

Department of Planning, Housing and Infrastructure

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Mingara Recreation Club Seniors Housing, Tumby Umbi

State Significant Development Assessment Report (SSD 63475709)

May 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Mingara Recreation Club Seniors Housing, Tumby Umbi (SSD 63475709)
Assessment Report

Published: May 2026

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State significant development (SSD) for the Mingara Recreation Club Seniors Housing located in Tumbi Umbi, lodged by the Mingara Leisure Group Pty Ltd. The report includes:

- an explanation of why the project is considered SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the project is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether development consent for the project can be granted and any conditions that should be imposed.

Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the SSD application for the Mingara Recreation Club Seniors Housing (SSD 63475709).

The Trustee for Pariter Mingara Unit Trust (the Applicant) proposes to construct and operate a seniors housing development comprising 215 independent living units (ILUs) and a 39 bed residential care facility (RCF) in the Mingara Recreation Club precinct at 14 Mingara Drive, Tumby Umbi.

The proposal has an estimated development cost (EDC) of \$188,427,975 and is expected to generate 596 construction jobs and 24 jobs during operation.

The project is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it satisfies the criteria under schedule 1, section 28 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being seniors housing with an EDC over \$30 million that includes a RCF component.

The Minister is the declared consent authority under section 4.5(a) of the EP&A Act. However, the application is referred to Independent Planning Commission (IPC) for determination as the Minister's delegate (under delegation dated 14 September 2011), as there are at least 50 public submissions objecting to the proposal before amendments to section 2.7 of the Planning Systems SEPP.

The Department exhibited the environmental impact statement (EIS) from 22 November 2024 until 10 January 2025. During the exhibition period, the Department received:

- 54 public submissions, including 50 in objection and 4 comments
- a submission from Council providing comments on the project
- advice from 7 government agencies.

Key issues raised during the exhibition period focused on concerns with the loss of the athletics track car parking, external traffic impacts, provision of car parking, and height, bulk and scale.

The Applicant submitted a response to submissions report (RtS) on 4 August 2025 to address the issues raised in submissions and agency advice.

The Applicant subsequently submitted an Amendment report (16 December 2025) and further information on 26 February 2026.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's response and additional information. The Department's assessment concludes that the project is acceptable as:

- it would support State government priorities to deliver well-located housing as it will deliver 215 new ILUs and 39 RCF beds to meet the changing needs of an ageing population in the Central Coast region
- is permissible with consent and provides a compatible land use to the existing recreation club and recreation facilities on the site, consistent with the objectives of RE2 Private Recreation under *Central Coast Local Environmental Plan 2022* (CCLEP)
- it would provide future residents with a high level of residential amenity, including access to communal open space and would not result in unreasonable overshadowing, view or privacy impacts on adjoining development
- it would not impact the ability of the Mingara precinct to efficiently function, and the existing parking demand can continue to be met on site and car parking for larger events would be managed by the proposed Event Traffic Management Plan (ETMP) and the use of 169 new overflow parking spaces
- the site would be protected from all flood events, including the Probable Maximum Flood, post development and would not adversely affect the environment or other properties in the event of a flood
- the proposed landscaping of the drainage corridor would provide an improved corridor both ecologically and aesthetically
- the proposal would generally only contribute minor increases in delays to intersections and would maintain the existing level of service of surrounding intersection
- it would deliver public benefits through the revegetation of adjoining drainage corridor, improved access arrangements for the athletics track and generate approximately 596 construction jobs and 24 operational jobs.

The Department has recommended a suite of conditions to appropriately address any residual issues.

Following its detailed assessment, the Department considers the project to be in the public interest and concludes the project is approvable, subject to conditions.

Contents

Preface.....	i
Executive Summary	ii
1 Introduction.....	1
1.1 The proposal.....	1
1.2 Project location.....	1
2 Project.....	4
2.1 Project overview.....	4
3 Statutory context.....	7
3.1 Housing supply	7
3.2 Permissibility and assessment pathway	7
3.3 Other approvals and authorisations.....	8
3.4 Planning Secretary’s environmental assessment requirements.....	8
3.5 Mandatory matters for consideration	9
4 Engagement.....	10
4.1 Exhibition of the EIS	10
5 Assessment.....	14
5.1 Building design, bulk and scale	14
5.2 Athletics track car parking and access.....	18
5.3 Flooding.....	24
5.4 Biodiversity and vegetation management	28
5.5 Future Residential Amenity	31
5.6 Other issues.....	32
6 Evaluation.....	41
Glossary.....	42
Appendices.....	43
Appendix A – List of referenced documents	43

Appendix B - Athletics Approval History.....	44
Appendix C – Department’s consideration of submissions.....	47
Appendix D – Statutory considerations.....	54
Appendix E – Recommended instrument of consent.....	89

1 Introduction

1.1 The proposal

1. The Trustee for Pariter Mingara Unit Trust (the Applicant) seeks approval for a seniors housing development, comprising 215 ILUs and a 39 bed RCF at 14 Mingara Drive, Tumbi Umbi, within the Mingara Precinct in Tumbi Umbi on the Central Coast.
2. The project description and mitigation measures provided in **Section 3** and **Appendix D** of the environmental impact assessment (EIS) and amendment report are the subject of this report and will form part of the development consent if the project is approved.
3. An overview of the proposal is provided in **Section 2**.

1.2 Project location

4. Project location details are described in **Table 1**. The subject site is shown in **Figure 1** and **Figure 2**.

Table 1 | Key aspect of the site

Aspect		Description
Address		14 Mingara Drive, Tumbi Umbi
Legal description		Lot 13 in DP 1204397 and Lot 71 in DP 1011971
LGA		Central Coast
Site area		29,957.5 m ²
Existing development		The development site is vacant and forms part of the Mingara Precinct (as shown in Figure 1 and Figure 2), which includes: • Mingara Recreation Club (including cafes, restaurants, club facilities, fitness and aquatic centre and an outdoor bowling area • 5 storey hotel • Mingara Regional Athletics Centre • future childcare facility (recently approved by the Central Coast Council (DA/1969/2023) on 09 July 2025). The development site, while vacant, is currently used informally as grassed overflow car parking for athletics track users.
Surrounding context	North	• Within the Mingara precinct: athletics track with associated amenities building, parking and stormwater detention basin. • Beyond club boundary: general industry uses and low density residential.

Aspect	Description
	South Beyond club boundary: Low density residential and Glengara Retirement Village one to two storeys in height.
	East - Within the Mingara precinct: Mingara Recreation Club and associated car parking. - Beyond club boundary: retail uses, Mingara Medical Centre, low density residential.
	West - Within the Mingara precinct: drainage channel - Beyond club boundary: Glengara Retirement Village one to two storeys in height, low density residential and heavily vegetated areas.
Topography	Predominantly flat with a gentle slope from south-west toward north-east corner of the site (RL 9.60 to RL 7.00).
Existing access	Pedestrian and vehicle access via Wyong Road and Mingara Drive.
Public transport	Bus stops located on Wyong Road and Mingara Drive.
Flooding	The site is subject to 1% Annual Exceedance Probability (AEP) and probable maximum flood (PMF) flood events.
Bushfire	While the site is not mapped bushfire prone, the east and west of the site is mapped Vegetation Buffer and Vegetation Category 1.
Easements or covenants	The western and southern boundary of the development site has a registered easement for drainage purposes.

Figure 1 | Local context map (source: Applicant EIS)

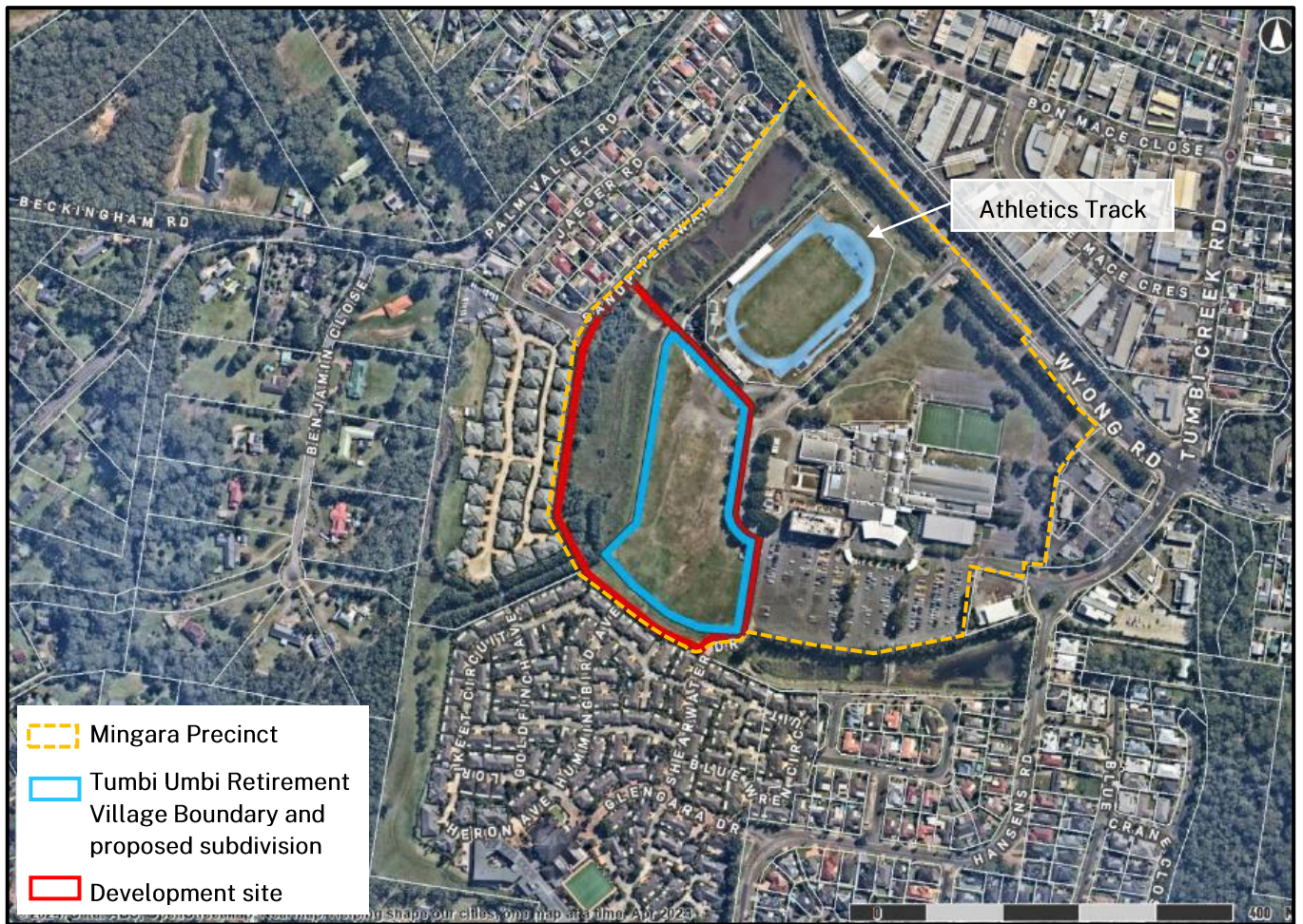


Figure 2 | Site boundary (source: Applicant EIS)

2 Project

2.1 Project overview

5. The proposal seeks approval for the construction of a seniors housing development comprising both 215 ILUs and a 39 bed RCF.
6. The key aspects of the project are provided in detail in the Project Description chapter of the EIS and Amendment Report. An overview of the final proposal is outlined in Table 2 and shown in Figure 3 to Figure 5.

Table 2 | Key aspects of the project

Aspect	Description																		
Site preparation	- Demolition of existing hardstand and at-grade car park - Minor excavation and bulk earthworks																		
Uses	- Seniors housing development comprising 215 ILUs and 39 RCF beds - Temporary display suite - Ancillary amenities including food and drink premises, multi-functional spaces and wellness facilities.																		
Building height	Construction of 13 two storey villas and four buildings ranging in height from 6 to 7 storeys (maximum 27 m in overall height) as follows:<table><tr><th>Building</th><th>Use</th><th>Maximum Height</th></tr><tr><td>Villas</td><td>ILU</td><td>2 storeys (RL 16.283 – RL 15.48)</td></tr><tr><td>Building 1</td><td>ILU</td><td>6 storeys (RL 28.10)</td></tr><tr><td>Building 2</td><td>ILU and RCF</td><td>7 storeys (RL 33.29)</td></tr><tr><td>Building 3</td><td>ILU</td><td>7 storeys (RL 32.30)</td></tr><tr><td>Building 4</td><td>ILU</td><td>6 storeys (RL 29.74)</td></tr></table>	Building	Use	Maximum Height	Villas	ILU	2 storeys (RL 16.283 – RL 15.48)	Building 1	ILU	6 storeys (RL 28.10)	Building 2	ILU and RCF	7 storeys (RL 33.29)	Building 3	ILU	7 storeys (RL 32.30)	Building 4	ILU	6 storeys (RL 29.74)
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Building 3	ILU	7 storeys (RL 32.30)																	
Building 4	ILU	6 storeys (RL 29.74)																	
Gross floor area (GFA)	- A total GFA of 31,739.7 m² (1.06:1 FSR), comprising: 2,8271 m² ILUs 2,090 m² RCF 640 m² communal facilities																		
Access	- Main vehicle access via the existing internal road connecting to Mingara Drive. - Pedestrian connections to the existing club, internal road network and adjoining wetlands.																		
Car parking	309 car parking spaces, comprising 301 spaces for the ILUs and 8 for the RCF (including 5 staff car parks) and an ambulance park																		
Communal open space and landscaping	8091 m² of communal open space																		

Aspect	Description
	Revegetation and rehabilitation of drainage easement to the west of the site (Figure 4)
Staging	- Stage 1: construction of Buildings 1 – 3, Villas 1 – 6 and associated roads, landscaping, authority services infrastructure, drainage works and vegetation embellishment (expected duration: 21 months). - Stage 2: construction of Building 4, Villas 7 – 13 and associated roads, landscaping, authority services infrastructure and central open space referred to as the “Village Heart” (expected duration: 21 months).
Subdivision	- Subdivision of Lot 13 into 3 lots, comprising: - Lot 1 (1.778 ha) - Lot 2 (1.26 ha) which would contain the proposed retirement village. - Lot 3 (16.35 ha) comprising of the remaining lot area. - Following the completion of Stage 2, Lots 1 and 2 would be consolidated to become Lot 4 (2.994 ha).



Figure 3 | Site perspective looking northeast (source: Amendment Report)

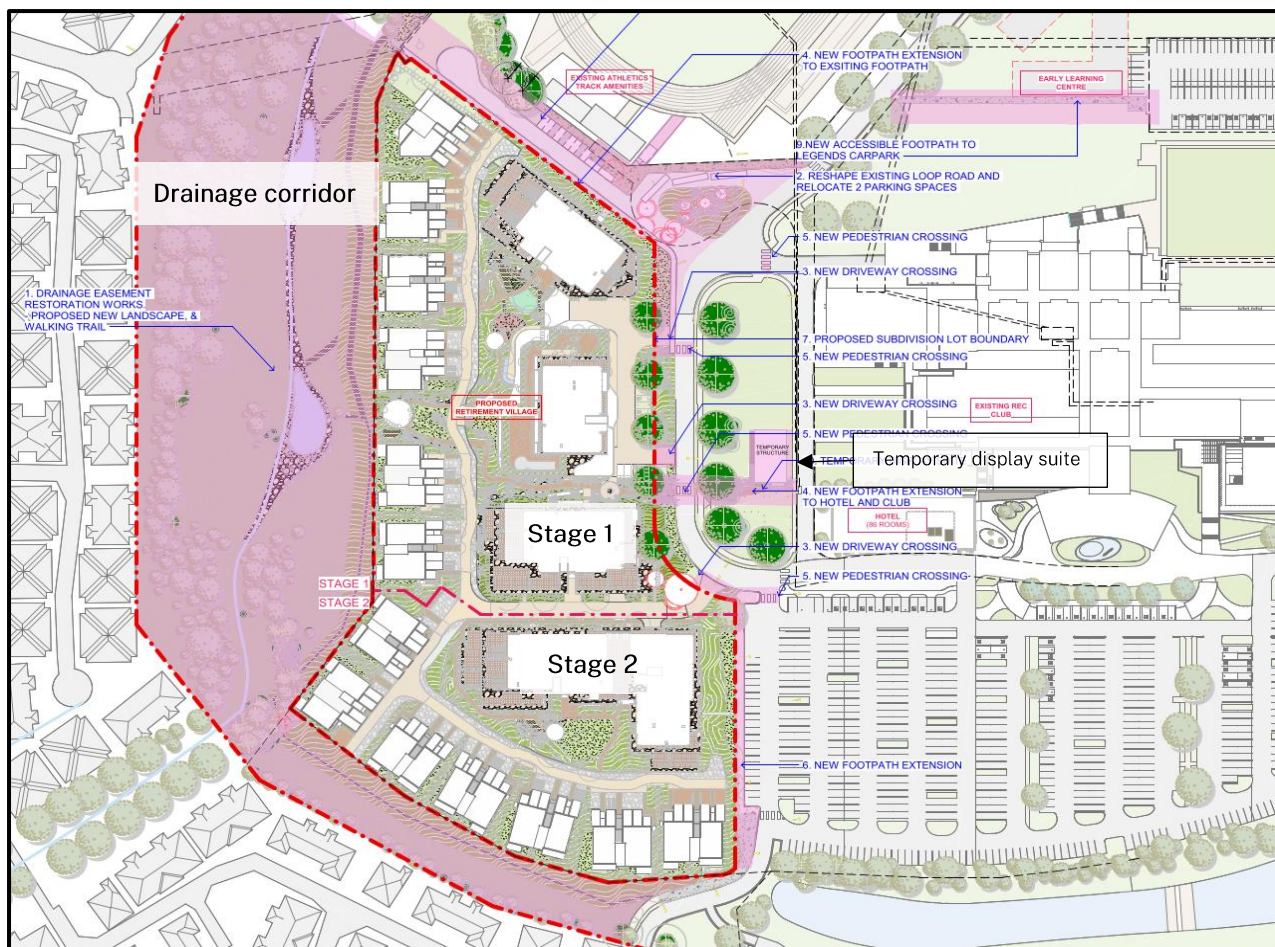


Figure 4 | Proposed scope of works plan (source: Applicant EIS)

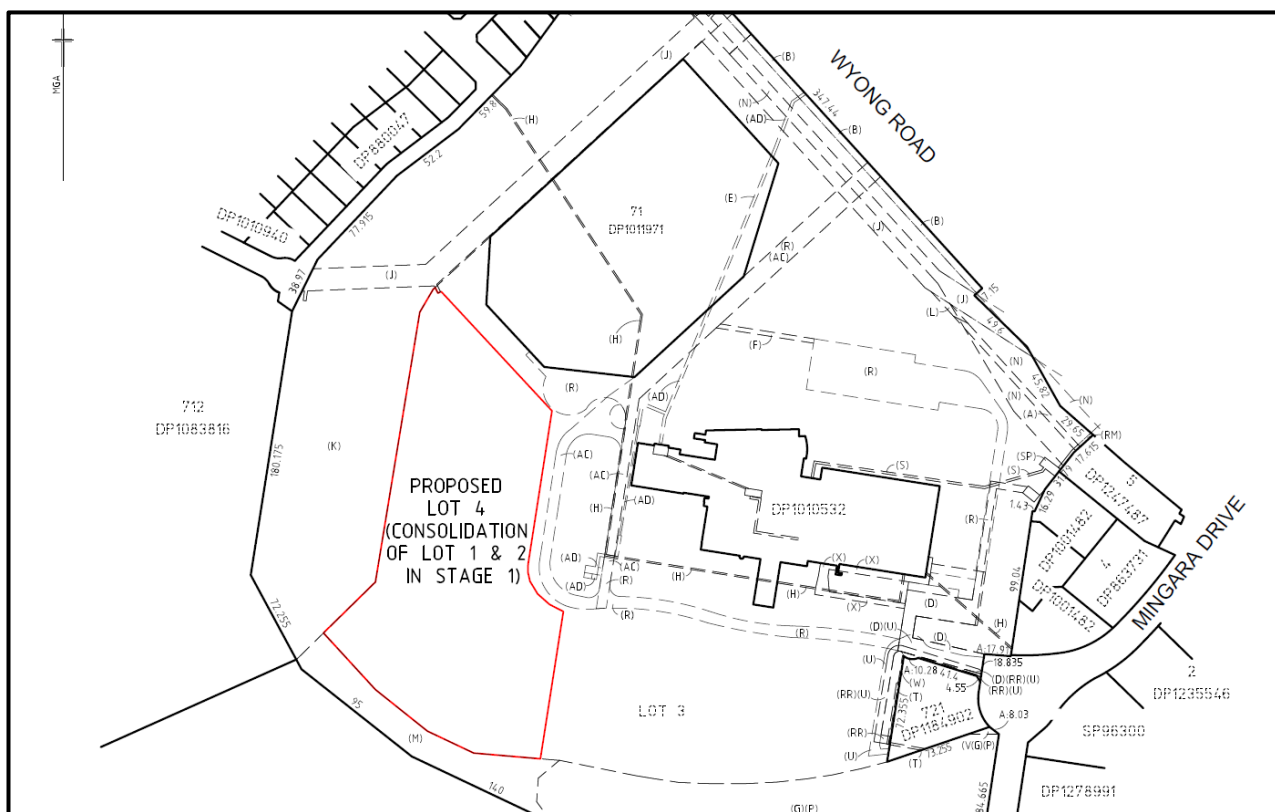


Figure 5 | Lot 4 subdivision plan (source: Applicant EIS)

3 Statutory context

3.1 Housing supply

7. The NSW Government has a target of 377,000 well-located homes by 2029. This policy supports the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes by 2029.
8. To support the delivery of seniors housing across NSW, in November 2021 an SSD pathway was introduced for large scale seniors housing developments that include residential care facilities. This SSD application has been submitted pursuant to these initiatives that aim to support the delivery of well-located and accessible seniors housing.
9. The proposal involves the development of a new, modern, purpose-built seniors housing facility that aligns with broader strategic objectives to alleviate housing pressure and respond to both community needs and the evolving requirements of an aging population.

