

**JOINT REGIONAL PLANNING PANEL  
(SOUTHERN REGION)  
SUPPLEMENTARY COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2017STH018
<b>DA Number</b>	RA17/1001
<b>LGA</b>	Shoalhaven City Council
<b>Proposed Development</b>	<p>Demolition and vegetation removal work and staged construction of a Senior Housing development comprising:</p> <ul style="list-style-type: none"> <li>• 89 Bed Residential Care Facility (RCF)</li> <li>• 126 Independent living Units (ILU) (duplex and triplex forms)</li> <li>• 133 ILU spread over 7 x 3 storey residential flat buildings with underground car parking,</li> <li>• Community Centre comprising clubhouse/restaurant/medical centre/gym and swimming pool</li> <li>• ancillary civil infrastructure and landscaping</li> </ul> <p>Roundabout intersection and associated civil works on Princes Highway and surrounding road reserves</p>
<b>Street Address</b>	<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, &amp; Part Crown Road Reserve Warden Road, Milton – Property ID 81997</p>
<b>Applicant/Owner</b>	Hawes & Swan Planning on behalf of Annsca Property Group/Meadows of Milton Pty Ltd
<b>Date of DA lodgement</b>	23 May 2017
<b>Number of Submissions</b>	52 opposing & 10 in support
<b>Recommendation</b>	Approved with conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Development with a Capital Investment Value (CIV) of more than \$30 million
<b>List of all relevant s4.15(1)(a) matters</b>	<p><b>Statutory Provisions</b></p> <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2000</li> <li>• Threatened Species Conservation Act 1995</li> <li>• Rural Fires Act 1997</li> <li>• SEPP No. 55 – Remediation of Land</li> <li>• SEPP No. 65 - Design Quality of Residential Apartment Development</li> <li>• SEPP (Housing for Seniors or People with a Disability) 2004</li> <li>• SEPP (Infrastructure) 2007</li> <li>• SEPP (State and Regional Development) 2011</li> <li>• Shoalhaven Local Environmental Plan (LEP) 2014</li> </ul>
<b>List all documents submitted with this report for the Panel's</b>	<ul style="list-style-type: none"> <li>• (D20/151831) Updated Bushfire Protection Assessment (B172942-7) dated 4/05/2020 - Australian Bushfire Protection Planners Pty Limited</li> <li>• (D20/151818) Bushfire Review Letter dated, 28/04/2020 -</li> </ul>

<b>consideration</b>	Travers Bushfire & Ecology • (D20/157765) Revision to the recommended conditions
<b>Report prepared by</b>	Peter Johnston, Senior Development Planner
<b>Report date</b>	5 May 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**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **SUPPLEMENTARY ASSESSMENT REPORT WHICH PROVIDES:**

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### **1. An assessment of the application against the following statutory provisions:**

<b>Threatened Species Conservation Act 1995</b>
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#### **Comments from Council's Environmental Assessment Officer**

##### Background

The environmental assessment for this proposal has been conducted according to the now repealed Threatened Species Conservation Act 1995 (TSC Act) as the development application for this proposal was lodged prior to the new Biodiversity Conservation Act 2017 (BC Act) coming into effect in the Shoalhaven, in February 2018.

Given the proposal has had a long assessment process a brief review of the environmental referrals over this period is given below. Any outstanding issues are highlighted and assessed as to whether these have been addressed by amended plans or can be addressed within approval conditions.

Previous Environmental referral advice provided by the Councils Environmental Planning and Assessment team has included:

- The initial referral (D17/179221) (July 2017) – This review included a review of the initial Flora and Fauna Assessment (FFA) by Cumberland Ecology (CE) and required changes to the proposal and further environmental assessment;
  - FFA must be conducted according to DEC (2007) Threatened Species Assessment Guidelines;
  - Large Fig must be mapped and assessed as Milton/Ulladulla Subtropical Rainforest (MUSR) EEC;
  - The survey and assessment was inadequate and further survey for threatened flora and fauna required;

The review determined the proposal would have a significant impact on MUSR EEC and therefore require a Species Impact Study to be prepared or, alternatively the project must be redesigned to avoid impacts to the MUSR EEC and E2 zoning.

- 2<sup>nd</sup> referral (D18/414663) (November 2018) – This provides a review of the revised proposal and FFA by CE (D18/382186)) as well as the Aboricultural Impact Assessment by Allied Tree Consultancy (D18/382170). The FFA finds no significant impact to threatened flora or fauna species as well as to MUSR EEC based on a 20m buffer to the northern area of the EEC and the large Fig tree being retained and not encroached upon by the development. The review concurs with this finding and includes mitigation measures from the both Allied Trees and CU into recommended conditions of consent.
- 3<sup>rd</sup> referral (D19/365557) (January 2020) – This provides a review of an updated FFA by CE (D19/354828) which includes an additional survey and assessment for the NSW BC Act critically endangered *Rhodamnia rubescens*, as well as a review of the updated VMP (D19/354819) and other documents including the landscape plans. . The 3<sup>rd</sup> referral recommends;
  - Chinese Elm and, Chinese Pistachio must be removed from the Landscape Plan due to a potential risk of these species becoming invasive;
  - The proposal be modified to include a minimum 20m vegetated buffer from the drip line of each patch of the MUSR EEC and without this the proposal is likely to have a significant impact to the EEC in the long term;

- *As the MUSR EEC is also listed under the federal EPBC Act 1995, If unmodified the proposal 'could potentially be referred to the federal environment minister'*
- *4th referral (D20/88496) (March 2020) - The 4<sup>th</sup> environmental referral advice focussed on the FFA conducted for the additional APZ area required to the west of the proposed aged care facility as this impact had not been assessed previously. This referral accepted the Assessment of Significance conducted for threatened fauna species as well as the critically endangered *Rhodamnia rubescens*, assessed as potentially recorded within the subject site for the area impacted by the additional APZ.*
  - *This referral concurs with the CE finding that the additional APZ will not significantly impact any threatened flora or fauna species;*
  - *This referral also included recommended conditions of approval.*

*Outstanding issues from the 3<sup>rd</sup> referral remaining include;*

- *The exclusion of Chinese Elm and Chinese Pistachio from Landscape plans. This can be easily addressed by a condition stating that these species must not be used in landscaping.*

*The following condition is recommended in the 4<sup>th</sup> referral;*

- *The planting of plant species listed on the Shoalhaven City Council's weeds lists (<https://shoalhaven.nsw.gov.au/Environment/Weed-management>) is prohibited for the life of the development.*

*This can be modified to specifically exclude Chinese Elm and Chinese Pistachio to address this outstanding issue*

### Comment

The 3<sup>rd</sup> referral response also recommended a minimum 20m vegetated buffer from the drip line of each patch of the MUSR EEC.

