

## ASSESSMENT REPORT

**Reference:** DA17/1822 Concept Plan for Seniors Housing and Stage One - 35 self-care seniors housing – 2-18 Centennial Road, Bowral

**Panel Reference:** 2018STH003

**Meeting Date:** 12 February 2019

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### PURPOSE

The purpose of this report is to consider a section 4.22 Concept Plan application, being DA17/1822, for seniors housing and Stage 1 of the Concept Plan, being for 35 self-care seniors housing dwellings at 2-19 Centennial Road, Bowral.

The application has a capital investment value greater than \$20 million (at \$25 million). Therefore section 2.15 of the *Environmental Planning and Assessment Act 1979* is engaged and the Joint Regional Planning Panel (Southern Region) is the determining authority. This report recommends Approval by Deferred Commencement.

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### REPORT

#### **Subject Site and Locality**

The site is known as Lots 1-2 DP1101892 and Lots 4-11 DP1109214, being 2-18 Centennial Road, Bowral (**Figures 1, 2 & 3**). The site has three road frontages to Centennial Road, Kirkham Road and Mount Road and is the former site of our Lady of the Sacred Heart School and Convent. The site has been disused for this purpose for approximately a decade.

The site is bisected to Mittagong Creek, separating the site into two uneven parts. The larger portion of the site is located to the northwest of Mittagong Creek and forms the developable portion of the site. The second portion of the site is located to the southeast and forms floodplains along the creek bed. The southwest portion is currently grassed grazing land and is not proposed for development. The northwest portion has a general fall from west to east towards the creek and is the site of the former school and convent buildings. Additional ancillary structures are also present. These include the former playing fields and various other outbuildings. The site's main access is from Centennial road and enters the site from the north-eastern corner of the site. To the west of the site is the heritage listed 'Neerim' Homestead. The site is surrounded by large lot residential development to the north and west. To the south is the industrial area to the west of Bowral. To the east of the site is the main railway line, with Mittagong Road further beyond. The total site area is approximately 17.05 hectares.

#### **Details of Proposed Development**

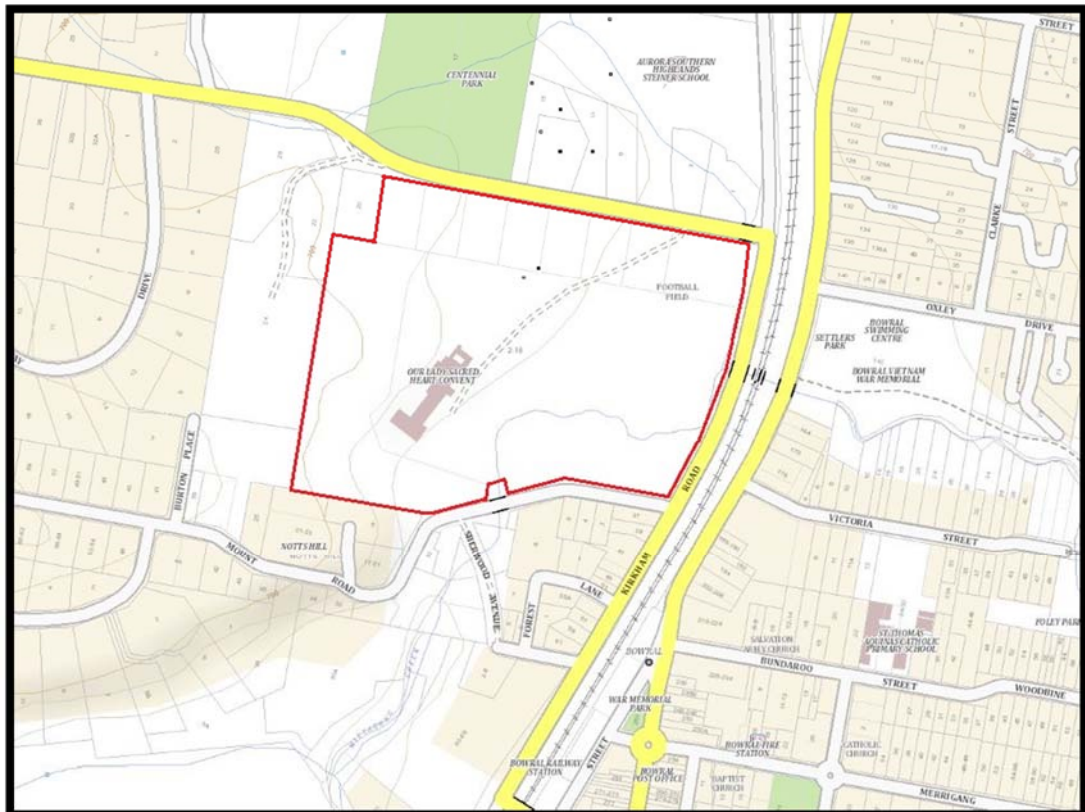
On 22 December 2017, DA17/1822 was lodged with Council seeking consent to develop seniors housing facilities at 2-18 Centennial Road, Bowral. The overall concept site plan is provided at **Figure 4** overleaf. The application was lodged pursuant to section 4.22 of the *Environmental Planning and Assessment Act 1979* and seeks conceptual approval for a three stage development as follows:

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

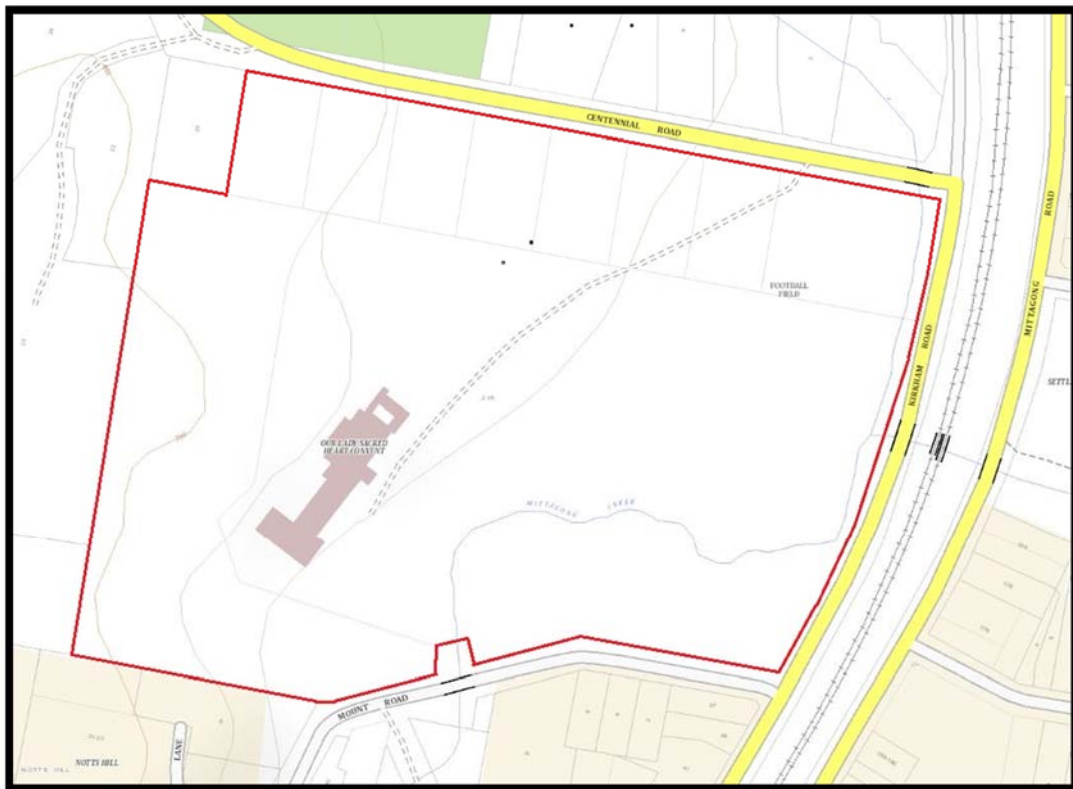
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- Stage 1** Refurbishment and construction works within the main facilities building and fifty two (52) dwellings.
- Stage 2** Approximately 28 dwellings generally in the western portion of the site.
- Stage 3** Approximately 55 dwellings generally in the eastern portion of the site.

The application also seeks consent for Stage 1 of the Concept Plan in accordance with the parameters of section 4.22 of the *Environmental Planning and Assessment Act 1979*.



**Figure 1: Locality**



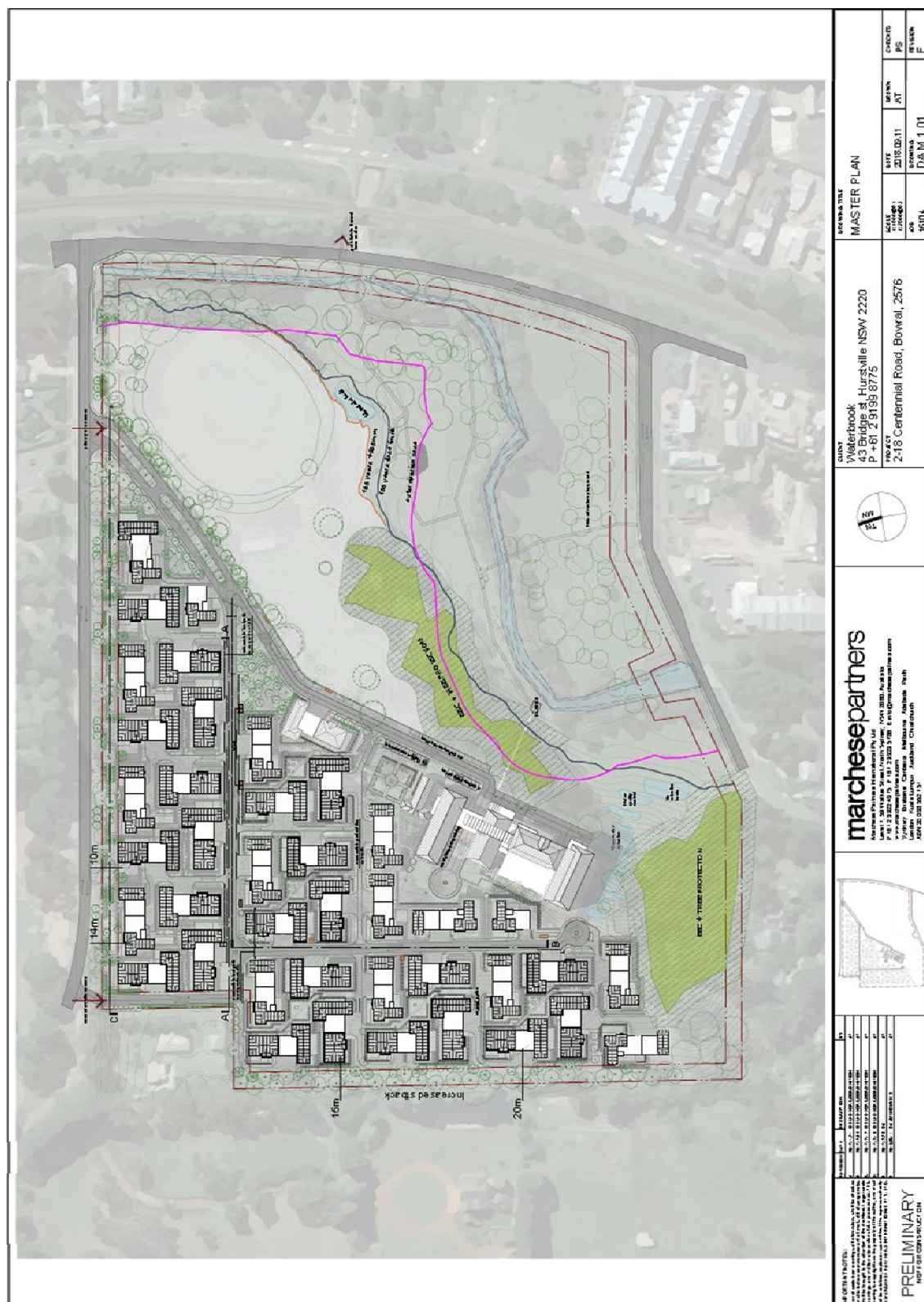
**Figure 2: Site Location**



**Figure 3: Aerial Image of Existing Site**



# PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL



## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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### STATUTORY PROVISIONS