3.2 Permissibility and assessment pathway

10. Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in Table 3 below.

Table 3 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The project is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the Planning Systems SEPP as it is: • for the purposes of seniors housing, which includes a RCF and has an EDC of more than \$30 million (in the Greater Sydney region) • there are no prohibited components of the development under an EPI • the development is permissible with development consent under Part 4 of the EP&A Act.
Consent authority	The Minister is the declared consent authority under section 4.5(a) of the EP&A Act. However, the application is referred to IPC for determination as the Minister's delegate (under delegation dated 14 September 2011), as there are at least 50 public submissions objecting to the proposal prior to amendments to section 2.7 of the Planning Systems SEPP.

Consideration	Description
Permissibility	The site is zoned RE2 Private Recreation under the <i>Central Coast Local Environmental Plan 2022</i> (CCLEP). Seniors housing is permissible under Part 5, Division 1, section 81 of the Housing SEPP. While not specified as a permitted use, the temporary display suite, food and drink premises, multi-functional spaces and wellness facilities are considered to be ancillary to the predominant use for seniors housing as they are minor and sufficiently integrated with the development and therefore can be approved. The proposal also includes works to the athletics track lot, including landscape works and amendments to the track interface. These are considered to be ancillary to the predominant use of the site as a recreation facility (outdoor) and therefore can be approved.

3.3 Other approvals and authorisations

11. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
12. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the project.
13. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 4** and **Section 5**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix E**).

3.4 Planning Secretary's environmental assessment requirements

14. The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 18 October 2023 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

3.5.1 Matters of consideration required by the EP&A Act

15. Mandatory matters for consideration include:
 - matters of consideration required by the EP&A Act
 - objects of the EP&A Act and ecologically sustainable development (ESD)
 - biodiversity development assessment report
 - matters of consideration required by the EP&A Regulation
 - matters of consideration required by environmental planning instruments.
16. The Department's consideration of these matters is summarised in **Appendix C** and is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Exhibition of the EIS

4.1.1 Public exhibition of the EIS

17. After accepting the development application and EIS, the Department:
 - publicly exhibited the project from 22 November 2024 until 10 January 2025 (50 days) on the NSW Planning Portal
 - notified occupiers and landowners in the vicinity of the site about the public exhibition
 - notified and invited comment from relevant government agencies and Central Coast Council (Council)
 - undertook a site visit on 14 January 2025.
18. The Department received 54 public submissions (50 objections and 4 comments), advice from 7 government agencies, and comments from Council.
19. The Department requested the Applicant respond to the issues raised in submissions and the comments received from government agencies and Council.
20. The Applicant provided a Response to submissions report (4 August 2025), an Amendment report (16 December 2025) and additional information (26 February 2026) (see **Appendix A**).
21. The Department considered the proposed amendments were not major and would not result in any additional environmental impact, and therefore, the lodgement of date is not altered, and re-exhibition of the application was not required.
22. The Department published the RtS and Amendment report on the NSW Planning Portal and forwarded the amendment report to Council and Transport of NSW (TfNSW) for comment on 15 January 2026.

4.1.2 Summary of advice received from government agencies

23. A summary of the public authority advice is provided in **Table 4**. This summary outlines the final position and any outstanding comments raised by each public authority response to the exhibition of the EIS and, where relevant, notification of the RtS and Amendment Report.
24. A link to a copy of the advice is provided in **Appendix A**.

Table 4 | Summary of agency advice

Agency	Advice summary
TfNSW	Advised the proposal was acceptable from a traffic perspective.
Department of Climate Change Energy, Environment and Water (DCCEEW) Conservation Programs, Heritage and Regulation (CPHR)	Recommended all plans required as a condition of consent that relate to biodiversity, flooding or coastal management should be developed in consultation with, and to the satisfaction of CPHR.
NSW State Emergency Services (NSW SES)	NSW SES reviewed the proposal and recommended: - considering the impact of flooding at the site and access/egress routes for floods up to and including the Probable Maximum Flood (PMF), time to onset and duration of isolation and the impact of climate change - consideration and management of the risks of prolonged flooding - considering the Person-Centred Emergency Preparedness (P-CEP) Workbook to assist in developing an appropriate emergency plan tailored to the individual support needs of people with disability.
Heritage NSW (Aboriginal cultural heritage) (HNSW (ACH))	Recommended the following conditions of consent: - all reasonable steps be taken so as not to harm or impact Aboriginal objects - the Registered Aboriginal Parties (RAPs) must be kept informed about the SSD - a procedure of unexpected Aboriginal objects, and human remains must be developed in consultation with the RAPs and for inclusion in the projects Construction and Environmental Management Plan (CEMP).
DCCEEW Water Group	Requested additional information in relation to the maximum annual groundwater take and recommended the following conditions of consent be imposed: - obtain a water access licence to account for the maximum predicted water take for construction and operation activities, unless an exemption applies under the <i>Water Management (General) Regulations 2018</i>. - works within waterfront land are designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land.

Agency	Advice summary
Ausgrid	No concerns and recommended the Applicant undertake direct discussions with Ausgrid regarding new connections and load requirements to the site and submit a connection Application as soon as practical.
Fire and Rescue NSW (FRNSW)	No concerns or recommendations on the proposal.

4.1.3 Summary of council submissions

25. Council provided comments on the EIS, RtS and Amendment Report. A link to Council's submission is provided **Appendix A**. Issues raised by Council are summarised below:

- overflow parking should be relocated to non-flood-affected parts of the site.
- inadequate Vegetation Management Plan (VMP) and requested an implementation period of 5 years
- urban design quality (including visual dominance of car parking, lack of identity between buildings, insufficient indoor and outdoor communal facilities)
- vehicle access arrangement for seniors development.

4.1.4 Summary of public submissions

26. The Department received a total of 54 submissions during public exhibition of the EIS, including 50 in objection and 4 providing comments.

27. The key issues raised in the public submissions is listed in **Table 5** and a link to all submissions in full is provided in **Appendix A**.

Table 5 | Key issues raised in public submissions on the EIS

Issue	Number and % of Submissions
Impact to athletics track (including disabled parking, safe access to existing track, bus drop off to track)	37 (69%)
External traffic impacts	22 (41%)
Bulk and scale of buildings and proximity to athletics track	17 (32%)
Impacts to provision of sports and recreation facilities	14 (26%)
Carparking proposed to facility (including employee parking, ambulance bays and servicing)	7 (13%)
Quality and independence of EIS (including Traffic modelling)	6 (11%)

Issue	Number and % of Submissions
Construction impacts	5 (9)
Overdevelopment of the site	4 (8%)
Amenity impacts to surrounding properties	4 (8%)
Amenity conflicts from proximity between seniors living and area used for sport matches	4 (8%)
Medical capacity in area	3 (6%)
Pressure on infrastructure	3 (6%)
Issues with consultation	3 (6%)
Biodiversity and tree removal	3 (6%)
Evacuation impacts	3 (6%)
Inconsistent with objects of zoning	2 (4%)
Stormwater and drainage	2 (4%)
Social impacts	2 (4%)

5 Assessment

28. The Department has assessed the proposal, considering all documentation submitted by the Applicant, all issues raised in submissions and all advice provided by government agencies.
29. The issues below are considered by the Department to be key assessment issues and are discussed in the following sections.
 - building design, bulk and scale
 - athletics track car parking and access
 - flooding
 - biodiversity and vegetation management
 - future residential amenity.
30. The Department's consideration of other issues is described in **Section 5.6** and the appendices of this report.

5.1 Building design, bulk and scale

31. The Department considers the following are the key aspects in determining built form and suitability:
 - bulk and scale
 - building design.

5.1.1 Bulk and scale

32. Public submissions raised concerns with the proposed heights and bulk of Buildings 1 to 4, overdevelopment of the site and the appropriateness of the proposal in the context of the area.
33. Council did not raise concerns with the proposed buildings heights; however, recommended a precinct wide masterplan due to the proposed density.
34. The CCLEP does not prescribe a maximum building height or floor space ratio (FSR) control for the site.
35. The development proposes a range of building heights across the villa buildings and multistorey buildings, with a maximum building height of 27 m (7 storeys) proposed. A summary of all proposed building heights is provided in **Table 6**.
36. Following the finalisation of the proposed subdivision and lot consolidation, the proposal would result in a 1.09:1 FSR.

Table 6 | Building height summary

Building	Storeys	Height
Villas (x13)	2 storey	7.5 m (maximum RL 16.283)
Building 1	6 storeys	21.8 m (RL 28.10)
Building 2	7 storeys	27 m (RL 33.29)
Building 3	7 storeys	24.8 m (RL 32.30)
Building 4	6 storeys	22.1 m (RL 29.74)

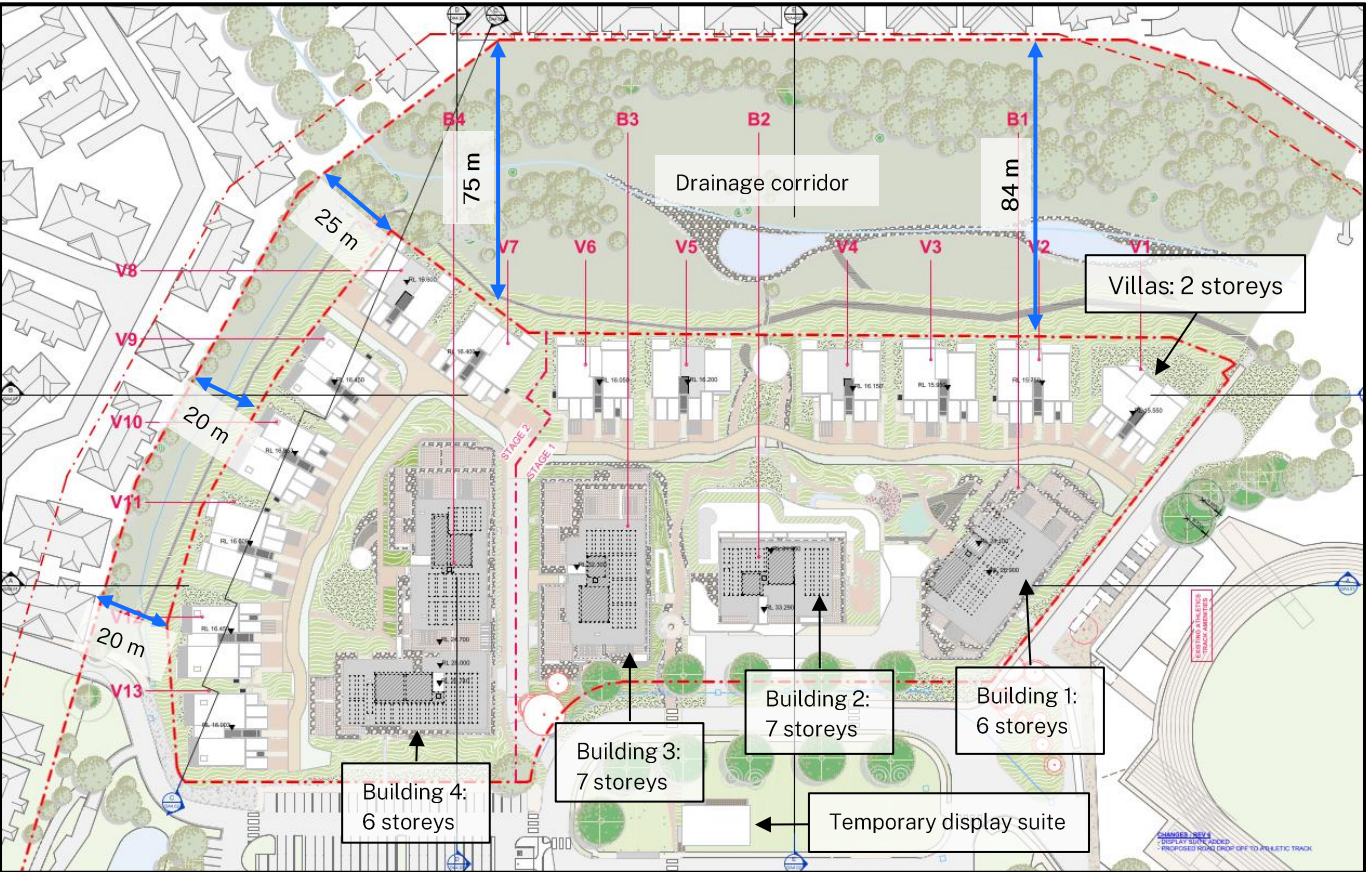


Figure 6 | Proposed built form layout (source: Amendment Report)

37. The Department acknowledges Council’s comments relating to the preparation of a site-specific masterplan. However, the Department notes that seniors housing development has always been contemplated under CCLEP and the requirement for a concept development application for the precinct does not exist (i.e., site specific additional permitted uses clause under clause 18 of schedule 1 of CCLEP).
38. Notwithstanding, this was accompanied by an Urban Context Report and Architectural Design Report which set out a contextual, master planned response to the development of the site to ensure that the siting, massing and arrangement of built form appropriately respond to the setting and will be integrated into the broader Mingara Precinct.

39. The Department acknowledges the concerns raised in the submissions, however, also notes the large urban setting and size of the Mingara Precinct has allowed for a campus-scale master planned design approach. The Precinct includes varied building heights and densities that have been purposefully located to provide a more balanced built form and legible precinct while minimising potential bulk, scale and amenity impacts and providing a sympathetic transition to surrounding lower density residential development (i.e., Glengara Retirement Village). In particular:
- the 6 to 7 storey buildings (Buildings 1 to 4) have been sited towards the centre of the Mingara precinct and the larger existing buildings within the Mingara Recreation Club precinct, including the recently constructed 5 storey hotel in the Mingara precinct
 - the 2 storey villas located adjacent the southern and western boundaries provide an appropriate built form interface with a stepped-down scale toward the edge of the site providing a transitional nearer by the adjoining low density residential development
 - the proposal incorporates substantial landscaped setbacks that exceed the building separation distances recommended NSW Apartment Design Guide (ADG), which adequately mitigate any visual privacy or overshadowing impacts to adjoining residential dwellings
 - visual impacts have been minimised through the retention of existing vegetation, revegetating of the drainage corridor and provision of the landscaping throughout the seniors development.
40. Additionally, the proposed design was subject to two State Design Review Panel (SDRP) reviews, which considered the appropriateness of the bulk and scale, and resulted in changes to the built form, including reducing the scale towards the western edge and increasing the separation between villas (Section 5.1.2).
41. Noting the above, the Department is satisfied the proposed building height bulk and scale of the proposed buildings are acceptable.

5.1.2 Design

42. The State Design Review Panel (SDRP) reviewed the proposal twice before lodgement in 2023 and expressed support for the reduced scale of the western villas, the pedestrian links, view corridors to the western mountains and integration of Country and landscape approaches.
43. In response to SDRP feedback, the Applicant increased the separation between villas, centralised the communal open space to improve accessibility and increased opportunities for resident interaction and provided additional pedestrian connections.
44. Council raised concerns with the urban design response, including the visual dominance of car parking and differentiation between buildings.

45. In response, the Applicant advised:

- car parks have been screened through a combination of raising of berms above natural ground level and incorporating climbing plants to soften the façade and car parking near the communal open space and main arrival area would be further screened with vertical louvers (see Figure 7)
- providing basement or a partially submerged basement parking is not practical on this site due to the water table conditions and flood risks
- the proposal has incorporated variation in brickwork and façade treatments to provide individual building identity while maintaining consistency across the development.



Figure 7 | Perspective of site looking southwest (source: Applicant RFI)

46. The Department is satisfied the proposal would result in a good design outcome on the basis that:

- it achieves a high standard of architectural design through a well-considered built form
- the building massing, orientation, setbacks, and façade treatments minimise impacts on solar access and privacy to external residents
- it would enhance the drainage corridor through addition of landscaping and publicly accessible paths, which would benefit both future residents and the broader community
- potential visual impacts resulting from the at grade carparking would be adequately minimised through the incorporation of façade treatments, including landscaping and screening.

5.2 Athletics track car parking and access

47. The development site is located directly south of the existing athletics track and is proposed on an existing grassed area that has been used as the overflow parking for the facility (**Figure 8**).
48. The athletics facility was delivered through a joint funding partnership between Central Coast Athletics, Central Coast Council, NSW Government and Mingara Recreation Club. The operation and management of the facility has been leased to Mingara Recreation Club Ltd. The facility is used by the wider Central Coast region as well as visitors from outside the region and is home to Central Coast Academy of Sport and Mingara Athletics Club.
49. Council and public submissions raised concerns relating to impacts from the proposed development on the athletics track including the removal of overflow parking and accessible spaces, capacity for the existing car park to service events and impacts to the bus drop off and safe access to existing.
50. The Department considers the following aspects are key in assessing the potential impacts to the athletics track:
 - consistency with athletics track development consent
 - parking capacity of the Mingara precinct
 - interface and access arrangement between the development and the athletics track.