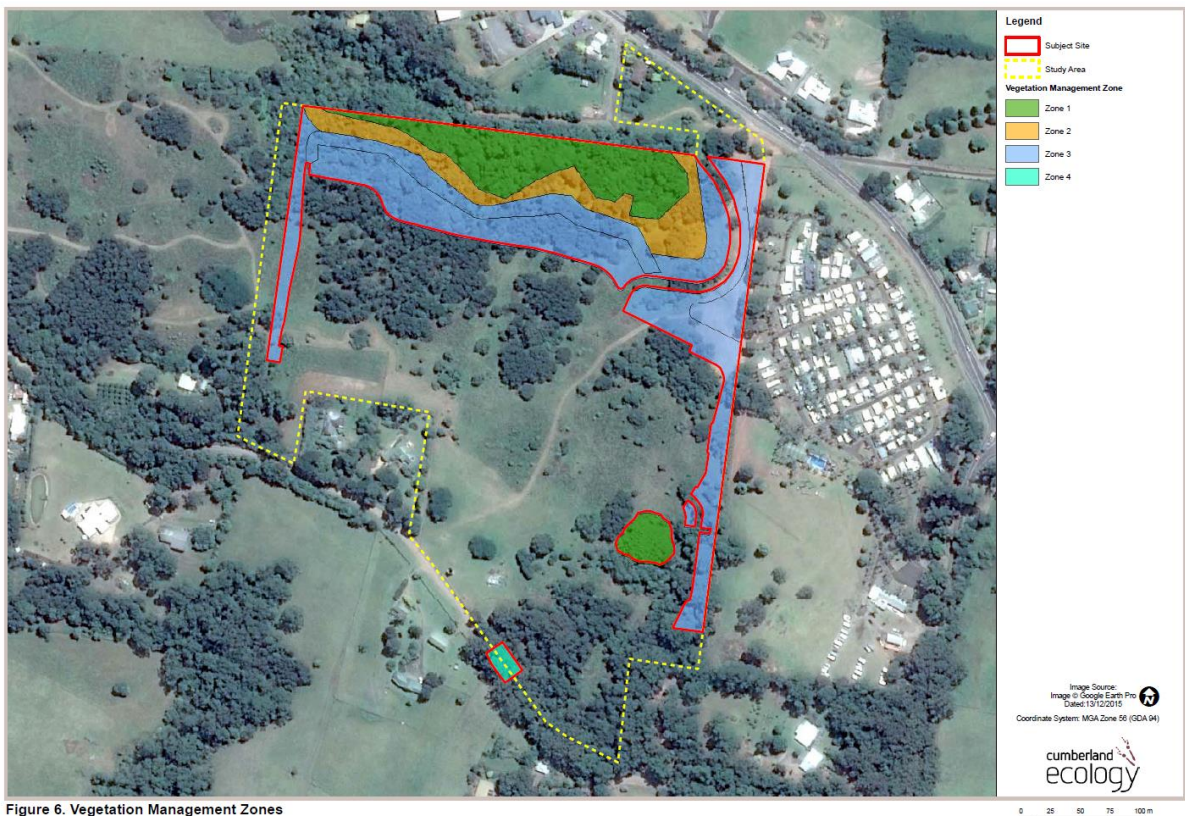
I do not agree with the extent of this recommendation given that part 5.1.2 of the revised Flora and Fauna Assessment (D19/354828) prepared by Cumberland Ecology (CE) dated 20/09/2019, specifically excluded the north eastern boundary abutting the access road and MUSR in the south east of the subject site associated with the *Ficus obliqua* (Small-leaved fig). The details of the management and buffer zones relevant to the project are addressed in the Vegetation Management Plan (VMP) also prepared by (CE).

Part 4.3 of the (VMP) (D19/354819) separates the subject site into the following vegetation management zones to facilitate the appropriate management of each zone:

- Zone 1: Milton Ulladulla Subtropical Rainforest
- Zone 2: Vegetated riparian zone; (**vegetated buffer**)
- Zone 3: Asset protection zone; and
- Zone 4: Threatened Species Retention Zone.

The vegetation management zones are shown in **Figure 6** of the VMP (D19/354819) Below.





The proposed APZs and EEC are shown in Figure 3 of the VMP (D19/354819) Below.



While the Zone 2: Vegetated riparian zone generally achieves or exceeds the minimum 20m buffer distance (green hatched area) there are two pinch points which are less than 20m. It is considered that the intent behind the buffer distance is achieved on average along the length of the Vegetated riparian zone.

**SEPP (Housing for Seniors or People with a Disability) 2004 –  
Part 7 Division 2 Residential care facilities and Division 4 Self contained dwellings**

*Clause 26 – location and access to facilities - written evidence of location of the transport service as required by Clause 26 (2)(c)(i) and (ii)*

*(2) Access complies with this clause if—(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—*

*(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*

*(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*

*(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (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 (3).*

**Comment**

The Judith Stubbs Report addressing request for additional information by council dated 5/01/2018 (D18/382191) states:

*Given the likely age of residents of the proposed development and the relatively poor access into Milton and Ulladulla town centres, it is recommended that a private bus service with sufficient capacity and flexibility be provided as part of the development for group shopping trips and individual transport to appointments where necessary.*

Page 19 of the Addendum SEE states that the development will provide a shuttle bus for residents to access shops, banks, business, retail and other services at least once between 8.00am and 12.00pm and once between 12.00pm and 6.00pm each day. And that pathway gradients providing access to bus stops throughout the site are not proposed to be greater than 1:14.