#### State Legislation

##### Water Management Act 2000

Section 91 of the Water Management Act 2000 requires a controlled activity approval to undertake a specified controlled activity in, on or under waterfront land. Mittagong Creek is defined as waterfront land in the meaning of the act, with the proposed development constituting a specified controlled activity. Under Section 4.46 of the EP&A Act, Council is required to refer the application to the NSW Natural Resource Access Regulator (NRAR) as Integrated Development. NRAR has reviewed the application and has provided General Terms of Approval to the proposed works.

Before commencing any works within the site, the applicant is required to seek and obtain a Controlled Activity Approval under the Water Management Act 2000. **Condition 129** contains General Terms of Approval as provided by NRAR.

#### State Environmental Planning Policies

##### State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. Initial assessment by Council staff and the site visit undertaken with the JRPP identified areas of imported fill that may be contaminated. A Preliminary Site Investigation was undertaken by the applicant to determine the potential for soil contamination to exist within the overall site.

The outcomes of this investigation identified Asbestos Containing Material in a number of the soil samples collected. Further, Heavy Metal exceedances were identified in a number of locations for lead, arsenic and zinc. The report concluded with a number of recommendations that will need to be achieved prior to a Construction Certificate being issued for Stage 1 works. **Condition 58** will require the recommended further works be undertaken.

##### State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Warragamba catchment, which forms part of Sydney's water supply. As the development is considered to be a Module 5 under the Neutral or Beneficial Effect on Water Quality guidelines (NorBE Guidelines), the concurrence of Water NSW is required. Water NSW raised no objection to the development (as modified), subject to **Condition 129**.

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

The Seniors Housing SEPP does not apply to this site as the land is neither land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes. Clause 4 of the Seniors Housing SEPP excludes land zoned R5 Large Lot Residential, with R5 zoned land surrounding. Consequently, the SEPP does not apply to the assessment of the application.

The proposed works are permissible on the site under the Wingecarribee Local Environment Plan 2010.

#### Local Environmental Plans

##### Wingecarribee Local Environmental Plan 2010

##### 2.3 Zone objectives and land use table

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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The site is zoned both R5 Large Lot Residential and RE1 Public Recreation under the *Wingecarribee Local Environmental Plan 2010*.

Whilst seniors housing is prohibited in the R5 and RE1 zones, clause 2.5 of the LEP deals with additional permitted uses for particular land. Schedule 1 Subclause 4 of the LEP is specific to the Centennial Road site and is expressed in the following terms:

### **4 Use of certain land at Centennial Road, Bowral**

- (1) *This clause applies to land at Centennial Road, Bowral, being Lots 4–11, DP 1109214 and Lots 1 and 2, DP 1101892.*
- (2) *Development for the purposes of seniors housing is permitted with consent.*

Notwithstanding the above, Council must have regard to the objectives for development in a zone when determining an application, pursuant to clause 2.3 of the LEP. The objectives of the R5 – Large Lot Residential zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide a restricted range of opportunities for employment development and community facilities and services that do not unreasonably or significantly detract from:*
  - (a) the primary residential function, character and amenity of the neighbourhood, and*
  - (b) the quality of the natural and built environments.*

The proposed development would be consistent with these objectives as:

- The proposed development has been designed to reflect the predominate housing form when viewed externally, dwelling separation will be reflected along Centennial Road. Further, the proposed housing form will be single storey whilst also continuing to provide a variety of residential housing options, predominantly for seniors or persons with a disability;
- The site is proposed to contain the majority to public services and facilities internal to the site thereby not unreasonably increasing demand on local infrastructure;
- The development would be suitably landscaped ensuring consistency in scenic quality, which is a dominant feature of the locality; and
- The primary function of the locality i.e. residential, would be upheld and not adversely impacted by the development.

The objectives of the RE1 – Public Recreation are

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To enable ancillary development that will encourage the enjoyment of land zoned for open space.*

The proposed development would be consistent with these objectives as:

- The land is currently fenced private land utilised for the grazing of animals. The proposal will see this portion of the site more accessible to the wider community

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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through the construction of walking tracks connecting the seniors housing development within the Bowral Township. A bridge crossing Mittagong Creek will be sensitively constructed to allow this to occur. Council are not looking to acquire this piece of land currently;

- The proposed works will allow for a wider range of passive recreational activities to occur. However, this land will remain in private ownership; and
- Works as proposed within the Vegetation Management Plan accompanying submitted documentation would see works within the Mittagong Creek riparian corridor to improve this waterway.

### 2.5 Additional permitted uses for particular land

As raised above, the site is permitted to be used for the purposes of seniors housing in accordance with this clause of the LEP.

### 2.7 Demolition requires development consent

In facilitating the staged development, demolition would be considered as part of Stage 1. Demolition associated with Stage 1 will be managed in accordance with **Condition 22**. All demolition works will be carried out in accordance with Australian Standard AS2601 *Demolition of structures*.

### 5.1 Land acquisition within certain zones

The south-eastern portion of the site is zoned RE1 – Public Recreation. This part of the site has not been acquired to date by the relevant authority, being Council, who have not expressed a desire to acquire this portion of the site to date.

### 5.10 Heritage conservation

The site is not listed as a Heritage Item nor is it located in a Heritage Conservation Area under the WLEP 2010 nor is there any State Heritage register items located within the vicinity of the site. The site is located adjacent to two locally listed heritage items. These being;

- “Neerim” House and Garden (Items I535 and I536) – Located adjacent the western boundary of the site at 24 Centennial Road, Bowral. The site is defined by the house and its surrounding garden. The garden curtilage extending to conifer windbreaks located on both boundaries and the extensive woodland planting to the front of the house.
- Centennial Park (Item I538) – Located opposite the site at 17 Centennial Road, Bowral. The site is deemed significant as it was the first public open space established in Bowral and is associated with the commemoration of the centennial of settlement in Australia.

#### *Adjacent Heritage Items*

Clause 5.10 (5) (c) provides provision for a consent authority to require an applicant to prepare a Heritage Assessment if it is deemed that impacts may occur to heritage items located adjacent to the site. These aspects have not required the preparation of a Heritage assessment.

The western boundary adjacent to “Neerim” has been appropriately treated through the proposed scheme by increasing setbacks of built form to 15m from the boundary and with an extensively landscaped buffer between the sites. This outcome has been negotiated by the applicant with the adjacent landowner.

Centennial Park will not be adversely impacted by the proposed development of the site. The Centennial Road frontage has been addressed via a conservative landscape scheme that integrates with the surrounds. The development seeks to replicate the large lot residential characteristics of surrounding development through employing a highly



## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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landscaped frontage to the road and be spacing proposed dwellings to reflect the building density observed further west from the site.

### *Aboriginal Heritage*

The site is known to contain a number of Aboriginal Heritage items as well as a tree located on the boundary of the site that has cultural significance. The initial submission of documentation supporting the proposed works did not address Aboriginal Heritage in any capacity. Additional information was sought from the applicant, with an Aboriginal Cultural Heritage Assessment provided in September 2018. This report further clarified that Aboriginal Heritage is present on site and that further work is required to be undertaken prior to any site works commencing.

The submitted documentation was referred to the Office of Heritage and Environment for comment. **Conditions 7 and 28** require that a full assessment of the site occurs prior to any works commencing. This process will require consultation with local Aboriginal communities, the undertaking of test excavations and the application for an Aboriginal Heritage Impact Permit if any impacts to known items is required due to proposed works.

The assessment to be completed is required to be undertaken for the full site. Development Application for subsequent stages will be required to consider the findings of this study when finalising the location of dwellings.

### *Interim Heritage Order*

A Council resolution was made at the Council meeting on the 22<sup>nd</sup> November 2017 that an Interim Heritage Order be placed over the site. This Interim Heritage Order was to allow time for a full Heritage assessment of the OLSH site to be undertaken to determine if the site should be listed a local heritage item under the WLEP.

The Heritage listing of the OLSH site was considered at the Council Meeting of the 11<sup>th</sup> July 2018. This considered investigations undertaken by Council staff to determine if the site held local heritage significance that warranted its listing within Schedule 5 of the WLEP 2010. Reporting recommended that the Interim Heritage Order lapse and that Council support the proposed rehabilitation works detailed within this application. It also recommended that, should this application be refused, a further report to the heritage significance of the site be considered by council for the heritage listing of the site.

Following debate of this item at the 11<sup>th</sup> July 2018 meeting, Council recommended:

1. *THAT Council recognises the important and heritage significance of the Our Lady of the Sacred Heart site at 2-18 Centennial Road, Bowral, to the people of the Southern Highlands as a former Catholic convent and centre for boarding and education and supports the retention of buildings as part of the development application (DA 17/1822) and their adaptation and incorporation into an integrated design for the reuse of the site.*
2. *THAT Council allow Interim Heritage Order NO.7 to lapse and not proceed with the heritage listing of Our Lady of the Sacred Heart, 2-18 Centennial Road, Bowral, at this time.*
3. *THAT should DA 17/1822 be refused, Council will consider a further report on potential heritage listing of the Our Lady of the Sacred Heart site to protect certain built and landscape elements from demolition under any future development proposals.*
4. *THAT should DA 17/1822 be approved by the Joint Regional Planning Panel (JRPP), the following draft conditions be incorporated into the consent:*
  - a. *A Section 88B instrument under the Conveyancing Act 1919 be prepared to ensure the retention of the chapel, retention and adaptive reuse of part of the Boys' College and South Wing, retention and renovation of the auditorium in the South Wing, retention of the entry driveway trees and retention of the priest's cottage*



## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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- b. *All buildings on site be recorded in their current state prior to the demolition or proposed adaptation or refurbishment*
- c. *A pedestrian, bicycle and small electric vehicle pathway access to Kirkham Road and Mount Street is to be provided.*
- d. *The retention of the endangered ecological community (EEC) located on the site*

These conditions have been incorporated into the draft consent for this application at Attachment 1 (**Conditions 27, 34, 124 and DC2**).

