

JOINT REGIONAL PLANNING PANEL (SOUTHERN REGION) COUNCIL ASSESSMENT REPORT

Panel Reference	2017STH018
DA Number	RA17/1001
LGA	Shoalhaven City Council
Proposed Development	<p>Demolition and vegetation removal work and staged construction of a Senior Housing development comprising:</p> <ul style="list-style-type: none"> • 89 Bed Residential Care Facility (RCF) • 126 Independent living Units (ILU) (duplex and triplex forms) • 133 ILU spread over 7 x 3 storey residential flat buildings with underground car parking, • Community Centre comprising clubhouse/restaurant/medical centre/gym and swimming pool • ancillary civil infrastructure and landscaping • Roundabout intersection and associated civil works on Princes Highway and surrounding road reserves
Street Address	<p>Lot 1 DP 780801, 276 Princes Highway, Milton Lot 1 DP 737576, Part Road Reserve Princes Highway, Milton DP U3 2224 Property ID81992, Part Road Reserve Princes Highway, Milton DP R63051603 Property ID 81999, & Part Crown Road Reserve Warden Road, Milton – Property ID 81997</p>
Applicant/Owner	Hawes & Swan Planning on behalf of Annsca Property Group/Meadows of Milton Pty Ltd
Date of DA lodgement	23 May 2017
Number of Submissions	52 opposing & 10 in support
Recommendation	Approved with conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Development with a Capital Investment Value (CIV) of more than \$30 million
List of all relevant s4.15(1)(a) matters	<p>Statutory Provisions</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • Threatened Species Conservation Act 1995 • Rural Fires Act 1997 • SEPP No. 55 – Remediation of Land • SEPP No. 65 - Design Quality of Residential Apartment Development • SEPP (Housing for Seniors or People with a Disability) 2004 • SEPP (Infrastructure) 2007 • SEPP (State and Regional Development) 2011 • Shoalhaven Local Environmental Plan (LEP) 2014
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1 – Plans of the proposed development Attachment 2 - SEPP 65- Assessment Attachment 3 – Draft Conditions of Consent</p>

Report prepared by	Peter Johnston, Senior Development Planner
Report date	17 March 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No**

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Joint Regional Planning Panel (JRPP) due to cost of construction exceeding \$30M for general development carried out in accord with Clause 2 Schedule 7 SEPP (State and Regional Development) 2011. Applicant CIV estimate \$91,409,809 M

Proposal

This Report is an assessment of an Integrated Development Application (DA) under the Rural Fires Act 1997 and Water Management Act 2000 made to Shoalhaven City Council for seniors housing. Known as Milton Meadows, the Development comprises:

- Phase 1** Demolition works, vegetation removal and construction of a new roundabout and associated civil infrastructure to the Princes Highway, 89 Bed Residential Care Facility (RCF), community centre including medical centre, gym, swimming pool, recreational space and restaurant, 64 Independent Living Units (ILU) in duplex and triplex forms, a large detention pond and associated civil infrastructure and landscaping.
- Phase 2** Construction of 24 dual occupancies and 4 triplexes for a total of 60 (ILU) and associated civil infrastructure and landscaping.
- Phase 3** Construction of 7 x 3 storey residential flat buildings housing a total of 133 (ILU) with underground car parking and ancillary civil infrastructure and landscaping.

Site

The site consists of two parcels of land being Lot 1 DP 737576 – 276 Princes Highway Milton (4028m²) & Lot 1 DP 780801 Princes Highway Milton (14.88 Ha Development Lot). The two allotments are immediately adjacent to each other, separated only by unformed section of Warden Road.

Permissibility

The development site is predominantly zoned part RU1 Primary Production with part Zone E2 Environmental Conservation land located along the north and eastern boundaries pursuant to the Shoalhaven Local Environmental Plan, 2014 (SLEP 2014).

All building envelopes are proposed within the RU1 Primary Production Zone while the detention pond and part of the access road is located over E2 Environmental Conservation zoned land. Seniors housing is a prohibited use in the RU1 and E2 zone pursuant to the SLEP 2014.

The DA is made pursuant to Clause 8 Schedule 1 Additional permitted uses (SLEP2014) which states:

8 Use of certain land at Windward Way, Milton

- (1) *This clause applies to land identified as “Sch 1.12” on the Clauses Map, being Lot 1, DP 780801 and Lot 1, DP 737576, Windward Way, Milton.*
- (2) *Development for the purpose of seniors housing is permitted with development consent, but only if the consent authority is satisfied of the following—*
- (a) *any public utility infrastructure that is essential for the development is available or that adequate arrangements have been made to make that infrastructure available when required,*
- (b) *a traffic study has been prepared to assess the impact of the development on the Princes Highway and the local road network.*

Both clause 8(2) criteria have been satisfactorily addressed as detailed within the body of the report.

Consultation

The proposal was notified in accordance with Council's Notification Policy. Sixty-three submissions from the public were received (52 in objection) from 34 submitters, which are discussed in Part 3 of the assessment report.

Main Issues

The main issues relate visual impact, access to the site, *Ficus obliqua* (Small-leaf Fig) and bushfire.

- Visual Impact:

The site is located within the green buffer that separates Milton and Ulladulla. In rezoning the land in 2005, council considered a visual analysis report (Richard Lamb and Associates) which outlined visual assessment principles for development of the site to minimize visual impact of future development proposals. The visual impact of the current application has been reviewed and found to be generally acceptable subject to conditions in Attachment 3 to this report requiring - lowering roof pitch for the RCF and replacement of pitched roof to the Clubhouse/Medical Centre with a low profile skillion roof, changes to the landscape plan to provide for view sharing to the coast for adjoining residential premises at 52 & 60 Winward Way.

- Access to Site:

The original application sought to provide a channelised right-turn treatment (CHR)/ auxiliary left-turn treatment (AUL) intersection configuration with a short median lane on the Princes Highway (i.e. seagull treatment). This concept was ultimately not supported by RMS or council resulting in the applicant reverting to a roundabout concept on the Princes Highway with associated additional roadworks required to key into the arms of the roundabout. RMS has provided their consent to the roundabout concept.

- Small-leaved Fig (*Ficus obliqua*):

The south east corner of the site is home to the largest known *Ficus obliqua* in Australia. The original proposal included loss of this tree. The site plans were revised at council request in December 2017 to provide a 30m tree protection zone (TPZ) around the tree. In April 2019, the panel site visit identified the need to keep development footprint including an internal access road clear of the TPZ. Negotiation between council and the applicant resulted in a compromise solution submitted on 13 March 2020 to delete duplex 2, change duplex 3 to a triplex type EEE & duplex 4 to type BB. This concept solution is supported by council's Environmental Assessment Officer and is included as required changes to plans in the recommended conditions of Attachment 3 to this report.

- Bushfire:

On 12 December 2018, the RFS issued General Terms of Approval (GTA) for an earlier version of the development that requiring the entire property to be maintained as an inner protection area. This was not compatible with the existing Milton Ulladulla Subtropical Rainforest Vegetation and E2 Zone portions of the site.

Following SRPP site visit in April 2019, the site design footprint was revised to address the new highway roundabout access, increased width to Central Ave to enable future use as a public road, adjustment of building locations to suit and development footprint surrounding the Small-leaved fig.

After reviewing the Bushfire report prepared for the above changes, the RFS requested a revised report on 17 January 2020 to demonstrate compliance with APZ requirements,

reassessment of vegetation classification and slope. The applicants submitted revised bushfire & ecology reports on 13 March 2020 which now sought to include adjoining land west of the subject site (65 Wilfords Lane) for APZ bushfire management under a future s88B instrument.

On 16 March 2020, council received a letter signed by the owner of 65 Wilfords Lane agreeing to slashing of their land and in principle agreement to enter into a s88B agreement upon a development consent for RA17/1001 that would enable APZ management of their land in perpetuity. At the time of preparing this report, the RFS had not provided General Terms of Approval for the application.

Should the RFS issue GTAs before the scheduled panel meeting date, these will be provided for the panel's consideration. If no GTAs are available before the scheduled panel meeting date, the application is submitted for a deferred commencement subject to obtaining GTAs from the RFS. The recommended conditions of consent in Attachment 3 address deferred commencement trigger and compliance requirements.

RECOMMENDATION

Accordingly, it is recommended that the SRPP, as the determining authority, approve this application by way of a deferred consent with conditions for the reasons detailed within the "Recommendation" section of this report.

1. APPLICATION OVERVIEW

1.1. SUMMARY

DA Number:	RA17/1001
Street Address:	Princes Highway, Milton - Lot 1 DP 780801, 276 Princes Highway, Milton - Lot 1 DP 737576, Part Road Reserve Princes Highway, Milton – DP U3 2224 Property ID81992, Part Road Reserve Princes Highway, Milton – DP R63051603 Property ID 81999, & Part Crown Road Reserve Warden Road, Milton – Property ID 81997,
Proposed Development:	Integrated Development under the Rural Fires Act 1997 and Water Management Act 2000 Demolition and vegetation removal work and staged construction of a Senior Housing development comprising: <ul style="list-style-type: none"> • 89 Bed Residential Care Facility (RCF) • 126 Independent living Units (ILU) (duplex and triplex forms) • 133 ILU spread over 7 x 3 storey residential flat buildings with underground car parking, • Community Centre comprising clubhouse/restaurant/medical centre/gym and swimming pool • ancillary civil infrastructure and landscaping • Roundabout intersection and associated civil works on Princes Highway and surrounding road reserves
Date of lodgement:	23 May 2017
Applicant:	Hawes & Swan Planning on behalf of ANNSCA Property Group
Owner:	Meadows of Milton Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Notification period:	N1 (14/06/2017 to 14/07/2017), N2 (5/12/2018 to 4/01/2019) & N3 (30/10/2019 to 29/11/2019)
Number of submissions:	63 individual submissions were received comprising 52 submissions with objections, 10 submissions of support and 1 neutral submission
Recommendations:	That the proposal is approved under deferred commencement subject to conditions

1.2. ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the EP&A Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the EP&A Act 1979, and the associated regulations;
- A site inspection was conducted, and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

1.3. STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Threatened Species Conservation Act 1995
- SEPP No. 55 – Remediation of Land
- SEPP No. 65 - Design Quality of Residential Apartment Development
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- Shoalhaven Local Environmental Plan (LEP) 2014

1.4. NON STATUTORY CONTROLS

- Shoalhaven Development Control plan 2014

1.5. SITE DESCRIPTION

The land is located approximately 265m west of Slaughterhouse Road on the south side of the Princes Highway between Milton and Ulladulla. The site comprises 2 separate parcels of land being 276 Princes Highway Milton - Lot 1 DP 737576 and Princes Highway Milton - Lot 1 DP 780801. The site has a total land area of 15.28 Ha.

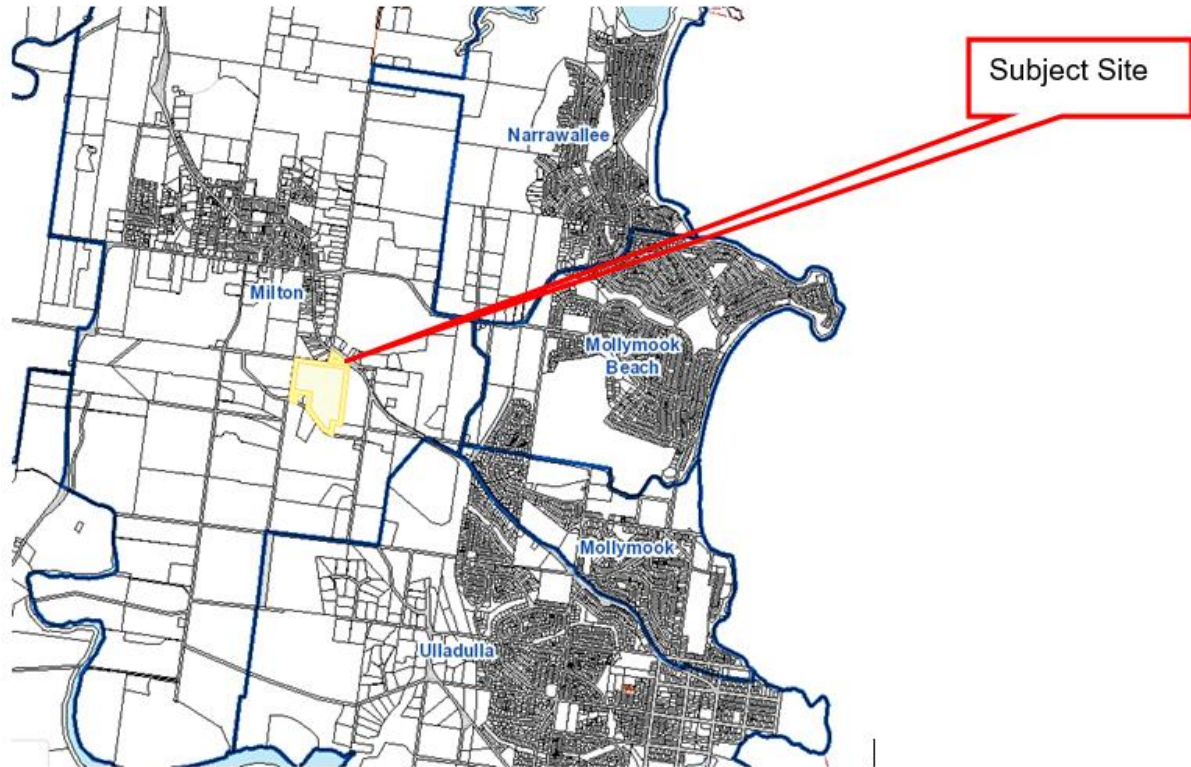


Figure 1 – Site Locality Plan – Subject site has yellow edging

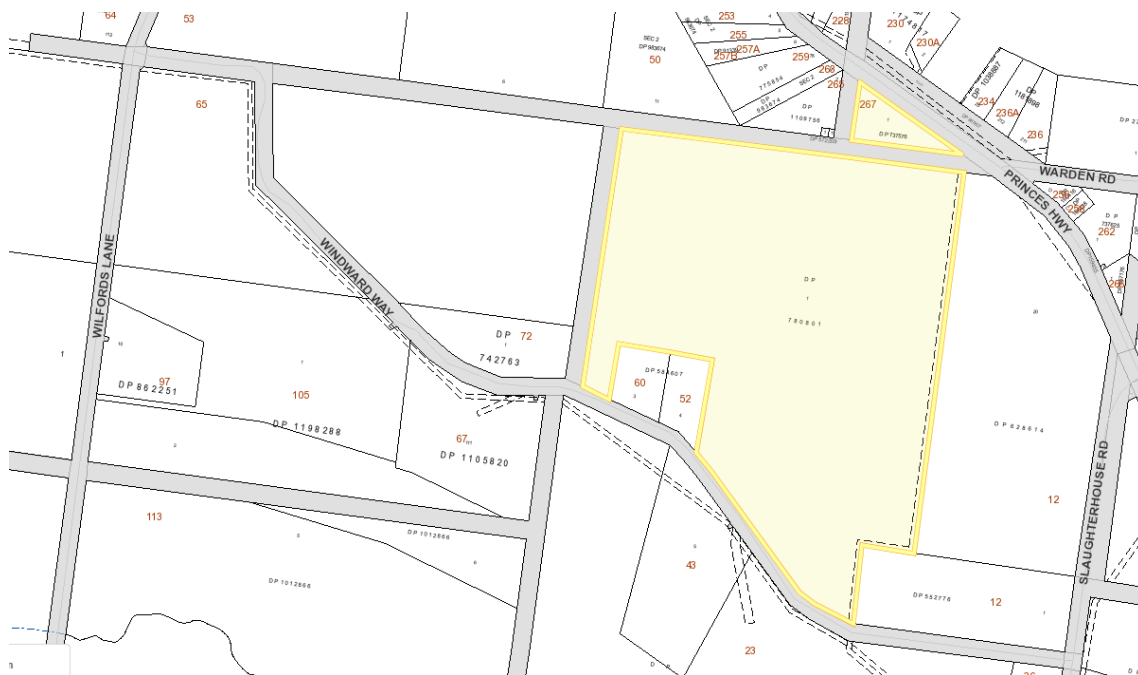


Figure 2 – Site Location Plan– Subject site has yellow edging

Lot 1 DP 737576 (4028m²) is bound by the Princes Highway (140m) in the north, an unformed section of Garrads Lane (65.3m) in the west and an unformed section of Warden Road (125.4m) to the south. The site slopes gradually from the Princes Highway south

towards Warden Road and Pettys Creek (Category 2 Watercourse) and associated riparian zone (RL 63 – 55). The lot is surrounded by rural residential development north, west and east with vacant rural land south. Shoalhaven Water sewer pump station is located directly west of Garrads Lane. This site currently contains a single dwelling and associated infrastructure.