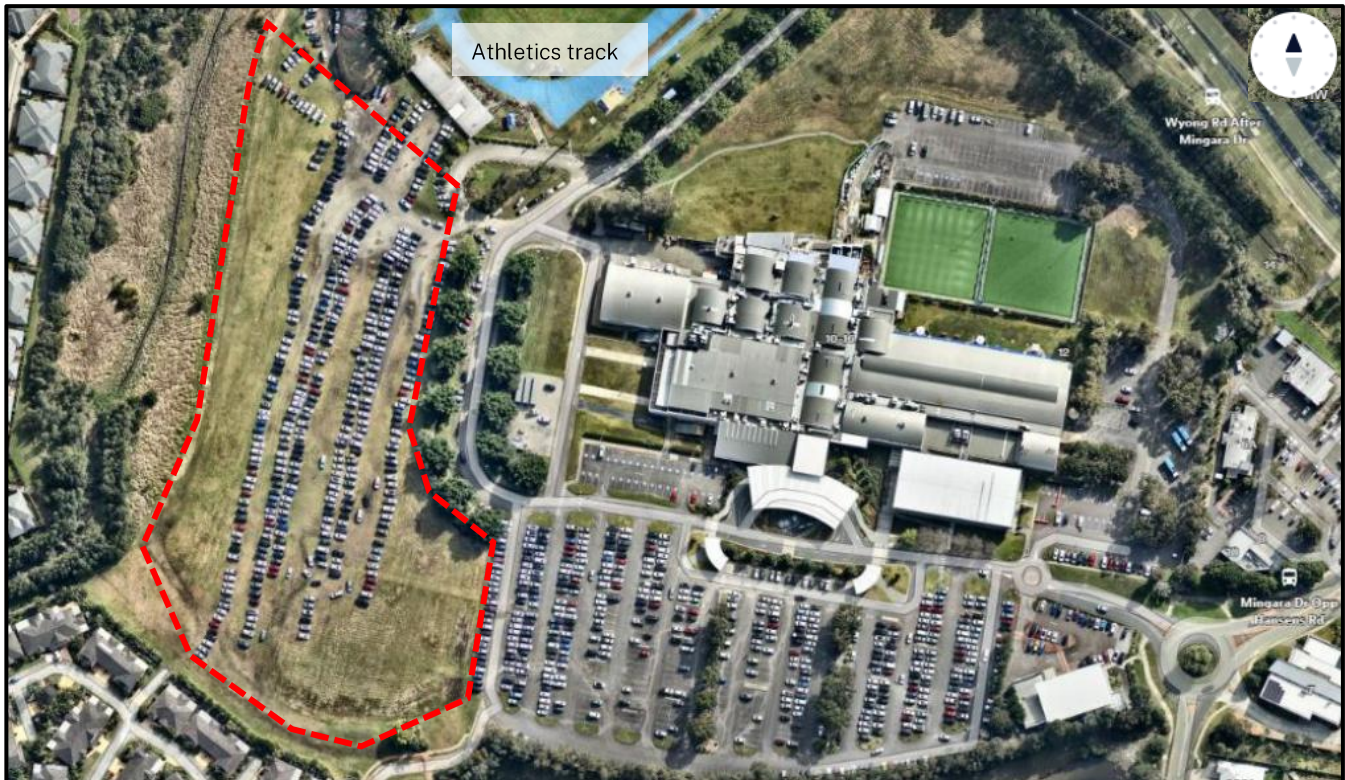


Figure 8 | Overflow parking on grassed area on with seniors housing site outlined in red dash (base source: near map, dated August 2022)

5.2.1 Consistency with athletics track consent

51. Council initially raised concerns the proposal would conflict with the athletics track consent in terms of providing the required car parking. Public submissions raised concerns with the removal of the athletic track overflow parking area and consistency with existing consent.
52. Condition 8 of the athletics track approval (DA/420/98) required plans to be approved by Council before the issue of a construction certificate for the development detailing the provision of 300 parking spaces, comprising 150 all-weather car parking spaces located near the athletics track and an additional 150 grassed overflow parking spaces. An overview of the approval history relevant to this condition is provided in **Appendix B**.
53. The Applicant has argued that the issuing of the construction certificate and the occupation certificate for the athletic track infers condition 8 was deemed to be satisfied by Council. Additionally, the consent does not include a requirement for the continued maintenance of either the all-weather or overflow car parking.
54. Notwithstanding the above, the Department considers the intent of condition 8 is clear and acknowledges the construction certificate plans approved by the former Wyong Council (**Figure 9**) detail “grassed areas” near the athletics track. Based on these available documents it appears that the consent requirements anticipated their use as overflow parking areas.

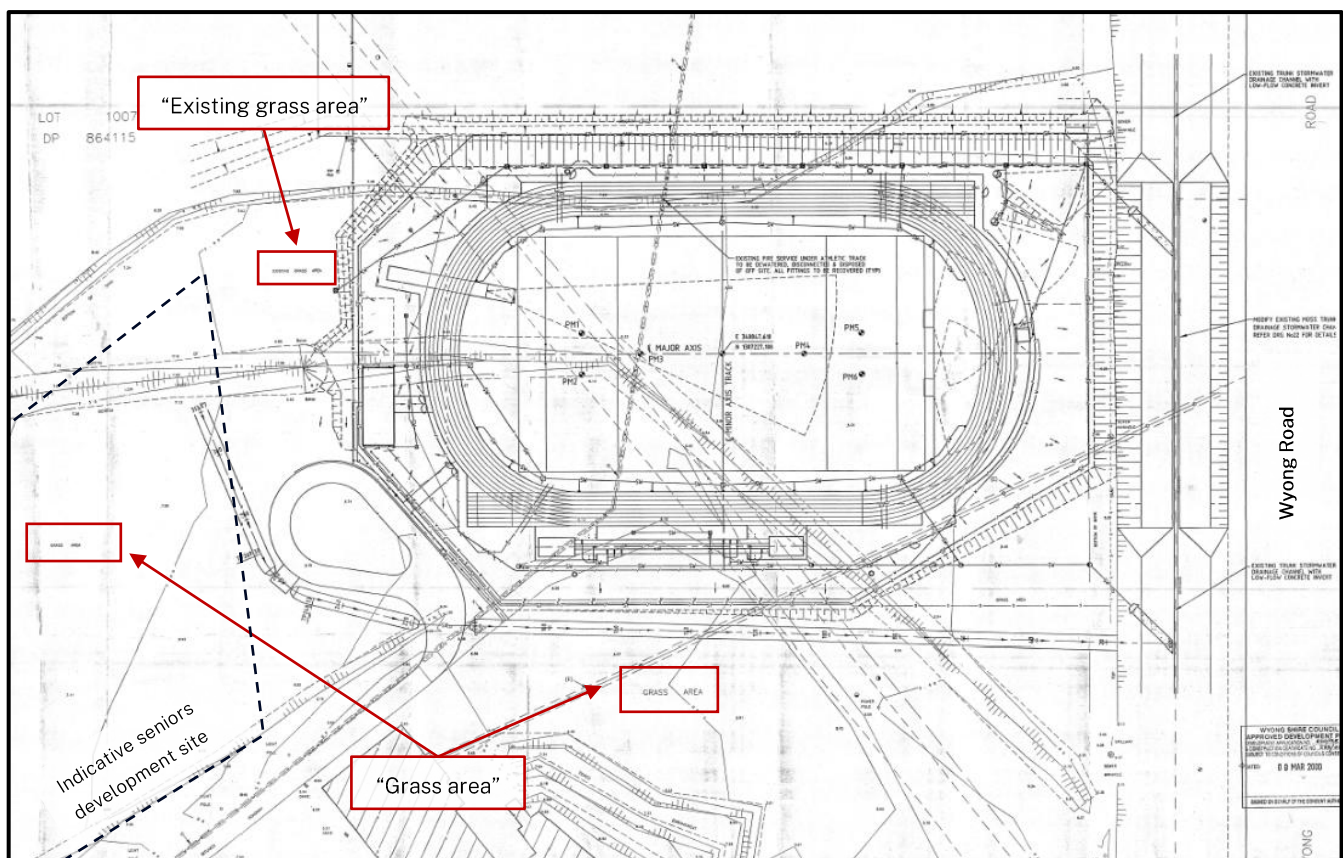


Figure 9 | Stamped Plans for Construction certificate (Reference: 235/2000) annotated by the Department

55. It is also evident that the main overflow parking area used by athletics track users corresponds with one of the “grassed areas” and that this land would be impacted by the proposed development and no longer available for parking.
56. Notwithstanding, the Department is satisfied that the parking requirements of the athletics track can continue to be accommodated by the existing all-weather parking provided across the broader Mingara precinct. In addition, the Applicant has identified new grassed areas that could accommodate 169 new overflow parking spaces, the use of which would be managed by an ETMP.
57. Detailed consideration of the car parking demands of the athletics track and other uses in the precinct is provided in Section 5.2.2 and the Department’s conclusion is provided in Section 5.2.4.

5.2.2 Mingara precinct parking capacity

58. Public submissions raised concerns with the capacity of the existing Mingara precinct car parking to service athletics track users and other existing uses within the Mingara precinct if the grassed overflow parking area was removed due to the proposed development.
59. The Department notes that the proposed seniors housing development provides all necessary parking requirements within the boundary of the development site, as discussed in Section 5.5.
60. The Applicant’s Transport and Accessibility Impact Assessment (TIA) provides an analysis of the Mingara precinct’s parking requirements and demands (excluding the proposed seniors housing development) to determine whether the existing parking infrastructure is sufficient to meet the expected demands. The TIA details:
 - a total of 802 all-weather car parking spaces are already provided to the north and south of the Mingara Recreation Club (i.e. to the south and east of the athletics track)
 - peak parking demand for the precinct totals 778 spaces and occurs on Fridays between 6 pm and 7 pm (as detailed in Table 7)
 - the existing on-site parking infrastructure is sufficient to accommodate all existing uses, including the 300 parking spaces required under Condition 8 of DA/420/98.
61. To further support car parking demand management, the Applicant submitted an Event Traffic Management Plan with its Amendment Report that considers the management of typical events (such as athletic track events, school athletics days and carnival days). It is noted the ETMP does not consider major events (such as ‘Christmas under the stars’), which would be subject to an event specific traffic management plan.

Table 7 | Peak hour parking demand (Fridays, 6pm-7pm) and spaces provided in Precinct

Land use	Parking demand*	Spaces provided
Existing club	359	
Approved hotel	92	
Approved Early Learning Childcare (ELC)	27	
Athletics track (150 all weather and 150 overflow)	300	
Total demand	778	
Total all weather car parking spaces provided in Precinct		802
Total additional overflow car parking spaces proposed		169

*Note: all parking requirements for the proposed development are accommodated within the boundary of the seniors housing development site (refer to Section 5.5)

62. To address community concerns that the amount of parking required under the athletics track may be insufficient for larger events, the ETMP has nominated additional overflow parking areas in the Mingara Precinct (above the 150 required in the athletics track consent) that provides approximately 169 new overflow car parking spaces (see areas nominated in Figure 10).
63. Council raised concerns with the proposed overflow parking locations and recommended they be relocated to an area not impacted by flooding.
64. In response to Council's concerns, the Applicant advised:
 - while proposed overflow parking areas are subject to a low flood hazard during the 1% AEP event, these areas are intended to function as informal, short-term overflow parking during peak Athletics events only
 - before using the overflow carparking areas, the ETMP requires consideration of the site conditions to ensure these areas are not used when ground conditions or flood risk do not permit safe use
 - appropriate signage will be provided to clearly communicate appropriate management of visitors and availability of car parking.

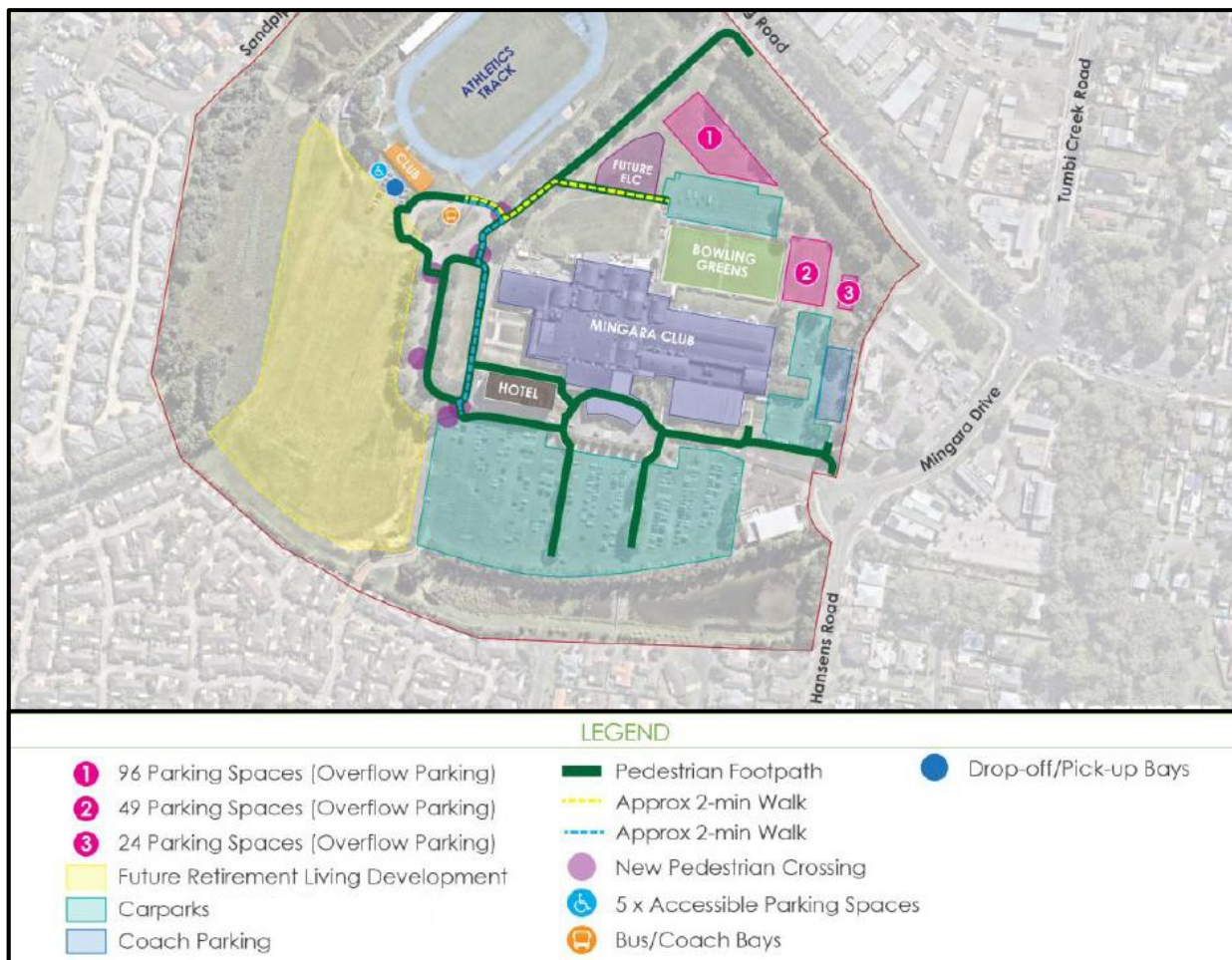


Figure 10 | Overflow car parking locations shown in pink (source: Amendment Report)

65. The Department is satisfied the loss of the grassed overflow parking area historically used by existing athletics track users is acceptable on the basis that:
- the proposed development would not impact on the ability of the Mingara precinct to function as the existing parking demand can be met on site (including the 300 parking spaces required for the athletics track under the athletics track DA consent) up to and including the cumulative peak parking demand periods
 - the accommodation of the 300 parking spaces for the athletics track within the precinct and the proposed 169 new grassed overflow parking spaces exceeds the required total amount of parking required under Condition 8 of DA/420/98
 - the provision and management of car parking for larger events would be managed by the ETMP, including the use of the additional 169 new grassed overflow parking spaces and measures to minimise traffic conflicts and impacts to the broader community
 - use of the athletics track for large events and any associated demand for the new overflow parking is unlikely during flood events. The management of these spaces could be achieved through the implementation of an ETMP as a condition of consent.

66. Further consideration and the Department's conclusion are provided in **Section 5.2.4**.

5.2.3 Athletics track interface and access arrangement

67. Public submissions raised concerns with the removal of accessible parking spaces, the bus drop off and safe access to existing athletics track from the main Mingara precinct parking areas.
68. The Amendment Report proposed improvements to the interface with the athletics track facility, including:
- amendments to the existing loop road and extension of the road to the south of the track (with turning head)
 - relocation of 5 disabled parking to the south of the track entrance
 - incorporation of a new loading/servicing bay for the athletics amenities, 2 parents drop off bays and a dedicated ambulance bay
 - provision of bus turning bay and drop off area with capacity for 3 buses
 - landscaping improvements including new tree planting, paving and seating
 - improved pedestrian connections and pedestrian crossings to facilitate access to the Mingara precinct car parks.
69. Further consideration and the Department's conclusion are provided in **Section 5.2.4**.

5.2.4 Department's conclusion

70. The Department acknowledges the parking and access concerns raised by Council and in community submissions and has thoroughly considered those in the context of the proposal.
71. The Department acknowledges that the proposal will displace the current overflow parking area for Athletics Track users. However, it is satisfied the proposed parking and access arrangements within the Mingara precinct will be acceptable on the basis that:
- existing parking provisions across the Mingara precinct, new overflow parking areas and proposed management arrangements will satisfactorily meet the peak parking demands, as discussed in **Section 5.2.2**
 - parking for larger events would be capable of being managed by the ETMP, which would manage the use of the new overflow parking spaces and provide management measures to minimise traffic conflicts and impacts to the broader community
 - the proposal incorporates substantial improvements to the existing access arrangements to the athletic track, including formalising and improving accessible parking spaces,

parent drop off, maintenance/supply access and additional pedestrian connections, crossings and way finding signage.

5.3 Flooding

5.3.1 Flood impacts

72. The site adjoins a tributary of Tumbi Umby creek that was historically realigned and flows in a general northeast direction (Figure 11). The Mingara Precinct and Wyong Road are subject to riverine flash flooding from this tributary.
73. The Applicant's updated Flood Impact Assessment (FIA) confirmed that in the post development scenario, the site would be flood free during all flood events (including the PMF) due to the raising of the east and south-east of the site (Figure 11 and Figure 12).



Figure 11 | Post development 1% AEP flood conditions (source: Applicant RtS)



Figure 12 | Post development PMF flood conditions (source: Applicant RtS)

74. While no change to flood levels would occur in the post development scenario during a 1% AEP event on site or off-site, the proposed site works would result in a minor increase to off-site flooding during a PMF event. Modelled increases to flood levels range between 21 mm to 89 mm (Figure 13), specifically:
- residential properties north of the site would experience a 21 – 48 mm increase in PMF flood levels, with the greatest increase at 26 Lucas Crescent, Berkeley Vale
 - industrial properties north of the site beyond Wyong Road would experience a 23 – 89 mm increase in PMF flood levels, with the greatest increase at 14 Bon-Mace Close, Berkeley.
75. Affected properties will continue to be exposed to flood hazards ranging predominantly between H1 (generally safe for vehicles, people and buildings) and H2 (unsafe for small vehicles), with some residential properties and hardstand areas of industrial properties impacted by H3 (unsafe for vehicles and children/elderly) and H5 (unsafe for vehicles, people and some buildings).
76. Notwithstanding, the modelled flood level changes do not change the existing level or extent of flood hazard of flood affected properties. Further, no additional properties would become affected by flooding.