***Applicants Response***

*With respect to “Proposed bus stops/route for the facility?”*

*In our early assessment of the site we have determined that due to the scale of the development we will rely on a shuttle bus provided by the operator of the facility. The shuttle bus stops and routes will be an operational issue for the operator of the site.*

*For residents who are a little more adventurous, I did a quick search on the transport NSW website. I put in a sample trip from the civic centre in Ulladulla, stop ID number 253930, to Milton Hospital, Stop ID number 253818. This search yielded two bus routes which travel from Ulladulla to Milton and return, the 700-1 and the 700v. Both travel straight down the princess highway, directly in front of the proposed aged care facility. In the morning we have departures from Ulladulla stop 253930 at 6.22am, 8.37am, 9.37am, 10.42am etc. Return from Milton, stop id number 253930, we have departures at 9.04am, 9.59am and 11.14am. This is a regular bus service that*



*residents could use to travel to either Ulladulla or Milton if they chose not to use the shuttle.*

*This would be an option, within 400m of all the residents who live in the apartments and portion of the residents in duplex style dwellings.*

***Compliant pathways will be available to get residents to shuttle bus stops within the site within 400m.”***

*The network of streets that traverse the proposal in an east-west direction are all quite flat and do not require special access ramps however the site does fall from the southern boundary toward the creek along the northern boundary. Travel along Central Ave in the north-south direction would yield grades in excess of those which comply the schedule 3 of the Seniors Housing SEPP.*

*To overcome this issue, we have placed disabled access ramps wherever we have a significant change in the levels of adjacent streets, such as Watonga Ave and Saltwater Ave for instance. These disabled access ramps are located all around the site and are annotated as “DR”.*

*I draw your attention to architectural drawing DA06, on that drawing we have shown numerous locations where we feel we need a disabled access ramp to assist travel from north to south within the proposed development those locations are annotated as “DR”. These “DR” disabled access ramps are defined as “DISABLED ACCESS PATHS AND LANDINGS (WITH SWITCHBACKS NOTED) TO COMPLY WITH THE REQUIRED GRADIENT UNDER SCHEDULE 3 OF THE SENIORS HOUSING SEPP”.*

*These compliant DR’s and the network of compliant pathways will ensure that residents can access all areas of the site not just the proposed shuttle bus stops wherever the future site operator decides to put them.*

**Condition the provision of a private shuttle bus to provide for twice daily access to community facilities and services.**

*Clause 27 matters (a) to (i) (which require the consent authority to be satisfied so cannot rely on RFS GTAs)*

*(2) A consent authority, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following—*

*(a) the size of the existing population within the locality,*

### Comment

Table 7-1: Selected Australian Bureau of Statistics (ABS) defined localities, their populations, areas and calculated population densities.

Location	ABS 2016 code	Population (persons)	Area (km <sup>2</sup> )	Population Density (persons/km <sup>2</sup> )
Milton SSC	12630	1,663	16.3	102
Ulladulla SA2	114011282	15,278	46.8	326
Shoalhaven LGA	16950	99,650	4566.7	22
NSW STE	1	7,480,228	800810.8	9

Note: There were no boundary changes from 2011 to 2016, however the ABS code for Milton SSC in 2011 was 11546 rather than 12630 as in 2016.

Source: JSA 2017, based on ABS QuickStats and General Community Profile data (2016).

*(b) age groups within that population and the number of persons within those age groups,*

### Comment

#### Age structure - Service age groups

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Milton - Total persons (Usual residence)	2016			2011			Change
Service age group (years)	Number	%	Shoalhaven City %	Number	%	Shoalhaven City %	2011 to 2016
Babies and pre-schoolers (0 to 4)	71	4.3	5.1	48	3.4	5.6	+23
Primary schoolers (5 to 11)	129	7.8	7.9	107	7.5	8.2	+22
Secondary schoolers (12 to 17)	107	6.5	6.6	126	8.8	8.0	-19
Tertiary education and independence (18 to 24)	54	3.3	6.6	70	4.9	6.8	-16
Young workforce (25 to 34)	101	6.1	9.3	65	4.6	8.4	+36
Parents and homebuilders (35 to 49)	225	13.6	15.9	255	17.7	17.7	-30
Older workers and pre-retirees (50 to 59)	218	13.2	14.1	206	14.3	14.3	+12
Empty nesters and retirees (60 to 69)	333	20.1	16.2	202	14.1	14.6	+131
Seniors (70 to 84)	270	16.3	14.9	238	16.6	13.6	+32
Elderly aged (85 and over)	142	8.6	3.2	118	8.2	2.8	+25
Total	1,656	100.0	100.0	1,439	100.0	100.0	+217

Source: Australian Bureau of Statistics, [Census of Population and Housing 2011 and 2016](#). Compiled and presented by .id, the population experts.

Analysis of the service age groups of Milton in 2016 compared to Shoalhaven City shows that there was a lower proportion of people in the younger age groups (0 to 17 years) and a higher proportion of people in the older age groups (60+ years). Overall, 18.7% of the population was aged between 0 and 17, and 45.1% were aged 60 years and over, compared with 19.7% and 34.3% respectively for Shoalhaven City.



- (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,*

Comment

Milton Ulladulla Hospital (32 beds) is located on the Princes Highway 1.5km north west of the site. The hospital has access to helicopter landing port in Croobyar Road Milton.

Shoalhaven District Memorial Hospital (143 beds) is located in Scenic Drive Nowra.

Nowra Private Hospital (84 beds) is located in Weeroona Place Nowra.

Batemans Bay District Hospital (31 beds) is located in 7 Pacific St Batemans Bay.

A new consolidated community health facility – Ulladulla Health One is currently under construction in Ulladulla and should be open within the next 12 months.

A medical centre is proposed as part of the development. The Yellow Pages lists eleven medical practitioners in Milton, with most of these located on the Princes Highway to the east of Milton CBD. The Yellow Pages lists four medical practitioners in Ulladulla and two in Mollymook.

- (d) the number of schools within the locality and the number of students at those schools,*

Comment

Milton Public School K-6 - (690 students)

Ulladulla Public School K-6 - (730 students)

Budawang Special School Ulladulla – (32 students)

St Mary's Star of the Sea Primary School - K-6 (125 students)

Ulladulla High School – 7-12 (1200 students)

St John the Evangelist Catholic High School – 7-12 (950 students)

- (e) existing development within the locality that has been carried out under this Policy or State Environmental Planning Policy No 5—Housing for Older People or People with a Disability,*

Comment

IRT Sarah Claydon retirement village is located 130 Princes Highway Milton.

