

SUPPLEMENTARY REPORT

Panel Reference	2018STH003-Wingecaribee-17/1822
DA Number	17/1822
LGA	Wingecaribee Shire Council
Proposed Development	Concept Plan for Seniors Housing and Stage One – 52 self care seniors housing dwellings.
Street Address	2 – 18 Centennial Road, Bowral, Lots 1-2 DP1101892 and Lots 4-11 DP1109214
Applicant/Owner	Waterbrook Bowral
Number of Submissions	Not applicable to supplementary report
Regional Development Criteria (Schd 4A of the Act)	Clause 3 General development over \$20 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Water Management Act 2000 • SEPP (Housing for Seniors or People with a Disability) 2004 • SEPP No. 55: Remediation of Land • Wingecaribee Local Environmental Plan 2010 • Bowral Town Plan DCP v.9
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Final Conditions 2. Concept Masterplan 3. Bowral Stage 2B Sketch and Dwelling Mis 4. Concept Landscape Plan 5. Existing Tree Plan 6. Redesigned Entry Road 7. Infrastructure Works 8. Typical Road Cross Sections 9. Entry Road Sections 10. Grading and Earthworks Plans 11. Concept Construction Management Plan 12. Detailed Site Investigation 13. Facilities and Services Statement 14. Arborist Report 15. Traffic Report 16. Long Fire Truck Turning Path 17. MRV Truck Circulating Paths 18. Compliance Table 19. Visual Photo Montages
Recommendation	Approve
Report prepared by	External Planner- for Development Assessment Coordinator
Report date	April 2019

2nd ASSESSMENT REPORT AND RECOMMENDATION

1. PURPOSE OF REPORT

The purpose of this report is to respond to “Reasons for Deferral” raised by Southern Regional Planning Panel (SRPP) on the 12 February 2019 in the assessment of the application. Specific issues to be addressed by this supplementary report are as follows:

- “1. Details as to the layout and built form of the proposed Stage 2 East of the internal access road, including proposed setbacks to Centennial Road, trees to be retained and internal access arrangements.*
- 2. Plans indicating which trees on the site are to be retained or removed and their condition in accordance with the Arborist Report.*
- 3. Plan and details of proposed footpath, demonstrating how it will be compatible and consistent with existing footpath network. Options for the footpath upgrade to be identified with Council, including option of extended footpath along Kirkham Road towards Railway Station.*
- 4. Staging Plan showing delivery of infrastructure and works for each Stage 1,2 and 3 to be consistent with the concept plan submitted for approval. Details of the operational use and management of community facilities.*
- 5. Amended plans shall be provided which retain all identified medium and high retention value trees along the existing entrance driveway. The new entrance and exit driveways shall be redesigned to ensure no works are proposed within the SRZ of any tree, and that any encroachment into the TPZ (as specified in the report prepared by Eco Logical Australia Pty Ltd, project number 18SUT-11544, version 2, dated 16 January 2019) not exceed 10%. This includes all associated works including cut, fill, excavation, installation of services, stormwater and drainage. Plans to indicate how access will be provided while meeting tree retention requirements.*
- 6. The plan titled Waterbrook Seniors Living Staging Plan shall be amended to ensure no new buildings and/or new roads works and/or associated infrastructure are placed within 10m from the locations of the Southern Highlands Shale Woodlands (SHSW) tree trunks identified by survey and marked on plan.”*

In addition the Panel noted that an assessment against SEPP 55 is required to confirm the suitability of the site.

2. BACKGROUND

On 22 December 2017, DA17/1822 was lodged with Council seeking consent to develop seniors housing facilities at the subject site. The application was lodged pursuant to section 4.22 of the *Environmental Planning and Assessment Act 1979* and seeks conceptual approval for a staged development as follows:

- Stage 1** Refurbishment and construction works within the main facilities building and fifty two (52) self-care seniors housing dwellings.
- Stage 2** 83 self-care seniors housing dwellings comprising 28 dwellings generally in the western portion of the site and 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*. A copy of the previous assessment report is included in Attachment C.

3. SUPPLEMENTARY INFORMATION ADDRESSING DEFERRAL MATTERS

The following information, plans and reports is the suite of documents relied upon in the assessment contained in this report. These documents are contained in Attachment 3 to this report. A subset of these documents are recommended to form part of the approved plan and document set listed in recommended Condition 2 in Attachment 1 to this report.

- Concept Masterplan Concept prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019
- Ground level villas Stage 02B prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019
- Dormer Villas Stage 02B prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019
- Roof level villas prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019
- Stage 2 (east) – Summary table of relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by Waterbrook Bowral Pty Ltd
- Visual Impact Photomontages and Methodology Report by Virtual Ideas dated 22 March 2019
- Infrastructure Works Site Plan by Marchese Partners Job 16104 Drawing No.DA-C-100 Revision Q dated 3 April 2019 (see Figure 9)
- Civil Works Typical Road Cross Sections by Marchese Partners Job 16104 Drawing No.DA-C-151 Revision A dated 17 April 2019 (see Figure 10) and Revision P dated 8 March 2019 (see Figure 11).
- Revised Traffic and Parking Assessment Report Reference No.17788 prepared by Varga Traffic Planning Pty Ltd dated 21 September 2018.
- Concept Construction Management Plan prepared by Marchese Partners Job 16104 Drawing JRPP-STG-00 Revision G dated 13 February 2019
- Statement of Facilities and Services by Waterbrook Bowral dated February 2019
- Concept Landscape Masterplan Revision F prepared by Site Design Studio Drawing No.1080 Page L02 dated 3 April 2019
- Existing Tree Plan prepared by Site Design Studios Drawing No.1080 Page L11 Revision H dated 17 April 2019
- Redesigned entry road prepared by Site Design Studios Drawing No.1080 Page L12 Revision D dated 3 April 2019
- Staging Plan Concept Construction Management Rev 00 and Rev 01 prepared by Marchese Partners Job 16104 Drawing JRPP-STG-00 Rev G dated 13 February 2019
- Detailed Site Investigation Report Report No.10025626RP02 Revision 01 prepared by Arcadis dated 21 March 2019 (Rev.01)
- Arboricultural Impact Assessment Report by Eco Logical Project Reference 18SUT-11544 Version 6 dated 17 April 2019

4. ASSESSMENT OF DEFERRAL MATTERS

4.1 Deferral Matter 1

“1. Details as to the layout and built form of the proposed Stage 2 East of the internal access road, including proposed setbacks to Centennial Road, trees to be retained and internal access arrangements.”

4.1.1 Layout and Built Form and proposed setbacks to Centennial Road

A total of 83 Dwellings are to be provided in Stage 2. The 28 dwellings proposed in the western portion of the site are to be single storey and of a similar layout, scale, density and configuration to those dwellings approved by the SRPP within Stage 1.

Details of the dwellings proposed for Stage 2 east of the central internal access road have been provided in the following drawings:

- Concept Master Plan, Marchese Partners DA.M1.01 Revision H which shows 39 ground level villas and 16 dormer-level villas
- A dormer roofed 'manor house' conceptual sketch and a built form hand drawn Stage 2B Villa by Marchese Partners dated 2nd April 2019

Extracts from these plans are shown in Figures 1, 2, 3 and 4.