The heritage aspect of this application is discussed further below when considering impacts from the proposed development. There remains contention as to how the priest cottage should be treated within the overall development of the site. Council resolution identifies it for retention where as the applicant is adamant it has no positive heritage value and should be demolished as part of stage 1 works.

### 7.3 Earthworks

The proposal requires Council to consider the earthworks proposed within the site and grant consent for this aspect of the application as greater than 2,500 square meters of the site will be impacted by earthworks within an area covered by *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. Further, a portion of the site is located in an area identified as being within a 'Flood Planning Area' (see below). As such, the requirement to consider the impacts of earthworks is triggered as detailed within cl. 7.3 (2A) of the WLEP 2010.

The proposed earthworks within the site will not result in any significant impacts subject to the required measures contained within the conditions of consent are adhered to. The proposal will be required to employ adequate Sediment and Erosion control measures throughout all works undertaken as part of Stage 2 and any subsequent stages of the development (**Condition 53**). Further, additional investigation are required to be undertaken before any site works commence to ensure that any potential for Aboriginal Heritage present on are identified and appropriately managed (**Condition 28**).

### 7.5 Natural resources sensitivity – water

The site contains a number of corridors classified as riparian land under the WLEP 2010. These corridors are detailed within the Natural Resources Sensitivity Map (Natural Resources Sensitivity Map – Sheet NRS\_007) as being two category 3 watercourses and one category 3 water course (this being Mittagong Creek and its northern tributary along the eastern boundary of the site).

The submitted documentation identifies that the Mittagong Creek corridor (category 2 watercourse) will be rehabilitated through the measures proposed within the submitted Vegetation Management Plan. This will see weed species removed and native vegetation planted to rehabilitate this area. The corridor proposed for this work exceed the 30m corridor required under the WLEP, thereby satisfying the considerations required of the consent authority.

The two category 3 watercourses are treated in a number of ways, the watercourse within the south-western corner of the site is largely retained and rehabilitated due to its location within an area of Endangered Ecological Community located within the site. Its western most extent will be impacted by the proposed development and will be incorporated into the stormwater management infrastructure for the proposed development. The second category 3 watercourse running along the northern boundary of the site is proposed to be entirely incorporated into the stormwater infrastructure of the site. This watercourse is noted as not having a clearly defined top of bank and more closely represents a drainage depression. It is only noted to flow in times of rain, being dry for the majority of the year.

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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The proposed development has worked to site proposed building works away from classified watercourses where possible. In case where this has not been possible, the proposed infrastructure has been designed to cater for any stormwater flows that may result. The proposed works have been assessed by Water NSW to ensure that a Neutral or Beneficial impact to water quality will result, with Water NSW providing concurrence for the proposal subject to a number of requirements contained within **Condition 130**.

### 7.9 Flood Planning

The overall site is shown as being partially flood affected as detailed in the Flood Planning Area Map (Flood Planning Area Map – Sheet FLD\_007D). The flood affectation occurs throughout the south-eastern position of the site along the alignment of Mittagong Creek. The applicant has provided additional assessment in support of the submitted application to detail works proposed in the vicinity of the mapped flood extents.

Further information was sought from the applicant in regards to the modelling undertaken, with the Brewsher modelling completed in 2009 (*Bowral Floodplain Risk Management Study and Plan 2009*) requiring amendment due to flood mitigation works that have occurred in the vicinity of the Centennial Road and Kirkham Road intersection. These works included the construction of a new culvert to convey flood waters and reduce flood impacts to the north of the site. The outcomes of this reporting identified that all of the proposed Stage 1 works were located outside of the amended PMF extents.

The future stage of works proposed to be located adjacent to the Mittagong Creek flood plain has been delineation within the submitted documentation, with no indicative building footprints provided. Building details and associated flood modelling would be required at the time of the Stage 2 application. The reporting provided with the application identified the level of the 1 in 100 year flood plus 500mm freeboard. This level has been used to identify the extent of future stage 2 works. Council's flood engineer has reviewed the application and is satisfied that the requirements of cl. 7.9 (3) have been met by the development.

### 7.10 Public utility infrastructure

As the site is within R5 Large Lot Residential, this clause requires consideration. Development consent must not be granted for development on land to which this clause applies unless Council is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when it is required. Modelling undertaken identified that the site is capable of accessing the required potable water. **Condition 126** requires that a suitable water connection be constructed, as well as the provision of a metered fire connection. The sewer system located in this location has been identified as having significant surcharging issues, which have been programmed to be rectified by Council in 2019. However, **Conditions 49** and **125** will require that the existing sewer main will be upgraded and that satisfactory connection to Council's infrastructure occurs. The development can be adequately serviced by sewer and water. Stormwater for the overall site will be managed as detailed in the submitted Stormwater Assessment Report and managed as per Water NSW's concurrence conditions contained at **Condition 130**. Utilities such as power, telecommunications and gas are also in the vicinity of the site, and available for connection.

## Development Control Plans

### Bowral Town Plan Development Control Plan

DCP Control	Assessment	Compliance
<u>Part A – All Land</u>		

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

<i>Section 1 – Introduction</i>	The site is within the Bowral Town Plan DCP boundary and therefore this DCP applies to the assessment of the application	Yes
<i>Section 2 – General Objectives</i>	The development is consistent with the economic function, urban function, residential amenity and diversity, visual amenity, environmental sustainability and public domain general objectives of the DCP.	Yes
<i>Section 3 – Biodiversity</i>	<p>A Flora and Fauna assessment has been prepared in support of the proposed development. The site contains areas of known Endangered Ecological Communities, with the submitted assessment investigating any potential impacts to these areas.</p> <p>Council's Tree and Vegetation Officer has reviewed the application finding that the proposed dwellings are planned to occur within 10m of the mapped boundary of the CEEC areas on site. Further, works associated with infrastructure and earthworks will occur directly adjacent to these areas. These works will likely have detrimental impacts on the viability of trees located near the extremity, with redesign of certain aspects required to ensure that the CEEC is adequately protected. To achieve this, two Deferred Commencement conditions have been included in the draft Notice of Determination at Attachment 1.</p>	Yes, subject to Deferred Commencement <b>Conditions DC1 and DC2</b>
<i>Section 4 – Water Management</i>	<p><u>A4.1 Protection of Watercourses and Riparian Lands</u> See discussion above in respect to cl 7.5 Natural resources sensitivity – water of the WLEP 2010.</p> <p><u>A4.2 Vegetation Management Plan for Riparian Corridors</u> See discussion above in respect to cl 7.5 Natural resources sensitivity – water of the WLEP 2010.</p> <p><u>A4.3 Development in Sydney's Drinking Water Catchments</u> The proposal has been granted concurrence from Water NSW with conditions (<b>Condition 129</b>) to ensure the development can achieve a neutral or beneficial effect on water quality.</p> <p><u>A4.4 Water Cycle Management Study</u> A Water Cycle Management Study was prepared by the applicant in support of the proposed development. This was assessed by Water NSW as detailed above.</p> <p><u>A4.5 Stormwater Management Plan</u> A Stormwater Management Plan was prepared by the applicant in support of the proposed development. Council's development engineers as well as Water NSW have reviewed the submitted documentation and have incorporated a number of conditions to ensure that the proposed works are enacted within the site.</p> <p><u>A4.6 Erosion and Sediment Control Plans</u> The submitted documentation did not include any proposed sediment and erosion control plans for Stage 1 works. This information will be required to be provided by the applicant to Council prior to issue of a Construction Certificate as detailed within <b>Condition 53</b>.</p>	Yes, subject to <b>Conditions 898 and 130</b>

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p><u>A4.7 Water Sensitive Urban Design</u> Water Sensitive Urban Design measures have been incorporated into the Water Cycle Management Study discussed above.</p> <p><u>A4.8 Water Treatment Train</u> A Water Treatment Train has been identified within the submitted Water Cycle Management Study and is discussed above.</p>	
<i>Section 5 – Flood liable land</i>	The site is partially impacted as flood prone land. This has been discussed above in respect of cl. 7.9 Flood planning of the WLEP 2010.	Yes
<i>Section 6 – Vegetation Management and Landscaping</i>	Council Tree and Vegetation Officer has reviewed the landscape plan provided with the submitted documentation. The proposed landscaping is satisfactory for Stage 1 and in respect of the overall masterplan. A number of conditions have been imposed to ensure that required outcomes are achieved.	Yes, subject to <b>Condition 115</b>
<i>Section 7 – Subdivision, Demolition, Siting and Design</i>	<p>The proposal includes demolition of structures within the overall site. Demolitions works will be required to be undertaken in accordance with Australian Standards through the imposition of <b>condition 22</b>.</p> <p>A site analysis was submitted with the application and is satisfactory in this instance.</p> <p>The proposed development proposes extensive cut and fill works across the site, with the only areas where levels won't be altered located immediately adjacent to the existing buildings. Areas of cut in excess of 3m are proposed as well as areas of fill greater than 3m. These works will result in locations that are proposed to have retaining walls in excess of 4m high.</p>	Yes
<i>Section 8 – Safer by Design</i>	In terms of the proposed Master Plan, the development would be suitable in terms of space and activity management and passive surveillance.	Yes
<i>Section 9 – Construction Standards and Procedures</i>	<p><u>A9.4 Building over two or more Allotments</u> The proposed works will be located within 9 discrete Allotments. The development will be required to consolidate all allotments into one overarching allotment prior to the issue of an Occupation Certificate associated with Stage 1. This shall be achieved through the imposition of <b>Condition 26</b>.</p> <p><u>A9.8 Stormwater Disposal</u> See discussion above under cl. 7.10 Public utility infrastructure of the WLEP 2010.</p> <p><u>A9.12 Waste Management and Disposal</u> To minimise the volume of waste generated during demolition and construction phases, <b>Conditions 11, 52 and 104</b> shall require the lodgement and approval of a Waste Management Plan for each subsequent stage.</p>	Yes, subject to <b>Conditions 11, 26, 52 and 104</b> and standard construction conditions throughout Part 2 of the Notice of Determination
<i>Section 10 – Signage and</i>	Not applicable to this application.	N/A