- (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,*

Comment

The development proposes a direct connection to the Princes Highway via a new roundabout which will provide a choice of travelling north to Milton Showground or south to the Ulladulla Civic Centre which are the nominated evacuation centres for the local community. The local road network has adequate capacity to cater for traffic to and from existing development in the event that the SH site needs to be evacuated.

*(g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,*

**Comment**

The conditioned access roads within the development and access roads serving the development in the local road network are considered to be adequate for emergency response vehicles.

*(h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,*

**Comment**

The bushfire report prepared by Australian Bushfire Protection Planners (ABPP) dated 28/04/2020 indicates at point 4.8 –

*As the potential bushfire risk to the proposed Seniors Living complex is considered to be low there is no requirement for the establishment of bushfire maintenance and fire emergency procedures.*

However at point 4.9 ABPP states -

*an Evacuation Plan shall be prepared to address the management of emergencies within the complex.*

*Recommendation 7 ABPP states –*

***Evacuation Plan:***

*An Evacuation Plan shall be prepared and include protocols for the safe relocation of the occupants of the development and include the following information:*

- (a) Under what circumstances will the facility are evacuated;*
- (b) Where will the persons be relocated to;*
- (c) The roles & responsibilities of person co-ordinating the evacuation;*
- (d) Roles & responsibilities of persons remaining with the complex after evacuation;*
- (e) A procedure to contact the Emergency Services to inform them of the evacuation and where the occupants will be evacuated to.*

Ultimately it passes to the NSW RFS to determine what if any bush fire emergency procedures are required for the development under the s100B referral process.

*(i) the requirements of New South Wales Fire Brigades.*

**Comment**

The site will be provided with reticulated water and fire main in accordance with the requirements of the BCA and the relevant construction standards referenced by the BCA. Clause 144 of the Environmental Planning and Assessment Regulation 2000 is not triggered by the development.

***Clause 28 – written evidence that the housing will be connected to a reticulated water system and have adequate facilities for sewage disposal***

Comment

Shoalhaven Water (a Group of Shoalhaven City Council) is the water and sewer authority for the proposed development.

Shoalhaven Water have assessed the application as being able to be adequately serviced for water and sewer by reticulated infrastructure subject to conditions in the Shoalhaven Water Development Application Notice (D19/389486). The conditions of the Shoalwater Development Notice are called up throughout the recommended conditions of the development consent.

Note conditions 10, 41, 52, 55

**Clause 29** – *consent authority to consider certain site compatibility criteria – specifically compatibility with surrounding rural land uses including the abattoir and sawmill.*

Comment

Romney Park Sawmill (335 Princes Highway) is located approximately 528m east of the nearest boundary of the proposed Seniors Housing (SH) development. The sawmill has frontage to the highway and is screened from view and noise to the (SH) development by multiple stands of vegetation and the contours of the land between the sawmill and the proposed SH site.



**Figure 1** – Blue triangle represents sawmill, yellow border for development site



Milton Meats (33A Slaughterhouse Road) is located approximately 243m south east of the nearest boundary of the proposed Seniors Housing (SH) development. The abattoir has a 488m frontage to the eastern side of Slaughterhouse Road with holding yards and processing operations located adjacent the northern boundary of the site. The entry point off Slaughterhouse Road aligns with Winward Way on the top of a blind hill.



**Figure 2** – Blue triangle represents abattoir, yellow border for development site





**Figure 3** – Google Streetview image – Abattoir entry looking south



**Figure 4** – Google Streetview image – Abattoir looking north

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.

#### Abattoir Odour

While it is acknowledged that no specific odour assessment was carried out for the current (SH) application, council had previously considered Odour Dispersion Modelling prepared for the adjoining caravan park change of use to a 190 site Manufactured Homes Estate (MHE) under DA08/1461 that is located between Milton Meats and the proposed development site.



**Figure 5** – layout of approved Manufactured Home Estate DA08/1461 that is located between the abattoir and proposed seniors housing

The odour dispersion modelling carried out at the time concluded that full compliance with the DEC odour criteria was predicted for the proposed (MHE). Council agreed with the odour modelling and subsequently approved **DA08/1461** for conversion of the existing caravan park to a 190 site (MHE).

Given that the proposed seniors housing development is located on the far side of the approved (MHE) and that the prevailing weather/wind patterns remain the same, further odour assessment was not deemed to be necessary for the current application.

### Abattoir Noise

*Applicant Response - Issue was not raised as part of the assessment or requests for further information by Council as those uses are not deemed to cause an adverse impact on the proposed development and similarly, the proposed seniors housing development doesn't impact on how those uses would operate.*

*Noise and traffic reports were undertaken to deal with any adverse impacts including noise sources based on background noise modelling undertaken as well as traffic reviews of the wider road network and no issues resulted at part of that assessment.*

The Envirotech Acoustic Assessment prepared for Milton Meadows (SH) (D17/163271) dated, 5/06/2017 established site specific noise goals for the proposed clubhouse/medical centre (page 16) of **46.9 dBA** (LAeq,15 min) for day time and **43.6 dBA** (LAeq,15 min) for night time.

While it is acknowledged that no specific abattoir noise assessment was carried out for the current (SH) application, Council had previously considered a noise assessment report prepared for the adjoining caravan park change of use under **DA08/1461**. This noise assessment included noise measurements undertaken while the abattoir was in operation.

With distance attenuation increasing from 180m for the nearest (MHE) residential receiver to a minimum of 267m & 289m for the (SH) development for the nearest residential receivers, the calculated noise levels from the abattoir noise assessment



are substantially lower than the site specific noise goals for the clubhouse/medical centre. No further noise assessment of abattoir activities on the proposed (SH) development is considered necessary.

***A written assessment against Part 3 – Design Requirements, including clause 40(4) and clause 41 relating to self contained dwellings***

***Part 3 Design requirements***

***Division 1 General***

***30 Site analysis***

**Comment**

A site analysis plan has been prepared which includes an assessment of the site topography, existing vegetation, existing heritage, services, views and other built structures that exist. This site analysis plan complies with the requirements of this clause.