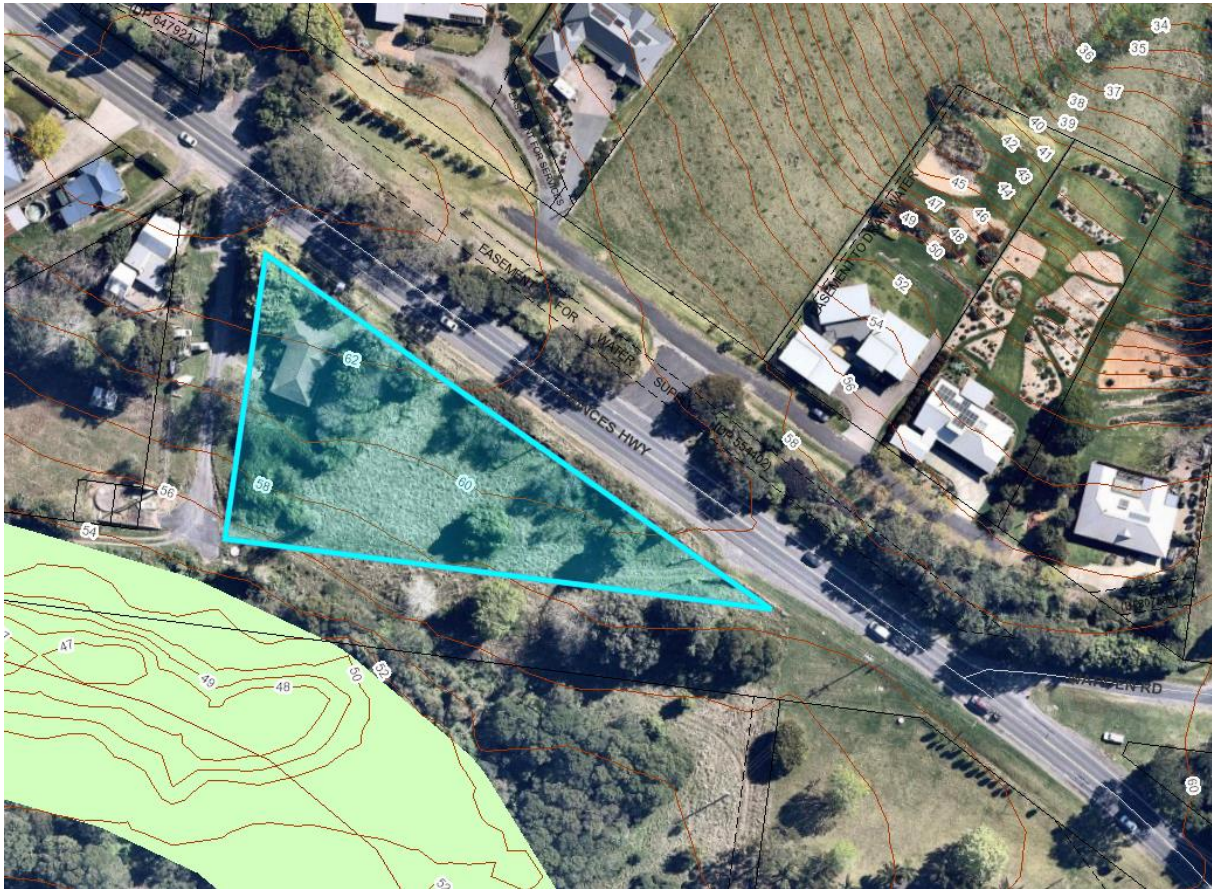


Figure 3 – Site Plan Lot 1 DP 737576 - 276 Princes Highway Milton – Subject site indicated by blue borders – Riparian Zone indicated by light green highlight

Lot 1 DP 780801 (14.88 Ha) is bound by an unformed section of Warden Road (386.1m) in the north, an unnamed unformed crown road (291m) in the west, a formed gravel road Winward Way (223m) and three residential premises (12,52 & 60 Winward Way) in the south and the Milton Valley Holiday Park (429m) in the east.

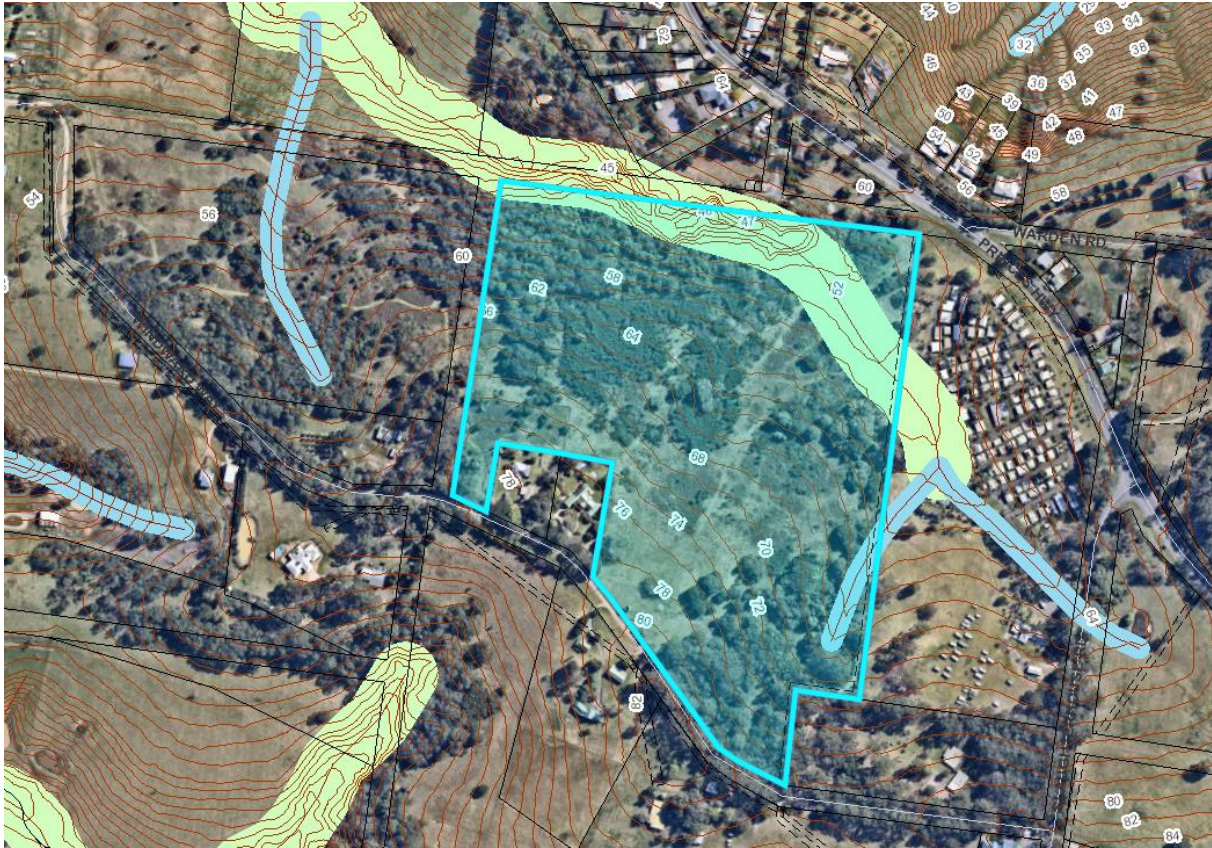


Figure 4 – Site Plan Lot 1 DP 780801 Princes Highway Milton – Subject site indicated by blue borders – Riparian Zones indicated by light green and light blue highlight

This lot slopes generally from the south to the Category 2 Pettys Creek and riparian zone that runs east west across the north of the site. The western segment of the site falls from south to north at approximately 7 degrees, the centre of the lot falls from south west to north east at approximately 4.8 degrees while the south eastern segment of the site falls from south west to north east at approximately 5.8 degrees to the eastern boundary and a Category 3 watercourse shared with the adjoining caravan park (Lot 20 DP 628614).

The site is surrounded by rural residential development north, west and south with the caravan park and abattoir to the east. The adjoining caravan park has an active approval ([DA08/1461](#)) for a change of use to a staged manufactured home estate for 190 sites over 9 stages.

This lot currently contains a small derelict pig pen & silo and several piles of concrete slabs/fibro from demolished buildings adjacent the southern boundary that were associated with the pig pen operation that ceased operation approximately 40 years ago.



Figure 5 – Photo of derelict pig pen, silo and associated structures (Envirotech Preliminary Contamination Report)



Figure 6 - Study Area and Subject Site Vegetation, and Location of Threatened Flora Species (Cumberland Ecology VMP)

Three native vegetation communities were identified on site including Clyde Gully Wet Forest and Milton Ulladulla Subtropical Rainforest along the creek line in the north, Southern Lowland Wet Forest patches across the site and Milton Ulladulla Subtropical Rainforest remnant containing a large non remnant Small-leaved Fig (*Ficus obliqua*) present in the south eastern portion of the subject site. Two individuals of *Rhodamnia rubescens* (Scrub Turpentine) were identified on site, one inside the southern boundary and the other within the drip line of the Small-leaved Fig represented as yellow squares on Figure 8 above.

Since the application was lodged there has also been some significant changes to the classification of two relevant threatened entities listed under state and federal legislation. Both *Rhodamnia rubescens* and Milton Ulladulla Subtropical Rainforest ecological community have been listed as critically endangered under the NSW Biodiversity Conservation Act (BC

Act) and federal Environment Protection & Biodiversity Conservation Act (EPBC Act) respectively.

The site (yellow border) is zoned RU1 Primary Production and E2 Environmental Conservation use. Refer to Figure 7 with blue dashed outline of the Small-leaved Fig tree.

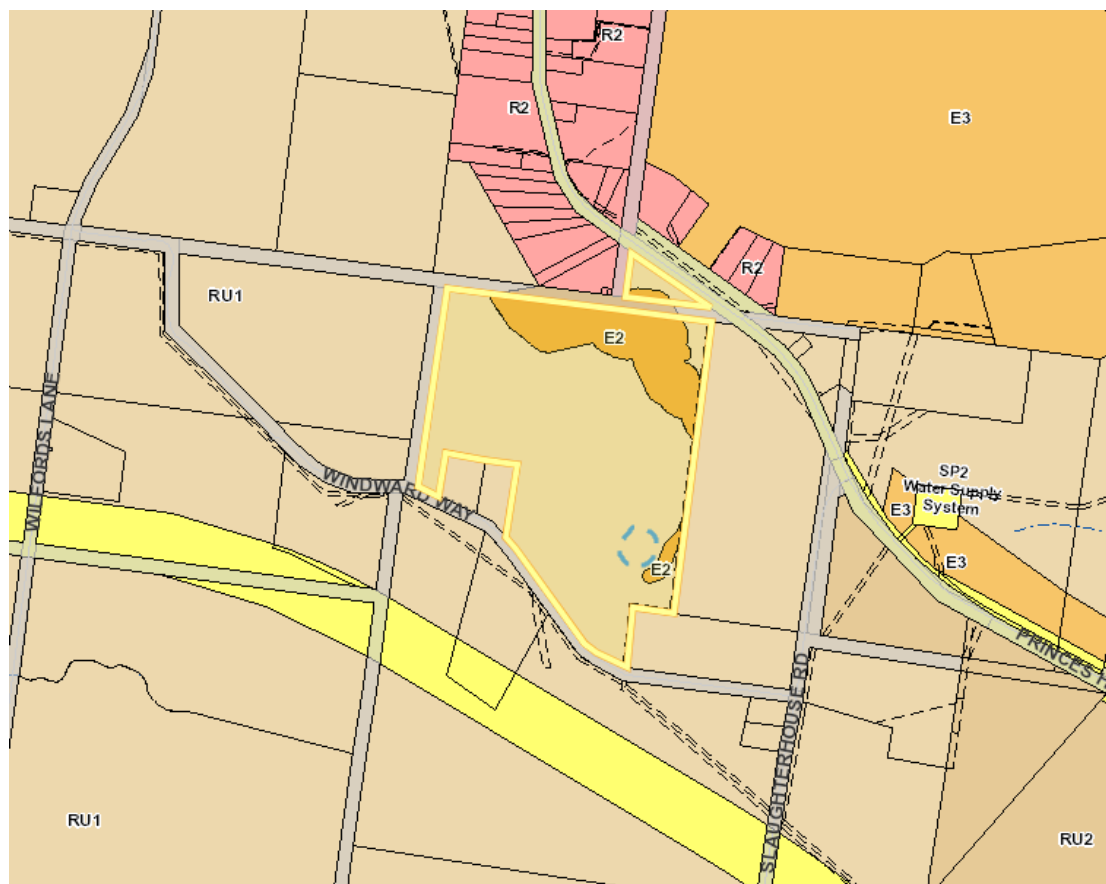


Figure 7 -- Extract from the SLEP 2014 Land Use Zoning Map. Site outlined in yellow.

1.6. DEVELOPMENT HISTORY

Council building records for Ulladulla commenced on 21 July 1954.

Council's development records for the site show:

Lot 1 DP 737576 – 276 Princes Highway Milton (4028m²)

Application Proposal	Decision	Owner
BA71/1459 Brick Dwelling/Garage	Approved	Crestani S&MA

Lot 1 DP 780801 Princes Highway Milton (14.88 Ha)

SF8827 for a 3 lot subdivision was approved (9/05/2000) under Amendment No. 124 of SLEP1985. A s96 amendment was approved (31/07/2000) to modify condition relating to power provision. A further s96 amendment lodged (28/11/2000) was not proceeded with as property was sold. As there is no evidence on the subdivision file indicating any commencement of the subdivision development prior to the lapse date of 9/05/2005, SF8827 is considered to have lapsed.

BA74/0232 Dwelling Additions	Approved	Brown LA
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In August 2005, a rezoning application was lodged by the land owner (Meadows of Milton P/L) with Shoalhaven Council seeking to amend the Shoalhaven LEP 1985, to allow for a seniors housing development on the site.

A concept Masterplan for a staged Seniors Living Development was submitted to Council in support of the rezoning which, at that time involved a review of visual impact, traffic, noise, bushfire, ecology, links between the site and Milton and Ulladulla, and social and economic impacts. Following a detailed assessment of that Masterplan and supporting report an additional permitted use was added to the SLEP to allow a seniors housing development on the subject site.

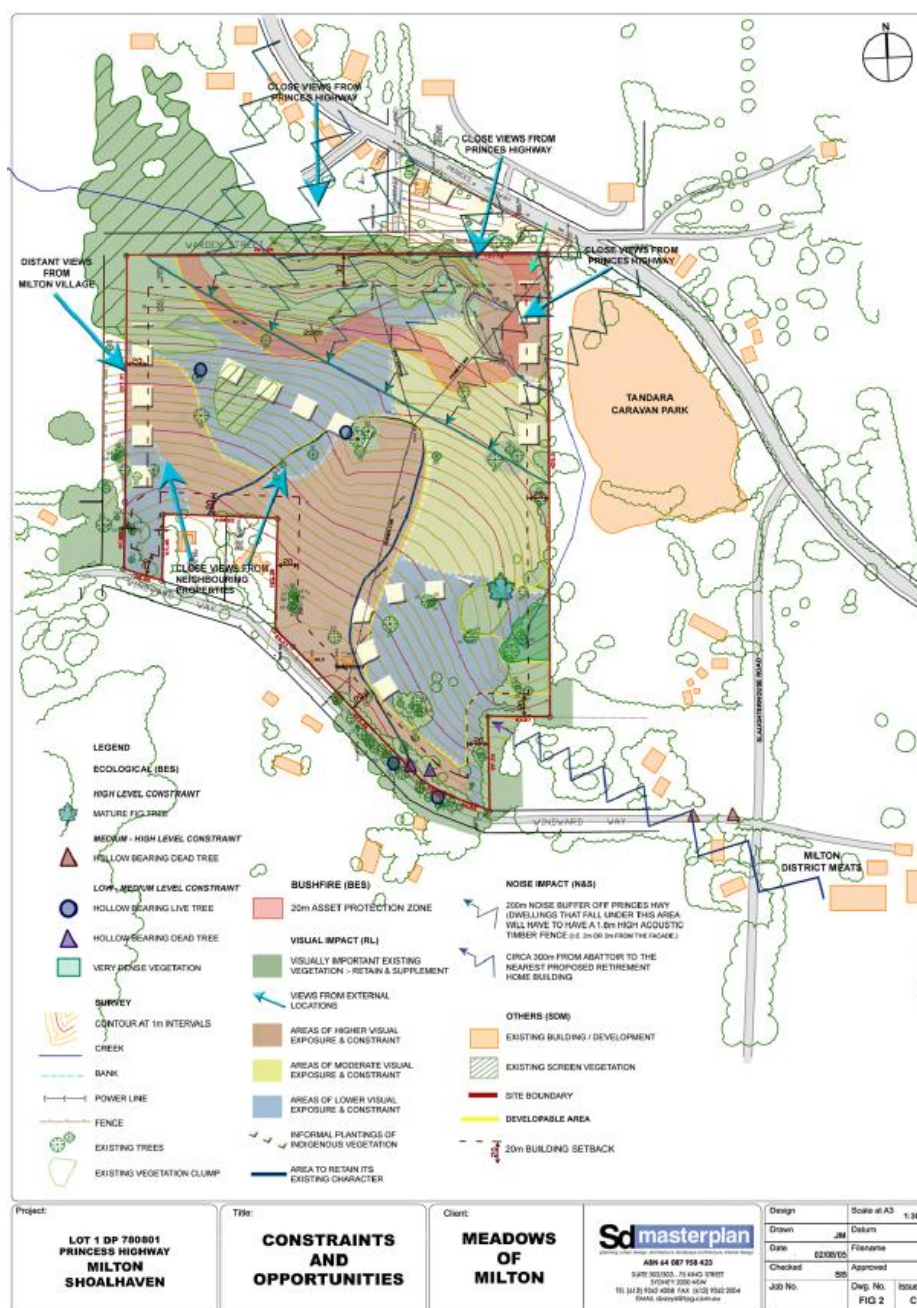
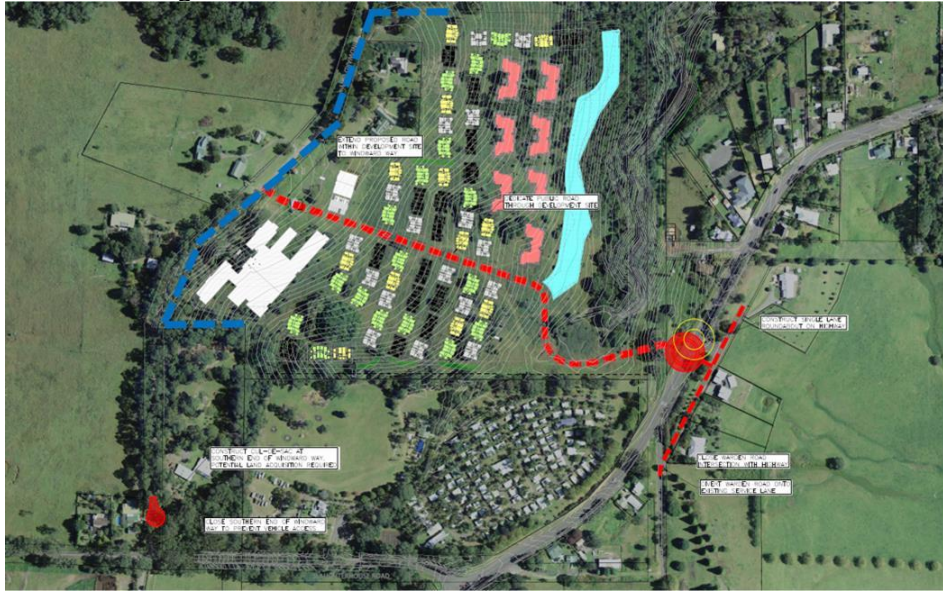


