



THE PLANNINGHUB

by Hawes & Swan

ADDENDUM PLANNING REPORT

Windward Way, Milton

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- C** Accessibility Report
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- D** Amended Landscape Plans
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1.0 Background

On 6 May 2020, the Panel considered RA/17/1001 which proposes the staged construction of a seniors housing development comprising a residential care facility, independent living units, community centre, ancillary civil infrastructure and landscaping and external road network upgrade works on Princes Highway and surrounding road reserves at 276 Princes Highway, Milton.

The Panel raised four key issues relating to the proposed development which are as follows:

1. *The application may not be determined as the proposed development is for a Special Fire Protection Purpose on bushfire prone land and advice and/or General Terms of Approval (GTAs) have not been received from the Rural Fire Services. In the event that GTAs are received, they may include details and requirements which have a material impact on the nature of the development and the proposal ability to mitigate its impact.*

This may require amendments to the application which the Panel would need to take into account and may also require a further assessment report from Council.

2. *There is insufficient information for the Panel to come to a conclusion and determine the application with respect to the following aspects of the development, noting that the assessment report proposes draft conditions of consent in relation to some of these matters:*
 - a) *The environmental impacts on potentially affected properties of the proposed Princes Highway roundabout and associated stormwater management works and options to mitigate those impacts, particularly in relation to noise, removal of vegetation, visual impacts and access to affected properties.*
 - b) *The uncertainty associated with retention of existing views for the two adjoining properties at No.52 and 60 Windward Way.*
 - c) *Safe, equitable and compliant access around the site for pedestrians and residents using mobility aids such as wheelchairs and mobility scooters to satisfy Clauses 26 and 38 of SEPP (Housing for Seniors or People with a Disability).*
 - d) *The design of the residential apartment building to meet both the constraints of the site in term of visual impact, while at the same time meeting the design criteria of SEPP 65 Apartment Design Guide (ADG) (specifically in relation to the minimum floor to ceiling heights of 2.7m and the resultant total height of the buildings). In this regard, the Panel notes that the applicant has acknowledged that the application is not consistent with the ADG. It is also uncertain as to how the design of the building achieve cross ventilation and noise mitigation measures being met simultaneously for proposed apartments facing the Princes Highway.*
 - e) *The impact of the development on the existing perimeter vegetation, including existing trees to be retained (in addition to the small leaf fig and the Endangered Ecological Community).*
 - f) *Sepp 55 Remediation of Land Considerations – The Panel will request Council provide it with a copy if the Phase 1 (Preliminary) environmental Site Assessment prepared by Envirotech in 2016.*
3. *Panel members who have not had the benefit of a site inspection wish to undertake a site visit to assist the Panel's consideration of visual impacts and overall density of the development on the site, noting that the proposal does present a greater level of development than envisaged in the concept plan presented at the time that the planning controls for the site were amended to allow for seniors housing development and relies on measures external to the site (Asset Protection Zone and roundabout) to manage impacts associated with the scale of development.*

4. *The Panel wishes to consider additional information it will request from Council on the permissibility of any proposed commercial operation of the proposed medical centre.*

In addition, the Panel noted that it intended to issue a detailed request to Council in relation to any matters arising from the site inspection identified in Point 3 above and once a response from the Rural Fire Service was received. The Panel subsequently resolved unanimously to defer determination of the matter pending submission of additional information to resolve the aforementioned issues (refer to Record of Deferral at **Attachment 1**).

On 3 June 2020, the Panel issued a further request for additional information following on from a site inspection undertaken and requested the following information to be provided for review/consideration:

5. *Reports analysing the acoustic and visual impact of the operation of the proposed roundabout, and associated land forming and vegetation removal on residences on the south side of the Princes Hwy, and options to mitigate those impacts.*
6. *Amended plans which show access routes (including footpaths) around the site for pedestrians and residents with mobility aids such as wheelchairs and mobility scooters. The amended plans should demonstrate that the requirements of Clauses 26 and 38 of SEPP (Housing for Seniors) can be met and therefore should include dimensions, gradients, concept designs for any switch back ramps proposed, routes for the proposed resident's bus and stopping points.*
7. *Amended plans for the residential apartment buildings which demonstrate:*
 - a. *Compliance with SEPP 65 Apartment Design Guide in relation to the minimum floor to ceiling height of 2.7m and resultant overall height of the buildings*
 - b. *How those apartments facing the Princes Highway can meet noise mitigation and cross ventilation requirements simultaneously.*
8. *Amended landscaping plans which show individual trees and other significant vegetation to be retained and removed across the site, consistent with the RFS requirements for vegetation management and arboricultural value.*
9. *Further visual assessment taking into account the amended landscaping plans and the amended plans for the residential apartment buildings.*
10. *Amended plans which show the location of the overhead power lines and associated easement and their constraints on development and vegetation management.*
11. *Legal advice on the permissibility of the proposed commercial use of the medical centre.*
12. *A supplementary report assessing:*
 - c. *the additional information received from the applicant in response to points 1-6 above.*
 - d. *The implications of the General Terms of Approval received from the RFS, including how the requirement to manage Asset Protection Zones as Inner Protection Areas will affect the capacity of perimeter vegetation to mitigate visual impact*

2.0 Purpose of Report

The purpose of this addendum report is to respond to the reasons for deferral and subsequent issues raised post site inspection by the Southern Regional Planning Panel (the Panel) for the staged construction of a seniors housing development comprising a residential care facility, independent living units, community centre, ancillary civil infrastructure and landscaping and external road network upgrade works on Princes Highway and surrounding road reserves at 276 Princes Highway, Milton.

The development, as amended, now comprises the following:

- | | |
|----------------|--|
| Stage 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 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. |
| Stage 2 | Construction of 24 dual occupancies and 4 triplexes for a total of 60 (ILU) and associated civil infrastructure and landscaping. |
| Stage 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. |

Of note, the changes made to the Architectural Plans comprise the following:

- Increase in floor to floor heights from 2.9m to 3.1m to allow for required services and compliance with ADG. This has been achieved by lowering the building 500mm and therefore the proposed building height remains unchanged.
- Basement has been reduced from 3.2m to 3.1m and meets required clearances for vehicles anticipated to use the basement.

In support of the amendments made to the Architectural Plans, amended consultant reports have also been provided to address the deferral issues raised and they include the following:

- Accessibility Report prepared by Sydney Access Consultants;
- Amended Landscape Plans prepared by Zenith Landscaping Designs;
- Updated Acoustic Report prepared by Koikas Acoustics;
- Biodiversity Assessment of Road Reserve Works prepared by Cumberland Ecology; and
- Legal Advice on ancillary uses proposed prepared by Storey & Gough Lawyers.

In addition, a copy of the Phase 1 Contamination Assessment, Visual Assessment Addendum Memo, intersection civil drawings and TfNSW/RMS Concurrence letter previously provided have also been provided as attachments to this addendum report for ease of review.

A response to each of the deferral reasons is outlined in the following sections of this addendum report.

3.0 Response to Deferral Reasons

Issue 1 – NSW Rural Fire Service Concurrence Required

General Terms of Approval (GTAs) must be received from the Rural Fire Services and details of any changes necessary to comply with those GTA's must detailed.

Response

Following on from the Record of Deferral, General Terms of Approval from the NSW Rural Fire Service (RFS) was received on 19 May 2020. The requirement of the GTAs issued by NSW RFS can be complied with without requiring any physical changes to the proposed development footprint. The requirements include the following:

1. Provision of an APZ which has been detailed on the amended landscape plans prepared by Zenith Landscaping designs (refer to **Attachment D**). The APZ as required by NSW RFS does not require any physical changes to the built form as currently proposed and can be accommodated as detailed on the landscape plans (refer to **Attachment D**, specifically Sheet 16-3351 L02 Revision E).
2. Construction works to comply with a BAL of 12.5. This does not warrant any changed to the built form as currently proposed.
3. Compliance with AS3959 for any Class 10b structures within 6m of a habitable building or Class 9 building. This does not warrant any changed to the built form as currently proposed.
4. All proposed access roads must comply with Table 6.8b of Planning for Bush Fire Protection 2019. Proposed roads are compliant with Table 6.8b.
5. The provision of water, electricity and gas must comply with Table 6.8c of 'Planning for Bush Fire Protection_2019'. The development is capable of providing services in line with Table 6.8b.
6. All landscaping shall comply with Table 7.4a of Planning for Bush Fire Protection 2019. Landscaping proposed complies with Table 7.4a and the planting schedule provided in the amended landscape plans details this.
7. A Bush Fire Emergency Management and Evacuation Plan shall be prepared should include planning for the early relocation of occupants. Prior to the issue of an Occupation Certificate, a Bush Fire Emergency Management and Evacuation Plan will be prepared.