**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

<i>outdoor advertising</i>		
<i>Section 11 – Outdoor Lighting</i>	No outdoor lighting plan was submitted with Stage 1 drawings. <b>Conditions 9</b> shall require a lighting plan to be provided with each subsequent Development Application and the provision of such a plan prior to the issue of a construction certificate for Stage 1 respectively.	Yes, subject to <b>Condition 9</b>
<i>Section 12 – Development near Rail Corridors &amp; Busy Roads</i>	<p>The application was referred to the Australian Rail Track Corporation (ARTC) as the leaseholder for the rail line located adjacent to the site. ARTC have advised that the assessment of the application should consider the potential for noise impacts to proposed dwellings, especially those located within 80m of the rail corridor.</p> <p>The eastern portion of Stage 2 is located within this distances and is therefore susceptible to noise and vibration impacts from the adjacent rail corridor. As such, <b>Condition 13</b> has been imposed to require that a Noise Impact Assessment be prepared to support development within the eastern portion of the site on the lower lying land south of the existing site access. In completing this assessment Council will not grant consent to any dwelling that does not satisfy the following:</p> <p>Appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:</p> <ul style="list-style-type: none"> <li>a) In any bedroom in the building – 35 dB(A) at any time between 10:00pm and 7:00am,</li> <li>b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</li> </ul>	Yes, subject to <b>Condition 13</b>
<i>Section 13 – Telecommunications and radio-communications infrastructure</i>	Not applicable to this application.	N/A
<b><u>Part B – Business Zoned Land</u></b>		
	The proposed development is not located on business zoned land. As such, controls contained within Part B do not apply to this application.	N/A
<b><u>Part C – Residential Zoned Land</u></b>		
<i>Section 1 – Introduction</i>	The development does not propose the use of zincalume or galvanised steel materials.	Yes
<b><u>Section 8 – Seniors Housing</u></b>		
<i>C8.1 Introduction</i>	The controls for Seniors Housing are drawn from the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.	

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

<p><b>C8.2 General Objectives</b></p>	<p><i>The purpose of these controls is to encourage the provision of seniors housing, including residential care facilities that will:</i></p> <ul style="list-style-type: none"> <li><i>(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i></li> <li><i>(b) make efficient use of existing infrastructure and services, and</i></li> <li><i>(c) be of good design.</i></li> </ul> <p>The proposed development will increase the supply and diversity of seniors housing residences in Bowral. The site is well located in respect to its proximity to Bowral and is capable of connection to all required services. The design is compatible with the surrounding land uses and provides an adequate transition from the Bowral township character to the surrounding large residential development characteristic of west Bowral. The proposal will require extensive earthworks for the individual dwelling sites to provide adequate grades for roadways throughout the site to provide access to all facilities proposed throughout the site.</p>	<p>Yes</p>
<p><b>C8.3 Neighbourhood Amenity and Streetscape</b></p>	<p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> <li><i>(a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area;</i></li> <li><i>(b) retain, complement and sensitively harmonise with Items of Heritage or Conservation Areas;</i></li> <li><i>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <ul style="list-style-type: none"> <li><i>(i) providing building setbacks to reduce bulk and overshadowing,</i></li> <li><i>(ii) using building form and siting that relates to the site's land form,</i></li> <li><i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i></li> <li><i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></li> </ul> </li> <li><i>(v) 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,</i></li> <li><i>(d) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape,</i></li> <li><i>(e) retain, wherever reasonable, major existing trees,</i></li> <li><i>(f) be designed so that no building is constructed in a riparian zone.</i></li> </ul> <p>The proposed master plan has been designed to integrate into the existing residential character of the surrounding area. The design proposed along Centennial Road has resulted through the spacing of built form to reflect the surrounding residential dwellings. The proposed dwellings are all shown to be single storey so as to sit modestly within the extensively landscaped gardens surrounding the built form. The civil works proposed will see the majority of trees removed from the site to provide</p>	<p>Yes</p>

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p>accessible grades for resident movement around the site. However, the trees required to be removed will be replaced with new trees as detailed within the submitted landscape masterplan.</p> <p>The proposal has avoided the areas identified as containing Endangered Ecological Communities and the riparian corridors that traverse the site. The proposal will rehabilitate these areas and has incorporated them into the design of the site to provide opportunities for passive recreational activities for residents.</p>	
<i>C8.4 Visual and Acoustic Privacy</i>	<p><i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i></p> <ul style="list-style-type: none"> <li><i>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</i></li> <li><i>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i></li> </ul> <p>The proposed development of the dwellings are of single storey buildings. The proposed earthworks throughout the entire site will result in dwellings adjacent to site boundaries being constructed at or slightly below existing ground levels. Further, the setbacks from site boundaries are adequate to ensure acoustic and visual impacts are further minimised through the proposed landscaping treatments surrounding the site.</p> <p>The proposed dwellings have all been designed to address small groupings of buildings to limit exposure to general movement corridors throughout the site. The design of the site will lessen internal impacts associated with overlooking or acoustic issues.</p>	Yes
<i>C8.5 Solar Access and Design for Climate</i>	<p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> <li><i>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</i></li> <li><i>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</i></li> </ul> <p>The proposal will not impact on solar access to surrounding properties.</p> <p>The majority of proposed dwellings located within Stage 1 have orientations and public open space provision that provides adequate solar access to living areas. The few dwellings that don't achieve solar access to living and dining spaces generally have private open space that will receive adequate solar access. All proposed dwellings achieve BASIX requirements for energy efficiency.</p>	Yes
<i>C8.6 Crime Prevention</i>	<p><i>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</i></p>	Yes, addressed previously at

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p>(a) <i>site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</i></p> <p>(b) <i>where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</i></p> <p>(c) <i>providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i></p>	Part A Section 7 of the Bowral DCP.
C8.7 Accessibility	<p><i>The proposed development should:</i></p> <p>(a) <i>have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</i></p> <p>The proposal includes the addition of a formal link between the site through to the floodplain to the south east of the site towards the Bowral township. This pathway will include the construction of an accessible pathway from the area of the existing school buildings on site, through the riparian corridor of Mittagong creek through the use of a bridge designed to be of minimal impact to the surrounding vegetation, across the open grassed area and linking to Kirkham Road.</p> <p>Pathways will be constructed along the road frontage from the main site entry on Centennial Road, down the length of Kirkham Road to Mount Road. This pathway will include the construction of a separate bridge providing separated pathways over the Mittagong Creek along Kirkham road. Further, a pedestrian island will be constructed on Kirkham Road to aid in its safe crossing for access to Bowral.</p> <p>(b) <i>provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i></p> <p>The site has been designed to ensure that the entire site is accessible and easy to navigate for both residents and their guests. All car parking is provided internal to the site, with spaces for visitors provided in reasonably close proximity to dwellings.</p>	Yes, subject to <b>Condition 25</b>
C8.8 Standards for Hostels and Self contained Dwellings	<p><i>A development application made for the purpose of a hostel or self-contained dwelling shall comply with the following standards:</i></p> <p>(a) <i>The size of the site must be at least 1,000sqm.</i></p> <p>(b) <i>The site frontage must be at least 20 metres wide measured at the building line.</i></p> <p>(c) <i>If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</i></p> <p>(d) <i>If the whole of the site does not have a gradient of less</i></p>	Yes



**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p><i>than 1:10:</i></p> <p>(e) <i>the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</i></p> <p>(f) <i>the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</i></p> <p>(g) <i>Where the site has a variable gradient, the principle identified in clauses (a) and (b) above applies. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by clause (a).</i></p> <p>(h) <i>If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is unlikely to be possible.</i></p> <p>The site complies with the minimum 1000sqm site area and site width of a minimum 20m. The site satisfies the provisions for the entire site having a gradient of less than 1 in 10. It is not a steep site and site gradients are within the DCP limitations.</p>	
C8.9 Height Controls	<p><i>The proposed development must comply with the standards specified below:</i></p> <p>(a) <i>If the development is proposed in a residential zone where residential flat buildings are not permitted:</i></p> <p>(i) <i>the height of all buildings in the proposed development must be 8 metres or less, and</i></p> <p>The proposal is located within a residential zone where residential flat buildings are not permitted. The submitted plans show that all proposed dwellings will be single storey in height and, in conjunction with proposed earthworks, will not exceed 8m from the existing ground levels of the site.</p> <p>The existing buildings on site will be refurbished, with some alterations to the external fabric of these buildings. These works will not increase the overall building height, though these works will exceed the 8m control detailed within this provision. This exceedance is reasonable due to its location within the centre of the site and it being consistent with the existing built form. The modifications to the external bulk of the building will not be easily discernible from external viewpoints to the site.</p> <p>(ii) <i>a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this control applies) must be not more than 2 storeys in height, and</i></p> <p>No buildings are proposed to be greater than 2 storeys that are adjacent to any boundaries. Only building to be greater than 2 storeys in height is the existing buildings on site that are proposed to be refurbished.</p> <p>(iii) <i>a building located in the rear 25% area of the site must not exceed 1 storey in height.</i></p>	Yes

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p>The rear boundary is considered to be the western boundary in this case. This portion of the site is to be developed as part of stage 2, with the masterplan proposing that only single storey dwellings be constructed in this area of the site. Further, the proposed earthworks shows cutting along this boundary which will also reduce the height of any built form along this boundary. A 15m setback is proposed along this boundary which is to be extensively landscaped to provide a vegetated buffer to the adjacent heritage listed item.</p>	
C8.10 Site Design	<p>(a) <i>Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</i></p> <p>(b) <i>Pathway lighting must</i></p> <p style="padding-left: 40px;">(i) <i>be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</i></p> <p style="padding-left: 40px;">(ii) <i>provide at least 20 lux at ground level.</i></p> <p>(c) <i>Letterboxes must:</i></p> <p style="padding-left: 40px;">(i) <i>be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</i></p> <p style="padding-left: 40px;">(ii) <i>be lockable, and</i></p> <p style="padding-left: 40px;">(iii) <i>be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</i></p> <p>The SEE advises that the Stage 1 will be fully accessible compliant with AS1428.1, with all dwellings designed to accommodate wheelchairs if required. All pathways throughout the site are designed to a gradient to allow accessible access, with the refurbished buildings on site designed to accommodate residents with a range of accessibility requirements. <b>Condition 57</b> would require compliance with (b) and (c). Lodgement of subsequent stages of development would require further consideration of this clause. Generally, the master plan can comply with these controls.</p>	Yes, subject to <b>Condition 57</b>
C8.11 On Site Car Parking	<p><i>If car parking (not being car parking for employees) is provided:</i></p> <p style="padding-left: 40px;">(a) <i>car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890,</i></p> <p style="padding-left: 40px;">(b) <i>5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</i></p> <p style="padding-left: 40px;">(c) <i>any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at</i></p>	Yes, subject to <b>Condition 47</b>