Figure 8 – Constraints & Opportunities Map accepted during the 2005 rezoning process

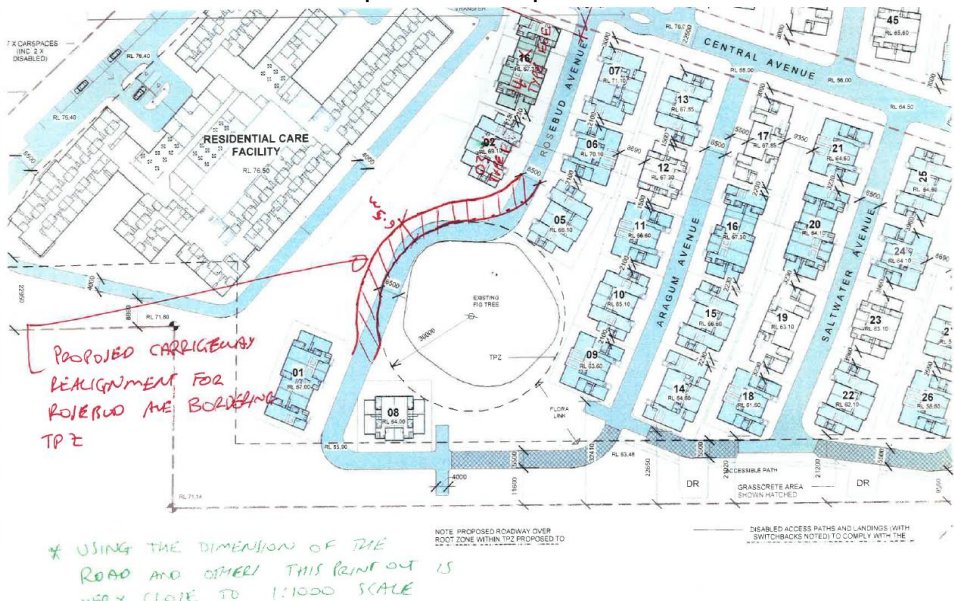
The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

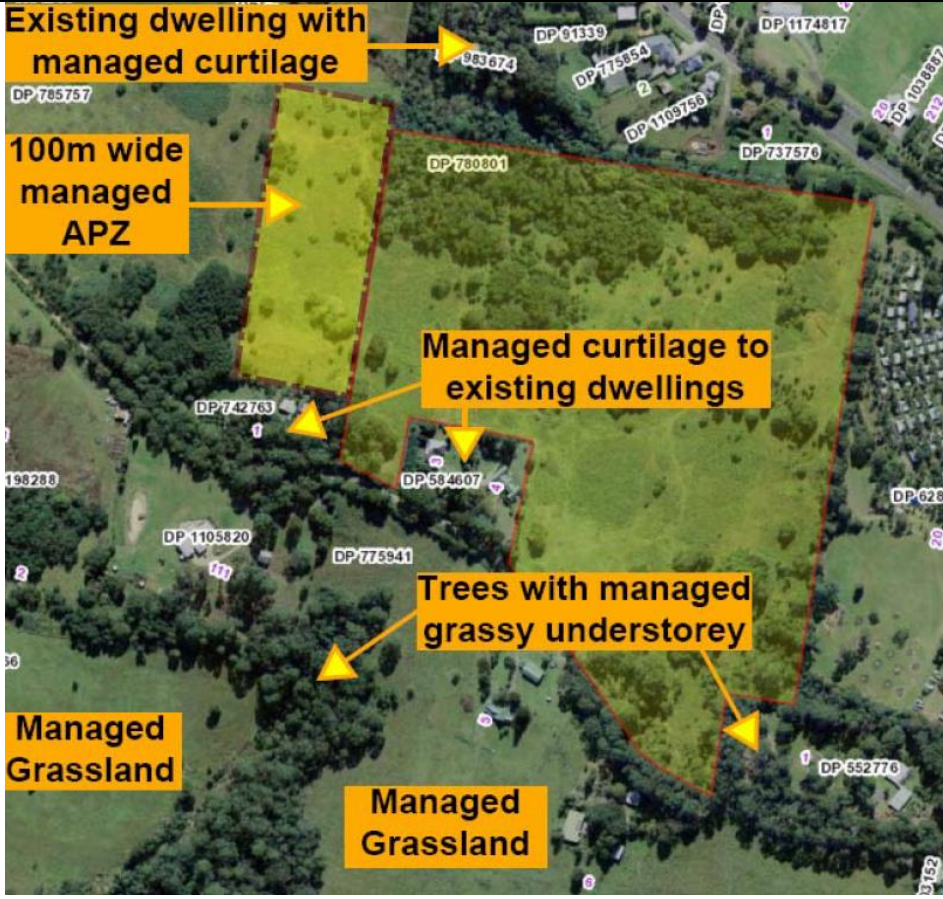
Table 1 – Chronology of Events

Date	Chronology of Key Events
Prelodgement	
15 February 2017	TFNSW provided pre-lodgement advice to the applicant on the required process to be followed in seeking access between the subject site and the Princes Highway.
23 March 2017	Council conducted a pre-lodgement meeting with the applicant and their consultants.
Post Lodgement	
22 May 2017	DA lodged with council
30 May 2017	Council issued a stop the clock letter requesting corrections to the application form, owner's consent from crown lands for unformed crown road reserve between the two subject development lots, BCA Compliance Statement and shadow diagrams for the apartment buildings, Fire Fighting Services Plan, SIDRA files to support the submitted TIA, changes to the staging plan to include entry road to stage 1, revised site, pedestrian access, light spill and elevation plans,
1 June 2017	SCC lodged with application was registered with the NSW Planning Panel
9 June 2017	Applicant submitted a letter detailing response to council's stop the clock letter dated 30 May 2017
14 June 2017	Council notified the application (N1) for 30 days to surrounding neighbours and in the Milton Ulladulla Times Newspaper
29 June 2017	Crown Lands provided landowners consent
7 July 2017	Council requesting additional threatened species information & SIDRA files
7 August 2017	Council requested improvements to the Visual Analysis Report, Heritage Impact and Aboriginal Heritage Assessment, Design Principles, detail of proposed operating model, compliance statement for SEPP(Seniors), assumptions for SIDRA analysis and flood assessment
7 September 2017	A site visit was carried between the applicants and council to review and identify deficiencies to be addressed in the Visual Analysis Report
17 October 2017	Draft arborist report submitted addressing retention of a large small-leaved fig tree <i>Ficus obliqua</i>
18 December 2017	Applicant submitted revised concept site plan for comment that included retention of the large small-leaved fig and adjustment of the building footprint to address threatened species concerns
18 December 2017	Council responded to concept revised site plan requesting – details on: APZ v screening concerns for dwellings along western boundary, intended highway treatment to address RMS requirements for the new intersection between Garrads Lane and the highway, demonstrate how visual screening of the development can be achieved for the views into the site and particularly the areas of higher visual exposure identified in the Meadows of Milton Masterplan – Constraints and Opportunities Map, increased separation between proposed building footprint and the existing fig tree, revision of proposed emergency exit design to Winward Way, inclusion of the demolition of the existing dwelling [lot 1 DP 737576] and associated structures with the revised SEE and application form
27 November 2018	TFNSW requested additional design information to address deficiencies of the proposed intersection of the development access road to the Princes Highway
5 December 2018	Council re-notified the revise application (N2) to surrounding neighbours and in the Milton Ulladulla Times Newspaper.

12 December 2018	RFS issued Bush fire Safety Authority (1) that contained an error requiring the entire property to be maintained as an inner protection area. This requirement was not compatible with the existing Milton Ulladulla Subtropical Rainforest Vegetation and E2 Zone portions of the site.
1 February 2019	Applicant contacted council and TfNSW suggesting the construction of a roundabout solution for their intersection with the Princes Highway as a means to improve resident access to the highway (north side) while removing TfNSW's concerns over sight distances and sight lines in vicinity of the adjoining caravan park.
27 February 2019	TfNSW advised the applicant they were satisfied that the proposed roundabout concept would provide a broader network benefit and would have no objections to the development application with the submitted roundabout concept design provided they were completed as a suite of works and designed and constructed in accordance with relevant standards.
4 March 2019	<p>TfNSW advised council their in principle agreement for the main entry road to the highway to be a public road reserve to be dedicated all the way through to Winward Way, but the actual road only being constructed to just short of the Winward Way and separated with pedestrian and vehicle barrier fencing.</p>  <p>Figure 9 – Concept roundabout works with barrier fencing to Winward Way</p> <p>Condition vehicle and pedestrian barrier fence along south boundary of development</p>
4 March 2019	Council advised the applicant that we were in agreement with TfNSW that a roundabout solution would provide improved safety and equity benefits to local road users/residents in lieu of the proposed seagull intersection with the highway.
19 March 2019	Applicant submitted revised roundabout design (2) to minimize impact on remnant Milton Ulladulla Rainforest within the riparian zone on site.
15 April 2019	<p>SRPP conducted a site inspection of the development site</p> <p><u>Key Issues Discussed:</u></p> <ul style="list-style-type: none"> Roundabout access to the Princes Highway and dedicated internal road <ul style="list-style-type: none"> Need for amendment to application and public notification of new access to highway Details of any retaining walls/filling etc associated with the roundabout Ecological impacts of roundabout proposal to be addressed

	<ul style="list-style-type: none"> Applicant's site planning response to the Visual Exposure Map prepared by Lamb & Associates 2005 that was used to approve the enabling clause permitting seniors housing on the site: <ul style="list-style-type: none"> Reason/Justification for the location and density of proposed development over the site, in particular why buildings have been proposed in locations of higher visual exposure Justification for the proposed loss of vegetation including Hollow Bearing trees Visual Impact assessment from the point of view of the two nearest residences at 52 & 60 Winward Way Large Fig Tree (<i>Ficus obliqua</i>) SE corner of site – proposed road & building envelopes within the 30m Tree Protection Zone.
18 April 2019	Council provided the applicant with the key issues identified by the Southern RPP site visit, requested detailed roundabout/ and ancillary road layout design, road widths, vehicular movement, footpaths and turn around bays, revision to the site plan to address RFS requirements, proposed roundabout access arrangements for the highway & accommodate the dedicated Central Ave Road arrangements
30 October 2019	Council re-notified the revised application (N3) to surrounding neighbours and in the Milton Ulladulla Times Newspaper.
12 December 2019	Council and applicants met to discuss applicants concerns with processing timelines.
17 January 2020	RFS requested a revised bushfire report to demonstrate how the proposed development can accommodate the minimum asset protection zones (APZ) required to ensure future buildings will not be exposed to radiant heat levels greater than 10kW/m ² and include a comprehensive reassessment and reclassification of the vegetation on and surrounding the development (out to a distance of 140 metres from the boundaries of the property) and an assessment of the slope of the land on and surrounding the development (out to a distance of 100 metres).
3 February 2020	Council requested outstanding information relating to Integrated referrals with RFS & NRAR, clarification on stormwater design for the roundabout, removal of all building and road development from within the 30m Tree Protection Zone (TPZ) for the large Small-leaved fig <i>Ficus obliqua</i> and response to neighbour submissions relating to road and drainage design for the proposed highway intersection works.
13 February 2020	The applicant advised council they were negotiating with the owner of Lot 3 DP 785757 (65 Wilfords Lane Milton) west of the development site for the right to manage a 100m wide strip of land west of their boundary fence to supplement the APZ for the development which could be incorporated into a revised bushfire report.
20 February 2020	Council requested an alternative design concept to address development footprint in vicinity of the 30m TPZ for the Small-leaved fig.
2 March 2020	<p>Council advised the applicant that if they were seeking to include part of Lot 3 DP 785757 to augment the APZ for their development they would need to:</p> <ol style="list-style-type: none"> Secure a letter from the affected owners of Lot 3 DP 785757 65 Wilfords Lane Milton confirming their in principle agreement to the formalisation of the APZ and associated s88B instrument to enable Milton Meadows the legal right to carry out APZ land management over the affected portion of their property in perpetuity. Provide a draft easement map detailing the proposed APZ management area over Lot 3 DP 785757 65 Wilfords Lane Milton. Provide a revised bushfire report addressing changes to the proposed bushfire protection regime for Milton Meadows (Lot 3 DP 785757) and other requirements as detailed in the letter issued by the RFS on 17/01/2020.

	d. Submit an addendum to the ecology report for Milton Meadows to address biodiversity assessment of the APZ over the impacted portion of Lot 3 DP 785757 under the Threatened Species Act - an assessment of significance.
13 March 2020	<p>Applicant submitted concept alternate development footprint arrangement for duplexes/triplexes and Rosebud Ave to ensure that no building or road works would be within the 30m tree Protection Zone (TPZ) of the Small-leaved fig.</p> <p>This alternative approach included:</p> <ul style="list-style-type: none"> • Deletion of duplex 2 • Change duplex 3 to a triplex type EEE – total width 29.43m • Change duplex 4 to type BB – total width 22.0m • Setback from Central Ave Road reserve remains 3.0m • Distance between duplex 4 and triplex 3 remains at 1.5m  <p>Figure 10 – Concept development footprint changes to protect TPZ for Small-leaved Fig</p>
13 March 2020	Applicant submitted Appendix A - Addendum to the F & F Assessment for additional APZ managed area within Lot 3 DP 785757, 65 Wilfords Lane
13 March 2020	Applicant submitted a revised bushfire report detailing proposed additional APZ managed land (Lot 3 DP 785757 65 Wilfords Lane Milton).

	 <p>Existing dwelling with managed curtilage</p> <p>100m wide managed APZ</p> <p>Managed curtilage to existing dwellings</p> <p>Trees with managed grassy understorey</p> <p>Managed Grassland</p> <p>Managed Grassland</p> <p><i>Figure 11 – Additional area proposed for s88B APZ management</i></p>
16 March 2020	Council environmental services unit agreed to the submitted alternate TPZ development footprint for the Small-leaved fig.
16 March 2020	RFS advised council that no referral response would be provided prior to 17 March 2020 (deadline for submission to SRPP). RFS would review the site on Wednesday 18 March 2020 and provide their comments when ready.
17 March 2020	Corrected Design Verification Statement provided
17 March 2020	Council assessment report submitted to SRPP

1.8. PROPOSAL

Integrated Development under the Rural Fires Act 1997 and Water Management Act 2000 for the staged construction of a new Senior Housing Development (Milton Meadows) comprising:

Phase 1

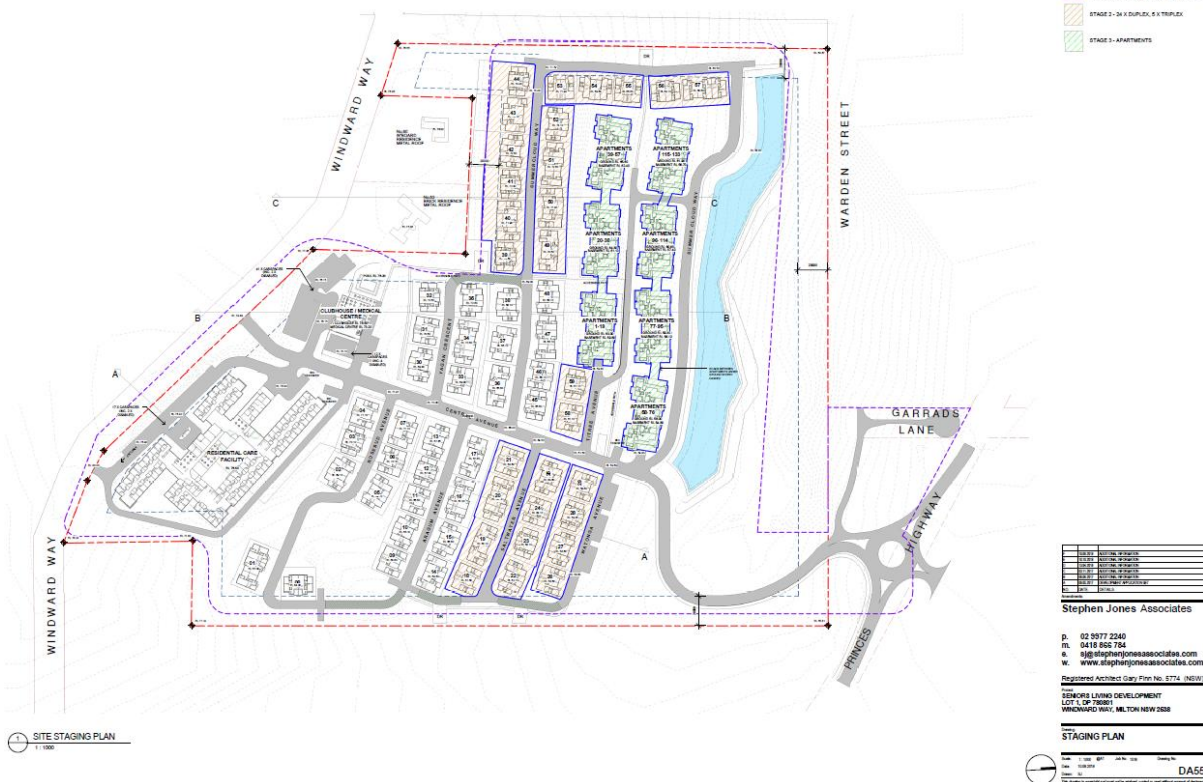
Demolition of existing dwelling, pig pen and silo, vegetation removal as detailed on the landscape plans, construction of a new roundabout and associated civil infrastructure to the Princes Highway, 89 Bed single storey Residential Care Facility (RCF), 2 storey clubhouse including medical centre, gym, swimming pool, recreational space and restaurant, 26 dual occupancies and 4 triplex occupancies for a total of 64 Independent Living Units (ILU), a large detention pond and associated civil infrastructure and landscaping.