The amended landscape plans prepared by Zenith Landscape Design (refer to **Attachment D**) have been updated to reflect the GTAs and the key change relates to the width the Inner Protection Zone (which has increased in width) as well as the Outer Protection Zone (which has reduced in width). No other changes to the landscape type/removal or retention is required as a result of the GTAs.

Issue 2A - Environmental impacts on potentially affected properties

Potential impacts of the proposed Princes Highway roundabout and associated stormwater management works and options to mitigate those impacts, particularly in relation to noise, removal of vegetation, visual impacts and access to affected properties must be considered.

Response

The proposed road works required on Princess Highway have been assessed by Transport for New South Wales (TfNSW) (previously referred to as Roads and Maritime Services) and Council's traffic engineers and

is deemed to be acceptable subject to a number of conditions being imposed. In relation to the potential impacts envisaged, the following is noted:

Noise:

An acoustic report has been provided by Koikas Acoustics (refer to **Attachment E**) that has reviewed both existing and future traffic conditions (post introduction of proposed roundabout and upgrade works to Princess Highway) and its impact on the proposed development. That has detailed that based on the annual average daily traffic threshold not being exceeded and the setback of the proposed development from Princes Highway, no adverse impacts are anticipated on the proposed development.

The acoustic report has also reviewed the impact of the proposed new roundabout and access road would have on existing noise amenity for adjoining resident. That review has found that the proposed new development and associated road works will generally result in traffic noise levels 1 dB higher than existing. Koikas note that those represents a minor impact and will be barely perceptible for surrounding residents.

On that basis, Koikas consider that the proposed development and associated road works will not result in adverse acoustic amenity impacts and no additional attenuation measures are required.

Removal of Vegetation:

The additional width required by the proposed roundabout has been located within the western portion of the Warden Road Road reserve and in land area that forms part of this DA. The proposed road alignment of the Princes Highway does not encroach beyond the existing northern envelope of the Princes Highway (refer to intersection civil drawings in **Attachment J**).

The only alteration on the northern side of the existing Princes Highway envelope is the extension of the existing access laneway to intersect with the eastern end of Warden Road so that all residents can safely access the Princes Highway through the roundabout. This is a condition of the roundabout approval issued by the RMS (refer to **Attachment K**). The extension of the laneway will require the removal of a strip of vegetation comprising of approximately 180m², most of that is along the southern boundary of Lot 211, DP1181898.

An assessment of that vegetation removal has been undertaken by Cumberland Ecology (refer to **Attachment F**). This vegetation is degraded from historical clearing and areas of both vegetation communities will be cleared for the roadworks. No threatened flora or fauna species were recorded within the area of roadworks.

Cumberland Ecology note that the roadworks have the potential to result in a number direct and indirect impacts on flora species, however a number of mitigation measures to minimise those impacts are proposed and include vegetation protection, revegetation, erosion and sediment control measure and weed control measures. This is set out in detail in Section 5 of **Attachment F**.

In addition, Cumberland Ecology note that the roadworks have the potential to result in a number direct and indirect impacts on fauna species and have recommended number of measures including pre-clearing and clearing surveys and nest box installations to minimise those impacts. Subject to those measures being in place the no significant impact is predicted to occur to threatened species, populations or communities as a result of the proposed roadworks is anticipated.

Visual Impacts:

Based on the amended architectural plans, no changes to the visual impact of the proposed development is proposed. Whilst changes to floor to floor levels have been implemented for the residential flat buildings, the additional height has been absorbed into the building through the lowering of the basement by 500mm. The maximum building height has therefore not changed and no additional visual impacts occur as a result of those changes. A Visual Impact Assessment (refer to **Attachment H**) has been prepared and previously submitted to Council that details the visual impacts of the proposed development are deemed reasonable and acceptable.