***32 Design of residential development***

*A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.*

***Division 2 Design principles***

***33 Neighbourhood amenity and streetscape***

*The proposed development should—*

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by—*
  - (i) providing building setbacks to reduce bulk and overshadowing, and*
  - (ii) using building form and siting that relates to the site's land form, and*
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone.*

**Comment**

Refer to Clause 4.3 Height of Buildings (pg. 40-47) the Council Assessment Report. Adequate regard has been had to neighbourhood amenity and streetscape.

*40(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted—*

*Applicants response - As the subject site is not zoned residential, this height control does not apply. The development proposes a maximum building height of 10.8m (for RCF & apartment buildings) and this is considered reasonable having regard to the limited visual impacts this will have based on its siting and also based on the existing mature vegetation that screen the site.*

**Comment**

NA - The proposed flat buildings (apartments) are located on RU1 zoned land which is not in a residential zone.

**41 Standards for hostels and self-contained dwellings**

*(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.*

*Applicants response – Pg 25 revised SEE – Yes – the proposed development as amended has been designed to comply with schedule 3 of the SEPP.*

**Comment**

This component has been conditioned for detailed plans to be provided to council for approval prior to the release of any CC.

<b>SEPP 65 – Design quality of residential apartment development</b>
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*An assessment of how the Design Criteria for minimum ceiling heights of 2.7m for habitable rooms under section 4C-1 of the Apartment Design Guide (ADG) is met where the proposal is for 2.9m floor-to-floor heights. The ADG Figure 4C.5 includes floor-to-floor heights of 3.1m.*

**Comment**

*Applicant Response - Point 1, this issue of 2.7m ceiling heights with the documented 2.9m floor to floor. In this instance the panel are correct, we have made an error here, it simply is not possible for us to provide a 2.7m ceiling height with a floor to floor of 2.9m.*

*We propose the following.*

- 1. We need an additional 150mm per floor to achieve the 2700mm ceiling height. This would need to be added at GF and first floor however it may not be required at second floor due to the lightweight roof structure allowing some services etc to pass over the ceiling within the roof space. Worst case scenario we need to gain 450mm if we apply the 150mm to all three levels.*
- 2. We proposed to push the apartment blocks down up to 450mm to achieve this within the current building envelope.*
- 3. Civil engineering advice is that our entry points to the basements must stay above RL 54.600.*



4. Block 4 basement FFL currently documented at RL 54.800, this would potentially have to go down as far as RL 54.350.
5. If the entry point to that basement remains at RL 54.600 we would need to ramp down 250mm over 6m giving us a grade of 1:24.
6. We request that a condition is imposed requiring amended plans prior to CC that show how the floor to ceiling heights are workable, including basement levels and ramps to access points.

Condition requiring amended plans prior to CC that show how the floor to ceiling heights are workable within the existing designed height limit for the apartments, including basement levels and ramps to access points in accordance with AS/NZS 2890.1:2004.

*The extent to which compliance with natural ventilation Objectives 4B-1, 4B-2 and 4B-3 is compromised by the noise mitigation measures proposed to achieve compliance with noise mitigation Objective 4J-1*

*Applicants Response - Single aspect Apartments have a maximum 8 metre depth requirement. Given the additional aspect with an apartment depth of 9.2 metres we believe that ventilation requirements are satisfied.*

*It is considered that the windows prescribed to the secondary elevation access entry do not present an acoustic issue outside the required Db ratings.*

### Comment

The Envirotech Acoustic Assessment (D17/163379) dated, 8/12/2016 states:

*The LAeq results for the external criterion show that the proposed residential allotments in acoustic terms can be permitted to be built in proposed area. The internal noise levels will however need to be mitigated via building construction of the proposed dwellings. The minimum required 'Weighted Sound Reduction Index (Rw)' for the proposed residential allotments is **18.77 dBA**. It is proposed this is achieved via building construction materials.*

### **Window Construction**

*The windows employed within the proposed development are taken as being situated within solid timber or aluminum frames. Moderate variation in acoustic performance is associated with opening mechanic, however applying conservative estimates for a 10mm monolithic glass layer a Sound Reduction Index value of **33 dBA** is achieved; sufficient for the required attenuation. Further improvement on the window acoustic is achievable via the implementation of a double glazed arrangement or the use of proprietary glazing techniques (laminations etc.).*

### **Door Construction**

*If sliding glass doors are used for the external balconies, a double-glazed wide gap configuration is required; 6mm glass within non-sealed frames will prove insufficient at 15 – 20 dBA. An attenuation in the rating of 33 Rw is achievable with 10 mm monolithic glazing within acoustic seals surrounding the door frames. Further increase to the attenuation properties may be achieved via use of laminate glazing, or application of acoustically design door seals/interfaces. If timber doors are to be used externally, a 40 - 45mm single leaf solid core door set within a sealed frame will prove sufficient. This would give the overall door a rating of 30 Rw, with 33 Rw and greater achievable with the use of acoustic seals.*



**Figure 6 – GF Apartment Floor Plan**



**Figure 7 – Level 1 Floor Plan**



**Figure 8 – Level 2 Floor Plan**

Window to bedrooms facing towards the highway would need to be closed to achieve the night-time noise level criterion specified by the ISEPP of 35dBA.

Recommend Condition for the plans to be revised and certified by an appropriately qualified noise consultant prior to CC to demonstrate how the affected bedrooms can achieve the minimum ventilation requirement of Objectives 4B-1, 4B-2 and 4B-3 of the ADG and the night-time noise level criterion specified by the ISEPP of 35dBA.

