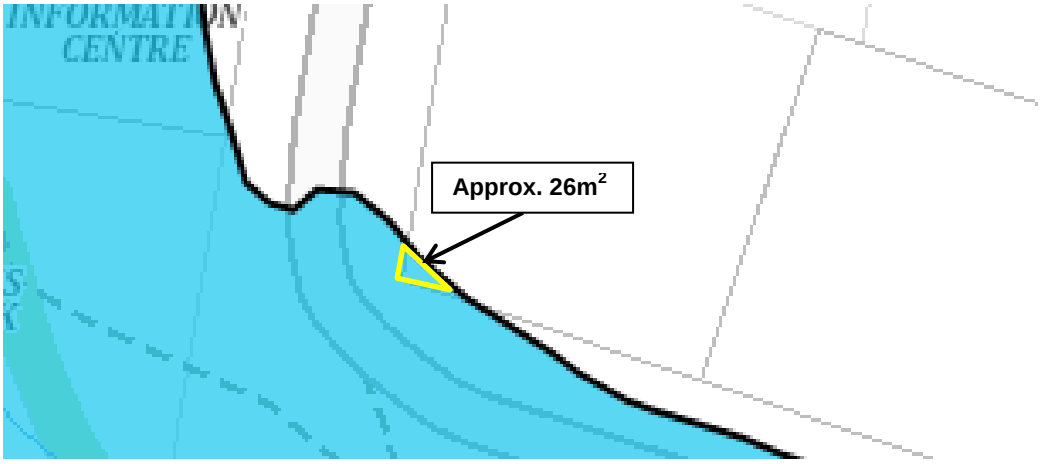
4.9.4 Additional Local Provisions

4.9.4.1 Clause 7.1 – Acid Sulfate Soils

Clause 7.1 of the LEP provides controls in relation to Acid Sulfate Soils and applies where lands are mapped as Class 1-5 on the Acid Sulfate Soils Maps. As discussed, the subject land is mapped as Class 3 and Class 4 on the Acid Sulfate Soils Planning Maps. The provisions of the clause require investigation of Acid Sulfate Soils where development is likely to disturb soils more than 1 metre (Class 3) or 2 metres (Class 4) below the existing ground surface. The basement car park will disturb soils below these depths. The Geotechnical Assessment undertaken has included Acid Sulfate Soils screening and has determined that the soils on the land are not actual or potential Acid Sulfate Soils. As such, an Acid Sulfate Soils Management Plan is not required.

4.9.4.2 Clause 7.3 – Flood Planning Area

Clause 7.3 of the LEP provides controls which apply to land located within the flood planning area. As previously discussed, the flood planning area is limited to a small area in the extreme south western part of the site. The flood map has been enlarged and the affected areas of the site are shown below:



As can be seen, these areas are very small parts of the overall site. Survey of the land shows that the lowest level of the land in this area is 2.6m AHD. As such, in the design flood (1% AEP with climate change allowance for year 2100), a maximum 100mm of flood water would affect this area.

The operative provisions of the clause provide:

> *(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
> *(a) is compatible with the flood hazard of the land, and*
> *(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
> *(c) incorporates appropriate measures to manage risk to life from flood, and*
> *(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
> *(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
>
> *(4) In determining a development application for development on land to which this clause applies, the consent authority must have regard to the following matters:*
> *(a) the intended design life and scale of the development,*
> *(b) the sensitivity of the development in relation to future effective self-evacuation of the land, and if that is not possible, the low risk occupation in time of flood,*
> *(c) the potential to modify, relocate or remove the development.*

Relevant to the matters under subclause (3), the following is noted:

- There is no flood hazard for the majority of the land. The area subject to flooding would be low hazard; however no development is proposed in these areas.
- The proposal will not involve any works in the parts of the site marked as within the flood planning area and there is no reduction in flood storage or flow areas as a result of the proposed works. As such, the proposal would not impact on flood behaviour in the area.
- All habitable areas are located above the design flood planning level and there is safe access from all areas to flood free areas. The basement carpark and nightclub are located below ground level and below the design flood levels; however these areas are tanked and levied so that there would be no entry of flood water to these areas in the 1% AEP design flood.
- The proposal will not impact on riparian areas or other sensitive areas. Erosion and Sediment Controls will be implemented during construction.
- The proposal incorporates appropriate safeguards to protect persons and property in the event of a flood event and would not result in additional social or economic costs to the community as a result of flooding.

With regard to subclause (4), the following is noted:

- The proposal has a very long design life and is large scale. The proposal incorporates safeguards to protect life and property as required by Council's controls.
- As the majority of the site is not flood prone, the development on the site can be easily evacuated, but is equally suitable as a refuge in the event of the design flood.
- As the development is generally located over lands that are not impacted by flooding, there would be no necessity to modify, relocate, or remove the development to address flood issues.

4.9.4.3 Clause 7.5 – Stormwater Management

Clause 7.5 of the LEP provides controls in relation to stormwater management and provides:

(2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

(b) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and

(c) is designed to integrate water sensitive design measures, including stormwater, groundwater and waste water management, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and

(d) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and

(e) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and

(f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

In relation to these matters, the following is noted:

- Given the proposed use and development form, it is necessary for the development to have large footprints of roofs, hardstand and impervious surfaces, especially given the basement carparking required. The proposal, however, does seek to drain hardstand areas to bioretention areas which include infiltration into underlying sands. The proposal has also sought to provide treatment and infiltration of existing roads to underlying sands, rather than the current flows direct to Pennington Creek.
- The proposal utilises best practice water sensitive design to provide for rainwater collection and reuse, as well as stormwater treatment and improvement.
- The proposal does not impact on areas of bushland or wetland, and includes stormwater management so that there is a net improvement to stormwater quality.

4.10 Great Lakes DCP 2014

Great Lakes Development Control Plan 2014 (DCP) provides development controls for various forms of development in the former Great Lakes local government area. The DCP provides 15 Parts that provide controls in relation to various development issues, as well as site specific plans provided in Part 16.

The following Parts of the DCP would be relevant to the proposed development:

- Part 3 – Character Statements
- Part 4 – Environmental Considerations
- Part 6 – Residential Apartment Buildings, Mixed Use Development and Business Premises.
- Part 9 – Subdivision
- Part 10 – Car Parking Alternative and Active Transport
- Part 11 – Water Sensitive Design
- Part 13 - Landscaping and Open Space
- Part 14 – Waste Management
- Part 16.12 – Site Specific Controls (Lake and West Streets, Forster)

4.10.1 Part 3 – Character Statements

The subject land is located in the Forster Town Centre precinct known as the Civic Precinct. The character statement for this precinct is:

> *This area occupies an important threshold in Forster. At the southern edge of the existing town centre and at the place where Penenton Creek line meets the Breckenridge Channel. It incorporates the Police Station, court house, public service buildings and bus stop. It is bounded to its south by parkland that provides a clear demarcation between the commercial centre and the medium density zone to the south. The curve of Little Street and the Westward slope of the site create a natural amphitheatre with its focus upon the foreshore.*
>
> *The future use of the area is the subject of separate masterplan investigation. The site holds development potential for mixed commercial use that reinforces the role of the area as the civic heart of the Forster. It has been considered for functions such as library, café, market ground and office space.*

The proposed development is consistent with this character statement providing a mixed use development for civic/community and commercial use, along with residential/tourist uses. The Master Plan for the site is further discussed in the discussion of Part 16.12.

4.10.2 Part 4 – Environmental Considerations

4.10.2.1 Ecological Impacts

The subject land is highly disturbed and the vegetation on the land is derived from past occupation of the land as a school. Ecological assessment of the land has, however, revealed that there is a small grouping of trees in the south western corner of the site, which includes a threatened tree species (Magenta Lilly Pilli) and is analogous with the littoral rainforest endangered ecological community. Whilst removal of this vegetation would not be considered a significant impact under the *Threatened Species Conservation Act 1995* or the *Environmental Protection and Biodiversity Conservation Act 1999*, the vegetation can be retained.

Consistent with the DCP, the proposed development has been designed to retain this small grouping of trees and will maintain these ecological values on the land. The proposal has been found to not have a significant detrimental impact on ecological values.