Phase 2

Construction of 24 dual occupancies and 4 triplexes for a total of 60 (ILU) and associated civil infrastructure and landscaping.

Phase 3

Construction of 7 x 3 storey residential flat buildings housing a total of 133 (ILU) with underground car parking and ancillary civil infrastructure and landscaping.





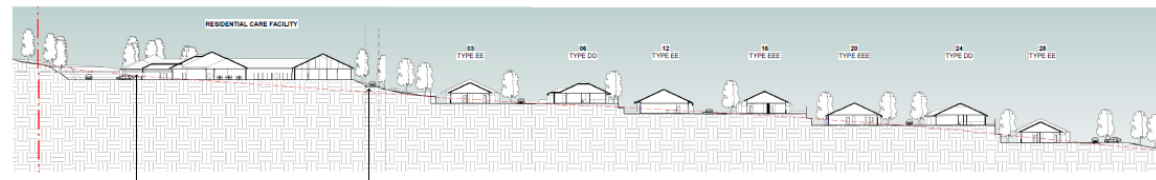
1 SITE PERSPECTIVE - 1

Figure 14 - Site Perspective Plan looking South from Princes Highway



2 SITE PERSPECTIVE - 2

Figure 15 - Site Perspective Plan looking North East from Winward Way



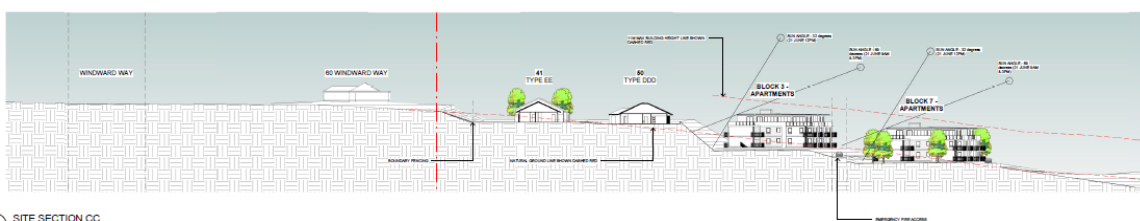
1 SITE SECTION AA

Figure 16 – Section AA Plan through the RCF (left) and Duplexes/Triplexes



2 SITE SECTION BB

Figure 17 - Section BB Plan through the Clubhouse/medical centre (left), Duplexes/Triplexes (centre) & Apartment Buildings (right)



3 SITE SECTION CC

Figure 18 - Section CC Plan through 60 Winward Way (left), Duplexes/Triplexes & Apartment Buildings

Attachment 1 – contains plans of the proposed development

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A Act 1979)

Table 2 – Relevant sections of the EP & A Act 1979

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See the discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Non-Applicable
Section 4.15 (1) (a) (iii) Provisions of any development control plan	See the discussion on “Shoalhaven DCP 2014” in this report.
Section 4.15 (1)(a)(iia) Provisions of any planning agreement	Non-Applicable
Section 4.15 (1)(a)(iv) Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter can be addressed via a condition of consent should this application be approved.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter can be addressed via a condition of consent should this application be approved.</p> <p>Clause 50(1A) of the EPA Regulations 2000 requires the submission of a Design Verification Statement from the designer at lodgment of the development application. A Design Verification Statement was submitted with the Development Application in relation to the development at Milton Meadows and has been signed by the project architect.</p>
Section 4.15 (1) (b) the likely impacts of that development, including	<ul style="list-style-type: none"> The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of

environmental impacts on both the natural and built environments, and social and economic impacts in the locality	<p>Development Control in this report.</p> <ul style="list-style-type: none"> The development will provide housing designed specifically for seniors or people with a disability and therefore the development ensures that the housing stock caters for a broad cross section of the community. The proposed development will not, therefore, have a detrimental social impact on the locality. The proposed development will provide a significant beneficial economic impact on the locality considering the value of construction work and associated multiplier effects for local trades & support businesses during construction and increased employment opportunities related to operation of the clubhouse, residential care facility, maintenance of civil infrastructure and landscaping.
Section 4.15 (1) (c) the suitability of the site for the development	See the discussion in Part 4.2.7 in this report.
Section 4.15 (1) (d) any submissions made in accordance with this Act or the regulations	The public submissions received in response to the proposed development are addressed under Part 3 “Public Exhibition” within this report.
Section 4.15 (1) (e) the public interest	The proposed development is for a Seniors Housing Development, which will assist in meeting the demands of the Shoalhaven’s ageing population.

3. PUBLIC EXHIBITION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000, SLEP 2014 and Council’s adopted Notification Policy POL15/33 for a minimum period of 30 calendar days on 3 separate occasions (14/06/2017, 5/12/2018 & 30/10/2019) and was advertised in the Milton Ulladulla Times Newspaper for a corresponding period on each occasion.

As a result of the public exhibition process, a total of 63 individual submissions were received comprising 52 submissions with objections, 10 submissions of support and 1 neutral submission. A summary of the relevant issues raised follows:

Table 3 – Summary of relevant issues

Submission Issue	Planners Comment
Concern that proposed seagull intersection proposal would make accessing the highway more difficult and dangerous for residents on the northern side of the highway opposite the proposed intersection.	Council, Milton Ulladulla CCB and RMS agreed – this was one of the reasons for changing the proposed intersection to a roundabout concept that improved equity of access for all users, provided a net public benefit and was subsequently agreed to by council engineers and RMS.

Detailed TIA peer review of proposed seagull junction by Bitzios Traffic Consulting that recommended the use of a roundabout alternative to address safety and access concerns.	
Amenity & safety impacts of increased traffic flow on the highway.	RMS considered all amenity & safety impacts of increased traffic flow in their assessment of the approved roundabout.
Increased traffic delays in peak times due to additional intersection on the highway.	RMS considered traffic flow efficiency in their assessment of the approved roundabout.
Suggestions for other alternate traffic routes to avoid the highway.	A detailed TIA was submitted that explored alternate routes which was revised with input from council and RMS traffic engineers. None of the alternative routes were ultimately feasible for the submitted development resulting in RMS agreeing that a direct highway access was preferred.
<p>Safety and amenity concerns with increased traffic impacts on Winward Way.</p> <p>Dangerous intersection between Slaughterhouse Road and Winward Way.</p> <p>Need to protect Winward Way ecology.</p>	<p>The proposal provides for dedication of Central Ave as a future public road connection between the proposed roundabout on the Princes Highway and Winward Way.</p> <p>Winward Way is currently a rough gravel road with blind intersection to Slaughterhouse Road that has inadequate safe sight distance due to existing terrain and poor construction standard as it traverses down to Wilfords Lane.</p> <p>As a component of the agreement with RMS, there will not be any vehicular access permitted to Winward Way apart from emergency access for the immediate future as the development will require the installation of a vehicle and pedestrian barrier fence with key lock entry.</p> <p>At such time that Winward Way is upgraded for safety in the future, the vehicle and pedestrian barrier fence gates will be opened to connect to the local road network.</p>
Concern that construction traffic will damage Winward Way.	Condition construction Traffic Management Plan to address haulage routes, Traffic Control Plan (TCP), timing & duration, contractor parking arrangements and maintenance of haulage routes.
Concern with increased traffic noise/light spill on highway from the proposed roundabout for residents on north side of highway that currently benefit from a vegetated buffer strip.	Condition that a noise barrier fence be provided between the Princes Highway and the service lane connection to Warden Road from the northern branch of the proposed roundabout to the north west corner of 256 Princes Highway Milton.
Concern with stormwater impacts associated with aligning Warden Road with service lane on north side of highway.	Condition for all stormwater flowing along Warden Road east of Princes Highway to be captured and piped via new roundabout drainage to Pettys Creek.
Concern with impacts on existing power lines/telecommunication services serving 234-236 Princes Highway Milton.	<p>Condition that all existing power connections impacted by road upgrade works be undergrounded at the expense of the developer.</p> <p>Condition that any telecommunication connections</p>

	impacted by road upgrade works be made good at the expense of the developer.
Concern that proposed traffic island to the south arm of proposed roundabout will obstruct access to the highway for residential properties that currently have highway access from Garrads Lane.	Condition amendment to traffic island in affected location to provide access between extended Warden Road and the proposed roundabout.
Increased traffic amenity impacts from connecting service lane north side of highway to Warden Road – supports squaring off the existing Warden Road intersection.	The safety benefits of removing the current Warden Road north connection to the highway outweigh the very minor increase in potential traffic movements from the 4 residential properties concerned.
Need for pedestrian pathway along the Princes Highway.	<p>Pedestrian pathways to & along the highway frontage are detailed in the RMS approved concept engineering design for the roundabout. In addition, the adjoining caravan park has approved pedestrian pathway facilities that have been designed to link with Milton Meadows infrastructure.</p> <p>Over the longer term the Milton Ulladulla Pedestrian Access Mobility Plan (PAMP) will connect the above infrastructure between Milton and Ulladulla along the highway with a continuous concrete shared path.</p>
Object to roundabout as unnecessary as they believe the Milton Ulladulla Bypass will resolve access issues.	Do not support these views – there has not been any confirmation from RMS as to the timing or ultimate design for the bypass.
Suggest staging the development with the provision of the Milton Ulladulla Bypass and other infrastructure	
<p>Concern the 3 storey stage 3 component out of character with Milton.</p> <p>Suggest delete 3 storey component to provide more room to space out the proposed duplexes/triplexes.</p> <p>Concern visual impacts and loss of green buffer between Milton and Ulladulla.</p> <p>Concern with density, bulk and scale out of character with the locality.</p> <p>Suggest variation in roof pitch and colours to break up visual impact of the development.</p>	Refer to clauses 4.3 & 7.8 Part 4.2.7 SLEP height and scenic protection assessment
Concern with potential NE view impact to 52 & 60 Winward Way from proposed duplex/triplex units and proposed landscaping adjoining their northern boundaries	Refer to part 4.2.4 clause 29 assessment.
Concern with potential flooding	The submitted stormwater design includes OSD that

of the Wilfords Lane bridge over Petty's Creek	would prevent the development from exceeding the predevelopment flow. Flood modelling for the project did not specifically address potential impacts to the Wilford's Lane Bridge as this was not requested deemed necessary by council.
Concerned capability of reticulated infrastructure to service the development	Do not support this view - Refer to SLEP2014 Schedule 1 comments
Questioned compliance with SEPP 55 and SEPP Housing for Seniors	Refer to parts 4.22 & 4.24 of this report below.
Object to demolition of old silo as the remaining examples are part of the historic farming fabric of the district.	The location of the existing silo does not impact any of the proposed buildings or associated infrastructure proposed for Milton Meadows SH development. Recommend condition for retention of this landmark element.
Concern with development impact on health of existing riparian zone.	The proposal incorporates a whole of site stormwater/erosion control system and augmentation and remediation of rainforest vegetation to the riparian zone that will result in improved health of the system.
Concern hospital and medical infrastructure will be inadequate to cope with increased demand for acute care patients	Evidence from the Judith Stubbs Report is that the development will enable the downsizing of predominantly existing homes owned by local seniors with some in migration from Sydney and elsewhere. Therefore, the net increase in demand for local health services/infrastructure attributed to the development only relates to in migration. The planning and provision of hospital beds/medical infrastructure is a State Government responsibility.
Questioned affordability/demand for proposed dwelling options?	<p>Extract from the Judith Stubbs Report (JSR) (D18/382191) states:</p> <p><i>4.4.2 - dwellings in the proposed development are likely to be attractive to people seeking to downsize, particularly from a home with three, four or more bedrooms to a 2-3 bedroom home. It is also likely that one bedroom dwellings would be an attractive option for downsizers with less capital or who wanted to free up post-retirement cash.</i></p> <p><i>The price points of dwellings in the proposed development would be generally accessible for people downsizing or otherwise relocating from a median priced dwellings from Sydney or Canberra.</i></p>
Proposed Operating Model?	<p>Extract from the Judith Stubbs Report (JSR) states:</p> <p><i>5 - The developer will retain ownership of the Residential Care Facility, the Clubhouse and Medical Centre. The developer will enter into an arrangement with an operator for the Residential Care Facility; while other facilities, such as the restaurant and medical centre will be leased separately.</i></p> <p><i>To ensure viability of the restaurant, the restaurant will provide meals to the Residential Care Facility and provide a meals service to other residents as required by clause 38 of SEPP (Housing for Seniors or People with a Disability).</i></p> <p><i>The dwellings will be strata titled, and so the residential portion of the development, including grounds, will be managed by a body corporate. This means that the majority of the seniors development will be managed by the residents, or by a management body appointed by the residents.</i></p> <p><i>Initially, the body corporate will be provided with a bus, and a</i></p>

	<p><i>gardener and assistant will be employed to manage the grounds. In addition, the assistant will act as a part time bus driver.</i></p> <p>It should be noted that the current application does not seek strata subdivision. This will be addressed at a later time.</p>
Questioned if affordable housing will be provided with the application	<p>Extract from the Judith Stubbs Report (JSR) states:</p> <p><i>4.5 - Affordable housing for very low income households is typically provided by social housing providers. While dwellings in the development could be sold or leased to social housing providers, they are unlikely to find the development attraction, due to the higher strata fees associated with the level of services offered, and the relative remoteness from services and facilities for those who do not own or drive cars.</i></p>
Questioned if RCF would cater for dementia patients?	Not detailed by the applicant
Questioned zoning permissibility of the proposal	Refer part 4.2.7 of this report below.

4. CONSULTATION

4.1.1. EXTERNAL CONSULTATION

Table 4 – External consultation

Referral Body	Comments Received
NSW Rural Fire Service (NSW RFS)	<p>The Rural Fires Act 1997, specifically Section 100B applies to the development as „seniors housing“ is a “special fire protection purpose”. Accordingly, and pursuant to the “integrated development” provisions of the Environmental Planning and Assessment Act 1979, the application was forwarded to the Rural Fire Service for assessment.</p> <p>On 12 December 2018, the RFS issued General Terms of Approval (GTA) for an earlier version of the development that requiring the entire property to be maintained as an inner protection area. This was not compatible with the existing Milton Ulladulla Subtropical Rainforest Vegetation and E2 Zone portions of the site.</p> <p>Following SRPP site visit in April 2019, the site design footprint was revised to address the new highway roundabout access, increased width to Central Ave to enable future use as a public road, adjustment of building locations to suit and development footprint surrounding the Small-leaved fig.</p> <p>After reviewing the Bushfire report prepared for the above changes, the RFS requested a revised report on 17 January 2020 to demonstrate compliance with APZ requirements, reassessment of vegetation classification and slope. The applicants submitted revised bushfire & ecology reports on 13 March 2020 which now sought to include adjoining land west of the subject site (65 Wilfords Lane) for APZ bushfire management under a future s88B instrument.</p>

	<p>On 16 March 2020, council received a letter signed by the owner of 65 Wilfords Lane agreeing to slashing of their land and in principle agreement to enter into a s88B agreement upon a development consent for RA17/1001 that would enable APZ management of their land in perpetuity. At the time of preparing this report, the RFS had not provided General Terms of Approval for the application.</p> <p>Should the RFS issue GTAs before the scheduled panel meeting date, these will be provided for the panel's consideration. If no GTAs are available before the scheduled panel meeting date, the application is submitted for a deferred commencement subject to obtaining GTAs from the RFS. The recommended conditions of consent in Attachment 3 address deferred commencement trigger and compliance requirements.</p>
Traffic for NSW (former RMS) – Concurrence request	<p>Approval – subject to conditions</p> <p>The application was referred to TfNSW (former RMS) for comment in accordance with ISEPP. TfNSW provided their comments on 28 August 2019 in which no objection was raised subject to conditions.</p> <p>The conditions provided by TfNSW are to be included in recommended conditions of consent, found in Attachment 3 to this report.</p>
Natural Resource Access Regulator	<p>Approval – subject to conditions</p> <p>The application was referred to the NRAR as Integrated Development. NRAR provided General Terms of Approval on 18 February 2020 which are attached to and referenced in the recommended conditions of consent, found in Attachment 3 to this report.</p>
Endeavour Energy	<p>The application was referred to Endeavour Energy for comment in accordance with ISEPP. Endeavour Energy has provided no objection to the proposal subject to requiring a thorough analysis of Ulladulla Zone Substation's 11 kV distribution network upon receipt of any application for connection of load for the site.</p> <p>This will determine any customer and/or Endeavour Energy upstream augmentation works required to accommodate the load.</p> <p>The advice provided by Endeavour Energy is included in recommended conditions of consent, found in Attachment 3 to this report.</p>
NSW Police	<p>The application was referred to the NSW Police for an assessment of potential crime risk. The Police provided recommendations which are included in recommended conditions of consent, found in Attachment 3 to this report.</p>
Ulladulla Local Aboriginal Land	<p>Agreed with the recommendations of the GML Heritage report that a further and more extensive archaeological survey and</p>

Council	dig is required with representatives of ULALC present prior to any physical works occur on site. The recommendations of the GML Heritage report are included in recommended conditions of consent, found in Attachment 3 to this report.
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4.1.2. INTERNAL CONSULTATION

Table 5 – Internal Consultation

Internal Referral Body	Comments Received
Stormwater Engineer	Council's Stormwater Engineer has reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.
Road & Drainage Engineer	Council's Road & Drainage Engineer has reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.
Natural Resources & Floodplain Section	Council's Flood Engineer has reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.
Traffic & Transport	Council's Traffic Engineer has reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.
Environmental Assessment Officer	Council's Environmental Officer has reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.
Environmental Health Officer	Council's Environmental Health Officer has reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.
Landscape Architect	Council's Environmental Health Officer has reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.
Shoalhaven Water	Shoalhaven Water Notice is included with recommended conditions in Attachment 3 to this report.
Waste Services	Waste Services have reviewed the application and provided comments that have been incorporated into the recommended conditions in Attachment 3 to this report.