Based on the roundabout and associated roadworks, trees will be removed as detailed in the engineering drawings prepared by Footprint Engineering, however those trees are layered and the remaining trees will maintain that visual buffer for the properties that gain access from the proposed service lane.

Access to Affected Properties:

The proposed roundabout results in the provision of a new service lane that will propose a new access point to 6 properties on the northern side of Princes Highway which had previously obtained direct access to Princess Highway. This was a direct request from TfNSW as it will provide a safe and designated entry/exit for those dwellings which previously had to manage direct traffic without the benefit of a formal access way.

It also provides alternate access to 3 other properties that had previous access from Warden Way direct to Princess Highway. This was a further request from TfNSW to reduce the number if individual access points to Princess Highway and provide safe alternate access for those residents.

It is therefore considered that the access impacts on affected properties is positive given it now provides safe access in all directions from the affected properties on to Princes Highway.

Issue 2B – Impacts on No.52 and 60 Windward Way.

The uncertainty associated with retention of existing views for the two adjoining properties at No.52 and 60 Windward Way.

Response

This issue was previously raised by the Panel on 18 April 2019 and an addendum Visual Impact Assessment was prepared by Scape Design and provided for review (refer to **Attachment H** which was provided to Council in October 2019). An additional 4 viewpoints were provided to demonstrate the potential impacts of the proposed development on No 52 & 60 Windward Way. It sets out the impacts on those viewpoints

along with mitigation measures to ensure where impacts were deemed to be moderate/high, attenuation measures were proposed.

Based on the analysis completed, Scape Design concluded that by implementing the specific mitigation measures, the development can successfully manage its visual impacts by reducing them to acceptable levels. It is therefore concluded that the development adheres to the principles of the 2005 visual constraints assessment and the objectives of Shoalhaven City Councils 'scenic preservation area' hatching.

Issue 2C – Access Issues

Safe, equitable and compliant access around the site for pedestrians and residents using mobility aids such as wheelchairs and mobility scooters to satisfy Clauses 26 and 38 of SEPP (Housing for Seniors or People with a Disability).

Response

In order to clarify the developments ability to meet Clause 26 and 38 of SEPP (Housing for Seniors or People with a Disability), an Access Report has been prepared by Sydney Access Consultants (refer to **Attachment C**). That report has reviewed the proposed plans, the gradients proposed and has detailed that the development is capable of compliance with Clause 26 and 38 of the SEPP (Housing for Seniors or People with a Disability) and Disability Standards for accessibility.

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. This will have a designated drop off/pick up at the clubhouse and will also provide a 'call service' whereby residents can be picked up from their homes as needed.

Pathway gradients to get access to the bus stops throughout the site are not proposed to be greater than 1:14 as detailed in the Access Report (refer to **Attachment C**). The report does require the following to be detailed prior to a Construction Certificate being issued:

1. Each dwelling must be provided with a continuous accessible path of travel from the dwelling, to the proposed common area through a sealed "suitable access pathways" with appropriately designed kerb crossings compliant with AS 1428.1

The above requirement can be met and does not require any physical changes to levels to occur to ensure compliance. Subject to that occurring, the development is capable of complying with Clauses 26 and 38 of the SEPP (Housing for Seniors or People with a Disability).

Issue 2D - The design of the residential apartment building

The design of the residential apartment building to meet both the constraints of the site in term of visual impact, while at the same time meeting the design criteria of SEPP 65 Apartment Design Guide (ADG) (specifically in relation to the minimum floor to ceiling heights of 2.7m and the resultant total height of the buildings.

It is also uncertain as to how the design of the building achieve cross ventilation and noise mitigation measures being met simultaneously for proposed apartments facing the Princes Highway.

Response:

As noted, the architectural plans have been amended to ensure compliance with the ADG in relation to floor to ceiling heights. Each floor now has a floor to floor of 3.1m (refer to the amended architectural plans, specifically elevations in **Attachment B**). This has been achieved by lowering the building by an additional 500mm and therefore the height of the proposed apartment buildings has not increased.