## 2. Assessment of:

*The roundabout and associated works, including extent of retaining walls and fill and ecological impacts as well as the recommended condition of consent requiring the construction of a continuous noise barrier between the Princes Highway and the service land connection to Warden Road. An explanation of the exact location of the land on which the structure is to be located; details of the ownership of the land; details of the length of the structure; an assessment of the visual impact of the structure; details of the acoustic assessment that has determined the recommended height and extent of the structure.*

### Applicant Response

*The majority of the roundabout and associated retaining wall works are documented within the road reserve of the Princess highway or Warden road. Those works that do not fit within either of those road reserves encroach only on the property at 267 Princess Highway Milton which forms part of this proposal.*

*With respect to ecological impacts from the roundabout and associated works. Cumberland ecology have mapped both blocks that are part of this proposal. They have used GPS to map the actual line of the sensitive vegetation on both blocks where it occurs. This sensitive vegetation is predominantly the remnant Milton Ulladulla subtropical rainforest which is only found along the creek line on the northern edge of the large block. There is also the critically endangered scrub turpentine which was found on the block. One specimen was found on the southern boundary against the Windward way road reserve and one was found under the Fig tree. Both are too remote from the roundabout and associated works to be discussed here.*

*The line showing the envelope of the mapped sensitive veg has been transferred to the drawings, including the intersection design.*

*I draw your attention to drawing No 1806-C22 issue 2 produced by Footprint engineering. It can clearly be seen that all the proposed roadworks and retaining walls are outside the mapped sensitive vegetation line. Minimum offset to that line is 7.7m. Maintaining this offset to the remnant rainforest provided for a sub optimal road alignment for Central Ave as it approaches the roundabout but we knew that minimising the impact on that area was vital.*

*With regard to the proposed condition for the acoustic barrier we would make the following comments;*

- 1. We have not been notified at all of the proposal to condition an acoustic barrier until receiving this correspondence from council on the 1/5/20.*
- 2. We would propose that the DA impose a condition requiring an acoustic assessment be done to determine the need for an acoustic barrier prior to CC. We concede that there could be increased noise due to heavy vehicles decelerating and accelerating out of the roundabout however this may not be much greater than what is currently experienced with truck decelerating and accelerating at the current*



*change in speed zones in the near vicinity. Without the modelling no one can't predict that there will be any adverse impact.*

*3. We would propose that the DA condition include a subclause requiring that if the acoustic assessment finds that an acoustic barrier is required it should recommend the height, extent and location of such a barrier. The location of any such acoustic barrier would impact on the height that the barrier would need to be in order to achieve the required results. It therefore makes sense to have the location, extent and height of any acoustic barrier that may be required determined by the acoustic engineer in consultation with council.*

*4. We would propose also that the DA condition contain a subclause which would direct the applicant to undertake a visual impact analysis on any proposed acoustic barrier once any such acoustic barrier that may have been deemed required has had length, height and location determined by the acoustic engineer in consultation with council.*

### Comment

The recommended condition for the noise barrier fence came about as a response to concerns raised by residents on the north side of the highway with the anticipated loss of the vegetated buffer located between the highway and the unnamed service road as a result of proposed road works associated with the roundabout and anticipated increase of noise from vehicles decelerating and accelerating in/out of the proposed roundabout.

The intent behind this recommended condition was to provide some acoustic attenuation of highway traffic noise to affected residents with a secondary benefit of screening glare impacts of vehicle headlights negotiating the roundabout (southbound) and the bend at Warden Road (northbound).



**Figure 9** – Locality plan for proposed noise barrier fence





Figure 10 – proposed location of Noise Barrier Wall depicted by light blue dashed line

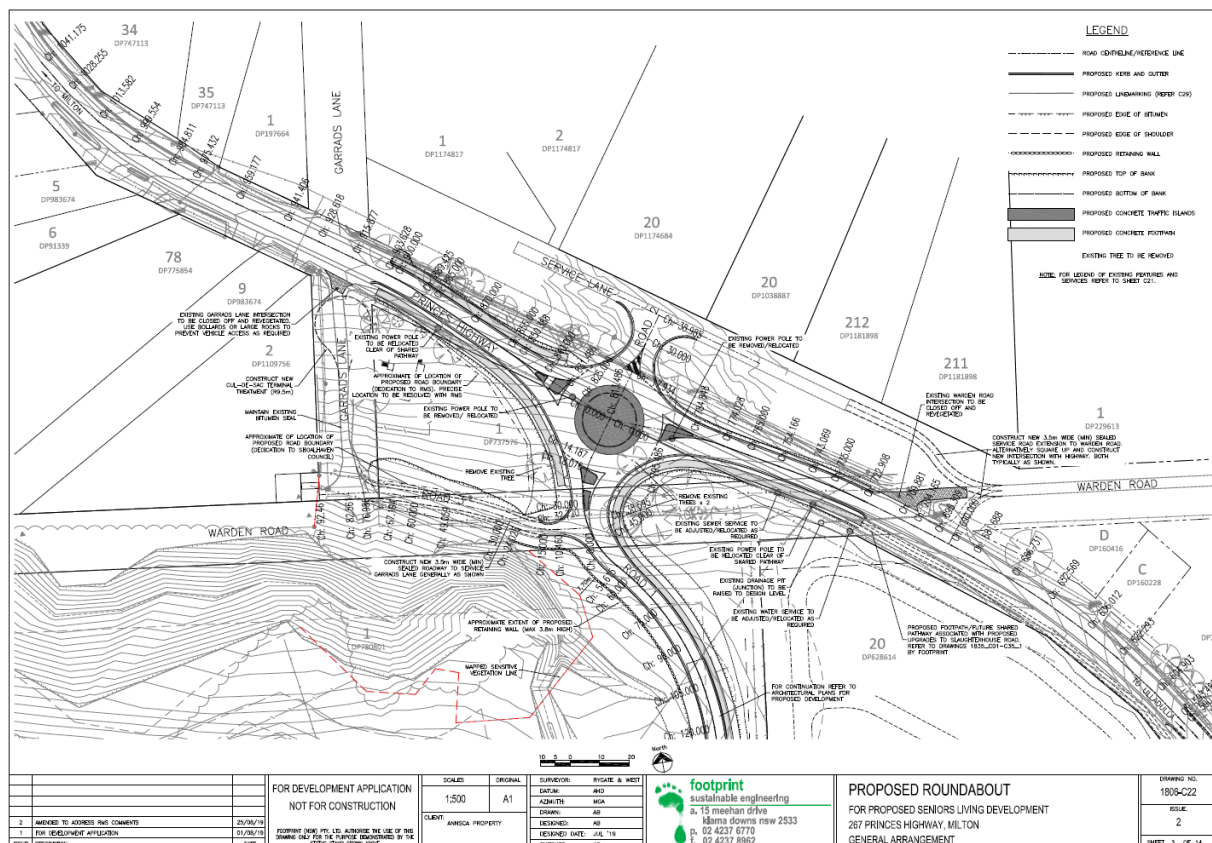


Figure 11 – Proposed roundabout works design (D19/355452)

Council acknowledges that it would be reasonable to impose a condition requiring an acoustic assessment to determine the need for an acoustic barrier prior to CC & include design recommendations for height, extent and location of such barrier if required.