4.10.2.2 Flooding

This part of the DCP provides the Council's requirements in relation to development in flood prone areas:

The DCP provides controls in relation to subdivisions and buildings. The proposed controls in relation to buildings are relevant to this proposal. The controls are:

Building Controls

Any building partly or wholly constructed below the 2100 flood planning level, must be certified by a structural engineer to demonstrate that the building and associated structures have been designed to withstand flood forces exerted by the 2100 1% AEP flood.
New Buildings

1. *New buildings are to be designed and located entirely outside of the 2100 flood planning area wherever possible.*
2. *New buildings are to be designed with habitable floor levels above the 2100 1% AEP flood planning level.*

3. *In circumstances where construction of a new building at the 2100 1% flood planning level is likely to have an adverse impact on the adjoining property or the visual amenity of the location, a variation may be sought. If supported by Council, the new building may be designed with habitable floor levels above the 2060 1% AEP flood planning level.*
4. *Vehicle access to new buildings is to be designed to so that ingress and egress from the site is provided above the 2100 1% AEP flood planning level.*

With regard to these controls, the following is noted:

- All proposed buildings are located outside the small area of the site which is mapped within the Flood Planning area.
- All habitable floor levels are located above the Flood Planning level of 3.2m AHD.
- Basement areas, including the nightclub, are located below the Flood Planning level; however a levy above the Flood Planning level prevents flood water entry to this level.
- Pedestrian and vehicular access to the site is available from flood free areas and access to and from the development in a 1% AEP design flood will be possible.

4.10.3 Part 6 – Residential Apartment Buildings Mixed Use Development and Business Premises

This chapter provides the controls for medium and high density residential development, mixed use, and business premises. The following table discusses controls that are relevant to the proposal:

DCP Matter	DCP Control	Compliance of Proposal
General Building Design	Provides a series of controls for design quality and to ensure that development responds appropriately to the context of the site.	The proposed design has been undertaken by a registered architect and has addressed design quality principles and also meets the DCP requirements.
Pedestrian	The through block connections	There has been no pedestrian

DCP Matter	DCP Control	Compliance of Proposal
Amenity – Site Permeability	map shows a desired connection through the eastern end of the site connecting with a link through the Department of Education land adjoining to the south.	connection through the site to the south. This connection is not desired for the community facilities, due to crime safety implications of uncontrolled access to these areas. In addition, there is no connection in this location to the south. The pedestrian plazas along Lake Street and West Street provide a high level of pedestrian amenity connecting with the Pennington Creek bridge to the south and to the open space and foreshore to the west.
Pedestrian Amenity – Street Address	• Active ground floor uses at same level as footpath. • Multiple entrances for large development with access from all street frontages.	• The proposed active uses are at the same level as the pedestrian plazas which connect with the street. • There are multiple entrances to the site, with the pedestrian plazas providing a high amenity pedestrian connection around the site.
Pedestrian Amenity - Awnings	• Awnings are to be provided over building entries for legibility and weather protection for pedestrians. • Awnings should be 3-3.5m above footpath level and be drained internally and not interfere with street trees.	• The proposal includes building overhangs and awnings along the pedestrian plazas and providing weather protection. Features are provided to the awnings to highlight main building entrances. • The overhang/awnings are located up to 4-8 metres above the finished surface level below, but 5-10m wide to still provide suitable weather

DCP Matter	DCP Control	Compliance of Proposal
		protection. The roof area above the overhangs is drained via the main central roof drainage system. The extent of building/awnings has been proposed to protect existing trees and proposed new street plantings.
Pedestrian Amenity - Pedestrian Access	• Main entry points should be highlighted. • Provide separate entrances to commercial and residential uses from carpark. • Provide suitable disabled access for the building.	•As discussed the main entry points to the building are highlighted. •The residential car park is separated from the public parking area. •Disabled access is provided throughout the building as detailed in the Access Report.
Pedestrian Amenity - Vehicle Access	• Vehicle entry points should not occupy any more than 25% of a frontage. • Vehicular entry points should be integrated in building design. • Doors limiting access to parking areas should be a minimum 6m from the site frontage.	•The 3 vehicle access points from each frontage occupy between 5 and 15% of their frontages. •Vehicle Access is integrated into the development design where possible. Service vehicle access cannot be brought into the building and must be out of the building. The landscape treatment and tree retention at Middle Street, however, mean that these accesses are not visually prominent. •Doors to restrict access to parking areas are located over 20 metres from the site frontage.

DCP Matter	DCP Control	Compliance of Proposal
Pedestrian Amenity – Safety and Security	Undertaken CPTED assessment and incorporate design to address safety of persons.	A CPTED assessment has been included with the application dealing with these matters.
Building Configuration – Adaptable Housing	10% of dwellings should be designed as adaptable housing.	All of the dwellings in the seniors housing retirement village provide high levels of adaptability exceeding the DCP requirements.
Building Configuration – Dwelling Layout and Mix	• Provide a mix of apartments as follows: - Min. 15% Studio - Min. 15% 1 bedroom - Min. 40% 2 bedroom - Min. 15% 3 bedroom • Apartments should have minimum floor areas of: - 1 bedroom 50m^2 - 2 bedroom 70m^2 - 1 bedroom 95m^2	• There are no studio apartments within the development and these would not meet SEPP (Seniors) standards. The mix of apartments is: - 4% 1 bedroom - 52% 2 bedroom - 44% 3 bedroom Whilst there is a low percentage of 1 bedroom units, the developer is an experienced provider of aged housing in the local market and there is only a small demand for 1 bedroom units in the local seniors housing market. • The internal floor areas of the different units are: - 1 bedroom – 77m^2 - 2 bedroom – 103-127m^2 - 3 bedroom – 125-131m^2
Building Configuration – Ceiling Heights	Provide ceiling heights as follows: - Ground floor minimum 3.3m - 3.3m for commercial/business	Ceiling heights within the proposed development are: - Ground floor – 4.0 – 4.8m - Commercial – 4.0 – 4.8m

DCP Matter	DCP Control	Compliance of Proposal
	- 2.7m for habitable rooms - 2.4m for non-habitable rooms	- Residential – 2.9-3m ceiling
Building Configuration Storage	Provide storage as follows: - 1 bed unit 3m^2 - 2 bed unit 4m^2 - 3 bed unit 5m^2 50% of storage should be provided in units.	Storage is provided as follows: - 1 bed unit minimum 3.9m^2 - 2 bed unit minimum 5.2m^2 - 3 bed unit minimum 6.1m^2 More than 50% of the storage is provided in the units in the form of linen cupboards and robes.
Building Configuration – Basements and Podiums	• Basement podium must not be located more than 1 metre above ground level. • Where podium wall is less than 1 metre above ground it may extend to the site boundaries. • Ventilation structures must be integrated in building.	• The top of the basement is at ground level to integrate the commercial frontage with the pedestrian plaza. • The basement does extend to the boundaries in places. • The ventilation structures in the frontage are integrated into the landscape structures.
Building Configuration – Facade Articulation	• Façade is to be articulated to provide visual interest. • No single wall plane should exceed 120m^2 • The top storey should be setback from the levels below.	• The facades of the building to the street frontages are highly articulated in meeting the controls. • The only areas of large unbroken wall planes are at the top levels at the rear of building B. These areas are not highly prominent to observers (being behind Building C and D and well above the scale observed from the street) and do not detract from the design quality of the building. • The top level of the highest building is set back from the

DCP Matter	DCP Control	Compliance of Proposal
		storey below. The lower Buildings A and C do not have this treatment; however the roof is vaulted to create a lighter effect at the top.
Building Configuration – Roof Design	• Maximum building height shall be no more than 5.5 metres above the topmost floor. • Roof top structures, etc., shall be incorporated into the roof.	• The maximum building height above top floor level is 4.8m (Building A). • The lift tower for Building A is hidden by the butterfly roof and the lift tower for Building D is concealed within the upper storey (top level of serviced apartments). The lift towers for Building B are located above the main roof, but are setback from the main building line and not visually prominent.
Building Amenity – Acoustic Privacy	Design should consider acoustic privacy within the development and between adjoining sites.	The acoustic report for the development has examined these issues and has made recommendations for units which may be affected by noise from the public road below.
Building Amenity - Solar Access and Overshadowing	• At least 75% of apartments received 3 hours of sunlight (9am-3pm) to living rooms in mid-winter. (Noting that the SEPP Seniors non-refusal standard is 70%). • Residential buildings and adjacent open space must receive 3 hours of sunlight from 9am – 3pm on the winter solstice.	• 71% of the apartments (seniors and penthouses) in the development receive the minimum 3 hours sunlight in mid-winter, which exceeds the non-refusal standard of the Seniors SEPP. • The proposal does not result in overshadowing impacts to any adjoining residences between 9am and 3pm in mid-