In relation to cross ventilation, all proposed units are ventilated in line with ADG requirements. In relation to the requirement to have windows closed to meet noise requirements, this is discussed in Section 7.0 of the Acoustic Report (refer to **Attachment E**) which details that with all windows open, the development is capable of complying with the noise requirements set out under the Infrastructure SEPP and DoP Guidelines for internal noise criteria.

Issue 2E – Impacts on Perimeter Vegetation

The impact of the development on the existing perimeter vegetation, including existing trees to be retained (in addition to the small leaf fig and the Endangered Ecological Community).

Response:

Amended Landscape plans have been prepared by Zenith Landscape Design (refer to **Attachment D**) which detail the total number of trees on site and that includes those to be retained and those to be removed.

Based on that update, a total of 101 trees are present on site and of those 101 trees, 47 are proposed to be retained and 54 are proposed to be removed.

Of the vegetation to be removed, that vegetation is not deemed to be of significance and of the vegetation being retained, that comprises of two individuals of one threatened flora species, *Rhodamnia rubescens*. Both of these individuals are to be retained and habitat surrounding the individuals improved. As such a significant impact is not expected to occur to these species.

As detailed in the response to issue 2A above, a separate biodiversity assessment on the proposed roundabout and roadworks was undertaken by Cumberland Ecology (refer to **Attachment F**) and that details that the area of roadworks is approximately 0.18ha in size of which 0.12ha is planted native/exotics and weeds and 0.03ha comprises exotic grassland. This vegetation is degraded from historical clearing and areas of both vegetation communities will be cleared for the roadworks. No threatened flora or fauna species were recorded within the area of roadworks.

Cumberland Ecology note that the roadworks have the potential to result in a number direct and indirect impacts on flora species, however a number of mitigation measures to minimise those impacts are proposed and include vegetation protection, revegetation, erosion and sediment control measure and weed control measures. This is set out in detail in Section 5 of **Attachment F**.

In addition, Cumberland Ecology note that the roadworks have the potential to result in a number direct and indirect impacts on fauna species and have recommended number of measures including pre-clearing and clearing surveys and nest box installations to minimise those impacts. Subject to those measures being in place the no significant impact is predicted to occur to threatened species, populations or communities as a result of the proposed roadworks is anticipated.

In relation to the impacts of complying with the APZ restrictions, this does not impact on the recommendations of the Vegetation Management Plan prepared by Cumberland Ecology which was submitted in support of the DA at lodgement. The amended Landscape Plans (refer to **Attachment D**) also detail the updated APZ zones and amendments to the indicative planting to those areas.

Issue 2G – Remediation of Contaminated Lands Consideration

Sepp 55 Remediation of Land Considerations – The Panel will request Council provide it with a copy if the Phase 1 (Preliminary) environmental Site Assessment prepared by Envirotech in 2016.

Response:

For ease of review, the preliminary contamination report prepared by Envirotech, dated 2016 has been attached to this report (refer to **Attachment G**).

A Phase 1 Contamination Assessment for the site in support of this DA was submitted with the original application. The contamination assessment notes asbestos containing cement sheeting was visually identified in pig pen present on site. It provides a series of remediation measures which if implemented, will render the site suitable for its intended use. The site is therefore considered suitable for its intended use and compliant with the requirements of SEPP 55.

Issue 3 - Further Site Inspection Required

The proposal does present a greater level of development than envisaged in the concept plan presented at the time that the planning controls for the site were amended to allow for seniors housing development and relies on measures external to the site (Asset Protection Zone and roundabout) to manage impacts associated with the scale of development.

Response:

As noted by the Panel, a rezoning application was lodged with Shoalhaven Council in 2005 that requested Council to commence the statutory process required to amend the Shoalhaven Local Environment Plan 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. Following a detailed assessment of that Masterplan, an additional permitted use added to the Shoalhaven LEP to allow a seniors housing development.

Pursuant to Clause 8 of Schedule 1 of the Shoalhaven Local Environmental Plan (LEP) 2014, development for the purpose of seniors housing is now 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; and
- b) a traffic study has been prepared to assess the impact of the development on the Princes Highway and the local road network.

A Servicing Arrangements Report prepared by LoFi Consulting Engineers which details the sites ability to access essential services and which also provides a detailed plan outlining the servicing arrangements proposed was submitted at the time of lodgment and is deemed acceptable.