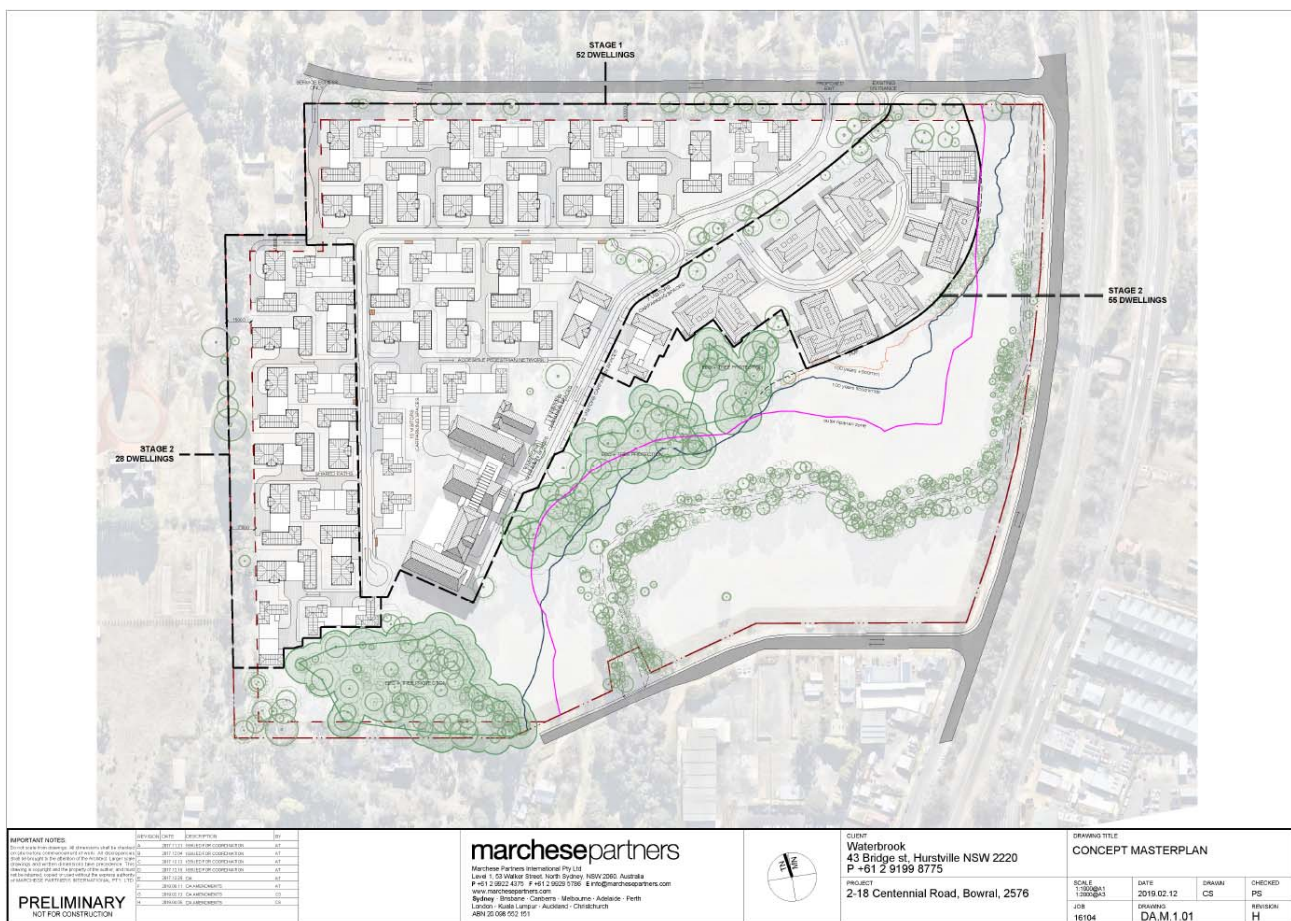


Figure 1: Extract of Masterplan Rev H

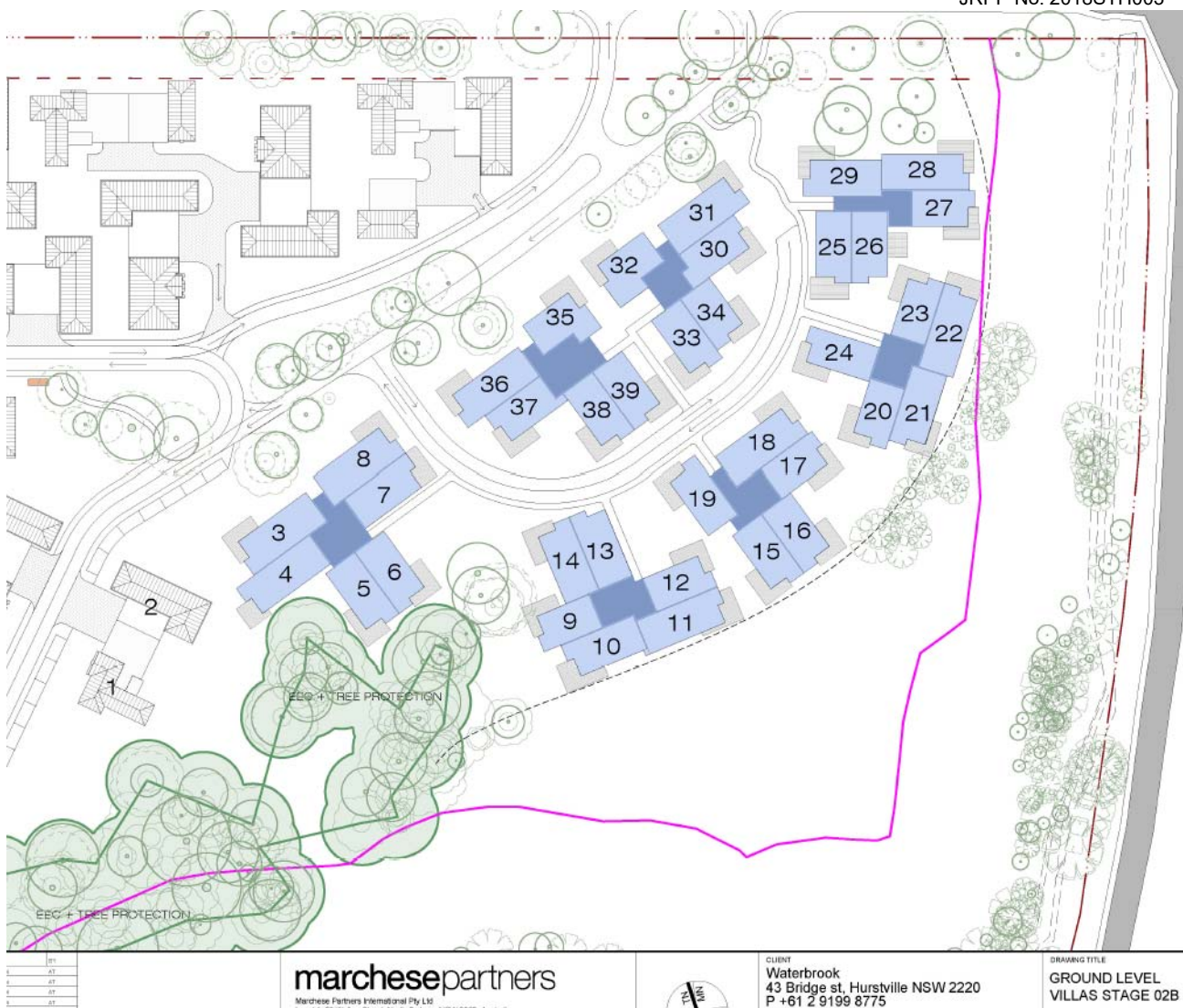


Figure 2: Ground level self-contained dwellings within Dormer-style manor house

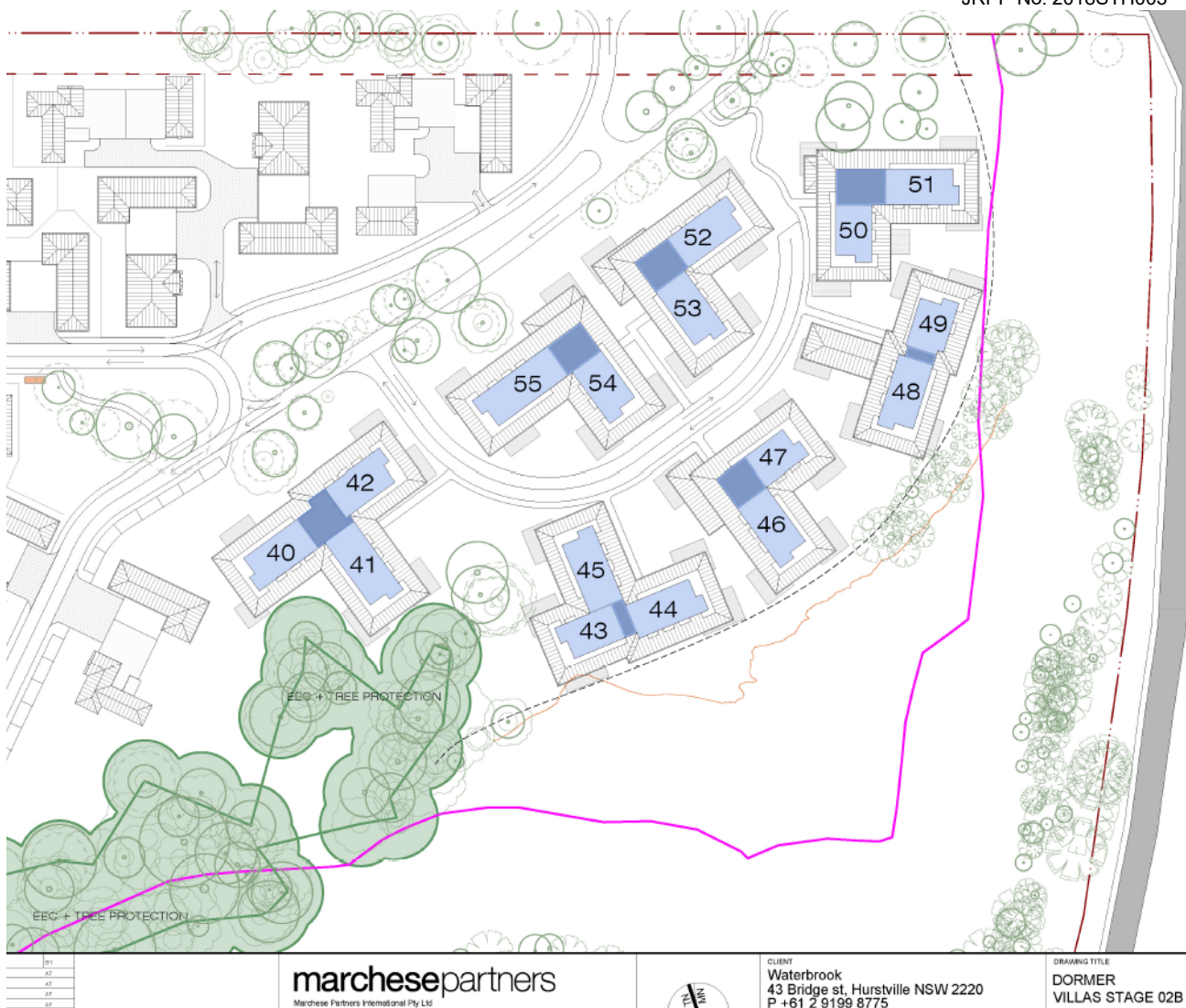


Figure 3: First floor level self-contained dwellings within Dormer-style manor house



Figure 4: Concept Sketch Dormer-style manor house

Conceptual development data on Stage 2 was provided in the form of a Compliance Table titled *Stage 2 (east) – Summary table of relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* by Waterbrook Bowral Pty Ltd. This compliance table commits to the following:

- Maximum height of buildings to be 2 storeys and 8m as defined by the SEPP Seniors
- Stage 2 is not within the rear 25% of the site and therefore the single storey development standard for the rear 25% of the site will not apply
- Floor space ratio for the site to be well below the standard 0.5:1 (estimated to be in the order of approximately 0.21:1 as a stand-alone portion of the site (noting that this is not the true representation of density over the entire site which would be significantly less than 0.21:1))
- Landscaped area well in excess of 35% of the site area

The setback of Stage 2 east buildings from the boundary shared with Centennial Road is a minimum of 30m. The setback from the internal access road is a minimum of 10m. Conditions are recommended to ensure compliance with these minimum setback requirements to allow for substantial separation from roadways and for deep soil planting.

The revised Concept Masterplan Rev H in combination with the concept sketch and development data indicate the scale and density of the eastern portion of Stage 2 do not have the potential to dominate the site with built form and mass.