DCP Matter	DCP Control	Compliance of Proposal
		winter. There are some shading impacts to the adjoining land in Middle Street, however this land does not contain dwellings and the areas subject to greater overshadowing could be accounted for in a mixed use development and still allow sunlight access to residential uses above ground level.
Building Amenity – Natural Ventilation	• Residential apartment depth should be between 10-18m (shortest distance). • Apartments should have a maximum depth of 21m from edge of balcony. • 60% of apartments should have cross flow ventilation. • Kitchens should have natural ventilation.	• Building depth is generally less than 18 metres, but the Stage 3 tower is just over 18m wide (at 20 metres depth). • All apartments have building depth of less than 21 metres from balcony edge. • 93% of units achieve ventilation compliance. • All kitchens in apartments are part of an open plan with access to the balconies providing natural ventilation.
Building Amenity – Site Facilities and Servicing	The following should be provided: • Mailboxes • Single antennae/dish for communications/television. • Suitable service area for mixed uses from side streets, etc. • Service areas screened from street frontages.	• Mail boxes are provided in each residential entry foyer. • A single antennae/dish can be provided for each building, setback from the main building line to limit visibility. • A service driveway/loading dock, etc., is provided from West Street. • The loading dock is suitably screened from the street. •

DCP Matter	DCP Control	Compliance of Proposal
Building Performance	All new residential development to meet BASIX requirements.	The required BASIX certificate has been received.
Minimum Allotment Frontages	A minimum site width of 30 metres is required.	The site has 3 frontages with 46-122 metre frontages existing.
Building Depth and Bulk	• Maximum Floor Plate for buildings above 5 storeys – 500m^2. • Maximum Building depth - 18 metres. • Gross Floor area of top level should be 60% of level below.	•Floor plates of building are well in excess of 500m^2. Maximum approx. 1,700m^2. •As discussed, building depth in Stage 3 tower is slightly more than 18 metres. •The gross floor area of the top levels of Buildings A and C is the same as the levels below.
Primary Street Setbacks	• Front building setback of 0-4.5m. • Greater setback may be necessary for retention of trees.	•Setbacks of residential levels are 2-5 metres. •Greater setback has been provided in areas where necessary to retain trees along the site frontages.
Side and rear Setbacks	• Up to 3 storeys – 0m. • Over 3 storeys – 9m where balconies face boundary with residential building. • Over 3 storeys –6.5m where balcony faces non-residential or blank walls. • Over 3 storeys – 4.5m where non habitable rooms face boundary.	• Up to 3 storeys – 3–11m. • Residential/balcony – 9m–10m. • Hotel/balcony facing non-residential – 4m–17m. • Blank residential wall – 7m-12m.
Ground level Uses	• Provide non-residential uses at ground floor.	• Ground floor contains commercial/community uses.
Street frontage Heights	2-3 storey street frontage height required.	The proposal has a well-defined 2-3 storey street frontage treated to provide an appropriate street address.

The proposed development is considered to be generally consistent with controls provided in Part 6 of the DCP; however the following variations are noted as being necessary:

- Lack of pedestrian connection through the site.
- Dwelling mix.
- Maximum building floor plate.

Each of these aspects is discussed below to examine potential variations.

Pedestrian connection through site

The proposed development on the site is quite different to the development form envisaged when the DCP was prepared. The objectives of the control are:

- *To improve access by providing additional through block connections where appropriate as redevelopment occurs.*
- *To retain and enhance existing through block connections where appropriate as redevelopment occurs.*
- *To encourage active streets fronts and facilitate passive surveillance along the length of through block connections.*
- *To provide for pedestrian amenity and safety.*
- *To encourage removal of vehicular entries from primary street frontages.*
- *To retain and develop lanes as useful and interesting pedestrian connections as well as for service access.*

Whilst the proposal does not provide a through block connection, it creates an expansive pedestrian plaza along the Lake and West Street frontages which will provide for a high level of pedestrian amenity and provide useful and interesting pedestrian connection to the west and south. In the context of the proposal, a pedestrian path through the site is considered undesirable from a CPTED perspective as it would be away from active surveillance and allow access to the rear of the community buildings, providing a plethora of opportunities for crime and anti-social behaviour.

Dwelling Mix

The proposed development does not provide any studio apartments and only low numbers of one bedroom apartments. The DCP provides that changes to this mix may occur where local market conditions prevail. The developer of the seniors units has another Seniors Housing development in Forster (Evermore

Supported Living) which caters to older seniors who require some level of care. Even in this development, there has been minimal demand for one bedroom units and the development has had to be altered to provide greater numbers of two bedroom units. Given that this proposal is for self-contained dwellings for more active seniors, there is likely to be minimal demand for one bedroom units in the local market.

Maximum Building Floor Plate

The proposed development on the site is quite different to the development likely to be envisaged in the DCP and involves a very large site and a landmark building. The objectives of the DCP are:

- *To promote the design and development of sustainable buildings.*
- *To achieve the development of living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.*
- *To achieve useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.*
- *To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with building separation, modulation of form and articulation of facades.*

The proposed development is a highly sustainable building, not only meeting BASIX requirements, but also providing water reuse for commercial areas. The units have compliant access to sunlight and have excellent ventilation, and the floor plate has maintained suitable access to light and ventilation. The treatment of the public domain is a key feature of the site and, whilst the upper building floor plates are larger than 500m^2, the treatment of the plaza and colonnades, etc., creates a special town square amenity enclosed by built forms, rather than a residential development seeking to maintain a streetscape. The towers are highly articulated forms and which limit the bulk of larger floor plates. It is considered that the proposal meets the objectives for the controls, even though the floor plates are larger than the minimums specified.

Whilst the upper level of Buildings A and C are not reduced from the floor plate below, the butterfly roof and glass curtain walls of the serviced apartments provide a top to the building which is lighter than the levels below and maintains appropriate treatment for the roof form, delivering a high quality design outcome for the top of the buildings.

4.10.4 Part 9 – Subdivision

This part technically applies to the proposal as it involves strata subdivision. The controls within the DCP are wholly focussed on land subdivision and do not contain any controls which would be relevant to strata subdivision.

4.10.5 Part 10 – Car Parking Alternative and Active Transport

This part of the DCP provides requirements for car parking, as well as provision of bike parking.

The parking required for the various uses has been examined in detail by the traffic engineer who identified a parking requirement based on all the uses as being 589 car spaces, comprised of demand for 194 resident spaces, as well as 395 spaces for community/commercial uses.

The traffic report also includes a detailed examination of temporal demand for parking within the mixture of uses proposed, as it is unlikely that peak demand for parking for all uses would occur at the same time. The examination does not consider the resident and hotel parking needs which are provided in the upper level parking and lower basement levels and need to be available at all times. The other uses will utilise the upper basement level of carparking which provides 252 spaces. The temporal demand examination from the Traffic Report is shown below:

Type of Land Use	Policy Requirement	Weekday				Weekend			
		8am	12pm	4pm	9pm	8am	12pm	4pm	9pm
Library	44	15%	50%	100%	0%	15%	100%	50%	0%
Community Centre	20	50%	50%	100%	75%	50%	75%	75%	0%
Visitor Centre	10	20%	50%	100%	0%	20%	100%	100%	0%
Restaurant	43	0%	30%	100%	100%	0%	75%	100%	100%
Retail / Supermarket	47	20%	20%	100%	0%	20%	100%	20%	0%
Cinema	80	0%	10%	20%	30%	0%	100%	100%	60%
Nightclub	82	0%	0%	0%	100%	0%	0%	5%	100%
Gym	13	30%	15%	100%	15%	30%	50%	30%	10%
Business Centre	3	15%	50%	100%	0%	0%	0%	0%	0%

Type of Land Use	Policy Requirement	Weekday				Weekend			
		8am	12pm	4pm	9pm	8am	12pm	4pm	9pm
Library	44	7	22	44	0	7	44	22	0
Community Centre	20	10	10	20	15	10	15	15	0
Visitor Centre	10	2	5	9	0	2	9	9	0
Restaurant	43	0	13	43	43	0	33	43	43
Retail / Supermarket	47	10	10	47	0	10	47	10	0
Cinema	80	0	8	16	24	0	80	80	48
Nightclub	82	0	0	0	82	0	0	5	82
Gym	13	4	2	13	2	4	7	4	1
Business Centre	3	1	2	3	0	0	0	0	0
TOTAL	342	39	77	205	168	38	245	198	176
ADJUSTED TOTAL	270	34	65	173	98	33	221	166	113

As can be seen in the table, the maximum demand for these spaces is the weekend midday peak which shows a demand for 245 spaces (unadjusted), which when adjusted for utilisation of on-street parking gives a demand for 221 spaces. The 252 spaces provided in the upper basement are sufficient to cater for the parking demands of the development.