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p><i>a later date.</i></p> <p><b>Condition 47</b> would ensure car parking spaces for each stage of the development comply with AS 2890 and appropriate width is achieved for 5% of parking spaces for each stage.</p>	
C8.12 Entry & Corridors	<p>(a) Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p> <p>(b) Widths of internal corridors and circulation at internal doorways must comply with AS 1428.1.</p> <p>An assessment of Stage 1 plans demonstrates the development can comply with these controls. Each of the above items can be achieved by way of <b>Condition 57</b> with each subsequent DA and construction certificate stage requiring demonstration of compliance.</p>	Yes, subject to <b>Condition 57</b>
C8.13 Bedrooms	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel—a single-size bed,</p> <p>(ii) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p> <p>An assessment of Stage 1 plans demonstrates the development can comply with these controls. Each of the above items can be achieved by way of <b>Condition 57</b> with each subsequent DA and construction certificate stage requiring demonstration of compliance.</p>	Yes, subject to <b>Condition 57</b>
C8.14 Bathrooms	<p>At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p>	Yes, subject to <b>Condition 6 and 57</b>

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p>(iii) <i>folding seat,</i></p> <p>(d) <i>a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</i></p> <p>(e) <i>a double general power outlet beside the mirror.</i></p> <p>An assessment of Stage 1 plans demonstrates the development can comply with these controls. Each of the above items can be achieved by way of <b>Condition 57</b> with each subsequent DA and construction certificate stage requiring demonstration of compliance.</p>	
C8.15 Other Requirements	<p>(a) <i>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</i></p> <p>(b) <i>Balconies and external paved areas must have slip-resistant surfaces. Advice regarding finishes may be obtained from AS1428.1.</i></p> <p>(c) <i>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299.</i></p> <p>(d) <i>Switches and power points must be provided in accordance with AS4299.</i></p> <p>(e) <i>The standards contained in subclause (e) to (n) below apply to any seniors housing consisting of self-contained dwellings and are in addition to the standards set out subclause (a) to (d) above.</i></p> <p>(f) <i>A living room in a self-contained dwelling must have:</i></p> <p>(i) <i>a circulation space in accordance with clause 4.7.1 of AS 4299, and</i></p> <p>(ii) <i>a telephone adjacent to a general power outlet.</i></p> <p>(g) <i>A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</i></p> <p>(h) <i>A kitchen in a self-contained dwelling must have:</i></p> <p>(i) <i>a circulation space in accordance with clause 4.5.2 of AS 4299, and</i></p> <p>(ii) <i>a width at door approaches complying with clause 7 of this Schedule, and</i></p> <p>(iii) <i>the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</i></p> <p>(iv) <i>benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</i></p> <p>(v) <i>a tap set (see clause 4.5.6),</i></p> <p>(vi) <i>cook tops (see clause 4.5.7), except that an isolating switch must be included,</i></p> <p>(vii) <i>an oven (see clause 4.5.8), and</i></p> <p>(viii) <i>"D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</i></p> <p>(ix) <i>general power outlets:</i></p> <p>(i) <i>at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</i></p> <p>(ii) <i>one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</i></p> <p>(i) <i>In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</i></p> <p>(j) <i>In a multi-storey building containing separate self-contained</i></p>	Yes, subject to <b>Condition 6 and 57</b>



**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p><i>dwelling on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.</i></p> <p>(k) <i>A self-contained dwelling must have a laundry that has:</i></p> <ul style="list-style-type: none"> <li>(i) <i>a width at door approaches that complies with clause 7 of this Schedule,</i></li> <li>(ii) <i>provision for the installation of an automatic washing machine and a clothes dryer,</i></li> <li>(iii) <i>a clear space in front of appliances of at least 1,300 millimetres,</i></li> <li>(iv) <i>a slip-resistant floor surface,</i></li> <li>(v) <i>an accessible path of travel to any clothes line provided in relation to the dwelling.</i></li> </ul> <p>(l) <i>A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</i></p> <p>(m) <i>A garbage storage area must be provided in an accessible location.</i></p> <p>(n) <i>Despite the provisions above, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.</i></p> <p>An assessment of Stage 1 plans demonstrates the development can comply with these controls. Each of the above items can be achieved by way of <b>Condition 6 and 57</b> with each subsequent DA and construction certificate stage requiring demonstration of compliance.</p>	
<b>Section 20 – OLSH Precinct</b>		
<b>C20.1 Location and Character</b>	The proposed development is located wholly within the area references in section C20 of the Bowral Town DCP. The proposed development is required to fully consider these controls in the design of the site.	Yes
<b>C20.2 Preferred Development Outcomes</b>	<p><i>Any future development within this Precinct for the purposes of Housing for Seniors or People with a Disability shall address the following objectives:</i></p> <ul style="list-style-type: none"> <li>a) <i>ensure the scale and character of development is respectful of the low density residential character of the Bowral west area.</i></li> <li>b) <i>ensure important existing landscape and natural vegetation features of the site and adjoining land, including Council land, are recognised, protected and embellished, particularly the Eucalyptus macarthurii located on the corner of Kirkham and Centennial Roads.</i></li> <li>c) <i>provide a management plan for the connection of the two EEC stands through appropriate plantings.</i></li> <li>d) <i>ensure that any existing buildings on the site with recognised heritage values are examined for their potential for adaptive reuse as part of any redevelopment scheme</i></li> <li>e) <i>minimise potential traffic impacts on surrounding local roads</i></li> <li>f) <i>avoid development encroaching upon the flood plain of Mittagong Creek</i></li> <li>g) <i>minimise the potential impacts on the environment and</i></li> </ul>	Yes, subject to <b>Condition 38 and 97</b>

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

	<p><i>on the amenity of local residents associated with lengthy construction periods</i></p> <p>The proposal has been designed to be sympathetic to the surrounding built form character, whilst also providing a denser form of housing as a transition to the Bowral Township. This has been achieved by providing a built form that fronts Centennial Road that replicates the repetition of housing that currently exists along this frontage. Dwellings will be spaced to allow generous landscaped corridors to be located between buildings to enhance the garden feel of this area of Bowral. Internal to the site, building densities will be increased as is normal for a development of this type. These increased densities will not be readily observable from the public domain. By increasing built form densities in this area provides a gradual transition towards the more densely developed Bowral Township that should be expected of a fringe location such as this.</p> <p>The proposal will ensure that all key features of the site are retained and enhanced as part of the development. The existing buildings will be retained and refurbished where possible. The endangered ecological communities will be retained and enhanced in proximity to the riparian corridor which will be rehabilitated. The existing driveway will be upgraded, with surrounding trees protected and reinstated where required.</p> <p>The EEC areas have been assessed in detail and will be appropriately managed. Stormwater infrastructure is proposed to be located between the two patches of vegetation, with this to be designed to be integrated sympathetically with the existing environment. Trees that are currently located between the two areas are to be retained, with works under the VMP to further reinforce this linkage.</p> <p>The existing buildings recognised for having heritage significance have been investigated for retention, with the proposal retaining the majority of these structures. Council's heritage advisor has reviewed the application and is supportive of the proposed approach. The only contentious issue surrounds the retention of the priest cottage as discussed below.</p> <p>Traffic impacts have been assessed within submitted documents, with this reviewed by Council's Traffic and Transport engineers. A number of amendments were made to the initial proposal to ensure that traffic impacts are minimised and safety to the wider community increased surrounding the site.</p> <p>The proposal has undertaken additional flood modelling in consultation to ensure that the flood plain is properly defined for the site and that no development occurs within this area that is not compatible with modelled impacts. Some minor works are proposed on the floodplain south of Mittagong Creek, with these relating solely to accessibility treatments through the construction of a pathway connecting the site with the Bowral township.</p> <p>The overall development of the site is to be staged across two stages as identified in submitted documentation. The site is large and the development timeframe will extend for a number of</p>	
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**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p>years. However, the site is large with the majority of works occurring internal to the site. Impacts to surrounding residents will be minimal, with construction times to be controlled as detailed in <b>Condition 97</b>, with Construction Management Plans put in place as detailed by <b>Condition 38</b> and through the staging of the development.</p>	
<p><b>C20.3</b> <i>Development Concepts</i></p>	<p><b>C20.3.1 Character</b>  <i>The site needs to become part of the local area rather than a site that is simply driven past. It cannot afford to turn its back on Centennial Road. Therefore, it is essential that the character of the development, as viewed from passing traffic on Centennial Road, be similar to the low density residential character of the area in general. That is, individual dwellings in large garden settings. Higher density components of proposed development can be achieved behind this low density frontage.</i></p> <p><i>Centennial Road frontage must have dwellings that address and have vehicular and pedestrian access directly on to Centennial Road and have the appearance of separate dwelling houses, although they may contain more than one dwelling.</i></p> <p>As discussed above at Section C20.2, the proposal has been designed to meet the character requirements of the site.</p>	<p>Yes</p>
	<p><b>C20.3.2 Access</b>  <i>No vehicular access to the site from Mount Road</i></p> <p><i>At least two access roads into the site from Centennial Road (see Map) that promote the integration of the site as part of the local network. Roads within the site can remain private roads rather than being dedicated to Council.</i></p> <p>The proposal has been designed to include no vehicle access from Mount Road. Two access points are located on centennial Road consistent with figure C20.2 contained within the Bowral Town DCP</p>	<p>Yes</p>
	<p><b>C20.3.3 Landscape</b>  <i>The two stands of existing EEC on the site must be retained and embellished (Refer to Figure C20.2).</i></p> <p><i>An arborist's report must accompany any Development Application and provide:</i></p> <ul style="list-style-type: none"> <li><i>a) a detailed plan for connecting the two EEC stands through the planting of appropriate species, and</i></li> <li><i>b) a survey of all other existing tree cover on the site and on adjacent land, including Council land. The location and condition of the Eucalyptus macarthurii, located on the corner of Centennial and Kirkham Roads is to be particularly addressed.</i></li> </ul> <p><i>Council will consider the Safe Useful Life Expectancy rating of existing trees on the site, with a preference for retention of trees that can be accommodated into a comprehensive replanting scheme for the site that is focused on embellishing both the native vegetation and the plantings of deciduous species to reflect the Southern Highlands character of the site.</i></p>	<p>Yes, subject to Deferred Commencement <b>Condition DC 2</b></p>