A Visual Impact Assessment by Virtual Ideas dated 22 March 2019 includes photomontages created from digital 3D photography, map-grid verified and survey verified. The dashed outlines of potential buildings are based on a conceptual 3D built form model represented on the plan sets prepared by Marchese Partners for Stages 1 and 2. The result is an approximate built form contour 'mesh' outline representing future built form as viewed from the selected camera positions in the public road reserve. View angles are taken at 1.6m height above ground surface level. The Visual Impact Assessment (VIA) has been prepared in accordance with the relevant NSW Land and Environment Court Practice Directions.

The representations of the potential built form in the VIA are shown in Figures 5, 6, 7 and 8.



Figure 5: Stage 2 as viewed from eastern side of vehicle access driveway in Centennial Road – built form to be recessive amongst trees to be retained and screened by new landscaping within the front setback



Figure 6: Stage 2 as viewed from intersection of Kirkham Road and Centennial Road - built form to be recessive amongst trees to be retained and screened by new landscaping within the setback area



Figure 7: Stage 1 photomontage as viewed from Centennial Road west of the driveway entry - built form to be recessive amongst trees to be retained and screened by new landscaping within the front setback



Figure 8: Stage 1 (blue) and Stage 2 (red) as viewed from Mount Road looking north – built form to be entirely screened by vegetation being retained on the site

In each case the Visual Impact Photomontages indicate the built form will be largely screened behind and below the existing trees and further screening will be achieved with new landscaping within the setbacks to the road boundaries. Furthermore, the 3D building mass of Stage 1 is similar in scale to the building form anticipated for Stage 2 (as shown in Figures 6, 7 and 8).