The proposal results in on-street improvements to create a lower speed commercial streetscape. This does result in some loss of on-street spaces, however a parking survey undertaken over five (5) days (including weekend) showed that the peak utilisation of the available on-street parking was only 18% (40 Spaces) in the weekday peak and 6% (13 spaces) in the weekend peak. As such, there will still be significant on-street parking available along the site frontage when the changes occur.

The proposed development provides significant and dedicated facilities for alternative transport with bike parking provided as follows:

- Resident parking – Each unit has a storage locker provided at the car parking level which can be used for storage/parking of a bike.
- Employee parking – a secure bike parking area is located at the rear of Building A which provides an enclosed, secure under cover bike parking area and includes an end of trip facility (toilet/shower) for employees to change and prepare for work after riding their bikes.
- Visitor parking – Suites of bike rails are provided throughout the public plazas for visitors and customers to utilise.

4.10.6 Part 11 – Water Sensitive Design

This part of the DCP provides the Council's controls in relation to management of stormwater and, in particular, stormwater management. The subject land is defined as a Large Scale development (involving development of a site over 2,000m^2 in area).

The plan includes provisions in relation to integrated water cycle management as follows:

1. *Any BASIX affected development is to demonstrate compliance with State Environmental Planning Policy - Building Sustainability Index (BASIX).*
2. *Industrial and commercial developments not subject to the provisions and requirements of BASIX must:*
    a) *Demonstrate that consideration has been given to the interaction of all elements of the water cycle (stormwater, wastewater, potable water, groundwater) through an integrated water management plan. This plan should identify how each water source is appropriate for its end use and that demands on potable water supplies are minimised.*
    b) *Ensure any water use fittings demonstrate minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme.*
    c) *Water efficient washing machines and dishwashers are to be used wherever possible.*
    d) *Incorporate dual reticulation for toilet flushing, laundry, irrigation and potentially cooling towers in infill redevelopment and greenfield areas that are within existing or planned recycled water reticulation zones, in accordance with the integrated water management plan.*
    e) *Install rainwater tanks to meet a portion of supply such as outdoor use, toilets, laundry or hot water. Where potable water is available, rain water is not to be connected to the kitchen tap*
    f) *Ensure that any cooling towers proposed:*
        i. *Are connected to a conductivity meter to ensure optimum recirculation before discharge.*
        ii. *Include a water meter connected to a building energy and water metering system to monitor water usage.*
        iii. *Employ alternative water sources for cooling towers where practical.*
        iv. *Use alternative sources (e.g. rainwater, stormwater, recycled water, greywater) to meet at least 80 per cent of demand for external water use (e.g. irrigation of landscaped areas, pools, water features etc).*

In relation to these matters:

- The proposed development provides a high level of integrated water cycle management with a very large water tank provided (1000m^3) to collect roof water for reuse within the development.
- The proposed development meets BASIX requirements and a BASIX certificate has been submitted with the application.

- The commercial/community components of the development are consistent with the controls, with toilet flushing provided from on-site roof water storage when available. The roof water is also utilised for external landscaping needs via the large rainwater tank, as well as by a smaller tank used to collect the stormwater generated from the above ground terrace areas which are not suitable for toilet flushing/laundry.

The proposed development would be described as 'greenfield' development under the DCP and would be subject to the following targets:

- Gross Pollutants – 90% reduction
- Total Suspended Solids – neutral or beneficial effects on water quality
- Total Phosphorous – neutral or beneficial effects on water quality
- Total Nitrogen – neutral or beneficial effects on water quality

As per the requirements for Large Scale Development sites, the development application has been accompanied by a water sensitive design strategy, which includes modelling of stormwater using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC), which has shown that the proposal achieves the following criteria:

Proposed	**DCP Requirement**	**Achievement**
Gross Pollutants	90% Reduction	100% Reduction
Total Nitrogen	Neutral or Beneficial Effect	Beneficial effect of 28% reduction of existing load
Total Phosphorus	Neutral or Beneficial Effect	Beneficial effect of 20% reduction of existing load
Total Suspended Solids	Neutral or Beneficial Effect	Beneficial effect of 75% reduction of existing load

In addition, the proposal includes the construction of new bioretention street pods in the road frontages which provide for treatment of existing stormwater flows in the streets. This will result in further significant improvement to stormwater quality in the area, well in excess of the minimum requirements of the DCP.

Part of the stormwater infrastructure on-site is included in the community gardens and will showcase best practice treatment, and can be provided with interpretive signage and information to use the area as an education resource for the community.

4.10.7 Part 13 – Landscape and Open Space

This Part of the DCP provides the controls in relation to the provision of open space and landscape areas for development. Part 13.2 provides the controls for Open Space and landscaping as follows:

Communal Open Space

- Provision of 10m^2 of communal open space per residential dwelling – the residential component of the development provides open space and indoor recreation areas of over 1,450m^2 (1,462m^2).
- Communal Open Space should be accessible to all apartments – all residential apartments can access the areas, which are located on Levels 3, 5 and 6.
- Communal Open Space areas should get access to 3 hours sunlight in mid-winter - the large level 3 terrace has excellent sunlight access.

It is considered that the communal areas provided meet the controls and objectives of the DCP by providing residents with active and passive recreational opportunities. The opportunities are further enhanced by the excellent access to the ground level public plaza, civic facilities, and restaurants/cafes, which provide a passive recreational opportunity.

Private Open Space

- Private Open Space must be provided to each unit in the form of a balcony, courtyard or terrace – each unit is provided with a balcony or terrace.
- Private Open Space areas for above ground dwellings must have an area of 12m^2, with a minimum dimension of 2m. Each unit has a balcony over 16m^2 in area with most of the areas in excess of 2m in width and only small areas less than 2m at the end of the angled balconies.
- Private Open Space shall be directly accessible from a living area – all balconies are accessed directly from the open plan living areas.

Landscape Design

- Developments must provide high quality landscape design – the landscaping design has been undertaken by O_2 Landscape Architects with high quality landscape treatment for the public and private areas.
- Contribute to the Landscape Character of the domain – the domain of this site is quite unique and the landscape design has responded to the needs for a large public domain. The large public square is necessarily provided with large durable surfaces and cannot contain large areas of grass or deep soil areas, but instead provides targeted planting to provide shade and relief in a large public space. These areas also incorporate water quality structures along with street furniture, public art installations and water features to create a sense of place.
- Site landscaping should be no less than 40% of the site area – because of the very narrow definition of landscape area (planted and turfed areas), much of the public plaza is not included even though it is the appropriate landscape treatment for that domain. As such, the landscape area provided only represents 21% of the site area. It is, however, considered that the landscape approach undertaken is appropriate for the site. It should also be noted that the proposal includes extensive landscaping in the road reserve area to create a pedestrian scale streetscape and these areas are not included in the percentage of the site landscaped.
- Landscaping is to be designed in conjunction with stormwater drainage requirements – the landscaping design has been carefully integrated with stormwater management for the site and rain gardens are incorporated as features within the plaza landscaping. The community gardens include a large raingarden integrated with rainwater tank. Raised walkways over the treatment areas to provide an education resource on stormwater management, and connect people with water management, by featuring the rain garden area as a desirable landscape element.

Deep Soil Zones

- Deep Soil Zones shall comprise 20% of the site area in Mixed Use Zones – the proposal only has 5% of the site as deep soil zone. Again the proposed development and treatment of areas is somewhat unique. The public plaza by its nature cannot be comprised of large areas of turf

and garden as it needs to be hard wearing and accessible to large crowds. It is noted that an additional 10% of deep soil area could be provided if the area between the basement and boundary could be included; however, as the pedestrian plaza, this must necessarily be hard paved.

Given the proposal does not meet the required landscape and deep soil areas, the objectives of these controls have been reviewed. The objectives are as follows:

Landscaping Design Objectives

- *To enhance defined setback areas and minimise apparent building bulk on a site to improve the streetscape quality and amenity of development.*
- *To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.*
- *To ensure that the use of potable water for landscaping irrigation is minimised.*
- *To ensure landscaping is integrated into the design of development.*
- *To improve stormwater quality and control run-off.*
- *To improve the microclimate and solar performance within the development.*
- *To improve urban air quality and contribute to biodiversity.*

Deep Soil Zone Objectives

- *To protect existing mature trees and encourage the planting of additional significant vegetation.*
- *To increase the capacity of the site and locality for water infiltration.*
- *To assist with the management of water quality and the water table.*
- *To provide landscaping in scale and proportion with the proposed development.*

Relevant to these objectives, the following is noted:

- The proposal involves the protection of key trees on the site which are of a scale to complement the proposed buildings.
- The proposal retains a grouping of trees in the southern part of the site which contributes to the retention of biodiversity values for the site.