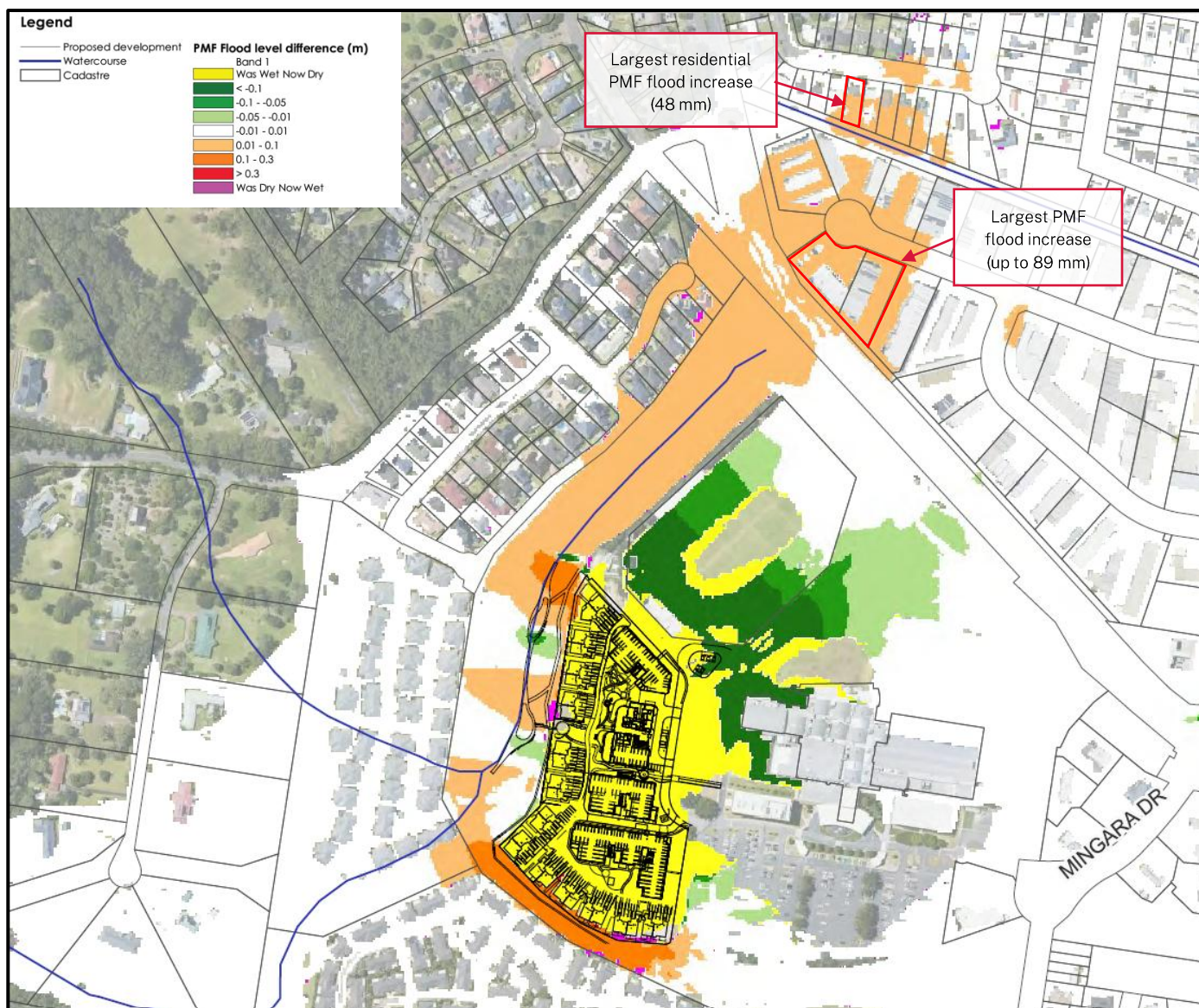


Figure 13 | PMF flood level difference

77. The Department notes flood modelling has also been based on a conservative blockage scenario at the request of Council in their submission instead of the *Australian Rainfall and Runoff Revision Project 11 – Blockage of Hydraulic Structures*. Under this scenario, large drainage culverts surrounding the site are modelled with blockage factors between 50-100% for all events. Comparatively, the *Australian Rainfall and Runoff Revision Project 11 – Blockage of Hydraulic Structures* suggests a lower 20% blockage factor for the type of culverts surrounding the site during a PMF event, which would in turn reduce the modelled flood impact extent in both the pre- and post- development scenario.
78. The FIA established flood planning levels based on flood modelling and confirmed the finished floor levels of all villas would be at the PMF flood level or greater. Buildings 1 to 4 would not be affected by flooding during a PMF event.

79. CPHR requested additional information on the additional flood storage works, which the Applicant addressed as part of the RTS to the satisfaction of CPHR.
80. Council reviewed the proposal and advised that the flood impacts and proposed finished floor levels for the site are acceptable and raised no concerns regarding the proposed development.

5.3.2 Flood Emergency Management Plan

81. The site is classed as a High Flood Island by the Tuggerah Lakes Floodplain Risk Management Study and Plan 2018 as the site would be isolated during the PMF event.
82. The Applicant's Flood Emergency Management Plan (FEMP) advises Mingara Drive would become unsafe for small vehicles during the PMF event. The time to inundation and length of inundation varies on the duration of the event. For example:
 - shorter 60 minute PMF events would cut off Mingara Drive access within 33 minutes for a period of 57 minutes
 - longer 360 minute PMF events would cut off Mingara Drive access within 57 minutes for a period of 180 minutes.
83. As the most severe flows occur within the first 1 – 3 hours of a flood event, the FEMP recommended a shelter-in-place strategy (SIP) as the:
 - proposal includes medical and healthcare support facilities and support with the ability to deal with medical emergencies that may occur during a PMF event
 - Mingara precinct includes approximately 7 hectares of space available across the site that remain flood free during the PMF, where necessary, residents could access other facilities in the precinct during a PMF event
 - Mingara Club is currently an established Refuge Shelter in accordance with NSW SES.
84. The FEMP also includes measures to ensure awareness of the flood risk and response, including education of staff and residents, evacuation drills, flood emergency kits and site-specific flood evacuation triggers in addition to monitoring of the Bureau of Meteorology.
85. While CPHR and Council initially raised concerns with the proposed FEMP and SIP strategy, these were subsequently resolved following review of the Applicant's RtS.
86. NSW SES raised concerns with the access and egress routes and with the effectiveness of using a site-specific flood response plan as a condition of consent to overcome a flood risk.

5.3.3 Department's conclusion

87. The Department has carefully considered the advice of the NSW SES and is satisfied that a shelter-in-place strategy is the most appropriate emergency management approach for the site during a PMF event, given the nature of flooding and site constraints.
88. The Department has considered the FIA and FEMP, and issues raised in submissions and is satisfied the proposal is acceptable as:
- the site would be protected from all flood events, including the PMF, post development and would not adversely affect the environment or other properties in the event of a flood
 - the shelter-in-place is the preferred response during a PMF event as the surrounding road network has not been designed to be free from flooding in extreme storms and would experience the most severe flows at early onset of the flood event, which limits the horizontal evacuation for the area
 - the proposal would not lead to unreasonable flood impacts or risks, and a range of conditions are recommended to appropriately manage risk, including the preparation and implementation of a detailed Flood Emergency Response Plan (FERP).
89. The Department recommends conditions of consent requiring the preparation of a detailed FERP prior to construction and for the ongoing implementation of the FERP for the life of the development.

5.4 Biodiversity and vegetation management

90. Public submissions raised concerns with biodiversity impacts and the proposed tree removal.
91. The Applicant's Arboricultural Impact Assessment (AIA) identified the proposal would remove 94 trees. The trees to be removed are located predominantly within the development site and the existing athletics centre round-about, while four are proposed to be removed from the drainage corridor. The proposal would retain another 94 existing trees and plant 180 new trees across the development site, with a 42 % tree canopy cover delivered across the development site.
92. The Applicant submitted an updated Biodiversity Development Assessment Report (BDAR) with its RtS, which determined the proposal would clear 0.137 ha of planted native vegetation and concluded:
- the site is not identified as containing native vegetation on either NSW State Vegetation Type mapping or Council's online mapping tool
 - as the site contains low quality or 'marginal' foraging habitat, the proposed clearing is considered unlikely to result in a significant impact to potential food or habitat resources

- no offsets or credits were required, provided mitigation measures relevant to both the construction and operational phases of the development.
93. An addendum BDAR was submitted with the Amendment Report that advised the inclusion of the temporary display suite into the development would not alter the BAM assessment and BDAR submitted for the proposal.
94. The proposal was also accompanied by a Vegetation Management Plan (VMP) to guide the implementation of landscaping within the drainage channel (see Figure 14) with regard to:
- the flood risk associated with the conveying of flood water through the drainage corridor
 - bushfire management requirements (including fuel reduction maintenance) to minimise risk associated with the bushfire prone land located immediately west of the site (see Section 5.5).



Figure 14 | VMP extent shown in blue (source: Applicant RtS)

95. Council advised that the VMP does not meet its *Flora and Fauna Guidelines* or demonstrate best-practice standards for riparian ecological restoration. Council recommended the VMP be updated and conditioned as a mandatory document with a 5-year maintenance period.
96. DCCEEW-CPHR raised no concerns and recommended the mitigation and management measures identified in the BDAR and Vegetation Management Plan be conditioned as part of any consent.
97. In response to Council's comments, the Applicant advised they did not agree that the VMP should be revised and conditioned as a mandatory ecological management document on the

basis a full ecological restoration was not feasible due to the flood conveyance and bushfire management requirements. The Applicant further noted that Council's request for a five-year maintenance period is addressed through the VMP's commitment to ongoing management in perpetuity.

98. The Department acknowledges Council's request to revise the VMP. However, the Department notes that full ecological restoration of the area could compromise the corridor's ability to carry floodwaters and would conflict with bushfire management requirements.
99. On this basis, the Department is satisfied the proposed VMP would achieve an appropriate balance in terms of improving ecological outcomes, while minimising bushfire risk to the site and maintaining its function as a drainage corridor.
100. To appropriately manage the site constraints, the Department considers it reasonable to impose a condition of consent requiring the implementation of the proposed VMP in perpetuity.
101. The Department has considered the biodiversity assessment and proposed vegetation management and carefully considered issues raised in submission. The Department is satisfied the proposal is acceptable as:
 - the tree removal will be offset through the planting of 180 new trees. Along with the retention of a further 94 trees, the proposal will provide a total tree canopy cover of 41.8% across the development site
 - while the proposal would involve the removal of 0.137 ha of planted native vegetation, the vegetation only provides marginal foraging habitat and is unlikely to result in a significant impact to potential food or habitat resources
 - any biodiversity impacts during construction and operation would be adequately managed through the implementation of the mitigation and management measures outlined in the BDAR and VMP
 - the VMP would appropriately manage proposed landscaping within the drainage easement while also considering the flood affected nature of the corridor and adjacent bushfire prone land
 - the proposed landscaping of the drainage corridor would improve its ecological conditions and aesthetics for the benefit of future residents.
102. The Department is satisfied the proposal would be acceptable subject to the recommended conditions:
 - preparation of a construction environmental management plan that includes all mitigation and management measures outlined in the BDAR and VMP, and flora and fauna management
 - ongoing implementation of the vegetation management plan.

5.5 Future Residential Amenity

103. The Housing SEPP, including the Seniors Housing Design Guide 2023 (SHDG) and Apartment Design Guide (ADG), provide planning guidance and principles to ensure acceptable levels of amenity are provided to residential apartments.
104. The Department has undertaken a detailed assessment of the residential amenity of proposal against the SHDG and ADG in **Appendix D** and is satisfied the proposal is generally consistent with key criteria and design guidance, including apartment size and layouts, ventilation and storage requirements.
105. In relation to solar access, the ADG recommends 3 hours of solar access to 70% of apartments generally, between 9 am and 3 pm. The Housing SEPP non-discretionary development standard (NDDS) more specifically requires at least 70% of ILUs achieve two hours of solar access (Section 108(g)). The Applicant has demonstrated the proposal would achieve at least 2 hours of solar access in accordance with the Housing SEPP.
106. The Department notes the objective of the NDDS is to prevent the consent authority from requiring more onerous standards. The Department is satisfied the design of the proposed development meets the intent of the SHDG and ADG, would provide adequate amenity to future residents and would be consistent with the Housing SEPP.

5.5.1 Communal Open Space

107. Council raised concerns with the provision of communal open space.
108. The proposal would provide future residents with 8,091 m² of communal open space, including 827 m² of communal open space areas dedicated to RCF residents.
109. The Department acknowledges Council's concerns with the provision of recreation areas for future residents. However, the Department notes the proposal exceeds the NDDS in the Housing SEPP that requires a minimum of 10 m² of communal open space for every RCF bed, equating to 390 m² (section 107(2)(d)).
110. The Department notes the objective of the NDDS is to prevent the consent authority from requiring more onerous standards and is satisfied the proposal would exceed this requirement and would provide future RCF residents with a high quality communal open space area.
111. While there is no requirement in the Housing SEPP relating to the quantum of communal open space for ILUs, the Department is satisfied future residents would be provided with good amenity through the provision of 8,091 m² of communal open space throughout the development.

5.5.2 Athletic Track Impacts

112. Public submissions raised concerns with the potential amenity impacts from the athletics track onto future residents.
113. The Applicant also submitted a Spill Lighting Impact Assessment, which determined the proposal would comply with maximum allowable light parameters set by the Australian Standard for control of the obtrusive effects of outdoor lighting (AS 4282:2023) subject to the installation of back and side light shields and luminaire orientation on offending light poles.
114. The Department has considered noise impacts from the athletics track in Section 5.6 (Noise and vibration (operational)) and is satisfied the proposal would be capable of managing any noise impacts through implementation of the acoustic treatments recommended in the Noise Impact Assessment.
115. The Department is satisfied the proposal would be capable of achieving adequate levels of amenity subject to the implementation of the recommendations of the updated Noise Impact Assessment and Spill Lighting Impact Assessment.

5.6 Other issues

116. The Department's consideration of other issues is summarised in Table 8 below.

Table 8 | Assessment of other issues

Consideration	Recommended conditions
Traffic Public submissions raised concern with the increase traffic generation from the proposed development and the potential safety and congestion impacts. Following the RtS, a further submission was provided that included traffic counts taken at three entrances of the Glengara Retirement Village adjoining the site. Neither Council nor TfNSW raised any concerns with traffic impacts on the surrounding road network. The Applicant's TIA included SIDRA modelling of prominent intersections surrounding the site, which demonstrated: - all intersections currently operate at a level of service (LOS) of either LOS A or LOS B, except for Mingara Drive and Tumby Road intersections which vary between a LOS C to LOS F - the proposal would not change the existing LOS of nearby intersections during peak periods, including the Mingara Drive and	No recommended conditions

Consideration	Recommended conditions
Tumbi Road intersections, and therefore, infrastructure upgrades or signal timing adjustments would be unnecessary to facilitate the proposal the post 10 year growth scenario shows a reduced LOS of signalised intersections at Mingara Drive and Tumbi Road, which demonstrate the impacts of continued growth in the Central Coast region and would need to be considered by Council and TfNSW even without the proposed development. The Department acknowledges the concerns raised in submissions and comments. The Department notes the analysis indicates the proposed development would generally only contribute minor increases in intersection delays (e.g., up to approximately 0.3 seconds) and while a 12.8 second increase in delays would be experienced at the Wyong Road/ Tumbi Road/Watsons Avenue intersection, the existing LOS would be maintained. The Department acknowledges that there is a predicted reduction in the LOS when considering the 10 year growth scenario. However, the Department notes the analysis indicates the reduction in service would occur over time and is not solely attributed to the proposed development. The Department considers that the proposed development would not result in unreasonable traffic generation, and that the surrounding road network is capable of accommodating the proposal with minimal impacts	
Seniors housing car parking Council raised concerns with the extent of tandem park spaces proposed for the ILUs, lack of on-street car parking for removalist vehicles and the distance between visitor car parking and the villas. Public submissions also raised concerns with the proposed provision of employee parking and ambulance bays. The Housing SEPP NDDS for car parking requires a minimum 0.5 parking spaces for each ILU bedroom and for RCFs, 1 space per 15 beds plus 0.5 spaces per staff and an ambulance parking space. This equates to a minimum requirement of 283 parking spaces and an ambulance park space. The proposal provides 309 car parking spaces comprising 301 spaces for the ILUs and 8 for the RCF (including 5 staff car parks) and an ambulance park. This meets the car parking NDDS requirements.	The Department recommends the following condition: allocation of minimum parking spaces compliance with relevant Australian Standards.

Consideration	Recommended conditions
It is noted the proposal also includes 3 bicycle parking spaces (x2 visitor spaces and x1 staff space) for the RCF component and a shuttle bus car park. In relation to on-street parking for removalist vehicles and the proximity of visitor car parking to the villas. The Departments notes: - the Applicant has demonstrated the internal road width would allow for a light vehicle to pass a stationary removalist truck (see Vehicle Access below) - while there is no requirement for visitor parking under the Housing SEPP, each villa includes an additional car park in the individual driveways that could accommodate visitor parking. Overall, the proposal includes a surplus of 26 parking spaces above the ILU NDDS parking standard. The Department is satisfied the proposed parking provisions and arrangements for the proposal will adequately cater for the development in accordance with the Housing SEPP and considers the 2 parking spaces provided for each villa unit (both a garage and driveway space) to be sufficient in accommodating any short term, temporary visitor demand.	
Vehicle Access Council raised concerns with the internal road widths, the lack of turning heads and the capacity for emergency and service vehicles to access the site. In response, the Applicant provided updated architectural plans and a Traffic statement that demonstrated: - turning heads are provided at the ends of internal roads for light vehicles - the internal road comprises both pavement and trafficable turf, giving a variable width from 5.8m down to a minimum of 3.5 m in localised sections - a 5.8m width allows a light vehicle to pass a stationary removalist truck or ambulance - internal traffic volumes are low (14 trips in the afternoon peak), and the proposal includes traffic-calming features such as narrowed one-way sections and coloured or textured road surfaces. The Department notes that as all servicing would be undertaken within Building 2 and vehicles larger than a small rigid vehicle (SRV) or	No recommended conditions

Consideration	Recommended conditions
ambulance would not generally enter the internal roadway, except for emergencies. The Applicant has demonstrated that a fire truck would be capable of completing a 3-point turn. Additionally, it is noted that the proposal was referred to Fire and Rescue NSW who raised no concerns with the proposal. The Department acknowledges Council's concerns; however, is satisfied that sufficient information has been provided to demonstrate the road widths would not result in any safety issues or impact traffic movements within the site	
Construction impacts Construction impacts on the locality and amenity of surrounding residents was raised by public submissions, including traffic generation, noise, dust/odour and the duration of construction. To address construction impacts, the application was supported by the following: • a Preliminary Site Specific Construction Management Plan, which nominated the following hours of construction: – Monday to Fridays: 7am to 5 pm – Saturdays: 7 am to 3 pm – No work on Sundays and public holidays • a Preliminary Construction Traffic and Pedestrian Management Plan (CTPMP), which included consideration of construction traffic, parking and access. The report included details into the maximum size of construction vehicles, truck routes and pedestrian control • a Noise Impact Assessment (NIA) that included a construction noise and vibration assessment and provided recommendations to ensure manage levels of impacts to nearby sensitive receivers • a Construction and Demolition Waste Management Plan which considered construction waste removal, recycling practices and minimisation and provided recommendations where relevant. The Department has considered the findings and recommendations of the Acoustic Report. Given the close proximity of surrounding residential receivers and potential for noise levels above 75 dB(A), the Department considers construction hours should align with the Interim Construction	The Department recommends the following conditions: • preparation of a Construction Environmental Management Plan, including: – Construction Traffic and Pedestrian Management Sub-Plan – Construction Noise and Vibration Management Sub-Plan – Air Quality Management Sub-Plan – Construction Waste Management Sub-Plan – Construction Soil and Water Management Sub-Plan • standard construction conditions, including ICNG hours of construction.