The slope of the site and first floor habitable space being provided in the roof line will require the installation of lifts to achieve accessibility requirements. Lift overruns for Stage 2 east building can be located within the built footprint and building envelope as well as integrated into the roof design such that they are visually concealed. The final design detail will need to be subject to assessment with a future development application. Conditions are recommended that each building is to be provided with a single shared lift only to minimise the potential number of lift overruns overall. The recommended condition states:

“Any lifts for manor house style buildings in Stage 2 east shall be limited to a single shared lift to minimise the number of lift overruns and for the potential of lift overruns to add height, bulk and mass to the buildings.”

It is noted that concerns for the future scale, mass, bulk and height of Stage 2 are in part related to the potential compatibility of Stage 2 east buildings with both Stage 1 and with the original buildings to be retained and re-used on the site. To address this concern the following condition is recommended:

“An urban design statement prepared by an architect or urban designer with suitable qualifications and experience shall be submitted with the development application(s) for Stage 2. The urban design statement shall verify that the design of buildings for Stage 2 has adequately considered and is compatible with the original buildings retained and re-used on the site and with the scale, density and character of Stage 1 buildings.”

The information on layout, built form and setbacks and recommended conditions of consent are considered sufficient to indicate the portion of Stage 2 east of the central driveway will be compatible with the density, bulk, scale and massing of Stage 1 as well as being potentially suitable to the site context and setting

4.1.2 Tree Retention

Tree retention overall is discussed in detail in response to Deferral Matters 2 and 5 and includes tree retention to be achieved with the eastern portion of Stage 2.

As detailed in the discussion of Deferral Matter 6, the Concept Masterplan and Master Landscape Plan and Arboricultural Impact Assessment have been revised to demonstrate that all impact works will be confined to areas more than 10m from the base of all trees representative of the Southern Highlands Shale Woodland community.

4.1.3 Internal Access Arrangements

Internal access arrangements within Stage 2 have been demonstrated with the following plans and sections:

- Infrastructure Works Site Plan by Marchese Partners Job 16104 Drawing No.DA-C-100 Revision Q dated 3 April 2019 (see Figure 9)
- Civil Works Typical Road Cross Sections by Marchese Partners Job 16104 Drawing No.DA-C-151 Revision A dated 17 April 2019 (see Figure 10) and Revision P dated 8 March 2019 (see Figure 11).

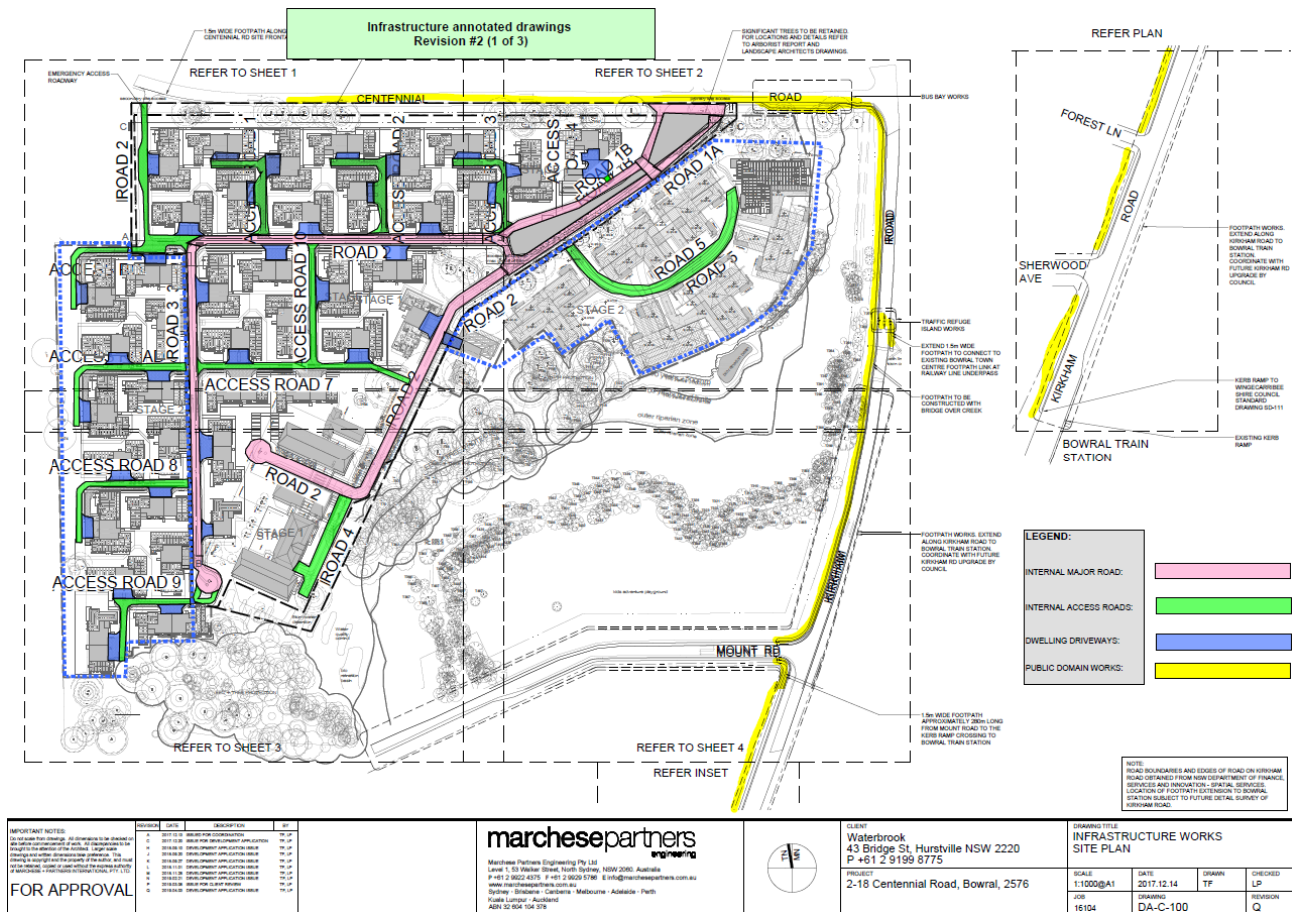


Figure 9: Extract from Site Infrastructure Works plan showing internal road hierarchy