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

	<p>The submitted Arborist report and Threatened Species test of Significance have been assessed by Council's Tree and Vegetation Officer. The review undertaken has highlighted that the proposal does not satisfy the requirements of this development control and as such modification to the submitted Masterplan is required to ensure that the mapped CEEC on site is appropriately protected during construction works and throughout the operation of the site. The overall Ecology impacts are discussed in further detail below.</p> <p>To ensure that adequate changes are made to the proposal, a Deferred Commencement condition has been included within the draft Notice of Determination at Attachment 1.</p>	
	<p><i>C20.3.4 Heritage</i>  <i>Any Development Application must be supported by a Heritage Impact Statement that fully canvases the value of the existing buildings, gardens and formal plantings on the site as local items of heritage (Refer to Figure C20.2). This includes the Chapel, Convent, Boarding College, War Memorial Hall and tree lined driveway. The statement must fully explore the options for adaptive reuse of the identified buildings and retention of landscape elements. The statement must also include a survey of Aboriginal Heritage, particularly of Lot 4 on the corner of Centennial and Kirkham Roads.</i></p> <p>The application was informed by an extensive Heritage Impact Statement which assessed the heritage value of the all the built elements on site. This provided comments on the proposed reuse of the existing buildings including the demolition of select buildings. The submitted documentation was reviewed by Council's Heritage advisor and he has provided his support for the proposed development, with the exception of the proposed demolition of the Priest cottage. The heritage aspects of the application are discussed in further detail below.</p> <p>Aboriginal Heritage was assessed by the applicant, but only after it was identified as being deficiently described within the initial application documentation. The provided due diligence assessment identified that Aboriginal heritage is present on site, with areas of further potential for archaeological deposits identified. This assessment identified a number of actions that would be required to be undertaken prior to any works commencing on site. The application and Due Diligence reporting was provided to OEH for assessment and comment due to a lack of suitably qualified person within Council. OEH have identified a number of items that will be required to be completed prior to any construction works commencing as part of stage 1 and further requirements before works take place for stage 2. <b>Conditions 7 and 28</b> detail these requirements.</p>	<p>Yes, subject to <b>conditions 7 and 28</b></p>
	<p><i>C20.3.5 Protection of the Night Sky</i>  <i>All lighting on the site will be designed to ensure that it does not impact on the quality of the night sky or in any other way adversely impact on surrounding residential development. Further detail on this objective may be found in Section A8 of this Plan.</i></p> <p>The proposal will be required to provide lighting that does not</p>	<p>Yes, subject to <b>Condition 9</b></p>



## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

	<p>impact on the enjoyment of the night sky for the wider community. <b>Condition 9</b> will require that an appropriate lighting plan is provided for Stage 1 and all subsequent stages of development.</p>	
	<p><i>C20.3.6 Non Residential Facilities</i>  <i>Non residential uses that may be proposed on the site must at all times remain ancillary to the residential nature of the development and be primarily for the benefit of residents of the development. A scale of non residential activity that relies for commercial viability on the custom of the general public will not be supported. Such uses could include, but would not be limited to, gymnasium, pool, hairdresser, beautician, medical/health practitioners. Any development application must provide comprehensive details of any proposed non residential uses.</i></p> <p>The submitted documentation states that all ancillary uses within the site will be provided solely to the future residents within the development. <b>Condition 16</b> has been included to ensure that this occurs in accordance with the Plans of Management provided with additional information sought from the applicant.</p>	<p>Yes, subject to <b>Condition 16</b></p>
	<p><i>C20.3.7 Staging and Construction</i>  <i>As the site is very large, the construction phase of any proposal is likely to extend over many years. Any development application must be supported by a comprehensive staging plan and Construction Management Plan. This will assist in</i></p> <ul style="list-style-type: none"> <li><i>a) ensuring the potential disruption to local residents is minimised</i></li> <li><i>b) ensuring the potential impacts to the natural environment are minimised</i></li> <li><i>c) ensuring the timing of development contributions are appropriate</i></li> </ul> <p><i>Major clearing and earthworks must be consistent with the approved staging plan.</i></p> <p>As discussed above at Section C20.2, the proposal has been designed to limit construction impacts for works within the site.</p>	<p>Yes</p>
	<p><i>C20.3.8 Voluntary Planning Agreement</i>  <i>A Voluntary Planning Agreement is the preferred mechanism for the establishment of appropriate development contributions arising as a result of development of the site.</i></p> <p>The applicant has not sought to enter into a Voluntary Planning Agreement for the site. Extensive discussions have been had between the applicant and Council's Manager of Strategic Planning. Agreement has been reached that the proposal will be charged standard development charges under section 7.12 of the Environmental Planning and Assessment Act 1979. The draft Notice of Payment is included as an attachment to the draft Notice of Determination at Attachment 1.</p>	<p>Yes, subject to attachment to Attachment 1</p>

### **Section 4.15 Evaluation**

#### *(1) Matters for consideration—general*

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

The proposed development satisfies the requirements of the *Wingecarribee Local Environmental Plan 2010* and applicable State Environmental Planning Policies including the Infrastructure SEPP, Sydney Drinking Water SEPP and SEPP 55.

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

Not applicable in this instance (no relevant draft plans).

(iii) *any development control plan, and*

The proposed development complies with the provisions of the Bowral Town DCP as demonstrated within this report.

(iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

No planning agreement has been offered as part of this development.

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

Wingecarribee is not a coastal Council therefore the Government Coastal Policy does not apply. Further the application does not propose any temporary structures.

In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing buildings on site will be required to be upgraded to achieve the required standard in respect of fire safety. **Conditions 56 and 118** will ensure that appropriate fire safety measure are incorporated into all existing buildings on site. Further, demolition works are proposed to be undertaken amongst the existing buildings. As such **Condition 22** has been imposed requiring a Demolition Plan to be submitted with each subsequent stage, having regard for *Australian Standard AS2601 Demolition of structures*.

(v) *(Repealed)*

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

### Heritage

As discussed above in regards to considerations to heritage under the WLEP, the historical significance of the site has formed one of the main considerations of the

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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proposed works. The OLSH site has historical significance within the Bowral Township, having been occupied for the majority of the 20<sup>th</sup> century as a school and convent. The site is prominent in regards to the town structure, sitting on the western fringe of the town and located on a rise on the far side of Mittagong Creek affording views of the existing buildings from the surrounding area.

Previous development applications for the site for seniors housing highlighted the historic value of the site. The historic significance was recognised through development controls being included within Section C20 of the Bowral Town DCP that required the buildings to be assessed for their heritage significance as part of any future development application for the site and for existing buildings to be retained where possible. The DCP specifically highlights the heritage significance of the following with C20.3.4:

*“Any Development Application must be supported by a Heritage Impact Statement that fully canvases the value of the existing buildings, gardens and formal plantings on the site as local items of heritage (Refer to Figure C20.2). This includes the Chapel, Convent, Boarding College, War Memorial Hall and tree lined driveway.”*

The application was accompanied by a Heritage Impact Statement which investigated the heritage value of all buildings on site. This information was provided to Council’s Heritage advisor for review and comment. Following additional information being provided that sought clarification on certain aspects, and following the completion of the Interim Heritage Order process discussed above, the Heritage Advisor provided support for the application with the exception to the applicant’s intent to demolish the priest’s cottage on site. It was noted by the Heritage advisor that *“Priest’s Cottage should be retained and integrated into the development. This building is substantially intact and has heritage listing potential”*. The retention of the priest’s cottage was also included within the text of recommended conditions resulting from the lifting of the Interim Heritage Order, with the cottage to be retained through a section 88B control placed upon the title of the site.

The applicant’s position to demolish the priest cottage is informed by the outcomes of the Heritage Impact Statement prepared to support the development application. The Draft Heritage Assessment Report was prepared by Paul Davies in 2012 for the previous owners of the site. Paul Davies was engaged by the applicant to provide further assessment of the heritage significance of the site in respect of the proposed works. The December 2017 covering letter provided indicates overall support for the proposal. Of note, the engaged consultant states in relation to the Priest’s Cottage that:

*“A small separate cottage, known as the priest’s cottage, is to be removed. It is a modest structure in poor condition that is interesting in that it is separated space for a priest to visit from the convent, but the building has no other specific heritage value”.*

Further, commentary with the applicant throughout the assessment of the application in respect to this aspect has indicated that they have had numerous discussions with former students of the boarding school that had indicated negative recollections of this aspect of the site, with comments indicating that they would prefer that the cottage was removed rather than be retained in any capacity.

The retention or removal of the priest’s cottage has not been agreed upon throughout the assessment of the application, with the applicant indicating that they are not willing to move from their proposed position to demolish the cottage. Council’s intent is clear that this element should be retained, with both a Council resolution and Council’s Heritage advisor providing comment to this. **Condition 27** requires that the priest cottage be retained within the site in accordance with Council’s resolution. This will require plans to be amended to reflect this change in the vicinity of the cottage. Should the applicant seek

for this aspect to be removed, a full Heritage Impact Statement is required to be prepared that fully explores the heritage significance of this aspect in the context of the overall site.

### Ecology

The overall site is recorded as having significant ecological value. Two substantial areas of Southern Highlands Shale Woodland is mapped as being located within the site. This vegetation community is listed as a Critically Endangered Ecological Community (CEEC) under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. These areas are located directly to the east and to the south-east of the existing buildings. Section C20 of the Bowral Town DCP requires that these areas be rehabilitated through any development on site, with a management plan required to provide improved connectivity between the two areas.

The site is also traversed by Mittagong Creek and a tributary, entering the site on the eastern boundary, with the tributary entering in the north-east corner of the site. The two corridors meet centrally along the eastern boundary and travel in a generally south-westerly direction to depart the site directly south of the main buildings on site. Mittagong Creek is classified as a 4<sup>th</sup> order stream and under the Natural Resource Access Regulator a 40m wide riparian corridor measured from the top of bank on either side of the of the waterway. The Bowral Town DCP requires that a Vegetation Management Plan be prepared at the application stage to ensure that protection and rehabilitation of these watercourses occurs.

Further, additional development controls with Section C20 of the DCP require that the existing trees lining the main entry to the site be retained through any development of the site. These trees are exotic species, but provide a significant component to the heritage values of the site. In addition to this, there are a number of native trees that are located in the north-east corner of the site that should be retained. This is especially the case adjacent to the intersection of Centennial and Kirkham Roads where a view corridor over the sites flood plain exists.

The application submitted to Council initially included only an Assessment of Environmental Constraints and Opportunities. Upon review of the documentation provided, Council's Tree and Vegetation expressed concern about the lack of all required information in which to complete their assessment. Initial concerns were centered on the lack of a buffer between the construction of dwellings with the mapped areas of CEEC. The application was required to be amended to remove proposed dwellings.

Following a site visit by the JRPP members on 26<sup>th</sup> July 2018, Council's Tree and Vegetation Officer requested further information be provided to satisfy all ecological requirements of the proposal. This request required that a Vegetation Management Plan be prepared for the riparian corridor that traversed the site and that a comprehensive Arborist report be prepared that assessed all trees within the site (this was to include survey of trees and their inclusion within engineering plans to ensure that these competing elements were consistent). This additional information was sought as part of a comprehensive request for information that was sent to the applicant on 31<sup>st</sup> August 2018.