4.2. SECTION 4.15 1(A)(i) ANY ENVIRONMENTAL PLANNING INSTRUMENT

All, EPIs (State Environmental Planning Policies (SEPPs), Local Environment Plans (LEPs)), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each EPIs, Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

4.2.1. CROWN LAND MANAGEMENT ACT 2016

A section of unformed Crown Road (Warden Road(green)) is located between the development lots (orange) - Lot 1 DP 737576 and Lot 1 DP 780801.

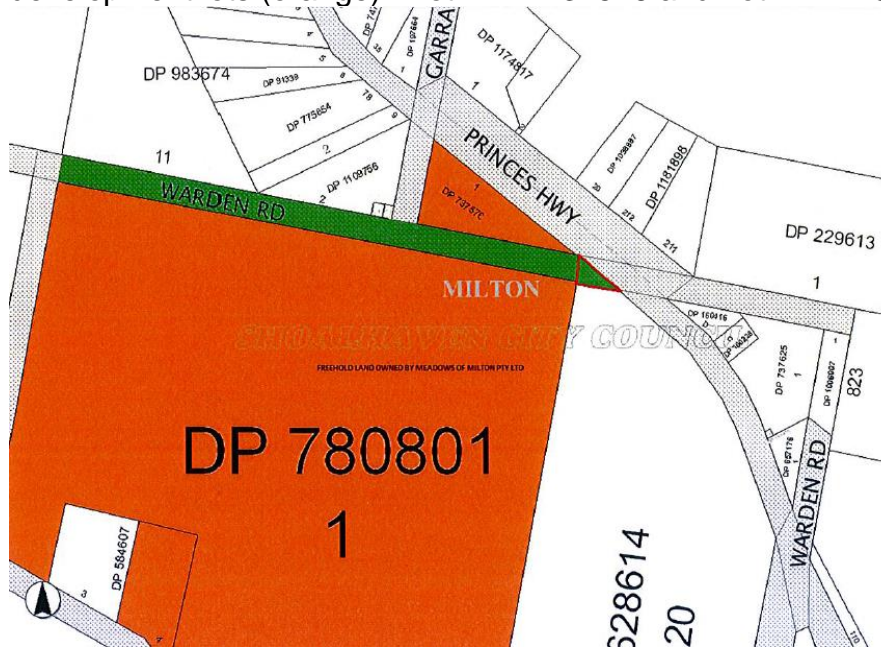


Figure 19 – Crown Land map depicting Crown Road (Green Warden Road)

The original application sought to provide a road connection between the two development lots and a channelised right-turn treatment (CHR)/ auxiliary left-turn treatment (AUL) intersection configuration with a short median lane on the Princes Highway (i.e. seagull treatment). This concept was ultimately not supported by RMS or council resulting in the applicant reverting to a roundabout concept on the Princes Highway with associated additional roadworks required to key into the arms of the roundabout.

Crown Lands provided landowners consent (Ref 17/07000) on 29 June 2017 for the lodgment of RA17/1001 over the unformed crown road reserve (Warden Road). Crown Lands reconfirmed their landowners' consent on 12 December 2018 & 13 March 2020.

Should the Southern RPP determines to approve the seniors housing development, it would trigger the need to transfer the affected portions of crown road (Warden Road & Garrads Lane) to council prior to the road authority (TfNSW) issuing approval for roadworks on the highway. Construction of road works can only commence when it is managed by council and it is no longer classified as a Crown road.

4.2.2. STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

The SEPP establishes State-wide provisions to promote the remediation of contaminated land.

Clause 7 of the SEPP requires that a consent authority must not grant consent to a

development unless it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

Council received a Phase 1 (Preliminary) Environmental Site Assessment prepared by Envirotech – dated 7 December 2016 – REF- 4267 – A, in relation to a derelict pig pen; and former asbestos clad buildings associated with the keeping pigs located adjacent the southern boundary of Lot 1 DP 780801 of the site (area identified by red circle). Historical investigations referenced in the report have not identified any other uses excepting those of farming.

Asbestos containing cement sheeting was visually identified in this location and confirmed via ALS laboratory analysis of a representative sample collected on site. There is a low probability of migration of contamination to receptors due to the low use of the site and the undisturbed nature of the site.



Figure 20 – Photo of derelict silo and former building waste

Given the size of the site and its overgrown state an Unexpected Finds Protocol Addendum to the Phase 1 Site Assessment was submitted on 22 January 2020 to address any site issues that may be discovered during site preparation/demolition and construction.

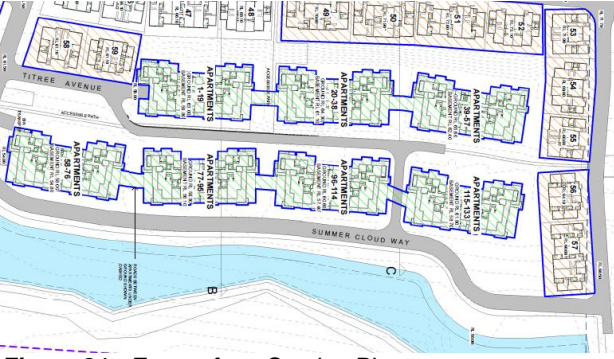

Standard conditions regarding Unexpected Finds Protocol and the removal and disposal of asbestos are included within Attachment 3 recommended conditions of consent.

For the purposes of clause 7 of SEPP 55 no further investigations are deemed necessary.

4.2.3. STATE ENVIRONMENTAL PLANNING POLICY NO. 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Stage 3 of the development is required to comply with SEPP 65 and the associated Apartment Design Guide (ADG), which provides additional details and guidance for applying the nine design quality principles outlined in SEPP 65.

As previously outlined within this report, Clause 50(1A) of the EP&A Regulation 2000 requires the submission of a Design Verification Statement from the building designer at lodgement of the development application. This documentation has been submitted.

SEPP 65 Assessment – Relevant Clauses	Authors Comment
<p>4 Application of Policy</p> <p>(1) <i>This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:</i></p> <p>(a) <i>the development consists of any of the following:</i></p> <p>(i) <i>the erection of a new building,</i></p> <p>(b) <i>the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</i></p> <p>(c) <i>the building concerned contains at least 4 or more dwellings.</i></p>	<p>SEPP 65 applies to the stage 3 (green Hatched area) component of the development under clause 4(1) as the development comprises the construction of 7 new three storey residential flat buildings with a total of 133 independent living units (dwellings).</p>  <p>Figure 21 - Extract from Staging Plan</p>  <p>Figure 22 - Apartments – Section AA – 3 storey + basement carpark</p> <p>Each Building has 19 dwellings arranged:</p> <p>Ground Floor 7 dwellings Level 1 Floor 7 dwellings Level 2 Floor 5 dwellings</p>
<p>28 Determination of development applications</p> <p>(1) <i>After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.</i></p> <p>(2) <i>In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):</i></p> <p>(b) <i>the design quality of the development when evaluated in accordance with the design quality principles, and</i></p> <p>(c) <i>the Apartment Design Guide.</i></p>	<p>Shoalhaven City council does not have a Design Review Panel – therefore NA</p> <p>It is considered that the development can comply with relevant conditions</p> <p>Refer Attachment 2 for detailed assessment.</p>

4.2.4. STATE ENVIRONMENTAL PLANNING POLICY NO. (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The Seniors Housing SEPP provides the State's planning objectives and controls for seniors housing developments.

Table 7– SEPP (Housing for Seniors Assessment)

Provision	Comment
Chapter 3 Development for seniors housing	
14 Objective of Chapter <i>The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.</i>	<p>The proposal is for the development of an 89 bed RCF, 267 dwellings and associated facilities for seniors housing.</p> <p>The development is consistent with the objectives of this clause - complies</p>
16 Development consent required <i>Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.</i>	<p>Development consent is required for the proposed development.</p>
18 Restrictions on occupation of seniors housing allowed under this Chapter <i>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</i> <i>(a) seniors or people who have a disability,</i> <i>(b) people who live within the same household with seniors or people who have a disability,</i> <i>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</i> <i>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</i> <i>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</i> <i>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application</i>	<p>A development consent condition is recommended to ensure:</p> <p>(a) that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p>

relates to the kinds of people referred to in subclause (1).	
19 Use of seniors housing in commercial zones	N/A
Part 2 Site-related requirements	
21 Subdivision <i>Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.</i>	No subdivision is proposed with the current application
22 Fire sprinkler systems in residential care facilities for seniors <i>Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.</i>	A fire sprinkler system is proposed within the RCF.
26 Location and access to facilities <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to—</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner</p> <p>(2) Access complies with this clause if—</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development—</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday</p>	<p>An extract from the applicants SEE states the following:</p> <p><i>Access to shops, banks and other business/retail services will be achieved through the provision of a shuttle bus on site. That bus will be available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday.</i></p> <p><i>Pathway gradients to get access to the bus stops throughout the site are not proposed to be greater than :14.</i></p> <p>Shops, banks and community services are located approximately 1.7km to the west in Milton & 4.6km south east in Ulladulla.</p> <p>Recreation and medical facilities are provided on site in the club house that includes a restaurant, medical Centre, gym and swimming pool as well as landscaped gardens and pedestrian pathways.</p> <p>Further afield, there are bowling clubs located in Mollymook and</p>

<p><i>(both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause</i></p> <p><i>(3). For the purposes of subclause (2)(c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable—</i></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</i></p> <p><i>(4) For the purposes of subclause (2)—</i></p> <p><i>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</i></p> <p><i>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</i></p>	<p>Ulladulla, 2 golf clubs, 3 swimming pool complexes, Senior Citizens Centre in Ulladulla.</p> <p>There are numerous medical practices operating in Milton, Ulladulla and Mollymook that are supported by Milton Hospital.</p> <p>Shoalhaven Community Transport Service provides prebooked individual and group transport from door to door to medical and hospital appointments, social and recreational activities, shopping, banking and other business. These services are typically local, but also major centres, including Sydney, Wollongong and Canberra.</p> <p>Condition the provision of detailed pedestrian pathway plans compliant with clause 26(2)(c) & 26(3) SEPP Seniors prior to issue of CC for phase 1.</p>
<p>27 Bush fire prone land</p> <p><i>Land in the vicinity of bush fire prone land or vegetation buffer to consider general location of development, means of access to and egress from the general location and matters listed in (a) to (i).</i></p>	<p>The subject site is identified under the Shoalhaven LEP 2014 as containing bushfire prone land.</p> <p>Refer to RFS comments in Executive Summary</p>
<p>28 Water and sewer</p> <p><i>Written evidence to demonstrate that housing will be connected to a reticulated water system and will have adequate facilities for sewage disposal.</i></p>	<p>The proposal is capable of being connected to existing water and sewer infrastructure. Shoalhaven Water have also issued their notice of approval for the proposed development - complies</p>
<p>29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</p>	<p>The submitted site design avoids and improves on Milton Ulladulla subtropical rainforest</p>

<p><i>A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v) which states:</i></p> <p>(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—</p> <p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</p> <p>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,</p>	<p>communities in the riparian portion of the site and protects a mature Small-leaved fig (<i>Ficus obliqua</i>) and two individuals of critically endangered EEC <i>Rhodamnia rubescens</i> (Scrub Terpentine).</p> <p>The development is compatible with the Milton Valley Holiday Caravan Park that adjoins the eastern boundary which is approved under DA08/1461 for conversion to a (190 site) Manufactured Home Estate.</p> <p>It is considered that appropriate services and infrastructure will be available to meet the demands arising from the proposed development.</p> <p>Refer to clause 4.3 of SLEP 2014 for assessment of built form and its compatibility with 52 & 60 Winward Way below.</p>
Part 3 Design requirements	
Division 1 General	
<p>30 Site analysis</p> <p><i>Submission of a site analysis and supporting statement identifying how the development has been designed having regard to site analysis required.</i></p>	<p>A detailed site analysis and visual assessment has been included as part of the application in accordance with the requirements this clause, Chapter G1 of SDCP 2014 and a request from the SRPP site visit - complies</p>
<p>32 Design of residential development</p> <p><i>A consent authority must not consent to a DA unless it is satisfied that the development demonstrates adequate regard to the principles of Division 2.</i></p> <p><i>(Clauses 33 to 39).</i></p>	<p>Adequate regard has been had to the Design principles contained in Division 2 of Policy - complies</p>
Division 2 Design principles	
<p>33 Neighborhood amenity and streetscape</p>	<p>Adequate regard has been had to neighborhood amenity and streetscape.</p>
<p>34 Visual and acoustic privacy</p> <p><i>Appropriate site planning, location and</i></p>	<p>The development is appropriately designed with regards to the placement of the windows.</p>

<p><i>design of windows and balconies, screening devices.</i></p> <p><i>Locating bedrooms away from driveways, parking areas and footpaths to ensure acceptable noise levels.</i></p>	<p>Bedrooms have been located as far as possible away from driveways and car parking areas.</p>
<p>35 Solar access and design for climate</p> <p><i>Ensure adequate daylight to main living areas of neighbours and residents, and sunlight to private open space.</i></p> <p><i>Site planning to reduce energy and maximise use of solar energy and natural ventilation.</i></p>	<p>The proposed design does not impact solar access for any neighboring properties living areas and provides adequate sunlight to private open space.</p> <p>Further, it is designed so that every bedroom and common area has access to natural light.</p>
<p>36 Stormwater</p> <p><i>Control and minimise disturbance and impacts of stormwater runoff.</i></p> <p><i>Include on-site detention or re-use for second quality water uses.</i></p>	<p>Stormwater disposal is considered satisfactory. A stormwater management plan has been submitted and reviewed by Council's Development Engineer and deemed satisfactory subject to compliance with conditions of consent.</p>
<p>37 Crime prevention</p> <p><i>Provide personal property security for residences and visitors and encourage crime prevention.</i></p>	<p>The proposed development has been designed to encourage crime prevention through environmental design.</p>
<p>38 Accessibility</p> <p><i>Provide obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.</i></p> <p><i>Provide attractive and safe pedestrian and motorist environments with convenient access and parking</i></p>	<p>Concept pedestrian pathways are detailed on the landscape plans that will require engineering plans at CC stage to comply with access standards.</p> <p>The site has adequate parking provision.</p>
<p>39 Waste management</p> <p><i>Provide waste facilities that maximise recycling.</i></p>	<p>Suitable Waste management is provided for the subject site.</p>
<p>40 Development standards minimum sizes and building height</p> <p><i>Development Standards – minimum sizes and building height</i></p> <p><i>1) Consent must not be granted unless the development complies with the following standards:</i></p> <p><i>2) Site size - minimum 1000m²</i></p> <p><i>3) Site frontage - minimum 20 metres</i></p>	<p>The proposed lot will have an area over 1000m² with a frontage greater than 20 metres - complies</p>

4.2.5. STATE ENVIRONMENTAL PLANNING POLICY NO. (INFRASTRUCTURE) 2007

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the development application.

In accordance with the requirements of Clause 45(2) of the SEPP, Endeavour Energy was notified of the proposal. Endeavour Energy has provided no objection to the proposal subject to requiring a thorough analysis of Ulladulla Zone Substation's 11 kV distribution network upon receipt of any application for connection of load for the site. This will determine any customer and/or Endeavour Energy upstream augmentation works required to accommodate the load.

The Princes Highway is a classified State Road. The Development Application was referred to TfNSW (formerly RMS) for approval under the provisions of Schedule 3 of SEPP (Infrastructure) 2007 as a traffic generating development with a new intersection proposed on the Princes Highway.

TfNSW provided their concurrence to the development. The letter of concurrence includes conditions which are to be imposed in the Notice of Determination should this application be approved.