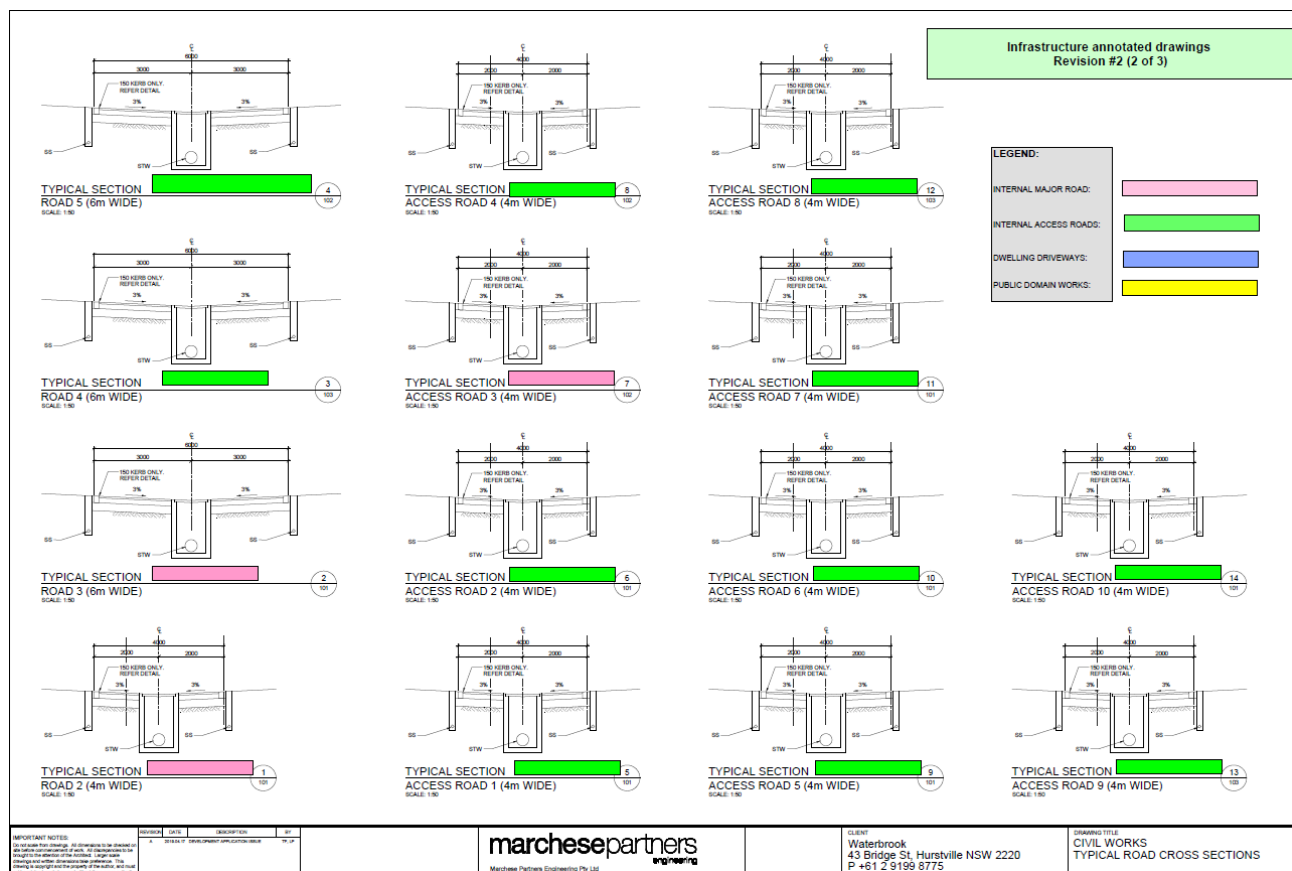


Figure 10: Typical internal road sections (1)

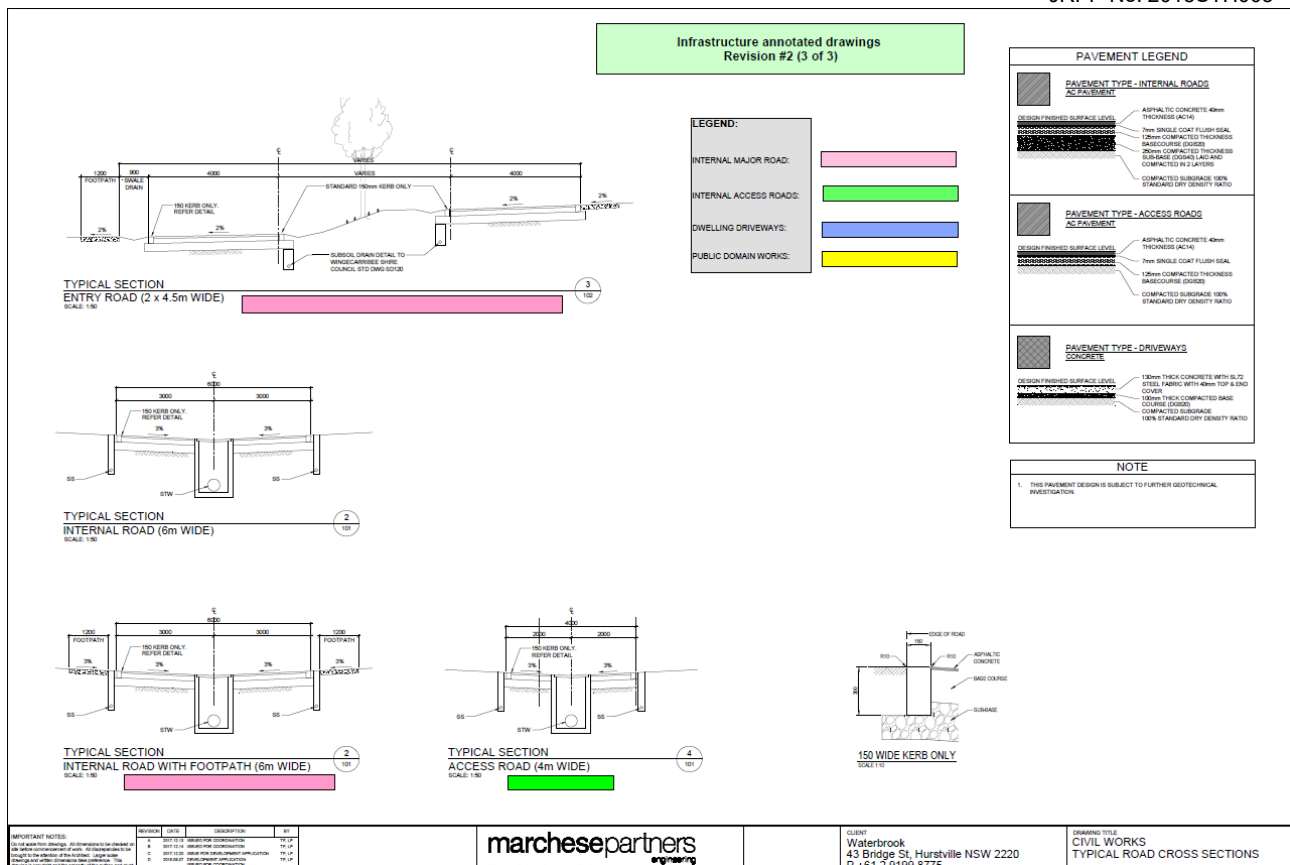


Figure 11: Typical internal road sections (2)

These internal access roads combined with the swept path analysis in the revised Traffic Impact Assessment by Varga Traffic Planning Project No.1778 dated 22 March 2018 indicate a clear road hierarchy throughout the site. Swept paths indicate the site can be traversed by:

- An 8.8m long medium rigid vehicle representative of a small rigid garbage truck or small removalist van
- 10.1m fire truck appliance operated by NSW Fire Brigades.