In addition, a detailed Traffic Report has been prepared and submitted to both Council and RMS where concurrence has been provided and details the traffic impacts associated with the development are acceptable and will not adversely impact on traffic movement along Princes Highway.

Based on the above, the requirements of Clause 8 of Schedule 1 of the LEP have been met and the proposed seniors housing development is therefore deemed permissible in the applicable zone.

In relation to the development's compliance with the concept Masterplan (prepared by Richard Lamb and Associates), this is concept only and there is no control that specifies full compliance with that Masterplan as a DA requirement. Whilst there are some deviations from the Masterplan prepared in 2005, the Scape Design analysis prepared (refer to **Attachment H** which was submitted to Council in October 2019) supports the architectural strategy given that the majority of the built form, within these areas, is low in height and does not substantially increase the visual impact.

That report provided an overlay of the concept masterplan over the site plan of the proposed development that demonstrates the layout of the proposed buildings and density across the site in relation to the areas of visual exposure. The development has been designed to ensure lower scale buildings are proposed in the higher visual exposure areas to ensure the visual impact of the development is minimised.

Where higher density development is proposed in the high and moderate visual exposure areas mitigation measures have been incorporated to reduce the visual impact of the built form and as detailed in the Addendum Visual Impact Assessment the built form is deemed to be reasonable from a visual impact perspective.

Issue 4 – Permissibility of Medical Centre

The Panel wishes to consider additional information it will request from Council on the permissibility of any proposed commercial operation of the proposed medical centre.

Response:

Legal advice has been sought on the issue of providing medical consulting services on site. As the medical centre and restaurant are to be used by residents only, legal advice provided supports the ancillary nature of those uses and therefore provides permissibility. Refer to the legal advice prepared by Storey and Gough at **Attachment I** for further details.

Issue 5 – Further information required on roundabout impacts.

Reports analysing the acoustic and visual impact of the operation of the proposed roundabout, and associated land forming and vegetation removal on residences on the south side of the Princes Hwy, and options to mitigate those impacts are required.

Response:

As noted in response to Issue 2A above, an amended acoustic report (**Attachment E**) and a biodiversity assessment of road reserve works (**Attachment F**) have been undertaken and both set out the potential impacts associated with the roundabout and road works along Princess Highway and provide mitigation measures where required.

The visual impacts of the proposed roundabout are also detailed in the response to issue 2A above. Some vegetation removal is required, however as noted that vegetation is layered and will ensure that post construction, sufficient screening is maintained for those dwellings affected.

Issue 6 – Accessibility

Amended plans which show access routes (including footpaths) around the site for pedestrians and residents with mobility aids such as wheelchairs and mobility scooters. The amended plans should demonstrate that the requirements of Clauses 26 and 38 of SEPP (Housing for Seniors) can be met and therefore should include dimensions, gradients, concept designs for any switch back ramps proposed, routes for the proposed resident's bus and stopping points.

Response:

As noted in response to Issue 2C above, in order to clarify the developments ability to meet Clause 26 and 38 of SEPP (Housing for Seniors or People with a Disability), an Access Report has been prepared by Sydney Access Consultants (refer to **Attachment C**). That report has reviewed the proposed plans, the gradients proposed and has detailed that the development is capable of compliance with Clause 26 and 38 of the SEPP (Housing for Seniors or People with a Disability) and Disability Standards for accessibility based on the following being implemented and detailed prior to a Construction Certificate being issued:

1. Each dwelling must be provided with a continuous accessible path of travel from the dwelling, to the proposed common area through a sealed "suitable access pathways" with appropriately designed kerb crossings compliant with AS 1428.1.

The above requirement can be met and does not require any physical changes to levels to occur to ensure compliance. A plan detailing the floor levels, pedestrian path levels and distance between the pedestrian path levels has been provided as part that access report and subject to the above provision of a continuous

accessible path of travel from the dwelling. The development is capable of complying with the requirements of Clause 26 and 38 of the applicable SEPP.