4.2.6. STATE ENVIRONMENTAL PLANNING POLICY NO. (STATE AND REGIONAL DEVELOPMENT) 2011

At the time of lodgement Schedule 7 SEPP (State and Regional Development) 2011 was operative.

The proposed development satisfies Clause 2 Schedule 7 SEPP (State and Regional Development) 2011, being General Development that has a Capital Investment Value exceeding \$30 million. Applicant CIV estimate \$91,409,809 M

As such the RPP has the function of determining the application in accordance with section 2.15(a) of the EPA Act.

4.2.7. Shoalhaven Local Environmental Plan 2014 (SLEP 2014)

SLEP 2014 applies to the subject land and the development application is made pursuant to this instrument.

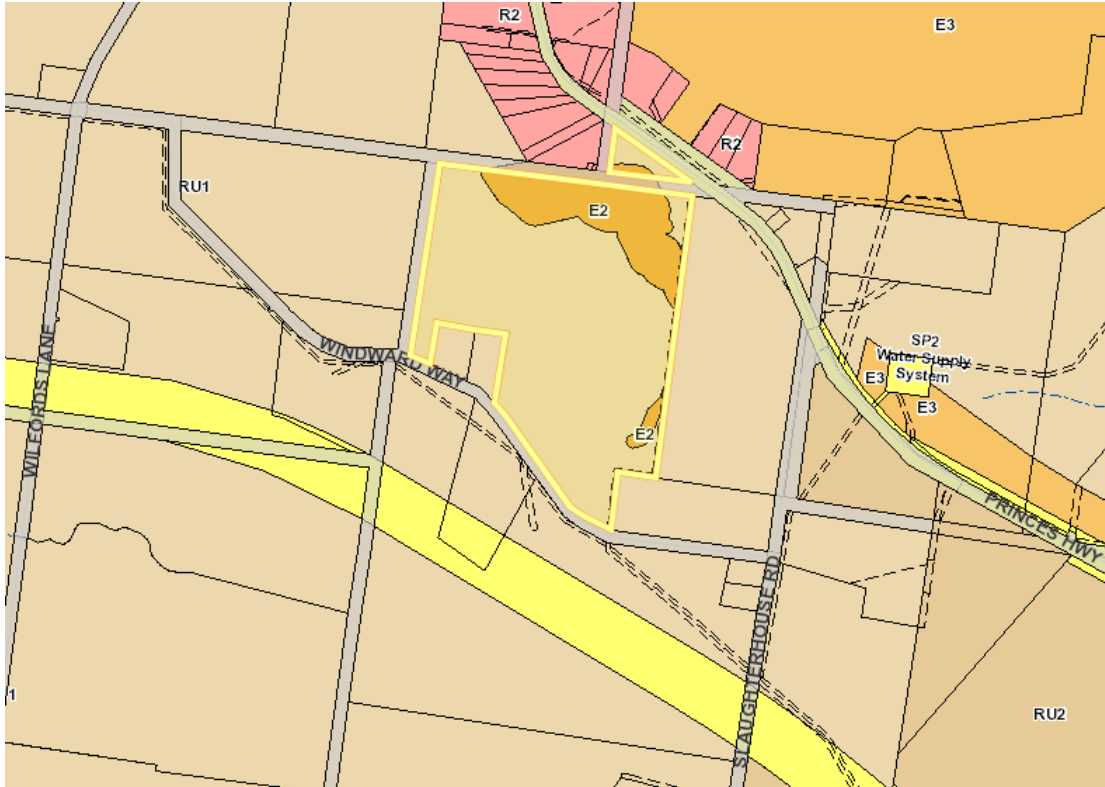


Figure 23 – SLEP Zone Map (development site depicted with yellow border)

Land Zoning

The development site is predominantly zoned part RU1 Primary Production with part Zone E2 Environmental Conservation land located along the north riparian zone and eastern boundaries pursuant to SLEP 2014.

All the buildings are proposed within the RU1 Primary Production Zone and eastern portion of the E2 zone while the detention pond and part of the access road is located over the northern portion of E2 zoned land.

Characterisation and Permissibility

The proposal is best characterised as a “*seniors Housing*” (SH) development which incorporates an 89 bed *residential care facility* (RCF), 126 SH *dwelling*s in the form of Duplex & Triplex buildings and 133 SH *dwelling*s spread across 7 x 3 storey apartment buildings and ancillary:

- “*Indoor/outdoor recreation facilities*” – landscaped gardens, gym, library, activities room & pool
- “*health services facilities*” – medical centre
- “*food and drink premises*” – sunset bar & restaurant

seniors housing means a building or place that is—

- (a) a residential care facility, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
- and that is, or is intended to be, used permanently for—

- (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

residential care facility means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and

(b) *personal care or nursing care, or both, and*
 (c) *appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*
but does not include a dwelling, hostel, hospital or psychiatric facility.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) *a restaurant or cafe,*
- (b) *take away food and drink premises,*
- (c) *a pub,*
- (d) *a small bar.*

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) *a medical centre,*
- (b) *community health service facilities,*
- (c) *health consulting rooms,*
- (d) *patient transport facilities, including helipads and ambulance facilities,*
- (e) *hospital.*

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Indoor & Outdoor Recreation facilities and food and drink premises uses are permitted with consent in the RU1 zone.

Seniors housing & health services facilities are prohibited uses within both the RU1 and E2 zones pursuant to the provisions of SLEP 2014. The site is subject to enabling Clause 8 under Part 2.5 Schedule 1 Additional permitted uses (SLEP2014) which states:

8 Use of certain land at Windward Way, Milton

(1) *This clause applies to land identified as “Sch 1.12” on the Clauses Map, being Lot 1, DP 780801 and Lot 1, DP 737576, Windward Way, Milton.*

(2) *Development for the purpose of seniors housing is permitted with development consent, but only if the consent authority is satisfied of the following—*

- (a) *any public utility infrastructure that is essential for the development is available or that adequate arrangements have been made to make that infrastructure available when required,*
- (b) *a traffic study has been prepared to assess the impact of the development on the Princes Highway and the local road network.*

Public Utility Infrastructure

Shoalhaven Water have issued Development Application Notice on 7/11/2019 confirming that the development can be adequately serviced with water and sewer subject to relevant conditions and contributions.

Endeavour Energy have confirmed that electricity infrastructure is available and capable of being provided to the development subject to their requirements.

Internet services are capable of being made available when required.

Traffic Study

A traffic Impact Assessment (TIA) was submitted with the application which was revised in consultation with council and RMS traffic engineers. RMS subsequently provided approval for direct connection of the development to the Princes Highway via a new roundabout intersection with associated local road safety improvements.

It is considered that clause 8(2)(a & b) SLEP2014 has been suitably addressed which activates the enabling clause permitting seniors housing over the subject site.

Health service facilities are subsequently considered to be ancillary and subservient to permitted seniors housing use given that they are provided within a centralised clubhouse/restaurant building that provides for social, recreational, health and well-being predominantly for the residents of the SH development.

SLEP 2014 Clauses

Part 2 Permitted or prohibited development

Clause 2.7 Demolition

Comment: The applicant seeks demolition works for the removal of structures from the site in accordance with this application. Recommended conditions addressing demolition work are included in Attachment 3 - Complies.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or

Comment: While no subdivision has been applied for in the current application, the applicants have indicated their intent to strata the (259) independent living unit component of the development once developed. In accord with clause 4.1(4) no minimum subdivision lot size applies for strata subdivision.

Clause 4.3 Height of Buildings

The objectives of this clause are stated in subclause (1) as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

In accordance with subclause (2), the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Comment: The Height of Buildings Map does not provide an overlay for maximum building height for the site. Therefore, clause 4.3(2A) provides a default maximum building height of 11m for the site.

Existing & Desired Character of Built Form

The existing local character is comprised of a mix of rural residential predominantly 1 storey dwellings (west & south), low density residential 1-2 storey dwellings (along the spine of the Princes Highway north), medium density residential moveable dwellings (adjoining caravan park east) and rural industry (Abattoir & sawmill east side of Slaughterhouse Road).

The desired future character for the locality will remain essentially the same with modification by doubling of the density of the adjoining caravan park approved for conversion to a 180 site Manufactured Home Estate (MHE), future development of the Milton Ulladulla Bypass with proposed route located approximately 70m south & 4m below the spine of Winward Way and Seniors Housing on the subject site that was added to the SLEP1985 & later SLEP2014 as an enabling clause after council consideration of a rezoning application in 2005.

An extract from the applicants SEE states:

The proposal has been sited and designed to ensure minimal impact on existing local character whilst maintaining neighbourhood amenity. The proposed development is considered to be generally consistent with the existing character of the area as it comprises a mix of single and three storey built form. Whilst it also proposes three storey built form, these units are sufficiently set back and are sitting on the site's lowest points to minimise bulk and scale and to respect existing residential development in the surrounding area. Both existing mature trees/vegetation and proposed landscaping will help soften and screen the development both internally and externally. The proposed development as amended will not have any negative impacts upon adjacent development from an overlooking, overshadowing and view loss perspective.

The proposed development has been sited taking into consideration aspect, topography and existing adjacent land uses – is generally consistent with the scale of nearby development to the east and is considered to be an appropriate response to the constraints of the site. The scale, bulk and height of the proposed building envelopes has been developed to provide appropriate legibility and scale and to also take into account the scenic protection area that exists across the site.

Comment: The proposal has been generally designed to minimise bulk and scale through the stepping of the built form downslope and the location of taller structures on the lower contours with single storey construction on the elevated contours except for the club house which is a 1-2 storey building.

Table 8 – Proposed maximum building heights

Building Type	Max proposed height (m) above GL (existing)	Comment
RCF	8.04-9.67	complies
Duplexes/Triplexes	5.87-6.62	complies
Clubhouse/Medical Centre	2.3-8.60	complies
Apartments	Less than 11	complies

Residential Care Facility (RCF)

While proposed close to Winward Way, the RCF is located in an area of lower visual exposure described by Lamb in the Visual & Landscape Constraints Report 2005 (Lamb) that supported the rezoning application for the site.

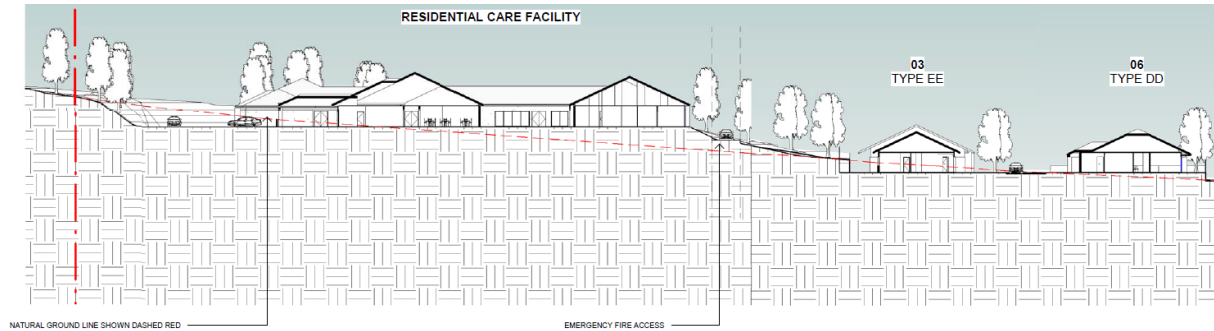


Figure 24 – Section of RCF to duplex forms



Figure 25 – South Elevation of Residential Care Facility (Winward Way)

The RCF reads as a long single storey building with a large bulky 25 degree pitched roof at 4.748m high. A reduction in roof pitch for this building to a lower roof pitch of between 15 and 20 degrees would significantly reduce its visual bulk, making it more compatible with the existing built form and character of surrounding development.

Condition roof pitch of the RCF to be revised for submission of CC plans to a lower roof pitch of between 15 and 20 degrees.

Duplexes/Triplex

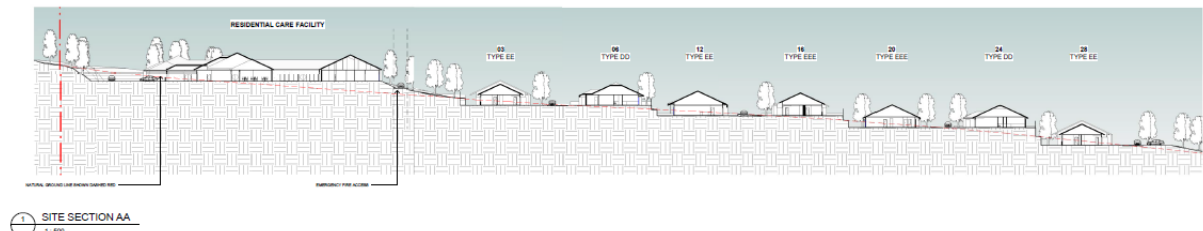


Figure 26 – Site section AA from RCF (left) down to duplex/triplex units (right)

While providing increased development density due to the number of proposed Duplex/triplex units, the design of each duplex & triplex form (single storey) and proposed setbacks are generally compatible with surrounding dwelling typologies.

A minimum 20m vegetated setback buffer is proposed to the nearest residential neighbours located at 52 & 60 Winward Way. Early in the assessment process the applicant removed 2 duplexes proposed between 60 & 72 Winward Way at council request to retain an undeveloped buffer between these properties. Two additional duplexes were removed at council request from the north west corner of the site due to incompatibility with riparian location.

Duplexes/Triplex View Impact



Figure 27 – View planes to the coast for 52 & 60 Winward Way

Dwellings at 52 & 60 Winward Way currently benefit from distant coastal views. A view impact analysis of the proposed duplex/triplex forms of development was carried out by Scape Design (Visual Assessment Addendum Memo #2).

View 5 Assessment for 60 Winward Way



Figure 28 - Viewpoint 05 location from Scape Visual Assessment Addendum Memo #2

Worst case roof height is N41 at RL78.92.
Next worst-case roof height N42 at RL78.85
60 Winward Way has Floor Level FL78.32

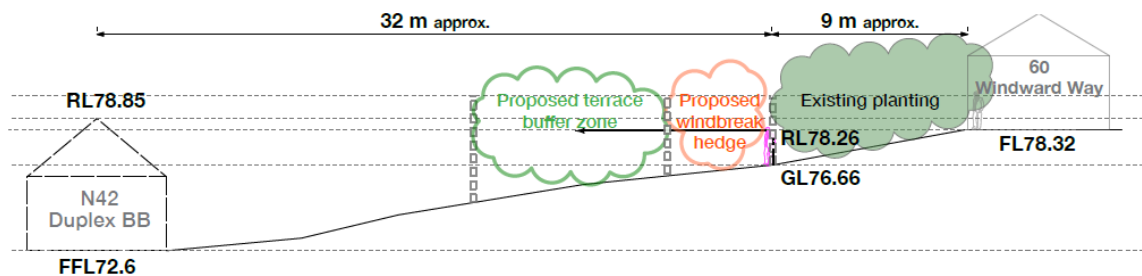


Diagram 1: Analysis of levels for viewpoint 05 (information shown is approximate)

Figure 29- Analysis of levels for viewpoint 05 (60 Winward Way) Scape

FL78.32 + 1.3m (sitting view) = Sitting View Level (SVL) 79.62 = 0.7m above N41 and 0.77m above N42

FL78.32 + 1.6m (standing view) = Standing View Level (STVL) 79.92 = 1m above roof height of N41 and 1.07m above N42

Therefore, there is no expected view loss of the coast from view 5 for 60 Winward Way as a result of duplex/triplex forms proposed.

View 6 Assessment for 52 Winward Way



Figure 30 - Viewpoint 06 location from Scape Visual Assessment Addendum Memo #2

Worst case roof height is N40 at RL77.97
 Next worst-case roof height N39 at RL76.85
 52 Winward Way has a Floor Level FL 77.01

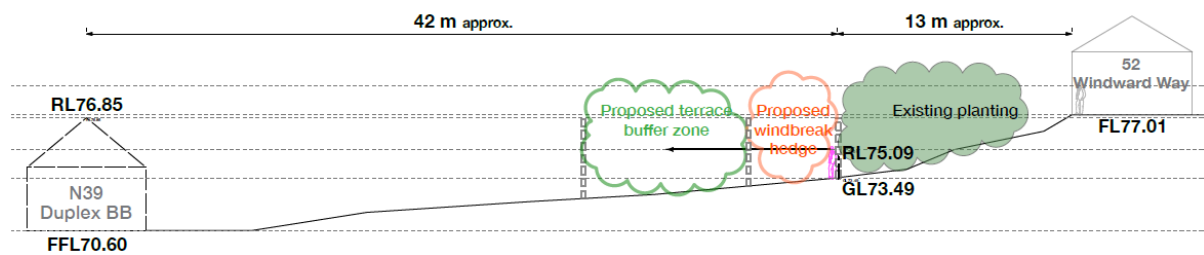


Figure 31 - Analysis of levels for viewpoint 06 (52 Winward Way) Scape

FL 77.01 + 1.3m (sitting view) = SVL78.31 = 0.34m above roof height of N40 and 1.46m above roof height of N39

FL 77.01 + 1.6m (standing view) = STVL78.61 = 0.64m above roof height of N40 and 1.76m above roof height of N39

Therefore, there is no expected view loss of the coast from view 6 for 52 Winward Way as a result of duplex/triplex forms proposed.

Landscaping View Impact

Proposed landscaping work between (52 & 60 Winward Way) and the first row of units (purple border) as detailed in the Landscape Plans by Zenith, below could impact on existing view planes as detailed in the Scape Design Visual Assessment above.