Regardless of whether the noise barrier fence is required, Council recommends a revision to the landscape plan be prepared prior to CC to address highway traffic related glare impact to residential premises within vicinity of roundabout and service lane upgrade works and the termination of the existing Warden Road intersection with the highway (north side). Such revised landscape plan would need to be referred



to RMS for their consent as these works would need to be addressed by RMS through the subsequent Works Authority Deed (WAD) process.

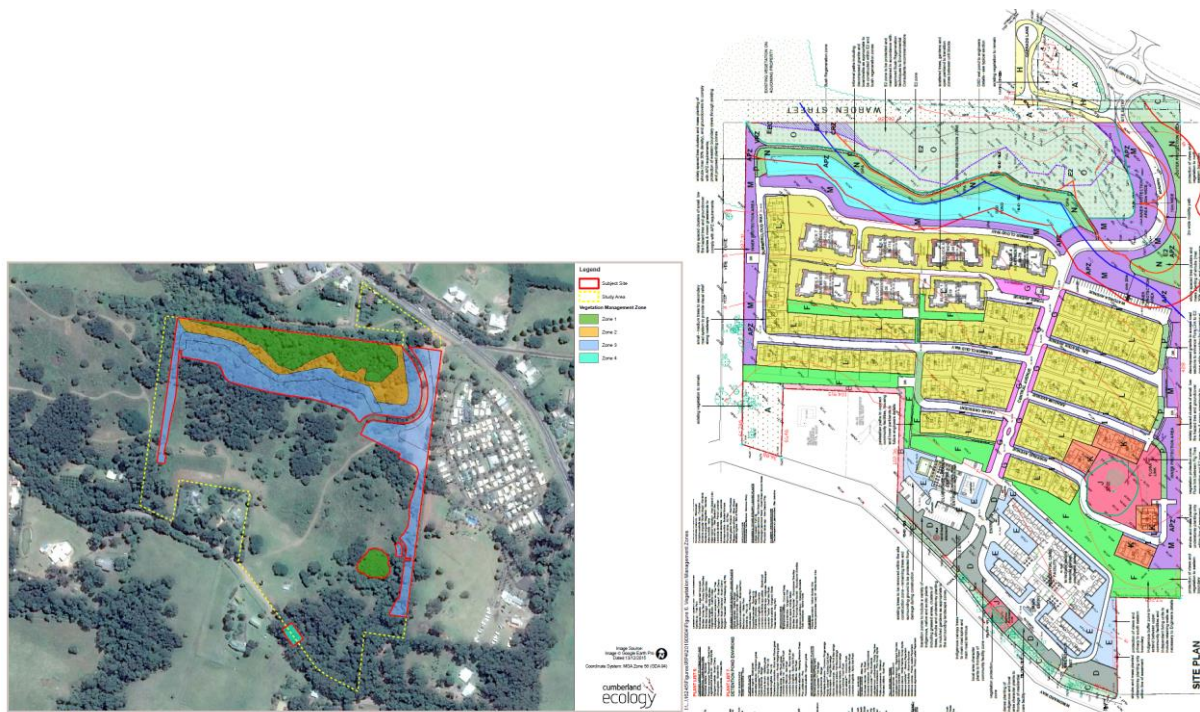
**Condition - require landscape plan to address glare impact of residential properties in the vicinity of required roundabout and associated roadworks north side of princes Highway to the satisfaction of RMS prior to the issue of CC.**

*Bushfire reports and RFS GTAs (if received) and the extent to which they are compatible with proposed landscaping and visual impact assessment.*

### Comment

At the time of completing this report council had not yet received any GTAs from the RFS.

### APZ Compatibility with proposed landscaping and Visual Impact Assessment



**Figure 12** - Referring to zone 3 (APZ) of the VMP and zone M (Inner APZ - purple) & zone N (outer APZ – dark green) proposed Landscape Plan.

Refer to Clause 7.8 Scenic Protection & Table 10 – Assessment of built form against the 2005 rezoning design principles (SLEP2014 assessment page 51-55 of the Council Assessment Report).

### **3. Further information:**

*Copy of the Richard Lamb 2005 visual assessment report*

### Comment

A copy of the Visual & Landscape Constraints Report prepared by Dr Richard Lamb dated July 2005 was submitted to the Planning Portal 1/05/2020

#### 4. Draft conditions which address:

Issue	Recommended Condition												
Permissibility – requires medical facilities to remain an ancillary use. Condition by limiting their use to residents.	The medical centre is for the exclusive use of residents of the Milton Meadows Seniors housing development. The on-site medical centre must not accept patients or provide medical services to persons who are not current residents of the development for the life of the development.												
Potential noise impacts on neighbours by limiting hours of operation of the swimming pool and medical centre.	<p><u>Swimming Pool</u></p> <p>The hours of operation of the swimming pool is restricted to the times set out in the following table:</p> <table border="1"> <tr> <th>Swimming Pool</th><th>Approved Hours</th></tr> <tr> <td>Residents of Milton Meadows</td><td>7.00am to sunset each day</td></tr> <tr> <td>Guests</td><td>9.00am to sunset each day</td></tr> </table> <table border="1"> <tr> <th>Medical Centre</th><th>Approved Hours</th></tr> <tr> <td>Residents only</td><td>9.00am to 5.00pm Monday to Friday</td></tr> <tr> <td>Residents only</td><td>9.00am to 1.00pm Saturday</td></tr> </table>	Swimming Pool	Approved Hours	Residents of Milton Meadows	7.00am to sunset each day	Guests	9.00am to sunset each day	Medical Centre	Approved Hours	Residents only	9.00am to 5.00pm Monday to Friday	Residents only	9.00am to 1.00pm Saturday
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Residents only	9.00am to 1.00pm Saturday												
Compliance of detailed plans with SEPP Seniors Housing before construction, in particular compliance with visual and acoustic privacy (clause 34) solar access (clause 35), and accessibility (clause 38)	Detailed plans demonstrating compliance with clause 34, 35, 38 and Schedule 3 of SEPP (Housing for Seniors or People with a Disability) 2004 must be provided to council for review and approval prior to the release of a Construction Certificate for each phase of the development.												
The visual impact of the recommended boundary fence along Windward Road.	<p>Additional text to be inserted into condition 46(a):</p> <p>The design of the pedestrian/vehicular barrier fence must incorporate the following features:</p> <ul style="list-style-type: none"> <li>• Comply with the design requirements of Transport for NSW - RMS standard Drawing R0800-15 Pedestrian Fence Type 1 - Verge <a href="https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/standard-drawings/r0800-15.pdf">https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/standard-drawings/r0800-15.pdf</a></li> <li>• Anti-climb design</li> <li>• Permeable (see through)</li> <li>• Hot dip galvanised steel powder coated black</li> <li>• Vehicle Gates to match general fence arrangement and finish and are to be provided with lockable drop bolts with gate posts 4200mm C/C</li> </ul>												