The required information was provided to Council on the 10<sup>th</sup> October 2018, with this provided to Council's Tree and Vegetation Officer for review. On 13<sup>th</sup> November 2018, correspondence was received from Council staff advising that no Threatened Species test of Significance had been undertaken in support of the application. This requirement was provided to the applicant, with the required assessment provided on 28<sup>th</sup> November 2018.

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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Following the review of the Significance test and the provided Arborist reports, further information was identified as being required to be provided as the significance test only considered impacts associated with Stage 1 and the Arborist report excluded a significant number of trees from assessment, including the trees located along the main access driveway. These requirements were provided to the applicant to address.

The required documentation was provided on the 21<sup>st</sup> January 2019 for assessment. The review of this information identified that a number of aspects still had not been resolved to the satisfaction of Council. These issues related to the following:

- Arborist Report – The complete Arborist assessment for the site showed that the existing trees along the main entry driveway would all be extensively impacted by development and would likely result in their removal. The outcomes of the Arborist report have not been considered in the overall design of the site, with no attempt made to retain any trees classified as having either a high or moderate retention value. Council requires that the trees along the main driveway be retained. To achieve this outcome, a deferred commencement condition is recommended within the draft Notice of Determination at Attachment 1 (**Deferred Commencement condition DC1**).
- Existing CEEC's – The amended Threatened Species test of Significance identified a number of concerns to the mapped areas of CEEC on site. There was no controls in place within the Masterplan to ensure that no development would occur within 10m of any tree trunks located within the CEEC areas. To achieve this requirement, a deferred commencement condition (**Deferred Commencement Condition DC2**) is recommended to ensure that the Masterplan is amended to remove all construction impacts within 10m of the mapped CEEC boundary (including all earthworks and supporting infrastructure).

*(c) the suitability of the site for the development,*

The proposed development is consistent with the site given the site's historic consideration for seniors housing development and its specific inclusion within the listed permitted uses under the WLEP 2010. It has demonstrated suitability in terms of compatibility with adjacent developments, specifically relating to character and traffic impacts. The site has demonstrated compliance with the specific development controls contained at Section C20 that relate solely to seniors housing development on the site. There are adequate utilities and services available to the existing and proposed development. The air quality and microclimate are appropriate for the development, there are no hazardous land uses or activities nearby, and ambient noise levels are suitable for the development.

The site is not subject to natural hazards including flooding, slip, mass movement and bushfire. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats known on the site that have not been appropriately managed through mitigation measures identified through submitted studies.

*(d) any submissions made in accordance with this Act or the regulations,*

Thirteen submissions were received during the notification periods. Please refer to the Consultation section of this Report below.



## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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(e) *the public interest.*

Staff are not aware of any policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no management plan, planning guideline or advisory document that is applicable to a development of this nature. Also, there are no covenants, easements, or agreements that affect the proposal. As such, the proposal would not contravene the public interest.

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### CONSULTATION

#### Internal Referrals

Referrals	Advice/Response/Conditions
Accredited Certifier	Council's Accredited Certifier raised no objection to the proposed development subject to the inclusion of a number of conditions of consent. These are incorporated into the draft Notice of Determination contained at Attachment 1.
Environmental Health Officer	Council's Environmental Health Officer required that more detailed plans for the proposed food preparation areas be provided. The applicant submitted these additional plans for assessment. Upon review of additional information, no objection was raised subject to the inclusion of a number of conditions of consent. These are incorporated into the draft Notice of Determination contained at Attachment 1.
Contributions Planner	<p>Council's Manager of Strategic Planning has been involved throughout the assessment of this application. The Bowral Town DCP indicates that the developer for this site should consider a Voluntary Planning Agreement (VPA) in respect to development contributions for the site.</p> <p>Correspondence has been provided to demonstrate that a VPA isn't necessary for this development for the payment of required development contributions. Instead, standard rates applicable under Council's Section 94 plan have been levied.</p> <p>The Notice of Payment has been included at Attachment 3 to the draft Notice of Determination detailing the contributions payable. It should be noted that the attached Water and Sewer DSP's for all three stages</p>
Development Engineer	Council's development engineers have been extensively involved with the assessment of the application throughout its time with Council. Additional information was required from the applicant for a range of issues, including requirements raised by Council's Drainage Engineer. Primarily, these concerned further detail surrounding stormwater management, flood modelling and earthworks proposed. Following receipt of additional information from the applicant, further assessment required additional

**PLANNING REPORT FOR THE  
SOUTHERN REGIONAL PLANNING PANEL**

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Referrals	Advice/Response/Conditions
	clarifications to be sought. A number of minor issues remain which have been incorporated as conditions to be satisfied prior to a construction certificate being issued. These are incorporated into the draft Notice of Determination contained at Attachment 1.
Water and Sewer Engineer	Council's Water and Sewer Engineer reviewed the application and indicated that the existing water infrastructure has capacity to service the proposal. Sewer infrastructure is currently experiencing fairly significant surcharging issues, with these to be resolved in 2019 as part of Council's capital works program. The proposal is supported subject to the inclusion of a number of conditions of consent. These are incorporated into the draft Notice of Determination contained at Attachment 1.
Traffic and Transport Engineer	Council's Traffic and Transport Engineers have reviewed the application to assess impacts to the surrounding road network as well as assess internal private road networks and parking requirements. Additional information was sought from the applicant to satisfy this review. The review of additional information required further clarifications to be sought prior to conditions being recommended to be imposed to rectify a range of minor issues still to be resolved, with these conditions to be satisfied prior to a Construction Certificate being issued. These are incorporated into the draft Notice of Determination contained at Attachment 1.
Vegetation and Tree Officer	Council's Tree and Vegetation Officer has reviewed the application in respect to its impacts on the ecological values of the site, impacts to existing Arboricultural value and the proposed landscaping. Comments above have extensively explored this aspect of the application. A number of conditions have been included within the draft Notice of Determination, including two deferred commencement conditions focusing on protection of mapped EEC and existing trees.
European Heritage Advisor	The application was referred to Council's engaged Heritage Advisor to provide comment on the heritage significance of the buildings located within the site and the impact to adjacent heritage items. Comments above have detailed the complexities of this aspect of the application. Of note, the Heritage Advisor indicated that the retention of the priest cottage should occur as it has some heritage potential, whereas the application seeks to demolish this aspect. <b>Condition 27</b> requires that the cottage be maintained, with the stage 1 layout to be modified to accommodate this element.

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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### External Referrals

Referrals	Advice/Response/Conditions
Water NSW	The application was referred to Water NSW as the site is within the Warragamba Catchment and therefore requires concurrence under <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> . Their concurrence was provided and conditions shall be imposed accordingly ( <b>Condition 130</b> )
Roads and Maritime Services	The application was referred to Roads and Maritime Services to determine if any impact would occur to the nearby Mittagong Road, which is deemed to be a classified road. RMS have provided concurrence to the application and have indicated that no conditions need be imposed to satisfy their requirements.
Natural Resource Access Regulator	The application was referred to the Natural Resource Access Regulator (NRAR) as Integrated Development as works require a Controlled Activity Approval to be granted. NRAR have reviewed the submitted documentation and have provided General Terms of Approval which are included at <b>Condition 129</b> .
Australian Rail Track Corporation	The application was referred to the Australia Rail Track Corporation as the leaseholder for the rail line running adjacent to the site. ARTC have reviewed the application and have provided concurrence subject to Council considering the requirements of the Infrastructure SEPP as part of their assessment of the application. <b>Condition 13</b> requires that a noise impact assessment be undertaken to support an application for development east of the main access driveway as a result of this referral.
Office of Environment and Heritage	The application and supporting documents was provided to OEH to undertake a review of the Aboriginal Heritage assessment undertaken within the SoEE and to provide comments on its adequacy in lieu of an appropriately experienced Aboriginal Heritage officer within Council. OEH have provided a number of recommendations that have been accepted fully by Council and incorporated as <b>Conditions 7 and 28</b> into the draft Notice of Determination.

### Neighbour Notification

The proposed development was neighbour notified to 22 adjoining and adjacent landowners and advertised in the Southern Highland News from 24 January 2018 to 23 February 2018 (additional days were provided to accommodate public holidays). This exhibition period was extended for a further 7 days to provide greater time for submissions to be lodged. During this time, thirteen submissions were received. The issues raised in all received submissions are summarized and addressed below:

- Overdevelopment of the site

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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The submissions raised concern about the potential over development of the site as proposed. Submissions identified that the site was located within an area zoned R5 – Large Lot Residential with the minimum lot size for subdivision standard being 4000m<sup>2</sup>. Submissions stated that this density of development should be replicated within the site to ensure that the surrounding semi-rural character of the area was maintained.

*Comment:* Section C20 of the Bowral Town DCP specifically addresses how density within the site should be addressed as detailed above. Specifically, the DCP states at C20.3.1 that:

*“... it is essential that the character of the development, as viewed from passing traffic on Centennial Road, be similar to the low density residential character of the area in general. That is, individual dwellings in large garden settings. Higher density components of proposed development can be achieved behind this low density frontage.”*

This development control allows for higher densities to be achieved on the site subject to the Centennial Road frontage being designed in a manner to reinforce the semi-rural character of the area. The design has achieved this through a number of measures. Firstly, built forms have been spaced at intervals that reflect the surrounding residential area. This has been achieved by placing a building fronting Centennial Road within each lot along this frontage. The spaces between each building are proposed to be heavily landscaped to reflect the surrounding gardens present on other sites. Further, these dwellings are orientated towards the street each with individual pathways and access points to Centennial Road.

Driveways and garaging has been placed internal to the site to ensure that the community feel and inclusiveness of all residents is achieved for the overall development. The exclusion of driveways from this frontage will result in an improved outcome for vehicle safety by reducing the number of access points to Centennial Road to only two.

- Heritage

One submission was received indicating concerns regarding impacts to the adjacent heritage listed house “Neerim”. This submission expressed concern about the distance at which development was proposed along the western boundary and how this would impact on the visual curtilage to the adjacent property. The submission indicated that discussions had been had with the applicant in regards to this aspect and that an agreement had been reached.

*Comment:* The content of this submission was discussed with the applicant through the assessment of the application and this agreement was confirmed. It was subsequently requested that the applicant make these changes to submitted plans as part of a wider request for additional information. These changes were made as agreed, resulting in an expanded development setback from the western boundary and further landscaping proposed. This portion of the site is located within Stage 2, with a subsequent development application required to be lodged and assessed. The setback along this boundary should be maintained at a minimum or further expanded if scope exists.