Consideration	Recommended conditions
Noise Guideline (ICNG) which recommends shorter hours on Saturdays as follows: - Monday to Friday: 7 am to 6 pm - Saturday: 8 am to 1 pm - no work on Sundays or public holidays. The Department has recommended several conditions to ensure the construction does not cause unreasonable impact to the amenity of adjoining residents or result in any damage to adjoining development and public domain. The Department is satisfied that construction impacts associated with the proposal can be appropriately managed, subject to conditions of consent.	
Noise and vibration (operational) Public submissions raised concerns with potential noise impacts to surrounding residents, in addition to potential noise impacts to the proposal from the existing Mingara precinct, including the athletics track. An updated NIA was submitted with the RtS that considered the potential impact of the Mingara precinct on the proposal, in addition to the impact of the proposal onto surrounding residents. The NIA determined the acoustic amenity to future residents and neighbouring properties would be adequate subject to the implementation of the following acoustic treatments: - glazing recommendations - external wall and roof construction requirements - acoustic treatment to kitchen and toilets exhaust fans and air conditioning condensers - operational management recommendation. The Department has considered the findings and recommendations of the NIA. The Department is satisfied that any noise and vibration impacts are acceptable and will not adversely impact the amenity of existing and future residents, subject to the implementation of the recommendations of the updated Noise Impact Assessment.	The Department recommends the following conditions: implementation of recommendations outlined in the updated Noise Impact Assessment.
Waste management (operational)	The Department recommends the following conditions:

Consideration	Recommended conditions
The Applicant's Operational Waste Management Plan (OWMP) and TIA outlines waste collection is proposed via a centralised loading and servicing area in Building 2. Temporary bin holding areas have been provided within Buildings 1, 3 and 4 and the villas would share one waste pad between 4 buildings. All bins would be transferred via a bin tug from the respective bin store areas to a centralised loading area and temporary bin hold area in Building 2 for collection. Council initially requested additional details on chute arrangements and recommended relocating a villa's bin pad, which the Applicant subsequently addressed as part of the Amendment Report. No further comments were provided by Council waste management. The Department is therefore satisfied that operational waste would be appropriately managed, subject to the recommended conditions.	• Implementation of the recommendations of the WMP • Preparation and implementation of a Loading Dock Management Plan
Stormwater, water and sewer Stormwater would be collected in two on-site detention (OSD) tanks that would discharge to the existing stormwater infrastructure to the east of the site that was confirmed to have sufficient capacity. As part of the Amendment Report, the Applicant confirmed the proposal would be serviced by its own individual connections to council-provided utilities following completion of the subdivision and provided an updated sewer servicing plan Council advised the Applicant would need to obtain certification under the Water Management Act prior to the issue of the subdivision certificate. The Department has reviewed the information provided throughout the assessment and is satisfied the development can appropriately manage stormwater and provide for water and sewer connection.	The Department recommends the following conditions: • the detailed design of the stormwater management system • preparation and implementation of a Stormwater Operational and Maintenance Plan
Works on Waterfront Land The drainage corridor to the west of the site is identified as a riparian corridor. Council raised concerns the proposal may constitute a controlled activity under the <i>Water Management Act 2000</i>.	No recommended conditions.

Consideration	Recommended conditions
DCCEE Water Group advised works within waterfront land should be designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land. The Department notes that controlled activity provisions under Section 91 of the <i>Water Management Act 2000</i> do not apply for SSD applications. Further, the Department is also satisfied the proposal would not adversely impact a riparian corridor or waterway as the channel has already been substantially modified, is concrete lined and would otherwise be exempt as noted in the Applicant's BDAR.	
Bushfire risk While the site is not classified as bushfire prone land, land to the east and west of the site is mapped Vegetation Buffer and Vegetation Category 1. The VMP submitted with the application includes strategies for fuel reduction maintenance to ensure the corridor does not become a bush fire hazard. The application was also accompanied by a Bushfire Hazard Assessment that recommended the implementation of the VMP submitted with the application and management of the nominated areas as an Asset Protection zone. Neither Council nor FRNSW raised concerns relating to bushfire risk. The Department is therefore satisfied that bushfire hazards would be appropriately managed, subject to the recommended conditions.	The Department recommends: • implementation of all recommendations outlined in the Bushfire Hazard Assessment • management landscaping in accordance with Rural Fire Service's document Standards for Asset Protection Zones.
Crime Prevention Through Environmental Design (CPTED) Council advised the proposal does not provide adequate visual surveillance and considered wayfinding throughout the site to be poor due to unclear entries and similar façade treatments. To address this, the Applicant provided the following: • additional details in the differences in the building facades to demonstrate the design has balanced cohesion with building identification • an additional bedroom window on each of villas to increase surveillance of the internal road	The Department recommends the following conditions: • the implementation of the recommendations of the CPTED report • preparation and implementation of a wayfinding signage plan.

Consideration	Recommended conditions
a CPTED report that recommended a range of measures to prevent crime, including CCTV systems at entry/exits, traffic calming measures, lighting along road networks and pedestrian paths and managing vegetation to maintain sightlines. To ensure adequate wayfinding, the Department has recommended a condition requiring signage plan for the seniors development. The Department is satisfied the proposed development incorporates appropriate CPTED measures, subject to the incorporation of the recommendations in the updated CPTED report.	
Subdivision The proposal seeks consent for subdivision of Lot 13 out of the broader Mingara Precinct to create three land parcels of: - Lot 1 (1.778 ha) and Lot 2 (1.216 ha), which represent Stage 1 and Stage 2 of the Retirement Village - Lot 3 (16.35 ha) will comprise the remainder of Lot 13. Following the completion of construction of Stage 2, lots 1 and 2 would be consolidated to create proposed Lot 4, which will include necessary encumbrances and restrictions on title to provide for access and services. The Department is satisfied the proposed subdivision would not have an adverse impact to future residents or neighbouring properties. The Department recommends standard subdivision conditions of consent.	The Department recommends the standard conditions be imposed.
Temporary display suite The proposal involves the construction of a 159 m² temporary display suite within the Mingara precinct, to the east of the seniors development site (as shown in Figure 4 and Figure 6). The sales suite would provide a display of the ILU and RCF offerings within the development and will operate Monday to Sunday, 9 am to 4 pm. The temporary sales suite is proposed to be established within three months of approval and operate until the completion of construction of Stage 1, upon which the display suite will be removed. The Amendment report was accompanied by an updated OWMP and TIA that considered the operation arrangements for the sales suite. The Department considers that due to the temporary nature and size of the structure and its setback from public roads, the temporary display	The Department recommends the following conditions: - Operational hours – Monday to Sunday, 9 am to 4 pm - confirmation the display suite has ceased use and has or will be removed as part of Stage 1 works.

Consideration	Recommended conditions
suite would have negligible impact on neighbouring properties or the operation of the precinct.	
Developer Contributions The proposal is subject to the following contribution requirements: • Section 7.11 Contributions under Council's Southern Lakes District Development Contributions Plan April 2020. • Housing and Productivity Contributions. A condition of consent is recommended requiring the payment of contributions in line with Council's contributions plan. Additionally, the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2023 applies to residential development, including seniors housing. The order exempts RCFs but applies to ILUs. The HPC levy has been applied to the development and recommended as a condition of consent.	The Department recommends: • the payment of local contributions. • the payment of Housing and Productivity Contributions

6 Evaluation

117. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, Council and public submissions, and government policies and plans.
118. The Department's assessment concludes the proposal is acceptable as:
- It would support State government priorities to deliver well-located housing as it will deliver 215 new ILUs and 39 RCF beds to meet the changing needs of an ageing population in the Central Coast region
 - is permissible with consent and would provide a compatible land use to complement the existing recreation club and recreation facilities on the site, consistent with the objectives of RE2 Private Recreation under CCLEP
 - it would provide future residents with a high level of residential amenity, including access to communal open space and would not result in unreasonable overshadowing, view or privacy impacts on adjoining development
 - it would not impact the ability of the Mingara precinct to efficiently function, and the existing parking demand can continue to be met on site and car parking for larger events would be managed by the proposed EMP and the use of 169 new overflow parking spaces
 - the site would be protected from all flood events, including the PMF, post development and would not adversely affect the environment or other properties in the event of a flood
 - the proposed landscaping of the drainage corridor would provide an improved corridor both ecologically and aesthetically, and any biodiversity impacts would be adequately managed
 - the proposal would generally only contribute minor increases in delays to intersections and would maintain the existing level of service of surrounding intersection
 - it would deliver public benefits through the revegetation of adjoining drainage corridor, improved access arrangements for the athletics track and generate approximately 596 construction jobs and 24 operational jobs.
119. The Department has recommended a range of conditions to manage any residual environmental impacts. See the recommended conditions of consent at **Appendix E**.
120. Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.

Glossary

Abbreviation	Definition
AHD	Australian height datum
CPHR	Conservation Programs, Heritage and Regulation (CPHR) of Department of Climate Change Energy, Environment and Water
Council	Central Coast Council
Department	Department of Planning, Housing and Infrastructure
EIS	Environmental impact statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental planning instrument
ESD	Ecologically sustainable development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
IPC	Independent Planning Commission
LEP	Local environmental plan
Minister	Minister for Planning
NCC	National Construction Code
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SSD	State significant development
TfNSW	Transport for NSW

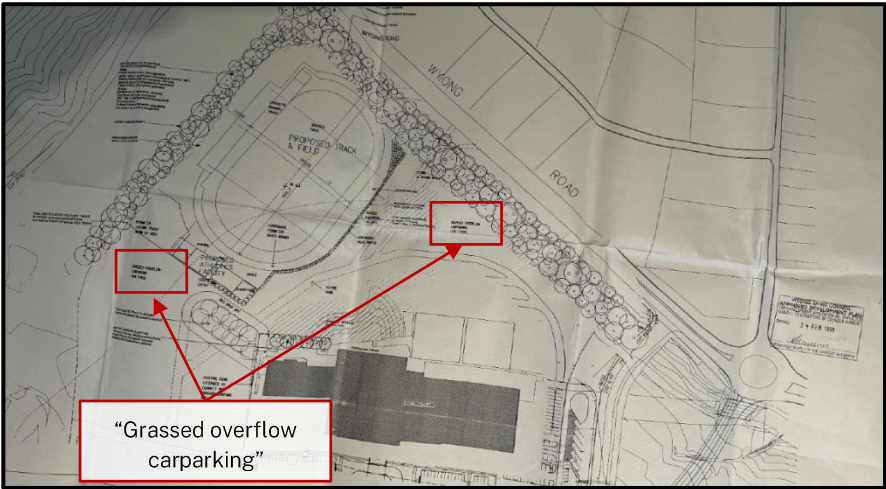
Appendices

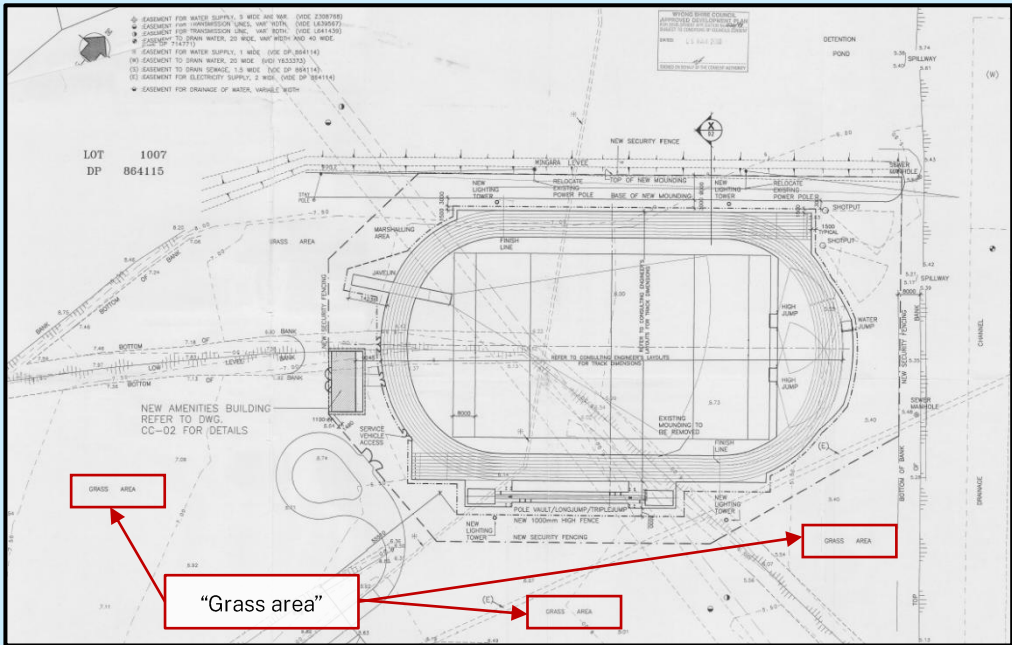
Appendix A – List of referenced documents

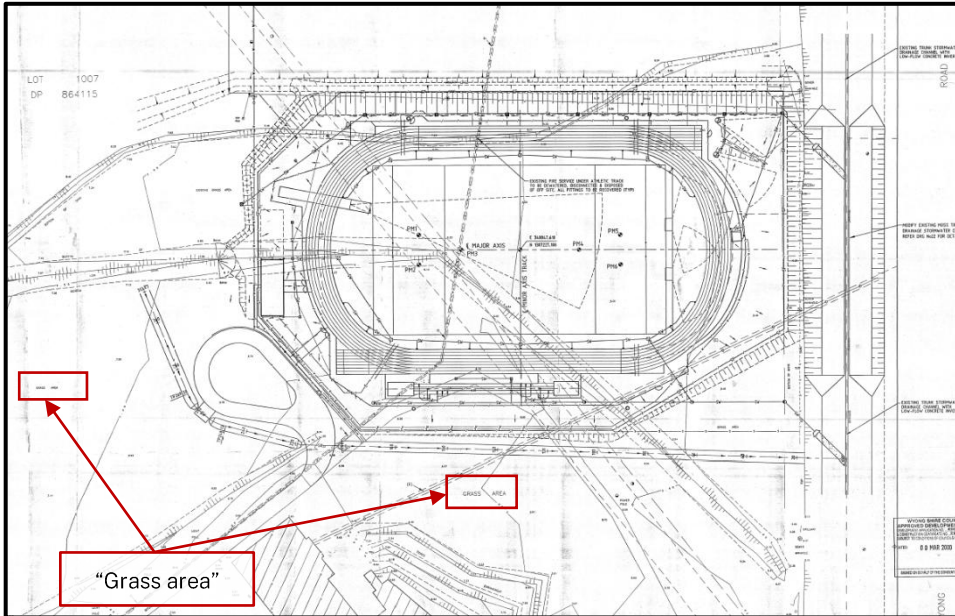
The following documents can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/ningara-recreation-club-seniors-housing-tumbi-umbi>.

- Environmental Impact Statement
- Amendment report
- Response to submission report
- Applicant's additional information
- Biodiversity Development Assessment Report
- Submissions (public and Council)
- Government agency advice

Appendix B - Athletics Approval History

Date	Development	Details
24 February 1999	Deferred commencement consent: DA420/98: Athletics Track, playing field and amenities block – Stage One	The following must be satisfied before the consent operates: “The design of the development and adjacent drainage system being resolved to mitigate any adverse impacts on flooding, to Council’s satisfaction”. Relevant conditions: - Condition 8 of the athletics track approval (DA/420/98) requires the provision of 300 parking spaces, comprising 150 all-weather car parking spaces and 150 grassed overflow parking spaces. Stamped Plan: - identifies different grassed areas that could function as overflow parking. 

Date	Development	Details
1 October 1999		Letter from Mingara seeking clarification on if the all-weather car parks required by Condition 8, has been satisfied by the car park expansion to the north of the club.
25 October 1999		Letter from Wyong Council that advised there were adequate number of car parking spaces within the club precinct to accommodate the required car parks for the athletics track.
2 March 2000	Operative consent (reissued) DA420/98: Athletics Track, playing field and amenities block – Stage One	Relevant conditions: - Condition 8 of the athletics track approval (DA/420/98) requires the provision of 300 parking spaces, comprising 150 all-weather car parking spaces and 150 grassed overflow parking spaces. Stamped Plan: - identifies different grassed areas. Note no identified parking or overflow parking areas. 

Date	Development	Details
9 March 2000	Construction certificate (Reference: 235/2000)	Wyong Council issued construction certificate certifying fulfilment of conditions requiring completion prior to issue of construction certificated (including Condition 8). Stamped Plan: identifies different gassed areas. Note no identified parking or overflow parking areas. 
27 September 2000	Occupation Certificate	Wyong Council issued occupation certificate for athletics track.

Appendix C – Department’s consideration of submissions

Table 9 | Key issues and how they have been considered

Issue	Consideration
Impacts to athletics track and the provision of sports and recreation facilities in the region	<i>Assessment</i> • The Department has carefully considered the concerns raised in the submissions as well as the information provided by the Application and is satisfied that the operation of the athletics track would not be compromised by the proposed development • The Department is satisfied that the proposed augmentations to the drop off and access arrangements at the entrance of the athletics track will provide an improved outcome for users. • New bus turning bay, formalise accessible parking, parent drop off area and improved pedestrian access infrastructure will improve integration and connectivity of the existing regional facility. • The Applicant’s Event Management Plan (EMP) will also manage typical events (such as athletic track events, school athletics days and carnival days) and future major events (such as Christmas under the stars) would be subject to an event specific traffic management plan. <i>Recommended conditions:</i> • Preparation and implementation of detailed pedestrian connectivity plan. • Preparation of a detailed EMP that includes consideration of site conditions prior to utilising overflow parking arrangements.
Consistency with athletics track consent, relocation of overflow parking location	<i>Assessment</i> • The Department is satisfied that: – the proposal would not result in an inconsistency with the athletics track consent as the issuing of the construction certificate represents the fulfilment of the condition and correspondence from the former Wyong Council (now Central Coast Council) advised all athletic track parking could be accommodated in the precincts existing car parking – the peak parking demand can continue to be met on site (including the 300 spaces outlined in the athletics track consent) up to and including the cumulative peak parking demand periods.