The typical sections show internal roads are to be edged with swales and not provided with raised edge kerb. Council's Tree and Vegetation Officer has advised that swales do not require additional structural support to protect from occasional wheel traverses subject to conditions for the detailed Landscape Plan submitted with the Construction Certificate providing maintenance details for the ongoing inspection and maintenance of grassed verges. The recommended conditions are:

"The detailed Landscape Plan submitted with the Construction Certificate shall include detail of the regular inspection of grass swales and landscape strips adjacent to the internal vehicle access roads and commitments for regular maintenance (including grass cover and de-compaction of soils) and replacement of landscaping."

And

"The Landscape Maintenance Schedule and Detailed Landscape Plan shall be included in the ongoing Operational Management Plan and landscaping shall be maintained at all times in accordance with these plans to ensure ongoing tree and landscaping retention, maintain the health of mature trees retained as part of this consent and protect and manage areas of Southern Highlands Shale Woodland and the riparian area."

Varga Traffic have provided sufficient information verifying all vehicles can track along swept paths and be contained within the paved surface of internal roads as indicated in the

plan set, typical sections and swept path analysis included in the report by Varga Traffic and Transport Planning. This report is to be included in the list of plans and documents referenced in Condition 2 to the consent.

Council's Tree and Vegetation Officer has confirmed that the construction of the internal access road is compatible with acceptable tree retention and protection subject to conditions as recommended (see Deferred Matters 2 and 5 for details).

Council's Development Engineer and Traffic Engineer have assessed the details provided regarding vehicle access, egress and internal circulation and, subject to conditions, are satisfied that the concept level detail for the development application is sufficient to support the development application. The following conditions are recommended:

- A plan demonstrating provision of a continuous, accessible pedestrian pathway network compliant with *AS/NZ Standard 1428.4.1 (2009) Design for Access and Mobility* is to be submitted for approval by the Principal Certifying Authority prior to the issue of the Construction Certificate. The continuous accessible pathway shall provide links between all accessible dwellings and all communal facilities. At any point where the accessible path crosses the internal roadway, details of the crossing are to be indicated on the plans submitted with the Construction Certificate. Where a pathway runs adjacent to an internal roadway it is to be safely separated from that roadway in a manner consistent with *AS/NZ Standard 1428.4.1 (2009) Design for Access and Mobility* and details are to be indicated on the plans submitted with the Construction Certificate to the satisfaction of the Principal Certifying Authority.
- The location of all open parking spaces and dimensions are to be shown on the plans submitted with the Construction Certificate and shall comply with the requirements of AS/NZ 2890.1:2004 Parking facilities – Off-street parking. Parking spaces adjacent to the internal access road shall be connected with the accessible pathway network linked to the proposed common community buildings to ensure safe movement of pedestrians within the site.
- Internal Roads shall be designed in accordance with the Council specifications (or AS/NZS 2890.1-2004; Austroads Guide to Road Design) in terms of minimum width and in accordance with the swept path analysis and internal road layouts indicated on the approved plans.
- Priority signage is to be installed and maintained at the vehicle entry point in Centennial Road limiting access to the site to vehicles not exceeding 8.8M in length with the exception of emergency vehicles.
- The size of all roundabouts and turning cul de sacs and turning heads within the site should enable the largest vehicle to manoeuvre using one turn point (for turning circles and cul de sacs) and two movements for turning heads. Fully dimensioned details design of all roundabouts, cul de sacs and turning heads are to be included in the engineering design plans submitted with the Construction Certificate to the satisfaction of the Principal Certifying Authority.

Subject to the abovementioned conditions and the inclusion of relevant plans and documents in Condition 2 to the notice of determination, Deferral Matter 1 has been satisfactorily addressed.

4.2 Deferral Matter 2

"2. Plans indicating which trees on the site are to be retained or removed and their condition in accordance with the Arborist Report."

The Arboricultural Impact Assessment dated 17 April 2019 prepared by Ecological assesses the trees in terms of Low, Medium and High "Retention Value". Refer to Table 2: Results of the Arboricultural Assessment.

A total of 474 trees were assessed on the site. 375 trees will be retained and 99 trees removed. A total of 1,115 trees are to be replanted on the site. Tree retention is indicated in the Site Design Studio drawing reference: 1080 / L-11, revision H, dated 17 April 2019.

Council's Tree and Vegetation Officer has reviewed all relevant plans, the Tree Retention Plan, the Landscape Masterplan and the Arboricultural Impact Assessment and recommends the additional information can be supported and referenced in conditions of consent. Specific assessment comments provided by Council's Tree and Vegetation Officer are as follows:

1. *"The redesign of the main internal entry road into separated in and out roads has meet the JRPP requirements to maintain trees along the original entry/exit road, with the exception of Tree 148. However I don't object to the removal of this tree.*
2. *Section elevations satisfy the requirement to minimise impacts on trees being retained.*
3. *The applicant still needs to demonstrate the required 10m clearance to any EEC-SHSW trees.(See Deferral Matter 6)*
4. *The applicant still needs to update the complete landscape master plan set to reflect all design/layout changes at both the entry/exist roads, dwellings to the south western area, and stage 2. (* see comments below)*

I don't have any objections to this being provided prior to the final report being submitted to the JRPP.

5. *In reviewing the draft conditions, I believe we need a condition which locks landscape embellishment and ecological restoration works within the riparian zones into being completed as part as Stage 1 works.*
6. *A condition locking the Vegetation Management Plan (VMP) onto the 88B instrument needs to be inserted.*

The recommended condition for the VMP being registered to the title of the land is as follows:

F056 Vegetation Management Plan – Section 88B Instrument

The Vegetation Management Plan (VMP) prepared by Anne Clements & Associates Pty Ltd dated 19/9/2018 must be referenced in the Section 88B Instrument (Conveyancing Act 1919) as a Restriction on the User, and in accordance with the "Assessment of Environmental Constraints and Opportunities" prepared by Anne Clements & Associates Pty Ltd dated 19/12/2017, and "Threatened Species Test of Significance – Stage 1 and 2" prepared by Anne Clements & Associates Pty Ltd dated 18/01/2019.

Reason: *To ensure that the Vegetation Management Plan is referenced on the Title to the land to inform landowners of its existence and requirements."*

Tree 148 is a tree of medium retention value. It is required to be removed to accommodate the revised vehicle entry/exit arrangement. The removal of this tree is not critical to the overall aesthetic and ecological values of the site. New landscaping shall adequately compensate for the removal of this tree.

At the time of writing this report, the applicant has been advised to prepare a full set of the Landscape Masterplan with all details matching the building footprints for Stage 2 east, the internal

access road and dimensions, the setbacks and clearances of all trees and vegetation to be retained and protected and that this set be finalised prior to the determination of the application by the SRPP.

Subject to the conditions detailed above, Deferral Matter 2 has been satisfactorily addressed.

4.3 Deferral Matter 3

“3. Plan and details of proposed footpath, demonstrating how it will be compatible and consistent with existing footpath network. Options for the footpath upgrade to be identified with Council, including option of extended footpath along Kirkham Road towards Railway Station.”