- The proposal includes significant landscaping which still delivers high quality urban outcomes for the nature of the proposed development and civic plaza, and includes targeted planting of vegetation to address the need to still create a leafy streetscape/plaza area.
- The landscaping and integrated stormwater management proposed for the development results in significant improvement in water quality and includes treatment of stormwater from the existing road areas and encourages on-site infiltration of stormwater.

Given the unique nature of the proposal which incorporates large civic/community plazas over the large open space areas of the site, the proposal is considered to meet the objectives of the landscape controls of the DCP.

4.10.8 Part 14 – Waste Management

This part of the DCP seeks to ensure that waste management is considered in development design, so that suitable facilities are in place to enable garbage to be collected, stored and picked up within a development.

The DCP provides that the Site Waste Minimisation Template form provided by Council can be completed. Given the size of the proposed development and the mixed uses on the site, this template may not be appropriate for this development. The matters dealt with in the template are, however, discussed below:

Construction Waste Generation

During construction waste generation, the following measures will be employed:

- Sand and soils generated by excavation of the basement carparks will be taken from the site for use as fill on other construction sites (where acceptance of fill has been approved by Council).
- All excess materials from construction will be returned to the supplier or recycled where possible.
- Any waste materials (packaging, etc.) will be collected in skip bins at the site and taken away by a waste contractor for disposal at a licensed waste management centre.

- Any opportunity for separation of recyclable materials in construction waste will be examined and separate collection of recyclable materials at the site will be provided.

Commercial Waste Collection and Management

Large bulk waste bins will be provided at the rear of the facilities; in the loading docks at the rear of Building B and C and in the loading areas for Building D. These will also Building A; however a temporary storage and pick up area will be established off Middle Street in stage 1 to enable pick up and collection of bulk bins, until stage 2 is completed (and the loading area in Building B/C established).

Domestic Waste Management and Collection

Each residential tower will have a garbage chute to convey garbage down to bulk bins within garbage rooms which are located within the basement of each building. Building management will arrange for the bins to be taken from the garbage rooms to the loading dock for collection when required. The garbage chute will provide for separation of rubbish and recyclables and separate waste and recycling bins will be provided in the garbage rooms.

Hotel room waste will be collected by cleaning staff and sorted into rubbish/recycling. The staff will then transfer the waste to the separate waste and recycling bins in the loading area/waste room.

4.10.9 Part 16.12 – Site Specific Lake and West Streets

The subject land is the subject of site specific development controls contained within this part of the DCP. This site specific part is based on a Master Plan that was developed in 2007 and 2008, along with the Civic Precinct Master Plan for the land immediately to the west of the site.

These Master Plans were developed at the time to deliver community facilities integrated with commercial and residential development on the subject land to create a civic precinct. The Master Plans provided for the development of the community facilities on the land immediately west of the site. The commercial and residential development was located on the subject land.

It was recognised by Council that it would be necessary to take a more commercial approach to achieve optimal community outcomes and the subject land was acquired in May 2014 given its underlying development potential could realise a higher value. In April 2016, Council resolved to examine the relocation of the civic facilities to the subject land and to engage with a private partner to fund the development of the facilities in turn for development of the remainder of the subject land with commercial and residential development which would be integrated and complementary to the civic facilities. In these negotiations, it was determined that it would be feasible to develop the land in such a manner, but only with the increased yields for the land which would necessitate changes to the building height and floor space controls over the land. Council adopted the current Planning Proposal to seek changes to the controls over the land.

As such, the strategic outcomes for the site have altered somewhat, with the site now becoming the entire integrated civic precinct, rather than just an area of commercial/residential development to be integrated with nearby civic uses. The controls are examined with this new strategic context in mind.

The objective of the controls is:

> *The general objective of these site specific controls is to encourage an environmentally sustainable redevelopment of the site for the purposes of a comprehensive high density, mixed use development which achieves a strong sense of identity and provides the setting for attractive living with high levels of amenity.*

The DCP Part provides four key areas, being the development concept, site permeability, street address, and building setbacks. These matters are discussed below:

4.10.9.1 Development Concept

The DCP controls in this component are:

(1) Development Concept

a. The site is to be developed generally in accordance with the Master Plan as shown. The principal features include:

i. *Four separate buildings in a perimeter block configuration built close to the existing and proposed road alignments;*
ii. *The introduction of ground floor commercial/retail uses at the corner of Lake Street and West Street;*
iii. *The introduction of a new vehicle linkage between Lake Street and Lake Lane;*
iv. *Building height to emphasise the topography as seen in Building Height Concept Plan;*
v. *The articulation of the Lakes St/West St corner by building height and form;*
vi. *Preserving most existing trees on the site.*

The Master Plan in the DCP is shown below:

As can be seen, the proposal has some key differences from this DCP plan, and the principal features are discussed below:

- The proposal maintains a perimeter development form built close to the road frontages of the site.
- Ground floor commercial uses are introduced to the Lake and West Street frontages.
- A new vehicle access has not been provided connecting to Lake Lane. Options to use this lane for various forms of access were examined; however the corridor is very narrow and is not suitable for service vehicle access or even moderate traffic volumes. The connection of a narrow infrequently-used lane to the premises creates crime prevention issues to the development, as well as to the properties currently backing onto the lane.
- Building heights applying to the land have been changed as per the Planning Proposal for the site.
- The West Street/Lake Street corner is expressed through the building form and the second pedestrian plaza connection. The Eastern Lake Street frontage is expressed with the civic square plaza which is considered appropriate for such a use.
- Tree retention on the land has been targeted. It has not been possible to achieve additional tree retention given the onsite parking requirements for basements, etc. The trees retained provide scale for the building and the southern grouping of trees maintains ecological values and provides a green connection with the Pennington Creek riparian area to the south.

4.10.9.2 Site Permeability

The DCP Controls for this component are:

(2) Site Permeability

a) The development is to provide a through site link from Lake Street to Middle Street to improve the connection between Lake Street and the recreation area on Penenton Creek .

b) The vehicle access link from Lake Street to Lake Lane will improve access and amenity of this currently undesirable dead-end.

c) The pedestrian linkage from Lake Lane to Middle Street is to be finished in high quality and durable materials and incorporate an attractive, pleasant and safe landscaped environment.

As discussed, the proposal does not include a linkage from Lake Lane to Lake Street. The pedestrian linkage between Lake Street and Middle Street (and the Pennington Creek reserve) is provided via the expansive pedestrian plazas which provide a high amenity pedestrian connection to the areas, rather than a through site link which would have poor connection with the civic and commercial uses.

The proposed development is considered to meet the objectives for the development of the site. The controls for the land, however, need to be considered in the context that the development outcomes for the site have changes significantly, with the including of the civic precinct facilities within the development.

4.10.9.3 Street Address

The DCP Controls for this component are:

(3) Street Address

a) The building frontage at the corner of Lake Street and West Street shall incorporate active street frontages through the introduction of ground floor shops and cafes/restaurants.
b) Shopfronts should be glazed along both frontages to allow views into and out of shops.
c) Ground level outdoor dining is supported subject to appropriate noise and pollution abatement measures (i.e. ventilation/exhaust; and hours of operation).

The proposed development has active street frontage to Lake and West Streets, including restaurants/cafes and large glazed frontages. The ventilation exhaust is contained in the building so as to not affect sensitive receptors and the hours of operation are appropriate for a mixed use development.

4.10.9.4 Building Setbacks

The DCP Controls for this component are:

(4) Building Setbacks

a) The building setbacks should take in consideration the retention of existing trees on site.

b) *The street setback at the ground floor level for retail uses shall be a maximum of 2 metres if this does not affect existing trees.*
c) *The street setback at the ground floor level for residential uses shall be in the range of 4.5 - 5 metres, if this does not affect existing trees.*
d) *The side boundary setback for the first three levels shall be a minimum of 3 metres.*
e) *The side boundary setback for any level above three storeys shall be 9 metres.*
f) *The internal separation between buildings with habitable rooms/balconies facing habitable rooms/balconies shall be a minimum of 18 metres.*

In regard to these matters, the following is observed:

- The proposed building setbacks have been set to enable the targeted retention of certain trees on the site.
- Street setbacks at ground level vary between 3 metres and 9 metres; however this has been to accommodate the pedestrian plazas which still achieve the desired activation for the street.
- The side boundary setbacks of the first 3 storeys vary between 3 metres and 14 metres.
- The side setbacks for the upper storeys are primarily 9 metres for Building A, and vary between 3.5 and 15 metres for Building D. As discussed, the building setbacks are generally compliant with the DCP privacy controls.
- Whilst there is one location where balconies in Building A are closer than 18 metres to balconies in Building B, the balconies are oriented so that the impacts to privacy are minimal.