Issue	Consideration
	• The Department is satisfied that the proposal is consistent with the athletics track consent as: – Council advised the all-weather parking spaces can be accommodated in the existing club car parks for the purposes of satisfying Condition 8 of the athletics track consent – the consent does not include a requirement for the continued maintenance of either all-weather or overflow car parking. <i>Recommended conditions:</i> • Preparation and implementation of detailed pedestrian connectivity plan that includes: – construction of landscaping, access and parking arrangements in accordance with the approved plans and implementation for life the of the development – preparation and implementation of a detailed EMP that includes consideration of site conditions prior to utilising overflow parking arrangements – preparation of construction plans for driveway laybacks in accordance with Figure 2 of the TIA submitted with the Amendment Report to facilitate access to overflow car parks.
Traffic, access (vehicle and pedestrian) and provision of car parking	<i>Assessment</i> • The proposal would generally only contribute minor increases in delays to intersections and would maintain the existing level of service of surrounding intersection. • While the proposal would relocate the athletics track car parking from the grassed and gravel area adjacent to the facility, the proposal would provide additional pedestrian connections and crossings to improve access arrangements between the facility and the northern and southern car parks, which are located between 250 m to 500 m walking distance from the entry to the athletics centre. • The Department considers that the proposed development would not result in unreasonable traffic generation, and that the surrounding road network is capable of accommodating the proposal with minimal impacts. • The Department is satisfied the proposed parking provisions and arrangements for the proposal will adequately cater for the development in accordance with the Housing SEPP and considers the 2 parking spaces provided for each villa unit (both a garage

Issue	Consideration
	and driveway space) to be sufficient in accommodating any short term, temporary visitor demand. - The Department is satisfied that sufficient information has been provided to demonstrate the road widths would not result in any safety issues or impact traffic movements within the site. <i>Recommended conditions:</i> - Allocation of minimum parking spaces compliance with relevant Australian Standards. - Preparation of a Construction Traffic and Pedestrian Management Sub-Plan.
Bulk and scale (including site specific masterplan and overdevelopment)	<i>Assessment</i> - The Department has carefully considered the concerns raised in the submissions as well as the information provided by the Application and is satisfied the proposed density, bulk and scale to acceptable as: - the large urban setting and size of the Mingara Precinct has allowed for a campus-scale master planned design approach with varied building heights and densities purposefully located to provide a more balanced built form and legible precinct while minimising potential bulk, scale and amenity impacts - the 2-storey villas located adjacent the southern and western boundaries would provide an appropriate built form interface with existing adjoining low density residential development - the proposal incorporates substantial landscaped setbacks that exceed the building separation distances recommended NSW Apartment Design Guide (ADG), which adequately mitigate any visual privacy or overshadowing impacts to adjoining residential dwellings. <i>Recommended conditions:</i> No conditions are recommended.
Urban Design (including CPTED, dominance of car parking, building identity, provision of communal facilities)	<i>Assessment</i> - The Department has carefully considered the concerns raised in the submissions as well as the information provided by the Application and is satisfied the Urban Design of the site is acceptable as: - it achieves a high standard of architectural design through a well-considered built form

Issue	Consideration
	– the building massing, orientation, setbacks, and façade treatments minimise impacts on solar access and privacy to external residents – it would enhance the drainage corridor through addition of landscaping and publicly accessible paths, which would benefit both future residents and the broader community – the proposal meets the communal open space non-discretionary development standards for RCF under the Housing SEPP – future residents would be provided with adequate amenity through the provision of 8,091 m² of communal open space and the extent of landscape and private open space – potential visual impacts resulting from the at grade carparking would be adequately minimised through the incorporation of façade treatments, including landscaping and screening. <i>Recommended conditions:</i> No conditions are recommended.
Quality and independence application documentation, lack of consultation	<i>Assessment</i> • The Department is satisfied the proposal has provided information in accordance with the SEARs, the EP&A Act and the EP&A Regulation. • The Department publicly exhibited the application for 50 days which included: – consultation with council and other public authorities and consideration of their responses – notifying adjoining landowners and displaying the application on the Department’s website. • The Applicant’s RtS, Amendment Report and additional information was made available on the Department’s website. <i>Recommended conditions:</i> • No conditions are recommended.
Construction impacts	<i>Assessment</i> • The Department has recommended several conditions to ensure the construction does not cause unreasonable impact to the amenity of adjoining residents or result in any damage to adjoining development and public domain.

Issue	Consideration
	- The Department is satisfied that construction impacts associated with the proposal can be appropriately managed, subject to conditions of consent. <i>Recommended conditions:</i> - Preparation of a Construction Environmental Management Plan. - Standard construction conditions, including ICNG hours of construction.
Amenity impacts (including to surrounding properties and to future residents in the seniors housing)	<i>Assessment</i> - The Department has carefully considered the concerns provided in the submissions in addition to the documentation provided and is satisfied that the design of the proposed development would provide adequate amenity to future residents whilst mitigating adverse effects on surrounding properties as: - the size of the Mingara Precinct has allowed for varied building heights and densities purposefully located to minimise potential bulk, scale and amenity impacts and providing a sympathetic transition to surrounding lower density residential development - it would provide future residents with a high level of residential amenity, including access to communal open space and would not result in unreasonable overshadowing, view or privacy impacts on adjoining development - the proposal would comply with maximum allowable light parameters set by Australian Standard 4282:2023 subject to the installation of back and side light shields and luminaire orientation on offending light poles. <i>Recommended conditions:</i> - Implementation of recommendations outlined in the Spill Lighting Impact Assessment.
Biodiversity, vegetation management and tree removal	<i>Assessment</i> - The Department has carefully considered the concerns provided in the submissions in addition to the documentation provided and has determined that the biodiversity impacts of the proposed development are deemed acceptable as: - the proposed landscaping of the drainage corridor would provide an improved corridor both ecologically and aesthetically, and any biodiversity impacts would be adequately managed through the implementation of the BDAR and VMP

Issue	Consideration
	– the removal of the 94 trees would be mitigated through the planting of 180 new trees and the retention of a further 94 trees, providing a total tree canopy cover of 41.8% across the development site – while the proposal would involve the removal of 0.137 ha of planted native vegetation, the vegetation only provides marginal foraging habitat and is unlikely to result in a significant impact to potential food or habitat resources. <i>Recommended conditions:</i> • Implementation of all mitigation and management measures outlined in the BDAR and VMP. • Preparation of a construction environmental management plan that includes flora and fauna management, and biosecurity management. • Ongoing implementation of the vegetation management plan.
Flooding (including evacuation)	<i>Assessment</i> • The Department has reviewed the information provided throughout the assessment and is satisfied the development can appropriately manage flooding events, including the PMF, and would not adversely affect the environment or other properties in the event of a flood. <i>Recommended conditions:</i> • All plans relating to biodiversity, flooding or coastal management developed in consultation with and approved by CPHR. • The preparation of a detailed FEMP prior to construction and for the ongoing implementation of the FEMP for the life of the development. • The preparation of a detailed FERP prior to construction and for the ongoing implementation of the FEMP for the life of the development.
Stormwater, water and sewer	<i>Assessment</i> • The Department has reviewed the information provided throughout the assessment and is satisfied the development can appropriately manage stormwater and provide for water and sewer connection. <i>Recommended conditions:</i> • The detailed design of the stormwater management system.

Issue	Consideration
	Preparation and implementation of a Stormwater Operational and Maintenance Plan.
Inconsistent with objects of zoning	<i>Assessment</i> - The department finds the proposal acceptable as it is permissible with consent and would provide a compatible land use to complement the existing recreation club and recreation facilities on the site, which is consistent with the objectives of RE2 Private Recreation under <i>Central Coast Local Environmental Plan 2022</i>. - The scale of the ancillary uses on site (food and drink, multi-functional spaces, wellness facilities) is considered minor and sufficiently related to the proposed seniors housing development and therefore can be approved as ancillary to the predominant use of the site as seniors housing. <i>Recommended conditions:</i> - No recommended conditions.
Social impacts	<i>Assessment</i> - The Department is satisfied the proposal has a net social benefit as it would support State government priorities to deliver well-located housing, with 215 new ILUs and 39 RCF beds to meet the changing needs of an ageing population in the Central Coast region. - The Department is satisfied the proposed development incorporates appropriate CPTED measures, subject to the incorporation of the recommendations in the updated CPTED report. <i>Recommended conditions:</i> - The implementation of the recommendations of the CPTED report.

Appendix D – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in Table 10 below.

Table 10 | Objects of the EP&A Act and how they have been considered

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix D
EP&A Regulation	Appendix D
Likely impacts	Section 5
Suitability of the site	Section 1.2 and Section 5
Public submissions	Section 4 and Section 5
Public interest	Section 4, Section 5 and Section 6

Objects of the EP&A Act

In determining an application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in Table 11 below.

As a result of the analysis, the Department is satisfied the development is consistent with the objectives of the EP&A Act and the principles of ESD.

Table 11 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposed development would promote the social and economic welfare of the community through the delivery of seniors housing with a residential care component within an area with good access to transport and urban services, and, in doing so, contributes to the achievement of State, regional and local planning objectives.

Object	Consideration
	The proposal would not impact any natural or artificial resources, agricultural land, or natural areas.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes ESD initiatives and sustainability measures, which would allow the proposal to meet the BASIX requirements and achieve an average of 7.8 star NatHERS rating.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the efficient development of an existing urban site that is near existing services and public transport. The development of the site will provide economic benefits through job creation. The proposed land uses are permissible with consent and the form of the development has regard to the character of the locality. The merits of the proposal are considered in Section 5.
(d) to promote the delivery and maintenance of affordable housing,	The proposal would not result in the loss of any existing affordable or low-cost housing within the locality.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal will not adversely affect the protection of the environment. Also see the consideration of the Biodiversity Development Assessment Report in Section 5.4 .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<u>Aboriginal Cultural Heritage</u> An Aboriginal Cultural Heritage Report was submitted with the application, which concluded the site does not contain and is not likely to contain any Aboriginal objects. To mitigate harm to any unknown Aboriginal objects within the subject area, the report recommended a stop-work procedure be developed to manage any unexpected Aboriginal items. The Department concludes the proposal would not result in any significant Aboriginal cultural heritage impacts, subject to the implementation of an unexpected finds protocol. <u>Built Heritage</u> The site does not contain or in proximity to any heritage items and is not located within a Heritage Conservation Area.
(g) to promote good design and amenity of the built environment,	The proposal has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity. Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.

Object	Consideration
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal demonstrates that construction work will be undertaken with national construction standards, relevant regulation and a site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. The conditions of consent will ensure the development is accessible and capable of complying with the requirements of the relevant sections of the National Construction Code. Ongoing management and maintenance of the development shall be undertaken by the building management.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 4 , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application which included notifying adjoining landowners and displaying the application on the Department's website. The Applicant's RtS, Amendment Report and additional information was made available on the Department's website. Engagement activities carried out by the Department are detailed in Section 4.

Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- achieve average of 7.8 star NatHERS rating
- meets or exceeds BASIX minimum Energy and Water requirements
- meet the BASIX thermal performance requirements.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The conservation principle has been applied through the provision of new landscaping around, on and within the development and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities during construction of the development.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposed development would be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR was submitted to the Department with the application, which confirmed the proposed clearing of 0.137 ha of planted native vegetation is unlikely to result in a significant impact to potential food or habitat resources and would not require any offsets or credits. This has been further considered in Section 5.4.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- Social Impact Assessment Guideline for State Significant Projects
- Undertaking Engagement Guidelines for State Significant Projects

The Department considers the requirements of the EP&A Regulations have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)*
- *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 (BASIX)*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainability SEPP)*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*
- *Central Coast Local Environmental Plan 2022 (CCLEP)*
- other relevant plans, policies or guidance.

Planning Systems SEPP

The proposal is SSD under section 2.6(1) and section 28 of Schedule 1 of the Planning Systems SEPP, being seniors housing development on land in the Greater Sydney region with an estimated development cost of more than \$30 million (\$172,450,460), includes a residential care facility and other components of the development are not prohibited on the land under an EPI.

Housing SEPP

The Housing SEPP seeks to enable the development of diverse housing types that meet the needs of the community, provide housing in areas of existing infrastructure and services, provide housing that minimises environmental impacts and reflects / enhances its locality, support short-term rental accommodation and mitigate the loss of existing affordable rental housing.

A summary of the Department's consideration of the relevant standards contained in the Housing SEPP are provided in Table 12 to Table 14

Table 12 | Consideration of the relevant sections of the Housing SEPP

Housing SEPP section / requirement	Department's Consideration
Chapter 3 – Part 5 Housing for Seniors and People with a Disability	
Division 1 – Land to which Part Applies	
79. Land to which Part applies This Part applies to land in the following zones— (p) Zone RE2 Private Recreation	The site is zoned RE2 Private Recreation under the CCLEP.

Housing SEPP section / requirement	Department's Consideration
80 Land to which Part does not apply – general (1) This Part does not apply to the following land— (a) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan, (b) land described in Schedule 3.	The subject site is not located on land to which the <i>Warringah Local Environmental Plan 2000</i> applies. The site is not located on land described in Schedule 3.
(2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because— (a) the land is identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or (b) in relation to land used for the purposes of an existing registered club— the land is described in another environmental planning instrument as— (i) private open space, or (ii) open space where dwellings or dwelling houses are permitted.	The site comprises an existing registered club.
81. Seniors housing permitted with consent Development for the purposes of seniors housing may be carried out with development consent— (a) on land to which this Part applies, or (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.	Development for the purposes of seniors housing is permitted under the provisions of the Housing SEPP and is permissible with consent under clause 18, schedule 1 of the CCLEP.

Division 3 – Development Standards

84. Development standards–general (1) This section applies to development for the purposes of seniors housing involving the erection of a building. (2) Development consent must not be granted for development to which this section applies unless— (a) the site area of the development is at least 1,000 m², and (b) the frontage of the site area of the development is at least 20 m measured at the building line, and (c) for development on land in a residential zone where residential flat buildings are not permitted— (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than	(1) This section applies, as the proposal includes the erection of a building. (2) (a) Complies (b) Complies (c) N/A. The site is not located in a residential zone.
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Housing SEPP section / requirement	Department's Consideration
9.5m—the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	
(3) The servicing equipment must— (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and (b) be limited to an area of no more than 20% of the surface area of the roof, and (c) not result in the building having a height of more than 11.5m.	(3) N/A. The site is not located in a residential zone.
(4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following— (a) the Land and Housing Corporation, another social housing provider.	(4) N/A. The Applicant is not a social housing provider.
85. Development standards for hostels and independent living units (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	(1) Complies. The relevant sections of Schedule 4 have been considered at Table 12.
(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider.	(2) N/A. The Applicant is not a social housing provider.
86. Development standards for seniors housing—Zones RE2, SP1, SP2 and RU5 (1) Development consent must not be granted for development for the purposes of seniors housing unless the consent authority is satisfied as follows— (a) for development on land in Zone RE2 Private Recreation— (i) the development is carried out on land used for the purposes of an existing registered club, and (ii) the land adjoins land in a prescribed zone,	(1) (a) The site is zoned RE2 Private Recreation under the CCLEP. (i) The development is being carried out on land used for the purposes the Mingara Recreation Club, which is defined as an existing registered club. (ii) the land adjoins a prescribed zone.
(2) Nothing in this section prevents a consent authority from granting development consent for development for the purposes of seniors housing on land on which development for the purposes of seniors housing is	(2) A development for the purposes of seniors housing is permitted with consent under clause 18 of the CCLEP.

Housing SEPP section / requirement	Department's Consideration
permitted under another environmental planning instrument.	
87. Additional floor space ratios (1) This section applies to development for the purposes of seniors housing on land to which this Part applies if — (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5 or another environmental planning instrument, or (b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	(1) (a) Not applicable. Development for the purposes of a residential flat building or shop top housing is not permitted on the land under Chapter 5 or the CCLEP. (b) Not applicable. The development is not located on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.
88. Restrictions on occupation of seniors housing (1) Development permitted under this Part may be carried out for the accommodation of only the following — (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part.	(1) Complies.
(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	(2) The Department recommends conditions to ensure occupation is restricted to only persons specified by Section 88 and the EP&A Regulation.
90. Subdivision (1) Development consent may be granted for the subdivision of land on which development is carried out under this Part. (1A) Development consent for the subdivision of land may be granted at any time, including before the development under this part is carried out. (2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.	(1) and (1A) Complies. Subdivision is sought as part of this application to create three parcels, with Lot 1 and 2 comprising Stages 1 and 2 of the retirement village and Lot 4 to be the remainder of the site. Following which, Lot 1 and 2 would be consolidated into a proposed Lot 4 at the completion of Stage 2. (2) Not applicable. The site is not zoned Zone E2 Commercial Centre or Zone B3 Commercial Core.

Housing SEPP section / requirement	Department's Consideration
91. Fire sprinkler systems in residential care facilities (1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system. (2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.	Complies. The accompanying Fire Engineering Statement confirms the proposal would include the installation of a sprinkler system. Fire hydrants and hoses would also be provided in accordance with the relevant NCC requirements.
92. Development on land used for the purposes of an existing registered club (1) Development consent must not be granted for development under this Part on land used for the purposes of an existing registered club unless the consent authority is satisfied that— (a) the development includes appropriate measures to separate the club from residential areas to avoid land use conflicts, and (b) an appropriate protocol will manage the relationship between the seniors housing and the gambling facilities on the site of the club to minimise harm associated with the misuse and abuse of gambling activities by residents of the seniors housing.	(1) (a) Complies. The seniors housing and registered club have been appropriately separated within different buildings on the site, that have separated pedestrian entry points. The Social Impact Assessment was submitted with the Application that advised measures would be implemented such as providing alternative activities/entertainment and programs within the proposed development. The proposal would operate independently to the Mingara Recreation Club. (b) the Applicant prepared a draft Operational Management Plan. The Department recommend a condition of consent be imposed requiring the preparation of a detailed Operational Management Plan that includes a gaming management.
(2) For the purposes of subsection (1)(a), appropriate measures include the following— (a) separate pedestrian access points for the club and the residential areas of the seniors housing, (b) design principles underlying the building aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the seniors housing.	(2) (a) Complies. Both the Mingara Recreation Club and the proposed development would have separate entries. (b) Complies. The application was supported by a Noise Impact Assessment that included consideration into potential impacts from the club and athletics track, which determined the acoustic amenity to future residents would be adequate subject to appropriate acoustic mitigation measures were to ensure. The Department recommends the implementation of these measures as a condition of consent.
Division 4 Site-related requirements	
93. Location and access to facilities and services— independent living units (1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered	(1) Complies. While the Mingara Precinct provides access to recreation facilities and services and bus stops are located on Mingara Drive and Wyong Road, the proposal would also include a privately operated shuttle bus services for residents. The Department recommends a condition be imposed requiring the Operational

Housing SEPP section / requirement	Department's Consideration
whether residents will have adequate access to facilities and services — (a) by a transport service that complies with subsection (2), or (b) on-site.	Management Plan includes details into the shuttle bus service.
94. Location and access to facilities and services— residential care facilities (1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services — (a) on-site, or (b) by a transport service other than a passenger service.	(1) (a) Complies. Residents of the facility would have access to facilities within the Mingara Club, including cafes/restaurants, fitness and aquatics centre. Additionally, the proposal would also include a privately operated shuttle bus services for residents. The Department recommends a condition be imposed requiring the Operational Management Plan includes details into the shuttle bus service.
95. Water and sewer (1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will — (a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage.	(1) (a) and (b) The Applicant has submitted a Services Infrastructure Report detailing existing and proposed servicing and network utility arrangements for the site. The Department is satisfied adequate provisions and connections can be made for essential services subject to conditions.
(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.	(2) (a) As part of the RtS, the Applicant has submitted a Water and Sewer Servicing Plan that demonstrate the proposal would be adequately serviced with water and sewer. Council advised the Applicant would need to lodge a Section 305 application under the Water Management Act and obtain a S307 Certificate. The Department is satisfied adequate provisions and connections can be made for essential services subject to conditions (b) N/A.
96 Bush fire prone land (1) A consent authority must not consent to development under this Part on relevant bush fire prone land unless the consent authority is satisfied the development complies with the requirements of Planning for Bushfire Protection.	(1) N/A. The site is not mapped as bushfire prone land. However, the area east and west is mapped as part Vegetation Buffer and Vegetation Category 1. A Bushfire Statement was provided with the Application, which advised the site was a low-risk area. This is further discussed in Section 5.
Division 5 Design requirements	
97. Design of seniors housing (1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.	(1) Complies. The Seniors Housing Design Guide has been considered at Table 17.