	Refer to Attachment 1 Below
Any matters arising from the further assessments requested	A shuttle bus service must be provided for the residents of the development for twice daily access to community facilities and services for the life of the development.
	Modified plans must be submitted to council prior to CC that demonstrate how the floor to ceiling heights comply with Part 4C of the ADG and are workable within the existing designed height limit for the apartments, including basement levels and ramps to access points in accordance and AS/NZS 2890.1:2004.
	<p>A noise assessment report prepared by a suitably qualified acoustic consultant must be submitted to council and Traffic for NSW (RMS) prior to CC to determine the need for an acoustic barrier fence to be provided to protect the amenity of residents with frontage to the unnamed service lane accessing the north arm of the proposed roundabout.</p> <p>Should the acoustic assessment find that an acoustic barrier is required, the report must recommend the height, extent and location of such a barrier.</p> <p>Should the acoustic assessment find that an acoustic barrier is required, the barrier must be installed in phase one development works prior to the issue of any OC for phase 1 of the development.</p>
	A landscape plan must be submitted to council and Traffic for NSW (RMS) for consent prior to CC addressing glare impact on residential properties in the vicinity of required roundabout and associated roadworks north side of Princes Highway.
	Plans to be revised and certified by an appropriately qualified noise consultant prior to CC to demonstrate how the affected bedrooms can achieve the minimum ventilation requirement of Objectives 4B-1, 4B-2 and 4B-3 of the ADG and the night-time noise level criterion specified by the ISEPP of 35dBA.



## Attachment 1

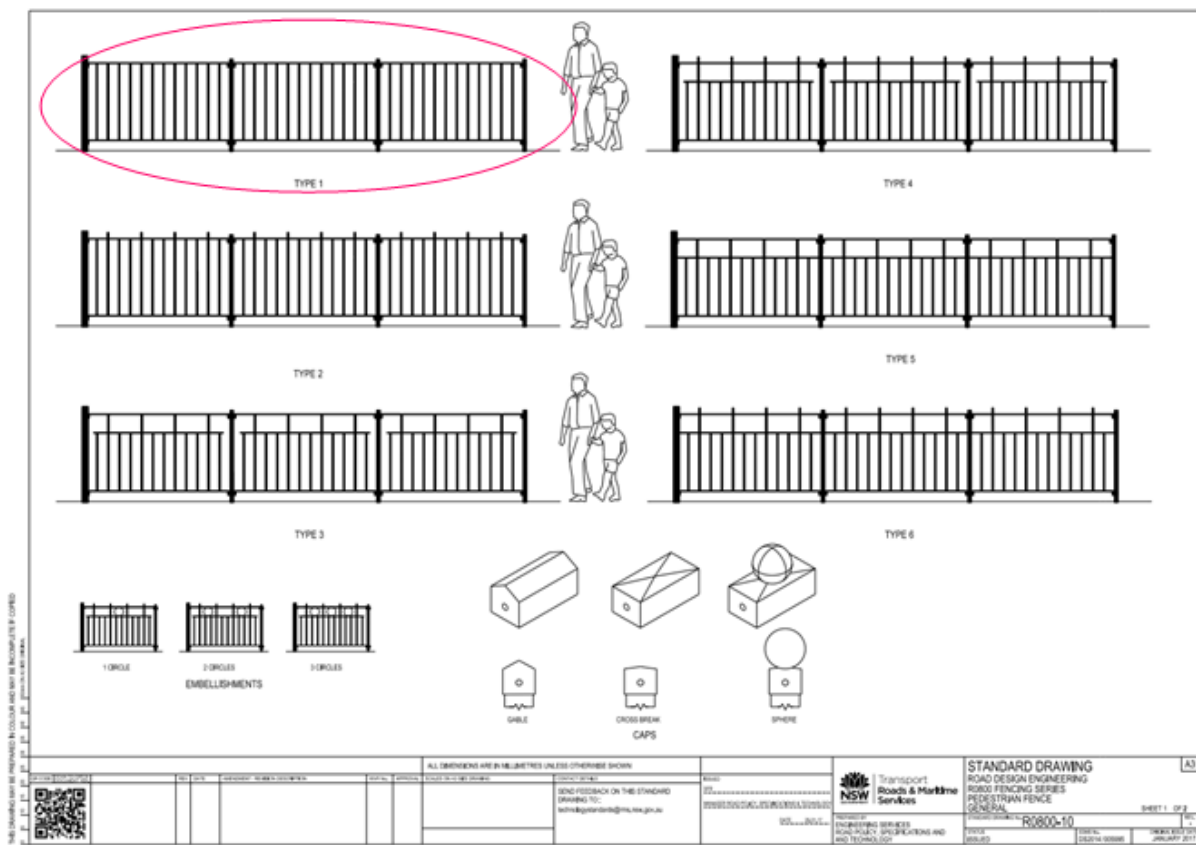
### Pedestrian / Vehicle Barrier Fence – Winward Way

#### RMS Standard Drawings – R0800 Fencing Series

<https://www.rms.nsw.gov.au/business-industry/partners-suppliers/document-types/standard-drawings/road/fencing.html>

#### Drawing number R0800-10

<https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/standard-drawings/r0800-10.pdf>



#### Drawing number R0800-15 Pedestrian Fence Type 1

<https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/standard-drawings/r0800-15.pdf>