Plans for a new footpath in the public road reserve have been provided in the form of Infrastructure Works Site Plan by Marchese Partners Job 16104 Drawing No.DA-C-100 Revision Q dated 3 April 2019 (see Figure 9). This plan shows provision of a continuous 1.5m wide footpath along the western side of Kirkham Road and the southern side of Centennial Road. The footpath works include pram ramps at the point of crossing the public road network and a pedestrian refuge to access the eastern side of Kirkham Road connecting to the existing footpath network linked to Bowral commercial centre. The footpath also connects safely to Bowral train station as shown on the Inset to the plan.

The footpath will be 280m in length from Mount Road through to the Kerb Ramp crossing to Bowral Station. Two safe crossing points are proposed to the eastern side; one to link with the existing footpath to the east and one at the railway station to link with that footpath. The footpath includes a bridge section to cross the existing creek (which crosses the boundary with Kirkham Road and enters the public road reserve).

Kerb ramps are designed to Wingecarribee Shire Council Standard Drawing SD-111. This plan has been assessed by Council’s Development Engineer and found to be satisfactory. It forms part of the list of recommended approved plans in conditions of consent.

Subject to the inclusion of Infrastructure Works Site Plan by Marchese Partners Job 16104 Drawing No.DA-C-100 Revision Q dated 3 April 2019 being an approved plan with the notice of determination, Deferred Matter 3 has been satisfactorily addressed.

4.4 Deferral Matter 4

“4. Staging Plan showing delivery of infrastructure and works for each Stage 1,2 and 3 to be consistent with the concept plan submitted for approval. Details of the operational use and management of community facilities.”

4.4.1 Staging of Works and Delivery of Infrastructure

The development is proposed in two stages and the staging plans for the construction works and installation of infrastructure is shown in Infrastructure Works Site Plan by Marchese Partners Job 16104 Drawing No.DA-C-100 Revision Q dated 3 April 2019 (see Figure 9). Additional plans show the management of the site for construction as per the Concept Construction Management Plan prepared by Marchese Partners Job 16104 Drawing JRPP-STG-00 Revision G dated 13 February 2019 (an extract of which is provided in Figure 12).

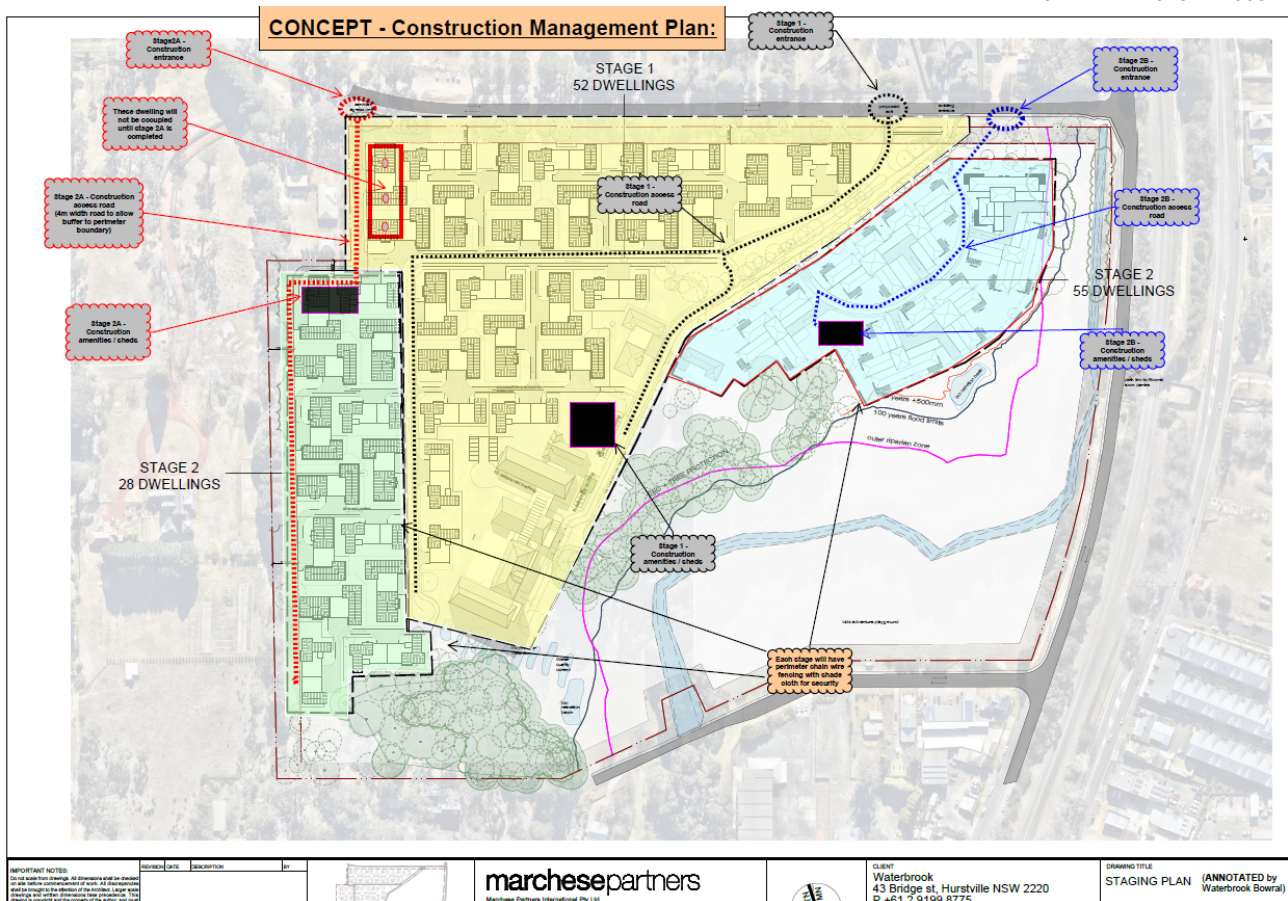


Figure 12: Extract from construction management plan and staging plan

These plans have been reviewed by Council's Development Engineer and determined to be satisfactory.

Subject to the inclusion of the following plans:

- Infrastructure Works Site Plan by Marchese Partners Job 16104 Drawing No.DA-C-100 Revision Q dated 3 April 2019
- Concept Construction Management Plan prepared by Marchese Partners Job 16104 Drawing JRPP-STG-00 Revision G dated 13 February 2019 and
- Civil Works Site grading and Bulk Earthworks Levels Plan Sheet 4 prepared by Marchese Partners Job 16104 Drawing DA-C-104 Revision N dated 21 February 2019

being approved plans with the notice of determination, the issue of infrastructure installation and staging as part of Deferred Matter 4 has been satisfactorily addressed.

4.4.2 Operational Use and Management of Community facilities

A Statement of Facilities and Services by Waterbrook Bowral Pty Ltd dated February 2019 contains details of the operational use and management of community facilities. Operational services cover emergency, safety, reception and concierge, food and beverages and entertainment, wellness and recreation, nurse and health consultation, resident bus transport, property maintenance and assistance with day-to-day needs such as housekeeping, shopping and deliveries.

Communal use facilities include lobby area, bar, restaurant, café, room service, library, games room and an art and creative studio, cinema, crafts studio, gymnasium, salons and indoor pool.

The Operational Details include hours and days of availability of all services and facilities.

Access to and use of services and facilities is intended to be available to residents, family and friends with the exception of access and use of nursing rooms, resident bus, property maintenance and assistance with day to day needs which are limited to residents only.