Issue 7 – Updates and clarification Required on Residential Flat Buildings

Amended plans for the residential apartment buildings which demonstrate:

- a. Compliance with SEPP 65 Apartment Design Guide in relation to the minimum floor to ceiling height of 2.7m and resultant overall height of the buildings*
- b. How those apartments facing the Princes Highway can meet noise mitigation and cross ventilation requirements simultaneously.*

Response:

Amended architectural plans have been prepared by Stephen Jones Associates (**Attachment B**) to ensure compliance with the ADG in relation to floor to ceiling heights. Each floor now has a floor to floor of 3.1m (refer to the amended architectural plans, specifically elevations in **Attachment B**). This has been achieved by lowering the building by an additional 500mm and therefore the height of the proposed apartment buildings has not increased.

In relation to cross ventilation, all units are naturally ventilated in line with AGD requirements. In relation to the requirement to have windows closed to meet noise requirements, this is discussed in Section 7.0 of the Acoustic Report (refer to **Attachment E**) which details that with all windows open, the development is capable of complying with the noise requirements set out under the Infrastructure SEPP and DoP Guidelines for internal noise criteria.

Therefore, windows can remain open to meet cross ventilation requirements whilst also meeting applicable noise criteria.

Issue 8 – Amended Landscaping Plans Required

Amended landscaping plans which show individual trees and other significant vegetation to be retained and removed across the site, consistent with the RFS requirements for vegetation management and arboricultural value.

Response:

As noted in response to Issue 2E, amended Landscape plans have been prepared by Zenith Landscape Design (refer to **Attachment D**) which detail the total number of trees on site and that includes those to be retained and those to be removed.

Based on that update, a total of 101 trees are present on site and of those 101 trees, 47 are proposed to be retained and 54 are proposed to be removed.

Of the vegetation to be removed, that vegetation is not deemed to be of significance and of the vegetation being retained, that comprises of two individuals of one threatened flora species, *Rhodamnia rubescens*.

Both of these individuals are to be retained and habitat surrounding the individuals improved. As such a significant impact is not expected to occur to the species.

As detailed in the response to issue 2A above, a separate biodiversity assessment on the proposed roundabout and roadworks was undertaken by Cumberland Ecology (refer to **Attachment F**) and that details that the area of roadworks is approximately 0.18ha in size of which 0.12ha is planted native/exotics and weeds and 0.03ha comprises exotic grassland. This vegetation is degraded from historical clearing and areas of both vegetation communities will be cleared for the roadworks. No threatened flora or fauna species were recorded within the area of roadworks.

Cumberland Ecology note that the roadworks have the potential to result in a number direct and indirect impacts on flora species, however a number of mitigation measures to minimise those impacts are proposed and include vegetation protection, revegetation, erosion and sediment control measure and weed control measures. This is set out in detail in Section 5 of **Attachment F**.

In addition, Cumberland Ecology note that the roadworks have the potential to result in a number direct and indirect impacts on fauna species and have recommended number of measures including pre-clearing and clearing surveys and nest box installations to minimise those impacts. Subject to those measures being in place the no significant impact is predicted to occur to threatened species, populations or communities as a result of the proposed roadworks is anticipated.

In relation to the impacts of complying with the APZ restrictions, this does not impact on the recommendations of the Vegetation Management Plan prepared by Cumberland Ecology which was submitted in support of the DA at lodgement. The amended Landscape Plans (refer to **Attachment D**) also detail the updated APZ zones and amendments to indicative planting to those areas.

Issue 9 – Visual Impacts

Further visual assessment taking into account the amended landscaping plans and the amended plans for the residential apartment buildings.

Response:

In relation to visual impacts as a result of landscaping changes, there have been no significant changes to landscaping and therefore no significant changes to view impacts. Based on the APZ requirements of the NSW RFA, there have been some minor amendments to the Inner Protection Zone and Outer Protection Zone to ensure maintenance of retained vegetation can maintain compliance with Planning for Bushfire 2019 (the Inner Protection Zone has got wider and the Outer Protection Zone has reduced in depth/thickness but it maintains its height/location. No other changes to the landscape type/removal or retention is required as a result of the GTAs.

Additionally, no physical changes have occurred to the built form or building heights and therefore no changes to visual impacts have occurred.

Issue 10 – Overhead Powerlines

Amended plans which show the location of the overhead power lines and associated easement and their constraints on development and vegetation management.