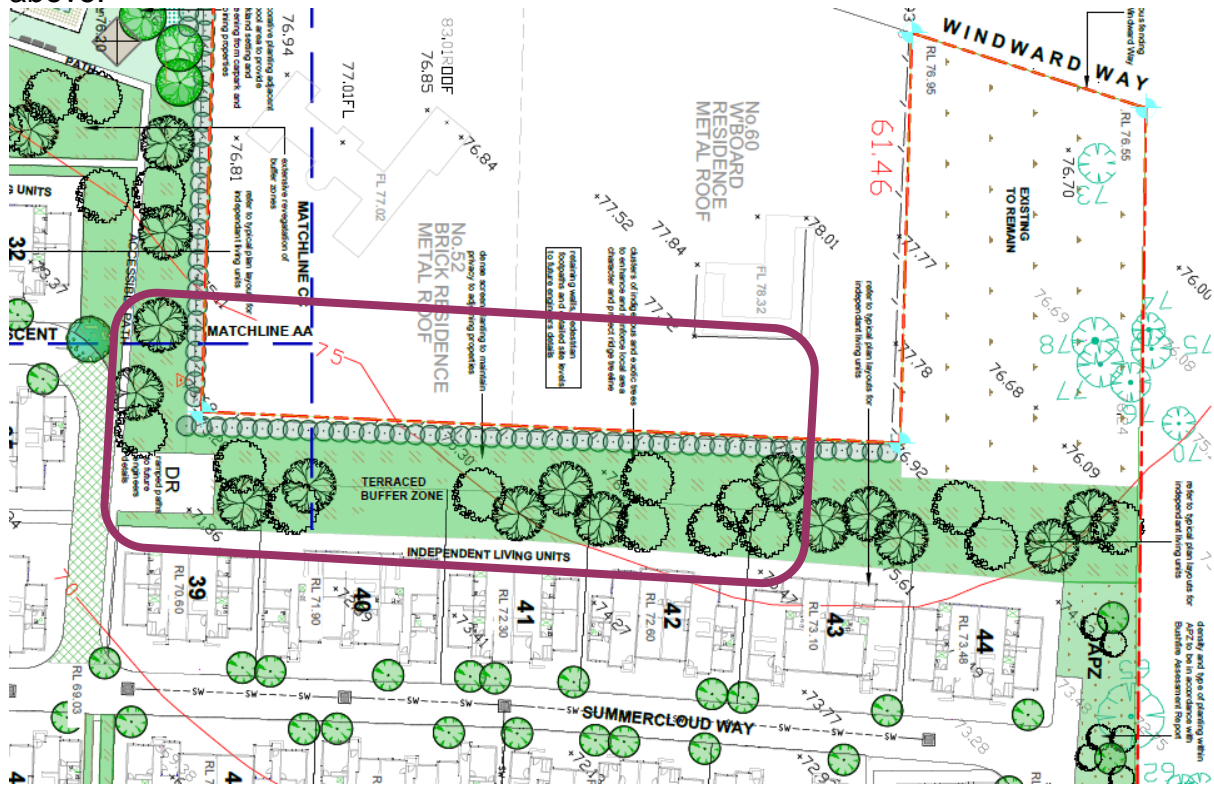


Figure 32 – Extract of Landscape Plan detailing proposed landscaping north of 52 & 60 Winward Way

Condition for revised landscaping plan in this location to accommodate retention of existing view planes to be prepared and approved by the PCA prior to release of CC.

Clubhouse/Medical Centre

The 2 storey club house located in an area of higher visual exposure (Lamb) near Winward Way reads as a single storey building from Winward Way at 8.36m however the roof pitch provides a bulky roof profile at 5.1m high that is not necessary or appropriate in this location.



Figure 33 – Site Section BB from Clubhouse/Medical Centre (left) to apartments (right)



Condition roof pitch of the clubhouse to be revised for submission of CC plans to a low skillion roof design.

Three Storey Apartments





Figure 37 – Photomontage 1 – North View of Duplex/triplex & Apartment Units

The two rows of apartments are generally located within the area of lowest visual exposure and step down the base of the slope between the riparian zone vegetation and the Princes Highway.

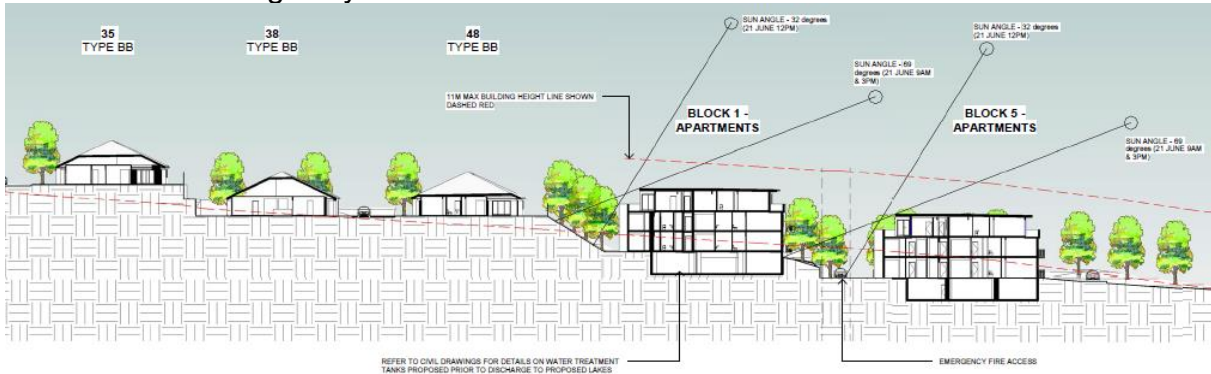


Figure 38 – Part Site Section BB showing 11m maximum building height plane (red dashed line)

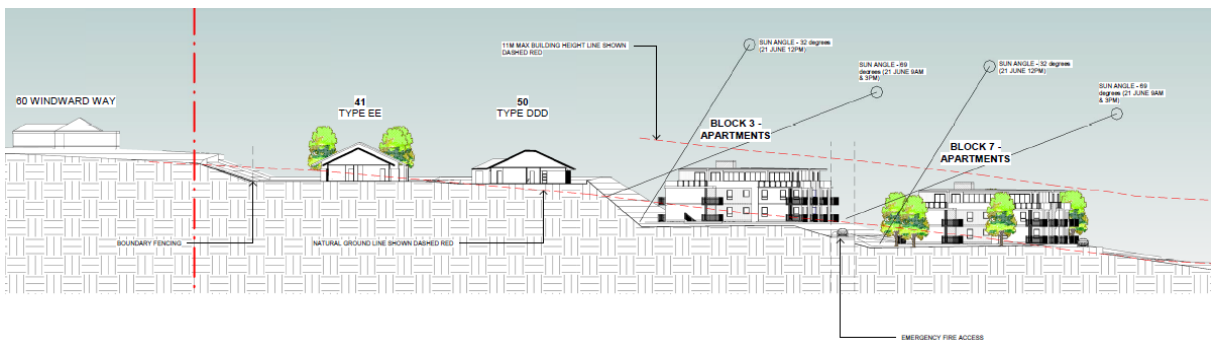


Figure 39 – Part Site Section CC showing 11m maximum building height plane (red dashed line)



Figure 40 – North Site Elevation E3 showing 11m maximum building height plane Apartments 4-7 (red dashed line)

Comment:

As demonstrated in figures 38-40 the apartment buildings are designed to nestle into the base of the existing slope preventing any loss of views from surrounding residents. The maximum proposed height of 10.2m for the apartments is well within the 11m height limit. The apartments are appropriately designed for the site constraints, will be shielded from view of the Highway due to existing riparian vegetation and east/west boundaries via proposed landscaping and are not considered to conflict with the desired future character of the locality. Submitted shadow diagrams demonstrate no loss of solar access to existing development and due to extensive separation distance no visual impact will occur to the Heritage item in 65 Wilfords Lane - complies

Clause 4.4 Floor Space Ratio

No Floor Space ratio applies to the site pursuant to SLEP2014. - NA

Part 5 Miscellaneous provisions**Clause 5.10 Heritage conservation**

(1) Objectives The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Shoalhaven,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Non Aboriginal Heritage

The development proposes the demolition of the existing dwelling and associated structures from the site. The potential heritage value of the existing Silo was raised by one submitter in response to public notification process. This is addressed within Part 3 of the report.

The applicants submitted a Heritage Impact Statement (HIS) prepared by Borst & Co Architecture, dated Dec 2016 to address local heritage item 313 "Pine view" – Federation farmhouse complex and trees Lot 3 DP 785757 65 Wilfords lane Milton. The HIS advised:

The proposed development is not within the visual catchment of the heritage item, ie it is not visible from the item and there are no views towards the item from any orientation within the landscape where the item and the proposal can be seen concurrently.

Heritage values associated with the listed item, "Pine View", will not be measurably impacted by this proposal. The proposal is deemed suitable for the site, given its context. The reliance of the design cues offered by both "Pine View" and Milton township have been simply and sympathetically expressed in this proposal.

Comment: Agree, "Pine View heritage features" are located 440m west of the development site and are not considered to be impacted by the proposal.

Aboriginal Heritage

The applicants submitted an Aboriginal Heritage Due Diligence Report prepared by GML Heritage, dated November 2017. The Due Diligence report advised:

A full Aboriginal heritage assessment is to be prepared prior to any other ground disturbance works taking place, including:

- *formal Aboriginal consultation, in accordance with the OEH consultation guidelines Aboriginal cultural heritage consultation requirements for proponents, 2010*
- *preliminary assessment and preparation of an Archaeological Research Design (ARD) for archaeological test excavation under the Code of Practice*
- *geomorphological assessment of the study area*
- *formal field survey accompanied by members from the Aboriginal community*
- *archaeological test excavation, under Department of Environment Climate Change and Water (DECCW, now the OEH), Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*
- *preparation of an Archaeological Technical Report (ATR) which conforms to the Code of Practice contextualisation of potential discovered sites within the intangible values*

If Aboriginal objects or features identified during the test excavation indicate that the proposed works will harm Aboriginal sites, an Aboriginal Cultural Heritage Assessment will be required that conforms to the Aboriginal Cultural Heritage Consultation Requirements for Proponents.

If no artefacts are found during the test excavation an addendum report summarising results, and Aboriginal community consultation undertaken, is to be completed.

Should Aboriginal objects be identified during test excavation, a whole-of-site AHIP will be required under Section 90 of the National Parks & Wildlife Act.

Comment: The recommendations of the Aboriginal Heritage Due Diligence Report are incorporated in the recommended conditions of consent in Attachment 3 to this report.

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,*
- (g) Zone E2 Environmental Conservation,*

(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—

- (a) subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) erection of a dwelling.*

(4) The following matters are to be taken into account—

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

Comment: Nexis environmental provided a submission on behalf of the owners of Milton Meats claiming that there was insufficient information submitted by the applicants to address potential impacts of the abattoir operation depending on the nature of wind and other climatic factors, on the amenity of the future residents of the proposed development.

The development site is located approximately 200-257m west of Milton meats operation. While it is acknowledged that no specific odour assessment was carried out for the current application, council had previously reviewed Odour Dispersion Modelling prepared for the adjoining caravan park under DA08/1461 that is located between Milton meats and the proposed development site. The odour dispersion modelling carried out at the time concluded that full compliance with the DEC odour criteria was predicted for the proposed home village. Council agreed with the odour modelling and subsequently approved

DA08/1461 for conversion of the existing caravan park to a 180 site Manufactured Home Estate.

Part 7 Additional local provisions

Clause 7.1 Acid Sulfate Soils

(1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*


(2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

It is unlikely that the proposed works would disturb, drain or expose acid sulfate soils to the atmosphere to cause environmental damage. The subject works are proposed to be undertaken on Class 5 acid sulphate soil. The works would not involve disturbing the earth at a depth of 5 metres or the lowering of the watertable - complies

Clause 7.2 Earthworks

Table 9 – Clause 7.2 of SLEP considerations

7.2 Earthworks	
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	
(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:	
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	The existing site drains gradually to the north east comprising roof water and hard stand/sealed pavement runoff. The submitted Water Cycle Management Plan prepared by Samana Blue Engineering P/L dated, 20/09/2019 & Concept Civil Engineering Plan prepared by Samana Blue Engineering P/L dated, 29/08/2019 the post-development flowrates will be less than pre-development (existing) flowrates at the outlet of each of the site sub-areas (A-C) for all events modelled. Furthermore, the flowrates at the outlet of the system will also be less than or equal to the corresponding predevelopment flowrates.
(b) the effect of the development on the likely future use or redevelopment of the land,	The development will satisfy the likely future use for the site as seniors housing.
(c) the quality of the fill or the soil to be excavated, or both,	Soil material (approximate volume being 100,649m ³) will be excavated from the site to create filled benches with (approximate volume being 51,286m ³). Total soil to be removed from site (approximate volume being 49,363m ³).

	 <p>Figure 41 – Earthworks plan detailing cut and fill</p>
(d) the effect of the development on the existing and likely amenity of adjoining properties,	<p>Noise, vibration, dust and demolition/construction related traffic will need to be carefully managed to protect the amenity of surrounding residents.</p> <p>Conditions addressing noise, vibration, dust and demolition/construction related traffic issues are contained in recommended conditions of consent in Attachment 3 to this report.</p>
(e) the source of any fill material and the destination of any excavated material,	<p>Excavated waste material will be transported to a landfill accredited to receive the classification of waste.</p> <p>The submitted waste management plan indicates that excavated soil material not required for the site will be sold as clean fill.</p> <p>VENM material may be transported to approved fill sites. Material classification and haulage routes will be confirmed with the head contractor prior to the issue of the construction certificate. Refer draft conditions.</p>
(f) the likelihood of disturbing relics,	<p>The site is not identified on Council's GIS as having any evidence of heritage or cultural significance.</p>
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	<p>The site is not in a drinking water catchment. Recommended condition addressing protection of environmentally sensitive areas are included in Attachment 3 to this report.</p>
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	<p>The storm water management and erosion control plans submitted with the application provide measures to control storm water runoff impacts and erosion from the site.</p> <p>Recommended conditions address the minimisation and mitigation of impacts are included in Attachment 3 to this report.</p>

Clause 7.11 Essential Services

The subject site has access to all essential services. All services are to be augmented as required. Endeavour Energy has raised no specific concerns with the application and Shoalhaven Water have issued their Notice of Approval to the application.

7.8 Scenic protection

Scenic protection mapping applies to the subject site.

An extract from the Scape Visual Analysis states:

The visual Assessment Report undertaken by Scape Design (D18/382224) assessed views from four publicly accessible viewpoints, as well as from several locations along the Princes Highway from the perspective of motorists and found that visual access to the site was very limited. Of the viewpoints that would allow views of the development, overall impacts were considered to be moderate to low.

Compared with the 2005 scheme, the current proposal would result in more built form in the 'areas of higher visual exposure', however Scape Design analysis (D19/354839) supports the architectural strategy, that the greater majority of the built form, within these areas, is low in height and does not substantially increase the visual impact. Long range views assessed in the main report supported this strategy.



Figure 42 – Extract of Built form and overlays plan (Scape Design Visual Assessment Addendum)

Figure 43 below shows three locations where portions of the proposed three storey apartment buildings overlap into high and moderate visual exposure areas. Of these, small portions of two of the buildings overlap onto areas of high visual exposure where there was previously no proposed built form in the 2005 scheme. These are:

- Apartment building 3 (Units 39-57) — Approximate roof height 74.3 (with the lift shaft a further 1.5m above the documented roof line)
- Apartment building 1 (Units 1-19) — Approximate roof height 71.70 (with the lift shaft a further 1.5m above the documented roof line)

The third apartment building overlaps into an area of moderate visual exposure with built form proposed in a similar location in the 2005 scheme. This apartment is:

- Apartment building 4 (Units 58-76) — Approximate roof height 66.70 (with the lift shaft a further 1.5m above the documented roof line)

At these three locations visual impacts have been reduced by:

- positioning buildings so that areas of overlap correspond to lower topographic areas
- constraining the building footprint to minimise overlap into higher exposure areas
- limiting the vertical profile of the apartment buildings.

Mitigation measures, which have been previously recommended, aim to minimise potential impacts to neighbouring properties. The Visual Assessment Report (pg44) lists the full mitigation measures that have assisted with the development of the design. Specific mitigation measures relevant to reducing visual impacts potentially associated with

the apartment buildings include:

- *mass planting of terraced embankment areas including canopy and screen tree species; and*
- *street verge planting areas including 15m+ canopy tree species.*

Given that the above information, the proposed built form is deemed to be reasonable in the areas of high and moderate visual exposure.