5. Likely Environmental Impacts

5.1 Context and Setting

The proposal involves a major development for the Forster town centre and is a significant change in the current context and setting of the area. The proposal creates a large mixed use development at the southern end of the town centre on land which has been vacant for many years; as such the proposal will result in a large change to the area.

The development is the result of years of strategic direction in the growth and development of the Forster township and the development meets objectives for town centre growth and delivery of civic/community facilities. The proposal delivers a landmark development in the shaping of the Forster town centre and has many positive urban outcomes for the area, including:

- Creation of a civic precinct with modern facilities delivering high quality space and services to the entire community.
- Integration of the civic precinct with commercial and entertainment uses to create a mixed use area with high levels of activation.
- Creation of a significant new urban space which will act as a meeting place and location for community events.
- Provision of key commercial uses (supermarket) to complement residential, tourist, and other commercial activity in the area.
- Creation of a new entertainment and tourism attractor to increase tourist numbers and attract them to the town centre.
- Integration of higher density residential living with the other uses to create an ecologically sustainable development form.

Visually, the development will have a greater presence than other development in the area as it is a landmark development location. This has been recognised by the urban design review which supported the Planning Proposal that changes development controls for the site. The visual effects of the proposal were examined in the Urban Design Report for the site, prepared by Peter Andrews and Associates, which supported the planning proposal. The View Analysis undertaken involved examining the proposal from nine different aspects. The results are shown in the following table extracted from the report:

View Point	***Comments***
Tuncurry foreshore (Palm Street)	*The proposed development is approximately 1200m from the foreshore and will be visible. The height of the proposed development will be similar to the existing apartment buildings in the CBD. Further infill of taller buildings within the CBD is envisaged under the GLLEP 2014, which will further reduce the visual impact.*
Tuncurry foreshore (boat ramp)	

View Point	Comments
Forster/Tuncurry Bridge	*The proposed development will be visible from the western approach to Forster crossing the bridge. However, with further development of the CBD envisaged under the GLLEP 2014 the proposed development would be less prominent. Retention of the existing pines will play an important role in integrating the development with the surrounding urban landscape.*
Forster Lookout	*View obscured by existing building. As future development takes place, the proposal will become more obscure.*
Memorial Drive	*The proposal will be visible but partly obscured by existing foreshore vegetation and further obscured by future development under the GLLEP 2014.*
Adjoining street network (East along Lake Street)	*View corridors will be maintained and scale of development of the surrounding areas will potentially increase based on GLLEP 2014 desired future character.*
Adjoining street network (West Street)	*View corridors will be maintained and scale of development of the surrounding areas will potentially increase based on GLLEP 2014 desired future character.*
Adjoining street network (West along Lake Street)	*View corridors will be maintained and scale of development of the surrounding areas will potentially increase based on GLLEP 2014 desired future character.*
Bennetts Head Road	*Proposed development and CBD visible from a short section of Bennetts Head Road but mainly obscured by adjoining existing residential development. Existing residences oriented north/ south and generally do not look towards site.*

As can be seen, the visual impacts of the proposed development are consistent with the planned outcomes for the area and fit within the landscape context of the area, as well as the future urban form for the area. The proposal has included provisions to maintain the appropriate context, including retaining existing taller pine trees on the site at key locations.

5.2 Geotechnical

The geotechnical; aspects of the site have been examined in detail by Regional Geotechnical Solutions, and a copy of their geotechnical assessment for the site has been submitted with the development application. The assessment examines the site conditions, geotechnical constraints, water tables and dewatering issues, infiltration rates, acid sulphate soils, and soil aggressivity; and makes recommendations for foundation/footing design and earthquake factors.

The assessment has found:

- The site is located on Pleistocene back barrier flats which are comprised of deep sands, with bore logs showing Aeolian sand 25-18 metres deep on the site.
- Groundwater levels on the site vary between 3 metres and 4 metres below the existing surface.
- Basement construction is likely to encounter groundwater and dewatering management will be required during construction.
- Excavation would result in temporary 1.5:1 batters and some form of sheet piling would be required for basement construction.
- Infiltration rates are very high with infiltration rates of $1x10^{-4}$ m/s (360mm/hr) for the top 600mm and $1x10^{-2}$ m/s (36,000m/hr) for sand below 600mm.
- The soils were found to be non-aggressive to steel and mildly aggressive to concrete.
- The soils are not Actual or Potential Acid Sulfate Soils.
- The soils were found to be acidic (no oxidisable sulfur) and liming of the soils before reuse elsewhere is recommended (rate: 6kg lime per tonne of soil).
- Foundation options include stiffened raft slabs in medium/dense to dense sands, or friction piles founded to dense/very dense sands or stiff clays.
- Design factors for earthquake factors at Forster are Subsoil Class (De) Deep Soil Site and a site Hazard Factor (Z) of 0.08.

5.3 Ecological Impacts

The ecological values of the land have been examined in detail by the Ecological Assessment Report prepared by East Coast Environmental, which has been submitted with the development application.

The assessment finds that the subject land is highly disturbed from past activities and has minimal ecological values. The assessment has found that there is a small grouping of trees in the south western corner of the site which have the following values:

- The grouping of trees contains the plant Magenta Lilly Pilli (*Syzigium paniculatu*) listed as a vulnerable species under the *Threatened Species Conservation Act 1995* or the *Environmental Protection and Biodiversity Conservation Act 1999.*
- The species are analogous with Littoral Rainforest listed as an endangered ecological community under the *Threatened Species Conservation Act 1995* or the *Environmental Protection and Biodiversity Conservation Act 1999.*

The ecological assessment has found that removal of this small stand of trees would not have a significant impact on the viability of the local occurrence of this species/community. The proposal has, however, been designed to enable retention of these trees and the arborists report submitted includes measures to ensure the retention and protection of these trees during construction and in the long term.

The proposal will not significantly impact on ecological values of the area and will retain vegetation which has been found to have special ecological values.

5.4 Aboriginal Heritage

The following review has been undertaken using the due diligence Code of Practice for the Protection of Aboriginal Objects in NSW. Use of the due diligence code is not mandatory but is used to determine if further assessment of Aboriginal heritage is warranted. The due diligence code provides a series of steps for undertaking due diligence assessment, which has been followed in this case.

With regard to the first step, the proposal will involve ground disturbance so the next step is to consider Step 2a.

Step 2a requires the undertaking of an AHIMS search. An AHIMS search did not identify any Aboriginal site or places within the subject site; however there are sites known within the area.

Step 2b of the due diligence process involves consideration of whether there are any landscape features indicating a likelihood of the presence of Aboriginal objects, where the land is not 'disturbed land'. The subject site is 'disturbed land' as defined by the code. In these circumstances, the code provides that activity could proceed but that work must stop if any Aboriginal objects are found during construction works.

Whilst the land is disturbed land and the due diligence code would allow works to proceed with caution, the site is located in close proximity to Pennington Creek and the Wallis Lake foreshore (both of which have also been significantly disturbed and modified). A site walkover was requested by a cultural officer of the Local Aboriginal Land Council, who also did a walkover for the previous development proposal in 2006. This walkover confirmed the highly disturbed nature of the site, but recommended monitoring of excavation works during development of the land, given the presence of sites in the area.

It is proposed that Cultural and Heritage Services will be engaged to monitor the undertaking of excavation works on the land.

5.5 Hydrological Impacts

As discussed, whilst the land is identified as partly within the Flood Planning area mapped under the LEP, only a very small area of the site is affected and the proposed development has been designed with floor levels and suitable measures to provide flood resilience in accordance with the Council's DCP controls.

The proposed development on the land will be connected to MidCoast Water's reticulated water supply system for the area to provide potable water for the development. The proposal also includes a large 1,000m^3 water tank to supply water for external uses, toilet flushing, and laundry uses within the development.

This supply will be supplemented from the reticulated supply system as necessary.