Response:

The amended landscape plans detail the location of overhead powerlines (refer to **Attachment D** and specifically Drawing 16-3351-L01, Revision F, prepared by Zenith Landscape Designs). It is anticipated that those overhead powerlines will be undergrounded as part of the servicing arrangements on site. That is likely to be incorporated into roads and would be subject to agreement with the relevant energy provider as part of the Section 73 Certificate process.

Issue 11 – Permissibility issue of Medical Centre

Legal advice on the permissibility of the proposed commercial use of the medical centre.

Response:

As noted in response to Issue 4 above, legal advice has been sought on the issue of providing medical consulting services on site. As the medical centre and restaurant are to be used by residents only, legal advice provided supports the ancillary nature of those uses and therefore provides permissibility. Refer to the legal advice prepared by Storey and Gough at **Attachment I** for further details.

Issue 12 – Further reporting required

A supplementary report assessing:

- a. the additional information received from the applicant in response to points 1-6 above.*
- b. The implications of the General Terms of Approval received from the RFS, including how the requirement to manage Asset Protection Zones as Inner Protection Areas will affect the capacity of perimeter vegetation to mitigate visual impact*

Response:

This report provides a response to each of the issues raised by the Panel in their deferral decision. In relation to the implication of the GTAs issued by NSW RFS, this is detailed in the response to Issue 1, Issue 2E and Issue 9.

4.0 Social and Economic Impacts

Based on the revised documentation provided, the development of seniors housing will bring with it a number of important social and economic benefits for the local and wider community as outlined below.

- Enable Milton to continue to meet the needs of residents. The applicant wishes to create a development that it is keeping with the overall character of Milton and its surrounds;
- Promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a permanent new development and activity within the site;

- Provide short-term and long-term economic benefits through construction expenditure and employment; and
- Provide housing for seniors or those with a disability in an area that is in close proximity to range of services and facilities and provide a development that is capable of providing unique setting allowing resident access to a range of on-site services and facilities.

5.0 Site Suitability

Having regard to the characteristics of the site and its location in Milton, the amended documentation submitted in support of the development is considered appropriate in that:

- An additional permitted use has been specifically placed on the site to allow a seniors housing development;
- the size and dimensions of the land are appropriate for accommodating the proposal in its current form;
- it will deliver a development that positively responds to the streetscape and is compatible in size and siting with surrounding existing developments;
- it provides a well-designed seniors' living development with visual impacts deemed reasonable;
- it will provide alternative access to a number of dwellings gaining access to and from Princes Highway;
- it is afforded a high level of access to existing infrastructure such as regional roads and bus networks; and
- it is generally consistent with the Shoalhaven DCP 2014, objectives and provisions of both the Senior Housing SEPP, SEPP 65 and Shoalhaven LEP 2014.

6.0 Public Interest

The proposal will facilitate the development of the site by providing a development that meets the growing needs of the local and wider population. It is in the public interest to reinforce the importance of this location as a suitable development site for seniors housing. Generally, the proposal provides the following public benefits:

- It is consistent with the objects of the EP&A Act of encouraging the economic and orderly development of land;
- It has been carefully designed to ensure consistency with the applicable Council policies where possible;
- It provides a development with no adverse overshadowing impacts, noise impacts, traffic impacts or visual impacts; and
- Delivers a development that enhances and responds sensitively to its setting through the creation of a space that reflects the required scale and significance of the immediate precinct.

7.0 Conclusion

This proposal seeks approval for the construction of a seniors housing development at Windward Way, Milton. The proposal is generally consistent with the relevant environmental planning instruments,

including the Shoalhaven LEP 2014 and Shoalhaven DCP 2014, and is the product of collaborative work between Council, the project team and other key stakeholders.

The proposal will directly contribute to the provision of a well-designed senior's housing development in the Shoalhaven LGA. The amended development has significant planning merit in the following respects:

- the scale, massing and height of the building is appropriate for the site and its context, respecting and enhancing the site in terms of heights, setbacks and the overall positioning of the units;
- design excellence has been achieved through a high-quality architectural design;
- there are no significant adverse impacts on surrounding properties in terms of sunlight access, views, visual and acoustic privacy or access.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* the proposal is reasonable and appropriate and warrants favourable determination by the Southern Regional Planning Panel.



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