Figure 43 - Proposed apartment building overlap in visual exposure areas (Scape Design Visual Assessment Addendum)

Table 10 – Assessment of built form against the 2005 rezoning Design Principles

Assessment of the current application against the design principles established by the 2005 Visual Analysis (Richard Lamb and Associates)			
#	2005 Principle	Applicants response	Comment
1	Future development of the site should ensure that no development would be seen to protrude above the visual horizon, especially when viewed from locations at lower relative levels than the site.	<i>This has been reviewed in relation to viewpoints from the township side as well as the highway, the visual horizon is not broken in these locations and is unlikely to be broken in other locations due to the nature of the existing topography and vegetation. The upper portion of the site is limited to single storey structures.</i>	Refer to Part 4.2.7 SLEP2014 clause 4.3 height assessment for the Clubhouse/Medical Centre and RCF
2	The vegetated character of the visual horizon as it appears presently in most views should be retained.	<i>The vegetation associated with Windward Way and the upper portion of the site will be retained as much as possible and supported with new planting.</i>	Agree
3	The area within the southern and middle parts of the site, which follow a spur through	<i>These parts of the site are proposed to be developed with single storey residences surrounded by new</i>	Refer to Part 4.2.7 SLEP2014 clause 4.3 height assessment for

	the site from the southern ridgeline, should generally be retained undeveloped. This part of the site is relatively highly visible to places outside the site, especially from the Highway and should be retained in its character as far as is feasible. The combination of this land and ridge top vegetation is critical to conserving the scenic values of the land.	landscaping. <i>Visual analysis has indicated that the visual horizon will not be obstructed and that there will be only Moderate-to-low visual impacts.</i>	the Clubhouse/Medical Centre & duplex/triplex units
4	Denser vegetation along the northern boundary of the site could be incorporated into any future development of the site. The aim should be to filter views into the site rather than to provide a dense screen along the Highway boundary.	<i>Existing vegetation along the northern boundary of the site is to be largely retained and supported with new tree planting and landscaping.</i>	Complies
5	A similar approach to screening along the eastern boundary of the site should be adopted. Generally, it is not considered that there is any conflict between the development of the site and the existing Van Park adjacent. Some softening of the views between the sites would however benefit both existing and future residents.	<i>Existing vegetation along the eastern boundary of the site is to be retained where possible and supported with new planting and landscaping forming a dense screen.</i>	Complies
6	Some additional plantings could be established in the south eastern corner of the site. Generally, this area is relatively unconstrained but the additional planting would ensure that any development in this area would not be visible from the Highway or from more distant locations to the north of the site.	<i>The landscaping proposal includes perimeter planting including the south east corner of the site. In addition, the buildings proposed for the upper contours of this corner are single storey structures.</i>	The south east corner now includes retention of the very large Small -leaved fig that will provide additional visual screening of single storey units and part of the RCF - complies
7	Additional plantings should also be located along the western boundary of the site. This planting should aim to fill in gaps presently existing in this relatively dense screen of vegetation on this boundary.	<i>The landscaping proposal includes perimeter planting including the western boundary of the site</i>	Proposed visual planting (west) needs to be balanced with the bushfire APZ requirements for the proposal. It is considered that the proposed plantings along this boundary are as comprehensive as they can be - complies

8	<i>Additional plantings approximately located through the mid slopes of the site would also benefit any future development of the site.</i>	<i>The landscaping proposal includes street tree and garden bed planting throughout the site.</i>	Complies
9	<i>Generally, all future plantings within the site should be of a character that is similar to existing vegetation within the area. These plantings should be of indigenous species, be of a relatively informal arrangement and should include a variety of vegetation types.</i>	<i>The landscaping proposal includes a planting species list, which comprises a large proportion of indigenous species. In addition, large areas are set aside for revegetation/regrowth of indigenous species</i>	<p>Apart from two inappropriate plant species in the proposed species list, the Landscape Plan complies with the principle.</p> <p>A condition to delete the offending species from the Landscape Plan is included in Attachment 3 to this report.</p>

Draft Environmental Planning Instrument

The following draft EPIs are relevant to the subject site:

- Draft State Environmental Planning Policy (Remediation of Land)

Shoalhaven Development Control Plan 202014 (DCP2014)

Table 11 – DCP 2014 Considerations

Generic Chapters
G1: Site Analysis, Sustainable Design and Building Materials in Rural and Coastal Areas
Complies
G2: Sustainable Stormwater Management and Erosion/Sediment Control
Complies subject to conditions.
G3: Landscaping Design Guidelines
<p>The application is supported by a comprehensive Landscape Plan prepared by Zenith Landscape Designs P/L (D19/355565).</p> <p><u>Comment:</u></p> <p>Plant lists 6 & 9 contain <i>Ulmus parvifolia</i> (Chinese Elm) which is an exotic species known to produce viable seed and become invasive plants. This species must be removed from the species lists.</p> <p>Plant list 9 contains <i>Pistacia chinensis</i> (Chinese Pistacio) which is an exotic species known to produce viable seed and become invasive plants. This species must be removed from the species lists.</p> <p>Condition revision to plant species list in the landscape plan to remove replace Chinese Elm &</p>

Chinese Pistacio with non invasive species.

Comment:

Refer to part 4.2.4 clause 29 requirement for condition to the proposed terrace buffer zone and wind break to accommodate view planes to the coast for dwellings located at 52 & 60 Winward Way.

Comment:

Suitable landscaping is proposed and subject to recommended conditions of consent.

G7: Waste Minimisation and Management Controls

Comment: Council's Waste Services Section has considered the proposed on-going waste management arrangements and determined them to be acceptable subject to recommended conditions.

G18: Streetscape Design for Town and Village Centres

5.1 Streetscape Character and Function

A1.2 A landscape plan is to be submitted with a Development Application illustrating works that are within the streetscape.

Comment: The submitted landscape plan includes the provision of:

(H) New Public Street Verge Towards Garrads Lane: 5-10m screen trees to protect and screen views from Princes Highway.

Comment: The proposed restriction at the intersection of Garrads Lane and the Princes Highway using bollards or large rocks; should be replaced with suitable native trees to enhance the aesthetic of the respective roads. Recommended plantings of tree species to the Princes Highway frontage that will be compatible with overhead power lines.

Condition the use of advanced tree species across the intersection of Garrads Lane and the Princes Highway in lieu of bollards or large rocks. Plant species are to be those described for Milton Entrance (Princes Highway) under the Town Street Tree Planting Strategy Pol12/177 and are to be mature stock planted to provide an effective barrier to vehicle access.

G21: Car Parking and Traffic

G21 Car Parking Assessment

5 Controls

5.1 Car Parking Schedule

Seniors Housing As per the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Part 3J-1 of the ADG refers to RTA Guide to Traffic Generating Development for Resident funded development which requires:

Self Contained units:

2 spaces/3 units +

1 space/5 units (visitors)

Nursing Homes (RCF)

1 space/10 beds (visitors) +

1 space/2 employees+

1 space per ambulance

Use/m2	Requirement	Spaces	Spaces
--------	-------------	--------	--------

		required	provided
Clubhouse/Medical Centre			
Restaurant/180	1/6.5m2 public dining space	27.69	27.69
Activities/Library/105		12	12.31
Pool	On individual merit, following submission of study which addresses parking requirements.		
Gym/160 for a commercial gym	1 space per 13m ² gross leasable floor area		
Sub Total		39.69	40
Medical Centre/3 consult	1 space per 24m ² gross floor area. 4 spaces per doctor / practitioner.	12	12
Sub Total		12	52
Total		51.69	52

Comment: Parking for Clubhouse/Medical Centre is adequate.

Use/m2	Requirement	Spaces required	Spaces provided
RCF			
89 beds	1 space/10 beds (visitors)	9	9
staff	1 space/2 employees	Assumes 14 staff	7
Ambulance	1 space per ambulance	1	1
Sub Total			16 + 1

Comment:

Staffing numbers for RCF indicated by applicant appear low for industry standard. Additional parking is available for staff parking on Tank 1 external car park as this area is in credit and can pick up any deficiency for staff parking near the RCF.

Condition – Require 9 dedicated visitor parking spaces adjacent the RCF with remainder of spaces for staff.

Use/m2	Requirement	Spaces required	Spaces provided
Self-Contained Units			
126 Duplex/triplex	2 spaces/3 units	84	85
	1 space/5 units (visitors)	25.2	58
133 Apartment Units	2 spaces/3 units	88.6	89
	1 space/5 units (visitors)	26.6	70
Tank 1 Carpark outside			35
Sub Total		224.4	337

Use/m2	Spaces	Spaces
--------	--------	--------

	required	provided
Clubhouse/Medical Centre	52	52
RCF	9 visitor	16
	7+ staff	
126 Duplex/Triplex units	84 residents	85
	25.2 visitor	58
133 Apartments	88.6 residents	89
	26.6 visitor	70
Tank 1 Carpark outside		35
Total Parking Site	292.4	405

Comment: Total site parking demand = 292.4 parking spaces + 1 Ambulance space. The proposed site has a credit of 112.6 parking spaces – complies.

5.3 Parking Layout and Dimensions

The development application has been assessed by council's development engineer and traffic unit who have recommended conditions of consent.

Comment: Condition basement parking column locations to be adjusted as required to comply with Figure 5.2 Design Envelope around parked vehicle AS/NZS2890.1:2004 prior to CC release.

5.4 Access

Comment: The proposed site entry and exit have been designed to ensure the safe movement of vehicles into and out of the site with minimal impact on the Princes Highway. Subject to RMS conditions of consent, access to the site is considered to be appropriate.

5.5 Maneuverability

Comment:
Refer to recommended conditions in Attachment 3

5.7 Landscape Design

Comment: Complies.

5.8 Drivers with a disability

Comment: Adaptable car parking spaces are provided in accordance with AS/NZS 2890.6-2009 Off-street parking for people with disabilities.

5.9 Construction Requirements and 5.10 Design of Driveways

Comment: Subject to Council's Development Engineer recommended conditions of consent, as amended.

5.11 Miscellaneous

P16 To ensure efficient operation and safety of parking areas through appropriate signage.

Comment: Condition signs and lines plan for vehicle entry and exit points, location and availability of visitor and bicycle parking to be approved by the PCA prior to issue of a construction certificate.

P18 To ensure the safety of persons using, and security of vehicles parked within car park areas through provision of lighting where appropriate.

Comment: Condition effective illumination to comply with AS1158.1 – 1997.

P19 To encourage the use of bicycles.

Comment: Condition bicycle parking facilities and bicycle parking devices (BPD) be installed in accordance with AS2890.3:2015 Parking Facilities - Part 3: Bicycle Parking.

G22: Advertising Signs and Structures

As detailed signage design and compliance statement was not provided with the current application a separate application for any non-exempt signage is required.

Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement that relates to the subject site.

Environmental Planning and Assessment Regulation 2000

Refer to Part 2

Shoalhaven Contributions Plan 2019

Environmental Planning and Assessment Act 1979

7.13 Section 7.11 or 7.12 conditions subject to contributions plan

(1) A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

Table 12– Contributions Calculations

Phase 1

Residential Care facility

Project	Description	Rate	Qty	Total	GST	GST Incl
CW 2001 FIRE	Citywide Fire & Emergency services	\$135.42	34.6	\$4,685.53	\$0.00	\$4,685.53
CW 2002 FIRE	Shoalhaven Fire Control Centre	\$198.11	34.6	\$6,854.61	\$0.00	\$6,854.61
CW 3001 MGMT	Contributions Management & Administration	\$563.13	34.6	\$1,154.01	\$0.00	\$1,154.01

Sub Total: \$12,694.15
 GST Total: \$0.00
 Estimate Total: **\$12,694.15**

Project	Description	Rate	Qty	Total	GST	GST Incl
CW 2001 FIRE	Citywide Fire & Emergency services	\$135.42	2.04	\$276.26	\$0.00	\$276.26
CW 2002 FIRE	Shoalhaven Fire Control Centre	\$198.11	2.04	\$404.14	\$0.00	\$404.14
CW 3001 MGMT	Contributions Management & Administration	\$563.13	2.04	\$68.04	\$0.00	\$68.04

Sub Total: \$748.44
GST Total: \$0.00
Estimate Total: **\$748.44**

Duplex/Triplex

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,024.63	44.2	\$45,288.65	\$0.00	\$45,288.65
05 CFAC 2010	Southern Shoalhaven Branch Library	\$515.59	44.2	\$22,789.08	\$0.00	\$22,789.08
CW 0005 AREC	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$910.89	44.2	\$40,261.34	\$0.00	\$40,261.34
CW 0007 CFAC	Shoalhaven Regional Gallery	\$70.87	44.2	\$3,132.45	\$0.00	\$3,132.45
CW 2002 CFAC	Shoalhaven Multi Purpose Cultural & Convention Centre	\$638.00	44.2	\$28,199.60	\$0.00	\$28,199.60
CW 2006 CFAC	Shoalhaven City Library Extensions, Berry Street, Nowra	\$850.55	44.2	\$37,594.31	\$0.00	\$37,594.31
CW 2001 FIRE	Citywide Fire & Emergency services	\$135.42	44.2	\$5,985.56	\$0.00	\$5,985.56
CW 2002 FIRE	Shoalhaven Fire Control Centre	\$198.11	44.2	\$8,756.46	\$0.00	\$8,756.46
CW 3001 MGMT	Contributions Management & Administration	\$563.13	44.2	\$24,890.35	\$0.00	\$24,890.35

Sub Total: \$216,897.80
GST Total: \$0.00
Estimate Total: **\$216,897.80**

Phase 2

Duplex/Triplex

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,024.63	39	\$39,960.57	\$0.00	\$39,960.57
05 CFAC 2010	Southern Shoalhaven Branch Library	\$515.59	39	\$20,108.01	\$0.00	\$20,108.01
CW 0005 AREC	Shoalhaven Community and Recreational Precinct SCArP Cambewarra Road Bomaderry	\$910.89	39	\$35,524.71	\$0.00	\$35,524.71
CW 0007 CFAC	Shoalhaven Regional Gallery	\$70.87	39	\$2,763.93	\$0.00	\$2,763.93
CW 2002 CFAC	Shoalhaven Multi Purpose Cultural & Convention Centre	\$638.00	39	\$24,882.00	\$0.00	\$24,882.00
CW 2006 CFAC	Shoalhaven City Library Extensions, Berry Street, Nowra	\$850.55	39	\$33,171.45	\$0.00	\$33,171.45
CW 2001 FIRE	Citywide Fire & Emergency services	\$135.42	39	\$5,281.38	\$0.00	\$5,281.38
CW 2002 FIRE	Shoalhaven Fire Control Centre	\$198.11	39	\$7726.29	\$0.00	\$7726.29
CW MGMT	Contributions Management &	\$563.13	39	\$17,636.88	\$0.00	\$17,636.88

3001	Administration					
						Sub Total: \$187,005.22
						GST Total: \$0.00
						Estimate Total: \$187,005.22

Phase 3

Apartments

Project	Description	Rate	Qty	Total	GST	GST Incl
05 AREC 0005	Planning Area 5 - Active recreation facility upgrades various locations	\$1,024.63	88.2	\$90,372.37	\$0.00	\$90,372.37
05 CFAC 2010	Southern Shoalhaven Branch Library	\$515.59	88.2	\$45,475.04	\$0.00	\$45,475.04
CW AREC 0005	Shoalhaven Community and Recreational Precinct SCaRP Cambewarra Road Bomaderry	\$910.89	88.2	\$80,340.50	\$0.00	\$80,340.50
CW CFAC 0007	Shoalhaven Regional Gallery	\$70.87	88.2	\$6,250.73	\$0.00	\$6,250.73
CW CFAC 2002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$638.00	88.2	\$56,271.60	\$0.00	\$56,271.60
CW CFAC 2006	Shoalhaven City Library Extensions, Berry Street, Nowra	\$850.55	88.2	\$75,018.51	\$0.00	\$75,018.51
CW FIRE 2001	Citywide Fire & Emergency services	\$135.42	88.2	\$11,944.04	\$0.00	\$11,944.04
CW FIRE 2002	Shoalhaven Fire Control Centre	\$198.11	88.2	\$17,473.30	\$0.00	\$17,473.30
CW MGMT 3001	Contributions Management & Administration	\$563.13	88.2	\$38,314.61	\$0.00	\$38,314.61
						Sub Total: \$421,460.70
						GST Total: \$0.00
						Estimate Total: \$421,460.70

The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Table 13 – Impacts Considerations

Head of Consideration	Comment
Natural Environment	The site will experience the clearing of regrowth vegetation and disturbance through cut and fill reshaping to create benched steps for proposed buildings. Appropriate plans and recommended conditions are in place to protect the natural environment.
Built Environment	The development will replace an overgrown paddock with a complex of seniors housing typologies that have been carefully designed with appropriate mitigation measures to blend the buildings into the landscape. Issues raised during height and scenic protection assessment are addressed in the recommended conditions.
Social Impacts	The provision of a mix of new seniors housing choices is in great demand for the local community. This development would enable for downsizing and freeing up existing 3-4-bedroom housing stock for younger generations. Potential amenity impacts associated with the proposed roundabout & associated roadworks and the development design are addressed in the recommended conditions.
Economic Impacts	Employment opportunities will be created during demolition/construction and operational phases of the proposal. Multiplier benefits from the injection of \$100M into the local

Head of Consideration	Comment
	economy would be substantial.

Suitability of the site for the development

The site benefits from an additional permitted use under Schedule 1 SLEP2014 for seniors housing and is generally consistent with the relevant provisions of SEPP Housing for Seniors, SEPP 65 and the SLEP 2014.

The proposed development incorporates mitigation measures to protect and enhance the existing visual character of the area and minimise impacts on neighbouring properties.

Located between Milton and Ulladulla, the site is ideally placed on the highway to provide for seniors housing given that the Shoalhaven LGA is one of the oldest and most rapidly ageing communities in NSW.

The Public Interest

The development has been assessed against state and local environmental planning instruments and the development control plan and related guidelines for the Shoalhaven City Council. The assessment identified the development complies with the height and scenic protection controls, has appropriate setbacks while demonstrating a suitable built form and massing that is compatible with the existing and desired future character of surrounding land uses. Issues raised by submissions have been appropriately addressed where necessary in the recommended conditions in Attachment 3 to the report.

Accordingly, the proposal is considered to be in the public interest.

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the EPA Act. As such, it is recommended that Development Application No. RA17/1001 for seniors housing be approved way of a deferred consent subject to conditions detailed in Attachment 3.