All sewage wastes from the development will be drained to the existing MidCoast Water reticulated sewerage system which provides sewer for the Forster township. The site is located in close proximity to the large pump station on the opposite side of Middle Street and can be drained by gravity to the existing system. Sewage wastes from the nightclub may not be able to drain by a gravity system and may require private pumps to convey sewer wastes from the basement to the gravity system. This system will be designed with appropriate measures, including storage wells and backup pumps.

Stormwater management on the site utilises a best practice approach which provides for the effective collection, use, treatment, and conveyance of stormwater flows from the development. The system is detailed within the stormwater management concept report submitted with the development application. The system provides for a significant improvement in the quality of stormwater from the site.

The subject site is located in very close proximity to the lake and the stormwater drainage outlet. Given this proximity, the site is not located within the areas mapped by Council where on-site detention of stormwater is necessary. Regardless, the 1,000m^3 water tank for the proposal will collect all roof water from the site and will provide a large detention capacity on the site for the majority of the time (other than when the tank is full and overflows).

5.6 Privacy/Overshadowing Impacts

As discussed, shadow diagrams have been prepared for the proposal, which shows the impact of shadows cast in mid-winter and mid-summer. The proposed development does not result in any significant overshadowing impacts to residential properties. There are some areas of the site at 4 Middle Street which are impacted by shadows at mid-sinter, however, this site is utilised for offices by the NSW Department of Education and there is no impact to any residences. Future development of the land as a mixed use site would allow design for residential development to still obtain access to sunlight meeting residential standards.

The separation between residential units and balconies within the development is appropriate to maintain visual and acoustic privacy. The separation distances of apartment balconies etc. from residential apartments is also in excess of minimum setbacks to maintain privacy with adjoining uses. The south eastern most balconies of the hotel are located within 3.35m of the boundary with 4 Middle Street. This does not cause any privacy impacts at present as the adjoining development is utilised for office uses and the balconies to not look over any privacy sensitive areas. Future or operable privacy screens may be considered for these balconies.

5.7 Acoustic Impacts

The proposed development introduces a range of uses to the land, where there is currently no development existing. Whilst the site and surrounding area is zoned Mixed Use, it does not contain a great deal of activity and generally has low background noise levels.

To examine acoustic issues, both within the proposed development and in the surrounding area, an Acoustic Assessment of the proposal has been prepared by Matrix Industries. A copy of this Acoustic Assessment has been included with the development application. The acoustic assessment has found:

- The childcare centre, library, and community rooms may be sensitive to noise and acoustic design matters, which should be addressed in the final design of these uses.
- The proposed cinema requires specialised acoustic design and would not result in elevated noise levels outside of the cinemas.
- Noise from the childcare centre is predicted to comply with the project specific noise criteria.
- Mechanical services can be installed to meet project noise criteria.
- The nightclub is ideally located in the basement and an acoustic airlock is recommended to stop spillage of high noise levels from music within the venue.
- Noise from outdoor seating areas of the restaurants/cafes is potentially the most difficult noise to control. Careful acoustic design will be required if outdoor eating areas are to operate between 10pm and midnight.

- The additional traffic generation from the development has been examined in relation to compliance with the EPA Road Noise Policy. Generally, the effects of the development are insignificant and no mitigation is required. Based on the traffic figures with annual growth to the year 2028, however, the traffic noise generated in Middle Street in the afternoon peak hour (2:45pm – 3:45pm) exceeded the relevant criteria. Potential mitigation measures include resurfacing of the street with hotmix as part of a maintenance program for the streets in the area.

5.8 Traffic and Access

Traffic Impacts of the proposal have been examined in detail by MR Cagney in their Traffic and Parking Assessment, which has been submitted with the development application.

As previously discussed parking provided for the proposed development is suitable and satisfactory for the proposed development.

The proposal provides excellent pedestrian and cycle connection with the established and planned pedestrian/cycleway routes in the area, and the development includes provision of services to facilitate and encourage the use of alternative transport.

The traffic report has also examined service vehicle requirements for the proposed uses and the largest service vehicle for the site has been identified as a 19 metre articulated vehicle (semi-trailer). The layout of servicing areas etc has been examined in the traffic report and found to meet relevant standards.

Whilst the proposed development is well connected for alternate transport, is located within the town centre and close to shops and other commercial uses, as well being mixed use reducing trip demand traffic assessment has been undertaken on the basis of full traffic generation by all uses, without consideration of reduction for these factors. The traffic assessment has examined the traffic generation impact on surrounding roads and intersections. The impacts were found to be within the capacity of the existing roads and intersections.

The traffic assessment has provided the summary of findings as follows:

1. Access

   The proposed development will be located on the south-east corner of the Lake Street / West Street intersection located in Forster and is also bounded by Middle Street to the south. The primary access to the development will be provided via a roundabout on the north side of the development along Lake Street. A second access will be located on the south side of the development along Middle Street. A third ingress-only access point is on the west side of the development along West Street.

   Residential traffic will be largely restricted to the Lake Street access with some traffic using West Street for ingress, while hotel traffic will mainly utilise the Middle Street access. Retail and other land usages will likely use a mix of the Lake Street and Middle Street accesses.

2. Car Parking

   A total of **513 car spaces** will be provided, broken down across three buildings and four levels:

   - **Building A:** Basement 1 / Lower Ground Level **(252 spaces)**, Level 1 **(17 spaces)** and Level 2 **(77 spaces)**;
   - **Building B:** Level 1 **(61 spaces)** and Level 2 **(64 spaces)**; and
   - **Building C:** Basement 2 **(42 spaces)**.

   Temporal demand assessed that 12:00 noon on a typical weekend day will be peak parking period. During this time, only 221 spaces would be required of the 252 spaces provided in the retail parking level, meaning the parking provision would adequately meet the peak demands of the development.

3. Car Park Layout

   A dimension check of car parks, demonstrated that all three car park areas (residential, retail and hotel) are compliant with (or exceed) the standards set out in AS2890.1:2004 and the relevant state policies.

   Internal ramps and circulation aisles for two-way movement are required to have a minimum width of 5.5m; all instances in this development are compliant. Parking aisles have differing requirements based on user class (usually 5.8m); again, all instances in this development meet their respective minimum.

   Swept path analysis undertaken shows there is adequate space for manoeuvring in all locations.

4. Servicing

   The Great Lakes Development Control Plan doesn't appear to offer guidance regarding servicing, however the development has been designed for manoeuvring of:

   - A 19.0m Articulated Vehicle (AV) for retail usages, specifically the supermarket;
   - A 12.5m Heavy Rigid Vehicle (HRV) for the residential / hotel usages; and

- A 6.4m Small Rigid Vehicle (SRV) and 5.37m Van for the retail / food outlets.

Provision has also been made for a Refuse Collection Vehicle (RCV).

5. External Road Network Impact

The 10-year planning horizon for the development is 2028.

The conservatively (high side) peak hour trip generation of the proposed development, during the AM and PM road peak periods adopted for assessment of the external road network was:

- AM peak hour: 103 vph IN + 124 vph OUT = 227 vph; and
- PM peak hour: 419 vph IN + 279 vph OUT = 698 vph.

Even with the addition of traffic generated by the development to the base volumes for 2028, all intersections will operate satisfactorily.

The results of SIDRA analyses, included in Section 4 of this report, illustrate that:

- by 2028, all intersections will operate within acceptable limits in both the base and design scenarios;
- All new access intersections for the development will operate satisfactorily; and

Therefore, no external road network improvements, other than the works proposed along the Lake, West and Middle street frontages of the subject site, are required to ensure satisfactory operation of all intersections.

In summary, based on the findings of this assessment, provided the recommendations included in this report are implemented, there appears to be no traffic engineering reason to preclude this development from proceeding.

5.9 Social and Economic Impacts

The proposal facilitates the development of significant and high quality civic precinct facilities. This social infrastructure will be of benefit to the entire community and will deliver positive impacts for the local community.

The economic impacts of the concept development for the site have been examined in detail by Hill PDA, within the Economic Impact Assessment submitted with the Planning Proposal. The key findings of the assessment found that the proposal would:

- Provide an integrated development creating greater housing diversity and supply, encouraging Forster to grow and providing impetus for further investment, consistent with the local and regional Planning Strategies for the area.
- Create approximately 236 construction jobs on site and generate an additional $0.9 million in revenue to local retailers during construction.
- Facilitate the creation of approximately 260 jobs when the development is operational, contributing around $15.1 million annually to the local economy.
- Additional revenue from spending of new residents on the site would be in the order of $3.4 million.