- Permissibility and strategic planning

Concern was raised by a number of respondents about the permissibility of the proposal. These concerns focused on the applicability of the Seniors Living SEPP, the prohibition of seniors housing within the R5 – Large Lot Residential zone and the

inclusion of seniors housing as an additional permitted use for the site within Schedule 1 of the WLEP. Further concern was raised about the Council resolution that sought to commence a Planning Proposal to remove the Schedule 1 listing for the site as well as to remove the Council acquisition layer from the RE1 portion of the site. Permissibility of the additional uses within the proposal was questioned, with these uses not permissible under the R5 zoning.

Strategic planning was also raised as being lacking for the site, stating that no strategic planning had occurred for this site in relation to its appropriateness for seniors housing. Also, comment was raised about the number of seniors housing developments that are occurring around Bowral and the Southern Highlands and whether the area has the capacity to provide the required services to meet the needs of these residents.

*Comment:* The issue of permissibility has been detailed about under the appropriate legislation sections. The proposed use is permissible with development consent under the WLEP. The Seniors Living SEPP doesn't apply to this application in regards to permissibility, with the Bowral Town DCP utilizing the development controls within the SEPP as controls for seniors housing development throughout the shire.

The additional uses proposed to be undertaken within the existing building are all proposed to be ancillary to the seniors housing land use on site. The Operational Management Plan for the site has been provided and is included within the stamped documents that will accompany any consent given for the operation of the site. This plan details that the ancillary uses will only be for the benefit of residents, with these services not offered to the wider public.

The Planning Proposal that was commenced as a result of the Council resolution was submitted to the Department of Planning and Environment to undergo Gateway determination. The Department advised that they would not be proceeding with the Planning Proposal at this time as it did not have strategic merit in removing this additional use from the site.

Strategic planning for the site in regards to seniors housing has occurred. The site was listed for seniors housing as an additional permitted use through the process of the shire transitioning to the Standard Local Environmental Plan. The site was previously zoned for use as a school. With the introduction of the Standard LEP, the site was rezoned to be consistent with the surrounding zoning of R5. As the site had already been considered for a Site Compatibility Certificate for seniors housing, with a previous application for the site submitted for assessment, it was listed within schedule 1 to ensure the permissibility for seniors housing continued.

- Similar applications in area

A submission detailed that there had been a number of similar applications assessed previously for the site and in the immediate surrounding area. The submission indicated that these application, and in particular the submissions received by Council, should also be considered by Council when reviewing this application.

*Comment:* The submissions relating to other applications have not been considered in the assessment of this application. All development applications are to be considered in isolation to other applications for a specific site that have not proceeded, with this also the case for applications within the



surrounding area that have either been withdrawn or refused. This application has been considered in respect to the existing development surrounding the site as is required by the Environmental Planning and Assessment Act 1979.

- Traffic and Access

The majority of submissions received by Council identified traffic and access as substantial issues with the proposal. These centered on a number of components, both internal and external to the site.

Externally, concern was raised about increased traffic congestion around the two rail crossing points north and south from Centennial Road. Concern was also raised about the current state of Kirkham Road and the impact that increased number of construction vehicles would have on this surface. Treatments were also mentioned as being required along both Centennial and Kirkham Roads in the form of footpaths, kerb and guttering.

Internally, the main access points to the site where the main issues of contention. This focused on how the existing access point was too narrow to support two way traffic, the speed of vehicles traveling along Centennial Road and potential for conflict with turning vehicles. Consideration should be given to creating a one-way scheme through the site or relocating the main entry point to the western access point. Further, concern was raised the proposed works to widen the access road would impact the mature trees that line the driveway that should be retained. It was also noted that the angle of the driveway in respect to Centennial Road was too acute to allow safe vehicle movements.

*Comment:* Significant focus has been placed on the assessment of the impacts associated with the development of the site in regards to traffic generation and access. Externally, significant upgrade works to the road corridors of Centennial and Kirkham Road will be required to be undertaken. This includes provision of kerbing and footpaths along both frontages, the construction of a bridge over Mittagong Creek and a pedestrian refuge on Kirkham Road to allow for safer crossing of this roadway for pedestrian movement.

Internally, **Condition DC1** of consent have been included to ensure that the tree lined main access road is maintained. Additional engineering design is required for the intersection of the main driveway to Centennial Road to improve safety.

- Flooding and Storm water

Concern was raised through the submissions received about what impacts to flooding and stormwater management would occur from the development. In respect of flooding this focused on the impacts to access that resulted in a flood event. Comments noted that Centennial Road and Kirkham Road were both impacted by flood waters cutting access to the site. Submissions noted that some proposed buildings were located to close to flood areas.

Stormwater management and its impacts to downstream properties were noted. Concern centered on the impacts to changed stormwater discharge rates that may result from the increase in impervious areas and the associated increase to flooding that would result downstream.

*Comment:* The impacts associated from flooding and stormwater management has been considered throughout the assessment of the application. Flood

modelling was undertaken to determine the extent of the 1 in 100 year flood. This extent, plus an additional 500mm, was used to delineate the extent on which development works could occur to ensure that no building was located in an area that would be impacted by flood waters. Further, this assessment considered potential climate change impacts and how this would impact flood levels. It was identified that limited impacts would occur in this site due to the topography of the site. Stormwater modelling was required to demonstrate that pre and post development water flows did not result in an increase in discharge rates.

- Infrastructure capacity

A number of submissions received expressed concern that the existing sewer capacity was not adequate to support the existing development within West Bowral let alone a development of this scale. The submissions stated that this development should not be allowed to proceed until such time as existing infrastructure had been upgraded to a standard necessary to cope with existing and proposed development.

*Comment:* Council requires that all new developments be assessed to determine if existing infrastructure has capacity to support the proposed increase in demand. As such, this application was referred to Council's Water and Sewer engineer to assess the impacts on Council's infrastructure. As discussed above within the internal referral table, the sewer system has previously been identified as being inadequate and requiring upgrade. Council's capital works program for 2019 includes the works required to bring this portion of the sewerage system up to a standard where it is able to cope with current and forecast demand on the system.

- Noise

One submission expressed concern that the development would impact the quiet nature of the area. That the operation of the site, as well as the increase in resident numbers, would create noise impacts to surrounding residents.

*Comment:* The proposal is predominately residential in nature, with dwellings to be constructed around the perimeter of the existing buildings on site. Extensive landscaping will be provided which will also aid in noise screening for surrounding land uses. To ensure that no excessive noise impacts result through the operation of the site, **Condition 89** has been included to provide a method of recourse to the operator of the site if noise complaints are received by Council.

- Ecology

The majority of submissions expressed concern as to how the ecological values of the site would be impacted by the proposal. These concerns focused on the mapped EEC vegetation adjacent to the main buildings and the tree lined access driveway. Further comments surrounded the encroachment of dwellings into vegetation within the south-west corner of the site and impacts of native trees in the north-east corner of the site. Riparian corridor impacts were also raised throughout the submissions, detailing that it appeared that dwellings were being proposed within riparian corridors.

*Comment:* The submissions regarding ecology have been considered throughout the assessment of the application and discussed extensively above within this report. Appropriate controls on development have been included as conditions within the draft Notice of Determination at the Attachment.

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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- Residents wellbeing

Concern was raised throughout the submissions about the wellbeing of residents as well as the demographics that a development of this type attracts to Bowral. The site is isolated from Bowral, with this separation making it difficult for future residents to integrate with life within town. Further, Bowral should be trying to encourage younger residents rather than to continue to cater to seniors housing.

*Comment:* Access to Bowral has been considered through the development of the proposal. Pedestrian pathways in and around the site will be provided to enable easier access to the Bowral Township for residents on site. The operator of the site will also be running a shuttle service for residents into town as well as to local facilities as required. The proposal has included a range of community facilities for the use of residents to encourage them to get out and enjoy the site.

The demographics attracted to a development of this type is not a consideration within the assessment of this application. Strategic planning for the wider shire is where this direction is set.

- Construction impacts

Concern was raised through a number of submissions received about the length of time construction works would take for a site of this scale. Concern surrounded the ongoing impacts to residents in the immediate area from construction activities, especially associated with vehicle movement, dust generation and noise impacts. The submissions called for the length of works to be shortened as much as possible to reduce these impacts.

*Comment:* Whilst Council is not able to condition for works to be completed in a set timeframe, Council can require that appropriate construction management plans are in place to reduce these impacts. A number of conditions have been included in the draft Notice of Determination to control and minimize these impacts as much as is possible. These controls include measures to reduce dust generation, construction hours, sediment and erosion control, traffic management etc. The applicant has expressed a desire for works to proceed in an expeditious manner, however there is no mechanism available for Council to force a timeframe in which subsequent stages of development are lodged for assessment with Council or for construction works to commence.

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## SUSTAINABILITY ASSESSMENT

- **Environment**

The proposed development does not raise any additional environmental impacts to those considered in this report.

- **Social**

The development is considered to be positive in terms of its provision of additional housing supply for seniors and the additional choice in dementia care and nursing homes for the region.

## PLANNING REPORT FOR THE SOUTHERN REGIONAL PLANNING PANEL

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- **Broader Economic Implications**

The development is considered to be positive in terms of providing stimulus to the local building industry and employment of local builders.

- **Culture**

There are no envisaged cultural issues in relation to this development.

- **Governance**

The development application has been considered in accordance with the LEP, the *Environmental Planning and Assessment Act 1979* and any matters relevant to the proposal.

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### OPTIONS

The options available to the Joint Regional Planning Panel (Southern Region) are:

#### Option 1

THAT Development Application 17/1822 be approved by way of deferred commencement subject to draft conditions as prescribed within **Attachment 1**.

#### Option 2

THAT Development Application 17/1822 be refused with reasons for refusal to be determined by the Joint Regional Planning Panel (Southern Region) in accordance with the provisions of of the *Environmental Planning and Assessment Act 1979*.

**Option 1 is the recommended option to this report.**

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### CONCLUSION

DA17/1822 seeks consent for a conceptual three stage development for seniors facilities and approval of Stage 1 of the concept, being for 52 self-care seniors housing dwellings, 2-18 Centennial Road, Bowral.

From Council's point of view all relevant matters have been addressed, and/or conditions imposed to ensure that any potential impacts are negated by way of recommended conditions or highlighted as requirements for future development applications. On balance, it is considered that this report adequately addresses the impacts of the development in terms of visual amenity, suitability of the site, services and utilities, traffic, ecology, heritage and the many other areas identified above.

The development application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and is considered to comply with all relevant items. It is recommended that the development application be approved (by way of deferred commencement), subject to appropriate standard conditions and those otherwise identified in the assessment.

### ATTACHMENTS

1. Draft Notice of Determination

2. Plans of Master Plan and Stage 1