Housing SEPP section / requirement	Department's Consideration
(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.	
Division 7 Non-discretionary development standards	
107. Non-discretionary development standards for hostels and residential care facilities— the Act, s 4.15 (2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities— (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building, (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m, (c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, (d) internal and external communal open spaces with a total area of at least— (i) for a hostel—8 m² for every bed, or (ii) for a residential care facility— 10 m² for every bed, (e) at least 15 m² of landscaped area for every bed, (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site. (g) for a hostel—at least 1 parking space for every 10 beds in the hostel, (h) for a residential care facility—at least 1 parking space for every 15 beds in the facility, (i) at least 1 parking space for every 2 employees who are on duty at the same time, (j) at least 1 parking space for the purpose of ambulance parking.	(2) (a) The site is not subject to a maximum building height under the CCLEP. The development proposes a maximum height of 27 m. An assessment of the proposed height has been undertaken in Section 5.1. (b) The proposed building height exceeds 11.5 m. All plant and equipment would be integrated into the built form and would not exceed 20% of the roof surface area. (c) The site is not subject to a maximum floor space ratio under the CCLEP. The proposal seeks a maximum density of 1.06:1. An assessment of the proposed density has been undertaken in Section 5.1. (d) Complies. The proposal would include 827 m² of communal open space dedicated to RCF residents. (e) Complies. The proposal would include 827 m² of landscaped area on Level 1, in addition to the 7,225 m² across the broader site. (f) Complies. The proposal would provide 21% of the site area as deep planting with a minimum dimension of 6 m. It is noted an addition 8% would be deep soil with a dimension of less than 6 m. (g) N/A. (h) Complies. The proposal seeks a total of 39 residential care units and would provide 3 car parking spaces. (i) Complies. The proposal would provide 5 staff car parks to accommodate 10 employees on duty at the same time. (j) Complies. The proposal includes a dedicated ambulance bay.
108. Non-discretionary development standards for independent living units— the Act, s 4.15	(2)

Housing SEPP section / requirement	Department's Consideration
(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units— (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building, (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m, (c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less, (d) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area, (e) (Repealed) (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site, (g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces, (h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— (i) at least 15 m² of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor, (i) for a dwelling in a multi-storey building not located on the ground floor— a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m², or (ii) for each dwelling containing 1 bedroom— an area of at least 6m², (j) for a development application made by, or made by a person jointly with, a social housing provider or Landcom— at least 1 parking space for every 5 dwellings,	(a) The site is not subject to a maximum building height under the CCLEP. The development proposes a maximum height of 27 m. An assessment of the proposed height has been undertaken in Section 5.1. (b) The proposed building height exceeds 11.5 m. All plant and equipment would be integrated into the built form and would not exceed 20% of the roof surface area. (c) The site is not subject to a maximum floor space ratio under the CCLEP. The proposal seeks a maximum density of 1.06:1. An assessment of the proposed density has been undertaken in Section 5.1. (d) Complies. The proposal would exceed 35 m² of landscaping per dwelling. (e) N/A. (f) Complies. The proposal would provide 29% of the site area as deep planting with a minimum dimension of 3 m. (g) Complies. The proposal would provide a minimum of 2 hours of solar access to 72% of units during the specified period. (h) (i) and (ii) Complies. All units located at ground floor would have private open space exceeding 15 m² which would be accessible from a living area. (i) (i) and (ii) Complies. All above ground units would have a balcony with a minimum area 10 m² with a minimum dimension of 2 m. No one bedroom units are proposed. (j) N/A. The Applicant is not a social housing provider. (k) Complies. The proposal would provide 301 residential car parking spaces for ILU and is compliant with this control.

Housing SEPP section / requirement	Department's Consideration
(k) if paragraph (j) does not apply — at least 0.5 parking spaces for each bedroom.	

Chapter 4 – Design of Residential Apartment Development

143 Land to which chapter applies This chapter applies to the whole of the State, other than land to which <i>State Environmental Planning Policy (Precincts – Regional) 2021</i>, Chapter 4 applies.	Chapter 4 applies. SEPP (Precincts – Regional) 2021 does not apply to the development.
144 Application of chapter (1) In this policy, development to which this chapter applies is referred to as <i>residential apartment development</i>. (2) This chapter applies to the following— a) development for the purposes of residential flat buildings, b) development for the purposes of shop top housing, c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter. (3) This chapter applies to development only if— a) the development consists of— (i) the erection of a new building, or (ii) the substantial redevelopment or substantial refurbishment of an existing building, or (iii) the conversion of an existing building, and b) the building is at least 3 storeys, not including underground car parking storeys, and c) the building contains at least 4 dwellings. (4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2). (5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the <i>Building Code of Australia</i>. (6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 or Chapter 5 applies may also be residential apartment development under this chapter. (7) In this section—	Chapter 4 applies. The proposal involves the erection of new residential flat buildings used for ILU that is over 3 storeys and contains at least 4 dwellings.

Housing SEPP section / requirement	Department's Consideration
<i>underground car parking storey</i> means a storey used for car parking that is— a) below ground level (existing), or b) less than 1.2m above ground level (existing).	
147 Determination of development applications and modification applications for residential apartment development (1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following— (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel. (2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority. (3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide. (4) Subsection (1)(c) does not apply to State significant development.	(1) (a) consideration of Schedule 9, Housing SEPP is addressed in Table 17 (b) relevant ADG requirements are considered in Table 16 (c) N/A
148 Non-discretionary development standards for residential apartment development— the Act, s 4.15 (1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. (2) The following are non-discretionary development standards—	(2) (a) the proposal has provided car parking in accordance with the Housing SEPP. The Department considers the proposed car parking to be acceptable, as discussed in Section 5.6. (b) Complies. All units would be provided with internal apartment areas as required in Part 4D of the ADG. (c) Complies. All units achieve the recommended minimum ceiling heights specified in Part 4C of the ADG.

Housing SEPP section / requirement	Department's Consideration
(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.	
149 Apartment Design Guide prevails over development control plans (1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter— (a) visual privacy, (b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. (2) This section applies regardless of when the development control plan was made.	(1) Noted. The relevant ADG requirements are addressed in Table 16.

Table 13 | Consideration of the relevant sections of Schedule 4, Housing SEPP

Housing SEPP Schedule 4 section / requirement	Consideration
Part 1 Standards applying to hostels and independent living units	
1 Application of standards in this Park The standards set out in this Part apply to any seniors housing that consists of hostels or independent living units	The proposal includes ILUs and therefore Schedule 4 Part 1 applies.
2 Siting standards (1) Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road. (2) If the whole of the site does not have a gradient of less than 1:10—	Capable of compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.

Housing SEPP Schedule 4 section / requirement	Consideration
(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents. (3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	
3 Letterboxes (1) Letterboxes— (a) must be located on a hard standing area, and (b) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and (c) must be lockable by a lock that faces a wheelchair accessible path. (2) If a structure contains multiple letterboxes, the structure must be in a prominent location. (3) At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).	Capable of compliance. The Access Report confirmed an accessible path would be provided between the letterboxes to the entrance of the dwellings via the driveway area. The Applicant advised height requirements would be addressed during the detailed design. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
4 Car parking (1) If parking spaces attached to or integrated with a class 1 building under the Building Code of Australia are provided for use by occupants who are seniors or people with a disability, at least 1 parking space must— (a) be at least 3.2m wide, and (b) be at least 2.5m high, and (c) have a level surface with a maximum gradient of 1:40 in any direction, and (d) be capable of being widened to 3.8 m without requiring structural modifications to a building. (2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies— (a) for a parking space not in a group— the parking space must comply with AS/NZS 2890.6, (b) for a group of 2–7 parking spaces— (i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and	(1) N/A. No class 1 buildings proposed. (2) (a) Complies While the Villas are identified as a class 2 building, all car parking is within separate garages with none in common areas. All car parking would be in accordance with AS/NZS 2890.6. (b) N/A. (c) Complies. • Building 1 provides 16.67% (7) spaces in accordance with AS/NZS 2890.6 and 50% (21) car parking spaces would be at least 3.2 m wide. • Building 2 provides 16.67% (3) spaces in accordance with AS/NZS 2890.6 and 50% (9) car parking spaces would be at least 3.2 m wide. • Building 3 provides 16.33% (8) spaces in accordance with AS/NZS 2890.6 and 50% (25) car parking spaces would be at least 3.2 m wide. • Building 4 provides 15% (12) spaces in accordance with AS/NZS 2890.6 and 50% (41) car parking spaces would be at least 3.2 m wide. (3) Complies. (4) Complies. The proposal would provide one accessible compliant car park

Housing SEPP Schedule 4 section / requirement	Consideration
(ii) 50% of the parking spaces must— A. comply with AS/NZS 2890.6, or B. be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction, (c) for a group of 8 or more parking spaces— (i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and (ii) at least 50% of the parking spaces must— A. comply with AS/NZS 2890.6, or B. be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction. (3) To avoid doubt, a parking space that complies with AS/NZS 2890.6 is only counted toward 1 of the requirements in subsection (2)(b)(i) or (ii) or (c)(i) or (ii). (4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6. (5) A parking space required by this section to comply with AS/NZS 2890.6, other than a visitor parking space, is not required to include the international symbol of access. (6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device. (7) A parking space, other than a parking space under subsection (6), must be— (a) secured by a power-operated door, or (b) capable of accommodating the installation of a power-operated door, including by having— (i) access to a power point, and (ii) an area for motor or control rods for a power-operated door. (8) A requirement in this section for a parking space to comply with AS/NZS 2890.6 extends to the associated shared area within the meaning of AS/NZS 2890.6. (9) In this section, a parking space is in a common area if it is not attached to or integrated with a hostel or independent living unit.	(5) Noted. (6) Complies. Buildings 1 to 4 would be accessed via a roller door. (7) N/A. Subsection 6 applies. (8) Noted. (9) Noted.
5 Accessible entry (1) The main entrance to a dwelling must have— (a) a clear opening that complies with AS 1428.1, and (b) a circulation space in front of the door and behind the door that complies with AS 1428.1.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.

Housing SEPP Schedule 4 section / requirement	Consideration
(2) This section does not apply to an entry for employees.	
6 Interiors (1) An internal doorway must have an unobstructed opening that complies with AS 1428.1. (2) An internal corridor must have an unobstructed width of at least 1,000mm. (3) The circulation spaces in front of and behind an internal doorway in the following areas must comply with AS 1428.1— (a) a kitchen, (b) a laundry, (c) a bathroom, (d) a toilet, (e) a bedroom, (f) a living area, (g) the main area of private open space. (4) To avoid doubt, subsection (3)(b) does not apply to laundry facilities in a cupboard.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
7 Bedroom (1) At least one bedroom in a dwelling must have the following— (a) a clear area, not including a circulation space, sufficient to accommodate— (i) for a hostel— a wardrobe and a single-size bed, or (ii) for an independent living unit— a wardrobe and a queen-size bed, (b) a clear area around the area for the bed of at least— (i) 1,200mm at the foot of the bed, and (ii) 1,000mm on each side of the bed, (c) at least 2 double general power outlets on the wall where the head of the bed is likely to be, (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
8 Bathroom (1) At least one bathroom in a dwelling must be located on— (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The bathroom must have the following— (a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013,	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.

Housing SEPP Schedule 4 section / requirement	Consideration
(b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use existing hydraulic lines, (c) a shower that— (i) is accessible without a shower-hob or step, and (ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and (iii) is in the corner of a room, and (iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1, (d) a wall cabinet with shelving illuminated by an illumination level of at least 300 lux, (e) a double general power outlet in an accessible location, in accordance with AS 1428.1. (3) Subsection (2)(c) does not prevent the installation of a shower screen that can easily be removed to enable compliance with that paragraph.	
9 Toilet (1) At least one toilet in a dwelling must be located on— (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The toilet must have the following— (a) a water closet pan— (i) in the corner of the room, and (ii) with a centreline set-out in accordance with AS 1428.1, (b) a circulation space in front of the water closet pan that is— (i) at least 1,200mm long and at least 900mm wide, and (ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails, (c) a circulation space around the water closet pan that complies with AS 1428.1, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.

Housing SEPP Schedule 4 section / requirement	Consideration
(3) A removable shower screen may be located in the circulation space specified in subsection (2)(c).	
10 Surfaces of balconies and external paved areas Balconies and external paved areas must have surfaces that are slip resistant and comply with— (a) The Building Code of Australia, or (b) the Standards Australia Handbook SA HB 198:2014, Guide to the specification and testing of slip resistance of pedestrian surfaces, published on 16 June 2014.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
11 Door hardware (1) Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1. (2) To avoid doubt, subsection (1) does not apply to cabinetry.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
12 Switches and power points (1) Switches and power points must— (a) comply with AS 1428.1, or (b) be capable of complying with AS 1428.1 through future adaptation. (2) Subsection (1) does not apply to— (a) remote controls, or (b) power points likely to serve appliances that are not regularly moved or turned off.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
13 Private passenger lifts (1) This section applies to a private passenger lift that is required by this schedule to be accessible only from inside a particular dwelling. (2) The private passenger lift must— (a) be at least 1,100mm wide and at least 1,400mm long, measured from the lift car floor, and (b) have a clear indoor landing on all floors serviced by the lift, other than the floor on which the main area of private open space is located, at least 1,540mm long and at least 2,070mm wide, and (c) have controls that comply with— (i) AS 1735.12:2020, Lifts, escalators and moving walks, Part 12: Facilities for persons with disabilities, published on 26 June 2020, or (ii) AS 1735.15:2021, Lifts, escalators and moving walks, Part 15: Safety rules for the construction and installation of lifts — Special lifts for the transport of persons and goods — Vertical lifting platforms	Not applicable.

Housing SEPP Schedule 4 section / requirement	Consideration
intended for use by persons with impaired mobility, published on 23 July 2021. (3) The width of the door opening of the private passenger lift must be at least 900mm. (4) The private passenger lift must not be a stairway platform lift.	
Part 2 Additional standards for independent living units	
14 Application of standards in this Part The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of independent living units.	Complies. The proposal includes ILUs and therefore Schedule 4 Part 2 applies.
15 Bedroom At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on – (a) the same floor as the entry to the unit, or (b) a floor serviced by a private passenger lift accessible only from inside the unit.	Complies. All bedrooms are located at the entry level.
16 Living room (1) A living room in an independent living unit must be located on – (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The living room must have – (a) a circulation space that – (i) is clear of all fixtures, and (ii) has a diameter of at least 2,250mm, and (b) a telecommunications or data outlet adjacent to a general power outlet.	Complies. Living areas are located at the entry level and the Access Report deemed the proposal would comply with this requirement.
17 Main area of private open space The main area of private open space for an independent living unit must be located on – (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	Complies. The main area of private open space for all dwellings would be located at the entry level, either as ground level courtyards or balconies depending on the unit level.
18 Kitchen (1) A kitchen in an independent living unit must be located on – (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.

Housing SEPP Schedule 4 section / requirement	Consideration
(3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without – (a) relocating the sink, or (b) moving a load-bearing wall, or (c) breaching another circulation requirement. (4) The kitchen must have the following fittings – (a) a bench that includes at least one work surface that is – (i) at least 800mm long, and (ii) clear of obstructions, and (iii) not in the corner of the room, (b) a lever tap set with the lever and water source that is within 300mm of the front of the bench, (c) a cooktop next to the work surface, (d) an isolating switch for the cooktop, (e) an oven that – (i) has operative elements between 450mm and 1,250mm above the finished floor level, and (ii) is next to the work surface, (f) at least one double general power outlet located within 300mm of the front of a work surface. (5) The cupboards must – (a) not be entirely located in the corner of the bench or the corner of the room, and (b) face where the user of the fixture is likely to be. (6) An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard. (7) A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard. (8) The lever tap set, cooktop, isolating switch, oven and double general power outlet must – (a) not be in the corner of the bench or the corner of the room, and (b) face where the user of the fixture is likely to be. (9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.	
19 Laundry (i) A laundry in an independent living unit must be located on –	Capable of compliance. The Access Report advised the circulation area would be compliant and deemed the proposal capable of achieving compliance with other requirements at the detailed design.

Housing SEPP Schedule 4 section / requirement	Consideration
(a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (ii) The laundry must have the following – (a) a circulation space that complies with AS 1428.1 at the approach to any external doors, (b) an appropriate space for an automatic washing machine and a clothes dryer, (c) a clear space in front of each appliance of at least 1,550mm, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586—2013, (e) a continuous accessible path of travel to the main area of private open space or any clothes line provided for the dwelling. (iii) The space specified in subsection (2)(c) may overlap with a door swing or the circulation space for a door. (iv) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations— (a) for below-bench cupboards—towards the top, (b) for overhead cupboards—towards the bottom, (c) for floor-to-ceiling doors—between 900mm and 1,100mm above the finished floor level. (v) In this section— <i>laundry</i> includes laundry facilities in a cupboard.	The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
20 Linen storage An independent living unit must have a floor-to-ceiling linen storage cupboard that – (a) is at least 600mm wide, and (b) has adjustable shelving.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance at the detailed design. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
21 Lift access in multi-storey buildings An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the <i>Building Code of Australia</i>, Volume 1, Part E3.	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.
22 Garbage and recycling A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance	Capable of compliance. The Access Report deemed the proposal capable of achieving compliance. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.

Table 14 | Consideration of Schedule 8 of the Housing SEPP

Housing SEPP section / requirement	Department’s Consideration
SCHEDULE 8 – DESIGN PRINCIPLES FOR SENIORS HOUSING	

Housing SEPP section / requirement	Department's Consideration
1 Neighbourhood amenity and streetscape	The proposal seeks to integrate a seniors housing development into the Mingara Recreation Club precinct. In addition to the proposed recreational uses within development, future residents would also benefit from existing facilities within the Mingara precinct, including cafes and restaurants, fitness centre, aquatics centre and an outdoor bowling green. To maintain reasonable neighbourhood amenity and appropriate residential character, the proposal would: • provide substantial external setbacks to the proposed built form with a minimum of 20 m to the southern boundary and 30 m – 85 m to the western boundary. • locate the two-storey villas closest to the external boundaries to provide an appropriate transition to the surrounding low density context. • consolidate buildings (Buildings 1 to 4) with the greatest bulk within the centre of the site adjacent to the recently constructed 5 storey hotel.
2 Visual and acoustic privacy	The site has been designed to minimise visual impacts to neighbouring properties through the provision of substantial building setbacks and the existing and proposed landscaping. The proposal would exceed the separation distances to all external buildings recommended by the ADG. Bedrooms within the proposed dwellings have been located away from noisy uses such as driveways, parking areas and paths. The Applicant provided an updated NIA that considered potential impacts from the adjacent athletics track, which determined the proposal would adequately mitigate external noise sources subject to recommended façade treatments.
3 Solar access and design for climate The design of seniors housing should – (a) for development involving the erection of a new building – provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	The proposed separation distances and site orientation would ensure an appropriate level of solar access is provided to surrounding properties. Additionally, the proposal would not result in overshadowing to neighbouring properties. The proposal has been designed to maximise cross ventilation and solar access within the development. The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.
4 Stormwater The design of seniors housing should aim to – (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the	The Applicant submitted an Integrated Water Management Plan to address potential stormwater impacts. Stormwater would be collected in two OSD tank and directed into the existing stormwater infrastructure to the east of the site, which is determined to have sufficient capacity. The Department recommends a condition requiring implementation of the recommendations in the Integrated Water Management Plan This matter is discussed further in Section 5.6.