- Additional revenue from spending of tourists at the site would be in the order of million.
- Total estimated spend of residents, tourists and workers at the site would be around $5.5 million annually,
- Provide 1,000m^2 of supermarket floor space in the town centre (where none currently exists), helping to address the 1,775m^2 of undersupplied supermarket space for the area.
- New businesses may impact on other businesses in the area (e.g., cinemas), however this is limited to competition between businesses.

In addition, the assessment also notes the following less tangible impacts of the proposal:

- The proposal will stimulate further interest and investment in Forster Tuncurry.
- The street will be activated with retail, commercial, and community uses.
- The proposal is for a 'transit-oriented development' within walking distance of the town centre.
- The proposal will result in improved efficiencies, with fewer private motor vehicle trips and shorter distances.

The proposal will provide significant social and economic benefits to the Forster Tuncurry community.

6. Suitability of the Site

The subject site is highly suitable for the proposed development, being located in a mixed use precinct where this type of development has been identified as desirable. In particular, the following aspects make the site highly suitable for this form of development:

- The land is located in the Forster town centre, in close proximity to other commercial and community uses.
- The site is the only large site available in such a location which could be developed as an integrated community/commercial/residential and tourist precinct as proposed.
- The subject land is not subject to any significant environmental constraints which would make it unsuitable for this type of development.

- The site is a highly disturbed urban site which does not have significant ecological values requiring removal to enable development to occur.
- Being centrally located and connected with the town centre and health care precinct, the site is highly suitable for providing seniors housing.

7. The Public Interest

The proposed development delivers outcomes for the development of the town centre and civic facilities in the area in a manner consistent with the policies and strategies of Council. As discussed, the proposed development will deliver significant social and economic benefits to the Forster Tuncurry community which are clearly in the public interest.

7.1 Ecologically Sustainable Development

The proposed mixed use development is a transit-oriented development which is characterised by the Sustainable Cities Institute as incorporating:

- *A mix of uses*
- *Moderate to high density*
- *Pedestrian orientation/connectivity*
- *Transportation choices*
- *Reduced parking*
- *High quality design*

Whilst there are limited transport choices in the Forster Tuncurry area, the site is well connected by private vehicle, local bus service, and regional bus service; and is within a walkable catchment of the town centre and commercial, community, and health services. The use is considered a transport-oriented development and responds to current conditions and issues, including:

- *Rising energy prices*
- *Road congestion*
- *Climate change*
- *Shrinking household sizes*
- *Increasing demand for urban living*
- *Interest in green building and walkable neighborhoods*

This sustainable form of development is consistent with the principles of Ecologically Sustainable Development as detailed in the following table:

ESD Principle	Discussion
the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. *In the application of the precautionary principle, public and private decisions should be guided by:* *(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and* *(ii) an assessment of the risk-weighted consequences of various options,*	The proposal does not involve any threat of serious or irreversible environmental damage.
(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,	The proposal does not involve any significant effects to the health, diversity or productivity of the environment. The proposed development provides for the creation of a highly efficient transit-oriented development which ensures the efficient use of resources, for the benefit of future generations.
(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,	Ecological assessment has shown that the proposal would not have significant impacts on ecological values. There is a small grouping of trees which contain a threatened species and may be analogous to an endangered ecological community. The assessment has concluded that the stand of trees could be removed without a significant impact to ecological integrity; however the proposal has been designed to retain these trees and maintain even the minor ecological values of this vegetation.
(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as: *(i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,* *(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural*	The development is responsible for all pollution control from the site during construction and proper management of waste, etc., including the payment of waste levies for any waste generated. The proposed uses on the land are not polluting uses where pricing of pollution effects could be implemented.

ESD Principle	Discussion
resources and assets and the ultimate disposal of any waste, *(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems*	

7.2 Disabled Access and Facilities

The proposed development has been designed to provide a high level of access for persons with a disability. The access report for the development has identified that the proposal will meet the requirements of the SEPP, BCA, and Australian Standards. The proposal provides for a high level of disabled access and facilities for the residents, which should be expected for this form of development.

7.3 Crime Prevention Through Environmental Design (CPTED)

The locality is identified as having a moderate site area rating for crime risk, primarily due to its location within the town centre 'hotspot'. This is based upon the crime statistics for the area and a review of the environmental features of the site.

The proposed development will increase active and passive surveillance in the area and may be expected to reduce crime risk in the area generally. Some recommendations have been made to reduce the potential for opportunistic crime throughout the development as follows:

- All public areas within and around the site should be lit between sunset and sunrise to maximise surveillance of those areas.
- CCTV should be provided to public areas, carpark areas and building entry areas. CCTV should be obvious and highlighted to act as a deterrent to opportunistic crime.
- Alarm systems should be provided for the internal commercial and community use areas.

- Residential units shall be provided with a method to observe the hallway without having to open the door (peephole or CCTV).
- A management plan for maintenance of the public areas and external commercial areas shall be prepared and implemented, providing for daily maintenance of these areas in a clean state and the removal of any graffiti, using Council's Graffiti Buster program or otherwise funded and implemented program.
- External surfaces should utilise surfaces which are easily cleaned of graffiti or not easily tagged.
- Access to resident parking areas shall be controlled with a security shutter with car/remote access required.
- The public basement carpark area should be locked down during the period of 11pm-6am, with access only available for authorised persons. Appropriate signage of lockdown times should be provided throughout the parking areas. Lifts available for public use in the carpark area shall be locked down for the same period.
- All other lifts shall be controlled via a key/card system (or similar) so that access to lifts and residential areas is only available for authorised persons.
- All exit doors shall be provided with a high quality locking system, including strike shields which prevent entry from the outside without a key/card system or similar to allow access for authorised persons.
- The loading dock will be provided with security roller shutters and access controls for all entrance doors.
- Glazed commercial frontages will utilise security/laminated glazing to minimise opportunity for smash and grab style offences.
- Bollards shall be provided where necessary to prevent unauthorised vehicular access to the public plaza areas.

The proposed development is not located in an area with a significant crime risk and is located directly opposite the Forster Police Station. The proposal provides a substantial improvement in crime risk for the area by introducing activity to the area and increasing surveillance in the area by introducing passive and active surveillance to the area.

8. Conclusion

The subject land is identified as Lots 11, 12 and 13, DP 47987, West and Lake Streets, Forster. The land is an old school site and has been significantly disturbed as a result of the previous use. The site is currently vacant, with almost all the school buildings removed from the site.

The proposed development has been developed as a partnership between MidCoast Council, who owns the land, and the developer who would develop the Council's civic precinct facilities in return for the development rights over the rest of the land.

The proposed development involves a mixed use development containing a range of uses, including civic/community uses, commercial uses, residential uses, and tourist uses.

All of the proposed uses on the land are currently permissible under the LEP controls. A planning proposal has been adopted by Council and has received a Gateway determination which provides for increased height and floor space controls for the land, in recognition of the landmark nature of the site and significant community outcomes which can be achieved for the site.

The proposed development is recognised as 'regional development' under Section 4A of the *Environmental Planning and Assessment Act 1979* and would be determined by the Joint Regional Planning Panel.

The proposed development is also identified as 'integrated development', requiring approval under Section 91 of the *Water Management Act 2000* as it involves works within the aquifer (groundwater table) identified for the site.

The proposed development is consistent with the relevant State Environmental Planning policies which apply to the land, including *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.*

All components of the proposed development are permissible in the B4 zone and the proposal meets the objectives for the zone. The proposal will be compliant with all development standards (as amended by the concurrent planning proposal) and meets all local and miscellaneous provisions under Great Lakes LEP 2014.

The proposal generally meets the controls contained within the DCP as applying to the land. Some variations from the Part 6 controls are required. As discussed, these variations still meet the objectives of the controls and variation is sought given the unique development form and context of the site in the locality. The site specific controls for the site were written before the civic precinct concept on this land was developed and before the amended development standards were proposed for the land. As such, these site specific controls are largely not relevant to this form of development. Key outcomes have still been discussed and critical issues have still been incorporated into the proposal.

The subject site is highly disturbed and does not contain any significant environmental values. A small stand of trees in the south western corner of the site has been targeted for retention to maintain the marginal ecological values which those trees provide. The proposal does not result in any significant impacts on the surrounding natural environment. The impacts to the surrounding built environment have been discussed, including view analysis of the proposal. The environmental effects of the proposal in the built environment can be mitigated and have been resolved through the high quality design outcomes of the scheme.

The subject land is not significantly constrained and is suitable for urban development forms. The location of the site in proximity to the town centre and services makes the site highly suited to an integrated mixed use development. The proposed development delivers significant social and economic benefits to the community and is clearly in the public interest.