Housing SEPP section / requirement	Department's Consideration
width of paths and minimising paved areas, and (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	
5 Crime prevention Seniors housing should— (a) be designed in accordance with environmental design principles relating to crime prevention, and (b) provide personal property security for residents and visitors, and (c) encourage crime prevention by— (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The Applicant submitted a Crime Prevention through Environmental Design (CPTED) to address potential stormwater impacts. The Department recommends a condition requiring implementation of the recommendations in the CPTED report.
6 Accessibility Seniors housing should— (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and (b) provide safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The application is supported by an Accessibility Report that demonstrates compliance with the relevant controls and all relevant provisions of the Housing SEPP. The development provides adequate pedestrian thoroughfares through the site and sufficient car parking for the ILUs. The Applicant has designed the proposal in consideration of pedestrian safety and circulation.
7 Waste management Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	An OWMP was submitted with the application, which advised waste would be collected by Council. The proposal includes dedicated residential waste holding areas at ground level for Buildings 1 to 4 and waste collection pads would be provided for villas. Building management would transfer bins from the dedicated storage areas to the holding bay adjacent to the loading dock for Council collection. The Department is satisfied that adequate waste facilities are provided, and that the operational waste needs of the development can be appropriately managed and impacts mitigated subject to a recommended condition of consent.

Table 15 | Department's consideration of the design quality principles of residential apartment development

Design Quality Principles	Departments Response
1. Context and Neighbourhood Character	The proposal is located within the western portion of the Mingara Recreation Club precinct. The Department has considered the height, scale and design of the development at Section 5.1 and concludes the proposal responds to the existing context of the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The height and scale of the development is appropriate in this location and context and the development is considered to achieve a high standard of layout, design and appearance (Section 5.1).
3. Density	The Department considered the proposed density of the site in Section 5.1 and determined it to be appropriate for the site.
4. Sustainability	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.
5. Landscape	The proposal would provide an appropriate balance between the built form and landscaping through the provision of various landscaped communal areas, 8,736 m ² deep soil planting and would result in 41.8% tree canopy coverage. Additionally, the proposal would include the revegetation of the waterway corridor to the west of the site.
6. Amenity	The proposal is generally consistent with the key ADG criteria and would achieve a high level of residential amenity for future residents (see Section 5.5 and Table 16).
7. Safety	The proposal incorporates CPTED principles, including increasing opportunities for natural surveillance, implementation of adequate lighting and technical supervision (i.e. CCTV), and incorporating access control and territorial reinforcement measures.
8. Housing Diversity and Social Interaction	The development will improve housing supply and choice for seniors and provides for a mix of ILU apartment types and a RCF to cater for a range of senior households and needs.
9. Aesthetics	The Department considers the proposal to achieve a high standard of architectural design following the design review process and include an effective palette of materials and finishes that appropriately articulate the form of the building, as discussed in Section 5 .

Table 16 | Department's consideration of ADG best practice design principles

ADG Criteria	Consideration
3A Site Analysis Site analysis illustrates design decisions have been based on opportunities and constrains of the site conditions and their relationship to the surrounding context.	Consistent. The proposal has been informed by a Design Report which includes a site analysis.
3B Orientation - Building types and layouts respond to the streetscape and site while optimising solar access within the development. - Overshadowing of neighbouring properties is minimised during mid-winter.	Consistent. The site does not adjoin a public street. The proposal has been orientated to optimise solar access within the site and minimise overshadowing of neighbouring properties.

ADG Criteria	Consideration												
3C Public Domain Interface - Transition between public/private domain is achieved without compromising safety and security. - Amenity of the public domain is retained and enhanced.	Consistent. While the proposal does not present to a public street, publicly accessible pedestrian links would be provided to connect the proposal with the Mingara precinct and broader community. The seniors housing site have been designed with clear, identifiable entries and would be fenced to manage access after restricted hours.												
3D Communal and Public Open Space - Communal open space has a minimum area equal to 25% of the site. - Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter. - Communal open space is designed to allow for a range of activities and to maximise safety. - Public open space should be well connected with nearby parks and other landscape elements.	Consistent. The proposal would provide 29% of dedicated communal open space for the development in the form of landscaped areas, outdoor seating, food and drink premises and multipurpose rooms. The communal open space would receive more than 2 hours of solar access in mid-winter.												
3E Deep Soil Zones For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).	Consistent. The proposal would provide 8,736 m ² (29%) of deep soil areas with a minimum dimension of 6 m.												
3F Visual Privacy - Minimum separation distance from building to side and rear boundaries: <table><tr><td>Height</td><td>Habitable rooms and balconies</td><td>Non-habitable rooms</td></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room</i> - Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	Consistent. The proposal would comply with the separation distance to external boundaries and internal buildings.
Height	Habitable rooms and balconies	Non-habitable rooms											
Up to 12m (4 storeys)	6m	3m											
Up to 25m (5-8 storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
3G Pedestrian Access to Entries - Building entries and pedestrian access connects to and addresses the public domain. - Access, entries and pathways are accessible and easy to identify.	Consistent. The proposal does not address a public street. However, each building incorporates a lobby accessible from the internal street and communal landscaped areas. The entries to the buildings address the internal shared street and have been designed to be easily accessible and easy to identify.												

ADG Criteria	Consideration
3H Vehicle Access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Consistent. Two vehicle access points are provided for residential and loading access. Building 2 is proposed to provide the primary drop off location and loading dock for the site.
3J Bicycle and Car Parking - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. - For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre - the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less - the car parking needs for a development must be provided off street. - Parking and facilities are provided for other modes of transport. - Car park design and access is safe and secure. - Visual and environmental impacts of underground car parking are minimised. - Visual and environmental impacts of above ground enclosed car parking are minimised.	Consistent. The proposal has incorporated car and bicycle parking in accordance with the Housing SEPP. No excavation is proposed for car parking. The at-grade carpark would be screened with landscaping to minimise impacts.
4A Solar and Daylight Access - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. - Minimum of 70% of apartments' living rooms and private open spaces receive 3 hrs direct sunlight between 9 am – 3 pm in mid-winter. - Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter. - Daylight access is maximised where sunlight is limited. - Design incorporates shading and glare control, particularly for warmer months.	Consistent with the Housing SEPP. While the ADG requires the proposal to achieve three hours of solar access to 70% of units between 9 am and 3 pm, the Housing SEPP NDDS requires at least 70% of ILU achieve two hours of solar access (Section 108(g)). The objective of the NDDS is to prevent the consent authority from requiring more onerous standards. The proposal would achieve 2 hours of solar access to 70% of units between 9 am and 3 pm and a maximum of 13% of units would receive no direct sunlight in mid-winter. Recessed balconies have been incorporated to provide shading during warmer months.
4B Natural Ventilation - At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated). - Overall depth of a cross-over or cross-through apartment does not exceed 18m.	Consistent. At least 69% of apartments would be naturally ventilated. While the depth of cross through apartments is 19.5 m, the Applicant advised the exceedance is the result of accessibility requirements. It is noted the Seniors Housing Design Guide also acknowledged an exceedance to unit depths may be exceeded due to accessibility requirements.

ADG Criteria	Consideration
4C Ceiling Heights - Measured from finished floor level to finished ceiling level, minimum ceiling heights are: - Habitable rooms 2.7 m - Non-habitable rooms 2.4 m.	Consistent. The proposal would incorporate minimum ceiling heights of 2.7 m for habitable rooms and 2.4 m for non-habitable rooms.
4D Apartment Size and Layout - Minimum apartment sizes - Studio 35 m² 1 bedroom 50 m² 2 bedroom 70 m² 3 bedroom 90 m² 4 bedroom 100 m². - In open plan layouts the maximum habitable room depth is 8 m from a window. - Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m². - Bedrooms have a minimum dimension of 3 m (excluding wardrobes). - Living rooms have a minimum width of: 3.6 m for studio and one bed 4 m for 2 and 3 bed.	Consistent. All units would exceed the minimum recommended apartment sizes. All bedrooms and living rooms would be consistent with the recommended dimensions.
4E Private Open Space and Balconies - Primary balconies are provided to all apartments providing for: - Studios apartments min area 4 m² 1-bedroom min area 8 m² min depth 2 m 2-bedroom min area 10 m² min depth 2 m 3-bedroom min area 12 m² min depth 2.5 m. The minimum balcony depth to be counted as contributing to the balcony area is 1m - For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m. - Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building. - Primary open space and balconies maximises safety.	Consistent. Balconies for all above ground units achieve the minimum areas. While some units vary the minimum internal area depth, the balconies would provide a functional space. No ground floor units area proposed. The balconies have been designed to be integrated into the architectural form of the building.
4F Common Circulation and Spaces - Maximum number of apartments off a circulation core is 8 – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. - For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Consistent. The number of units serviced by a single core would range from 3 to 8.
4G Storage	Consistent. Residential storage would be provided entirely within each apartment.

ADG Criteria	Consideration
- The following storage is required (with at least 50% located within the apartment): - Studio apartments 4 m³ 1-bedroom apartments 6 m³ 2-bedroom apartments 8 m³ 3-bedroom apartments 10 m³	
4H Acoustic Privacy - Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. - Noise impacts within apartments are mitigated through layout and acoustic treatments.	Consistent. Noise transfer would be minimised through the appropriate layout of the buildings. Apartments are appropriately stacked and laid out to prevent noise transfer between apartments.
4J Noise and Pollution - In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Consistent. In accordance with the recommendations of the acoustic report, apartments would be appropriately insulated to ensure compliance from external noise sources.
4K Apartment Mix - Provision of a range of apartment types and sizes - Apartment mix is distributed to suitable locations within the building.	Consistent. The proposal would incorporate a diverse range of dwelling types and sizes (ranging from 2 bedrooms to 3-bedroom units). The apartment types are varied across the development.
4L Ground Floor Apartments - Direct street access should be provided to ground floor apartments - Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: - both street and foyer entrances to ground floor apartments - private open space is next to the street - doors and windows face the street	Not applicable. No ground floor units are proposed.
4M Facades - Building facades provide visual interest along the street while respecting the character of the local area - Building functions are expressed by the facade	Consistent. The proposed built form has been articulated and incorporates horizontal and vertical elements to break up the building bulk. The Department is satisfied the proposed built form is acceptable and would provide a positive contribution to the area, as discussed in Section 5.
4N Roof Design - Roof treatments are integrated into the building design and positively respond to the street. - Opportunities to use roof space for accommodation and open space is maximised - Roof design includes sustainability features.	Consistent. Each building would incorporate a flat roof. Services and the lift core are centrally located to minimise the sight lines. Solar panels and sky lights have been incorporated on the rooftop.

ADG Criteria	Consideration
4O Landscape Design and 4P Planting on Structures - Landscape design is viable and sustainable. - Landscape design contributes to streetscape and amenity. - Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance). - Plant growth is optimised with appropriate selection and maintenance. - Building design includes opportunity for planting on structure.	Consistent. The Architectural Design Report, Landscape Plans and Vegetation Management Plan demonstrate the proposal would provide a positive contribution to the site and a positive amenity outcome for future residents.
4Q Universal Design - Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features. - A variety of apartments with adaptable designs are provided. - Apartment layouts are flexible and accommodate a range of lifestyle needs.	Consistent. All units would incorporate the Seniors Living and Liveable Housing Guideline's silver level universal design features. All ILU are capable of adaption. Units are of a size and layout that can accommodate a range of lifestyle needs.
4T Awning and Signage - Awnings are well located and complement and integrate with the building. - Signage responds to the context and design streetscape character.	Consistent. Lobby entries would be protected by either an awning or the building above.
4U Energy Efficiency - Development incorporates passive environmental and solar design. - Adequate natural ventilation minimises the need for mechanical ventilation.	Consistent. ESD is considered in above in Appendix D .
4V Water Management and Conservation - Potable water use is minimised. - Urban stormwater is treated on site before being discharged to receiving waters. - Flood management systems are integrated into the site design.	Consistent. Flooding is considered in Section 5.2.4 and stormwater is considered in Section 5.6 .
4W Waste Management - Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity. - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Consistent. Waste management is considered in Section 5.6 .
4X Building Maintenance Building design detail provides protection from weathering.	Consistent. The proposed building has been designed to incorporate robust materials and allow ease of maintenance.

ADG Criteria	Consideration
• Systems and access enable ease of maintenance. • Material selection reduced ongoing maintenance cost.	

Seniors Housing Design Guide

The Seniors Housing Design Guide seeks to inform the design and assessment of seniors housing and ensure high quality design of seniors housing developments are achieved. An assessment of the proposal against the Seniors Housing Design Guide has been provided at Table 17.

Table 17 | Consistency with Seniors Housing Design Guide Design Principles

Design Principle	Department's Consideration
Part 2 Guidance Chapters	
1. Designing for Country	Consistent The proposal seeks to retain 94 existing trees onsite and would provide landscaping and restoration to the adjoining drainage easement in accordance with a VMP. The application was supported by a Connecting with Country report that provided actions to be undertaken throughout the lifecycle of the development. The Department has recommended a condition requiring implementation of the recommendations within the Connecting Country report.
2. Care for the Planet	Consistent. The proposal has been designed to maximise natural ventilation and solar access, while ensuring adequate vegetation shading assists in heat mitigation in summer. A BASIX Certificate accompanies the application demonstrating compliance with relevant sustainability controls.
3. Site Analysis	<u>3. Environmental Response</u> Consistent. The proposal incorporates the retention of mature trees and the planting of an additional 180 trees, resulting in a tree canopy coverage of 41.8%. <u>4. Urban Response</u> Consistent. The proposal responds to the surrounding context of the site by concentrating any increase in height to the centre of the site and incorporating increased setbacks and substantial landscaping to manage potential privacy impacts to adjoining properties.
5. Heritage	Consistent. The site is not located in proximity to any European Heritage items, and the site is not identified as being likely to contain any Aboriginal items of heritage significance. Appropriate conditions are recommended relating to unexpected finds.
6. Care, Wellbeing and Community	Consistent. The seniors housing proposal is predicated on a continuum of care being provided for seniors to live well both independently or in high care in a safe and inclusive environment that encourages social interaction with residents and visitors to the site.

Design Principle	Department's Consideration
7. Designing for Physical Ageing and Dementia	Consistent. The proposed building typology and site design provides an intimate space for aging residents with appropriate wayfinding measures implemented into the design to encourage the retention of independence for residents and enhanced quality of life.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Chapter 2 of the T&I SEPP is relevant to this proposal and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development. It also requires consultation with relevant public authorities about certain development during the assessment process.

Section 2.119 requires vehicle access be provided from a non-classified road if possible and the development not impact the operation of the classified road. The site has a frontage to Wyong Road which is a classified road; however vehicular access to the site is via Mingara Drive and existing internal roads.

Section 2.122 requires the consent authority notify TfNSW of the proposal. The future development, which proposes 215 ILUs and 39 RCF beds, is not considered a traffic generating development to be referred to TfNSW under the Transport and Infrastructure SEPP.

The proposal was referred to TfNSW who advised the proposal is unlikely to have a significant impact on the classified road network.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Chapter 4 of the Hazards SEPP is relevant to this proposal and aims to provide a State-wide planning approach to the remediation of contaminated land, reduce risk of harm to human health and the environment and ensure that potential contamination issues are considered in the determination of a development application.

The proposal was accompanied by a Preliminary Site Investigation (PSI) prepared by RCA Australia which provide a summary of likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for its intended use. The PSI concludes that the site is suitable for the proposed residential development without further assessment into contamination, remediation or formal long-term management.

The proposal was also accompanied by an Acid Sulfate Soil Management Plan due to potential acid sulfate soils in the central and southern portion of the site and a detailed Waste Management Plan,

outlining the proposed procedures for the handling, management and disposal of demolition and construction waste generated during works.

The Department considers the site can be made suitable for the proposed development, subject to the implementation of the Acid Sulfate Soil Management Plan and Waste Management and has recommended conditions accordingly.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Relevant chapters of this SEPP aim to protect the biodiversity values of vegetation in non-rural areas and to protect the water quality and quantity of water catchments.

The Department considers the proposed tree removal, relocation and planting is acceptable (see Section 5.4) and that that water quality would be appropriately addressed through the implementation of proposed water sensitive urban design measures.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

This SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under this SEPP. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

Central Coast Local Environmental Plan 2022

A summary of the Department's considerations of the relevant standards contained in CCLEP 2022 are provided in Table 18 below and concludes the development is consistent.

Table 18 | Consideration of the relevant clauses of the CCLEP 2022

Clause	Consideration and comments
Clause 2.3 Zone objectives and Land Use Table	The site is zoned RE2 Private Recreation. Permissibility is considered in Section 3. While the Clause 2.3 does not permit seniors housing, the use is permitted under Schedule 1 on the subject site.
Clause 4.3 Height of buildings	There is no maximum height development standard that applies to the site under CCLEP 2022.
Clause 4.4 FSR	There is no FSR development standard which applies to the site under CCLEP 2022.

Clause	Consideration and comments
Clause 5.10 Heritage conservation	The site is not identified as a heritage item or located within a heritage conservation area.
Clause 5.11 Bushfire hazard reduction	The Department has considered bushfire hazard at Section 5.6.
Clause 5.21 Flood planning	The Department has considered flooding at Section 5.2.4 and is satisfied the proposal: - would not adversely increase the impact of flooding on other properties or development - the proposal would implement a shelter-in-place procedure during a PMF flood event and therefore would not impact the capacity of evacuation routes or result in an adverse impact to the safe evacuation of people - would not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of watercourses. - incorporates appropriate measures to manage risk to life in the event of a flood, including the raising the site, construction of buildings to be PMF level and the preparation and implementation of a detailed Flood Emergency Response Plan.
Clause 5.22 Special flood considerations	
Clause 7.1 Acid Sulfate Soils	The site is located on Class 4 and 5 Acid Sulfate Soils. The Applicant submitted an Acid Sulfate Soil Management Plan which identifies procedures to manage the potential environmental risk. The Department has considered Acid Sulfate Soils at Appendix D. The Department has considered earthworks, contamination and archaeology and has recommended conditions to manage and mitigate impacts.
Schedule 1, Clause 18 Use of certain land at Mingara Drive, Tumbi Umbi	The proposal seeks the construction and operation of seniors housing on Lot 13 DP 1204397. The seniors housing would be integrated into the existing registered club.

Appendix E – Recommended instrument of consent

The Instrument can be found on the NSW Planning Portal at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mingara-recreation-club-seniors-housing-tumbi-umbi>