Subject to the Statement of Facilities and Services by Waterbrook Bowral dated February 2019 being included in the list of approved plans and documents with the notice of determination, the issue of the operational use and management of community facilities as part of Deferred Matter 4 has been satisfactorily addressed.

4.5 Deferral Matter 5

“5. Amended plans shall be provided which retain all identified medium and high retention value trees along the existing entrance driveway. The new entrance and exit driveways shall be redesigned to ensure no works are proposed within the SRZ of any tree, and that any encroachment into the TPZ (as specified in the report prepared by Eco Logical Australia Pty Ltd, project number 18SUT-11544, version 2, dated 16 January 2019) not exceed 10%. This includes all associated works including cut, fill, excavation, installation of services, stormwater and drainage. Plans to indicate how access will be provided while meeting tree retention requirements.”

The documents reviewed by Council's Tree and Vegetation Officer include:

- Concept Landscape Masterplan Revision F prepared by Site Design Studio Drawing No.1080 Page L02 dated 3 April 2019
- Existing Tree Plan prepared by Site Design Studios Drawing No.1080 Page L11 Revision H dated 17 April 2019
- Arboricultural Impact Assessment by Eco Logical Project Reference 18SUT-11544 Version 6 dated 17 April 2019.

Council's Tree and Vegetation Officer also assessed all additional plan and civil design information submitted to address the Deferral Matters to ensure compatibility with the information specific to tree retention and removal. Based on the abovementioned information, Council's Tree and Vegetation Officer has confirmed that the development will achieve satisfactory tree retention as detailed in Deferral Matter 2. Therefore Deferral Matter 5 has been satisfactorily addressed.

4.6 Deferral Matter 6

“6. The plan titled Waterbrook Seniors Living Staging Plan shall be amended to ensure no new buildings and/or new roads works and/or associated infrastructure are placed within 10m from the locations of the Southern Highlands Shale Woodlands (SHSW) tree trunks identified by survey and marked on plan.”

The following plans have included a 10m exclusion zone indicating all site works can be conducted a minimum 10m from the SHSW EEC:

- Concept Landscape Masterplan Revision F prepared by Site Design Studio Drawing No.1080 Page L02 dated 3 April 2019
- Existing Tree Plan prepared by Site Design Studios Drawing No.1080 Page L11 Revision H dated 17 April 2019
- Arboricultural Impact Assessment by Eco Logical Version 6 dated 17 April 2019.
- Concept Masterplan Concept prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019
- Ground level villas Stage 02B prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019

- Dormer Villas Stage 02B prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019
- Roof level villas prepared by Marchese Partners DA.M1.01 Job No.16104 Revision H dated 29/03/2019

The following conditions are recommended to ensure appropriate tree protection is achieved throughout the period of site preparation through to the issue of an Occupation Certificate:

To be included with conditions to be enacted prior to the commencement of construction:

“Prior to the commencement of construction the supervising Arborist is to mark out all trees representative of the Southern Highlands Shale Woodlands (SHSW) located along the northern perimeter of the SHSW patch to be retained. A registered surveyor in collaboration with the supervising Arborist shall then mark out a distance of 10m from the base of these identified trees for the location of protective fencing to physically separate all building and site preparation impact works from the trees and vegetation to be protected. Protective tree fencing is to be installed prior to the commencement of any approved works on site. Written verification of the installation of the protective fencing is to be provided jointly by the supervising Arborist and the registered surveyor and a copy of this verification retained by the Principal Certifying Authority. The protective fencing is to remain in place until the issue of the final Occupation Certificate at the completion of Stage 2.”

To be included with conditions to be enacted prior to the issue of a final Occupation Certificate:

“Prior to the issue of the final Occupation Certificate for Stage 2, written verification from the supervising Arborist shall be provided to the Principal Certifying Authority confirming that the protective fencing for the Southern Highlands Shale Woodlands vegetation has remained satisfactorily intact and all required measures have been implemented for the protection of this vegetation in accordance with approved plans and the Vegetation Management Plan.”

Subject to the abovementioned conditions, Deferral Matter 6 is considered to have been satisfactorily addressed.

5. ASSESSMENT

This application has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act, 1979* in the previous Report to the SRPP (See Attachment 3). In addition to the abovelisted deferral matters, the SRPP required confirmation of the suitability of the site for its proposed development as required by State Environmental Planning Policy No.55 – Remediation of Land against.

5.1 SEPP No. 55 - Remediation of Land

A Detailed Site Investigation Report for 2-18 Centennial Road, Bowral, NSW prepared by Arcadis, dated 19 March 2019 (inside cover dated 21 March 2019) was undertaken. The Report provided the following comments:

“Soils within the Stage 1 Development Footprint were variable depending on location, though observations included:

- *Reworked natural materials and imported fill likely emplaced during construction of the NPF;*
- *No evidence of agricultural use including detections of pesticides and herbicides were observed within analytical results in the north-western portion of the Site including Lots 10 and 11 DP1109214.*
- *Anthropogenic fill materials (including ACM) within the NPF to a maximum depth of 2.7m bgl;*
- *Large thickness of fill (>4m) located within the NPF Berm, including ACM at surface and 2.5m bgl;*
- *Exceedances of ecological SAC for nickel were observed within the NPF Berm and NPF. No exceedances of health SAC were observed for Nickel in the NPF and NPF Berm. Hence, Arcadis does not consider that these nickel concentrations pose a risk to human health. It is also noted that the Site is not located in a significant ecological habitat;*
- *It should be noted that soils within the Stage 1 Development Footprint towards the south-western portion are yet to be fully characterized due to existing onsite structures blocking access for intrusive works; and*
- *Arcadis considers that, due to comparably elevated heavy metal species in fill within the NPF and NPF Berm (APEC 09), this fill material is different to the fill on the rest of the Site. Arcadis also notes that this material is likely to be disturbed, based on supplied cut and fill plans.*

Soils within the Stage 2 were observed as follows:

- *Natural soils or reworked natural fill materials used for levelling purposes and characterized sufficiently;*
- *Some anthropogenic fill including red bricks was encountered within TP227, likely emplaced for levelling purposes. Arcadis notes that this area was vegetated. Arcadis understands that, based on the cut and fill plans supplied, this area will not undergo cutting and filling. Based on the analytical results this material does not pose a human health risk. If this material is to be exposed/excavated, offsite disposal should be considered from an aesthetic viewpoint.*

Soils within Stage 3 were observed as follows:

- *Reworked natural fill materials overlying natural materials within the MO, which increase with thickness towards the east of the Site.*

- *Anthropogenic fill was present around (and likely underlying) the Amenities Building. ACM was located within this fill material in TP219. Bonded ACM in soil %w/w calculations indicate that the ACM in soil content falls below adopted HIL-A criteria.*

The former location infilled dam within the NPF was observed during intrusive works (TP208) and the sample of fill at 1.5m above the former dam base was noted to have PAH concentrations above detection limits, however below adopted SAC.

A vegetated fill mound was observed south-west of the Amenities Building and was observed to contain both ACM (TP246) and detections of PAHs below adopted SAC. It is noted that this location is outside the staged development footprint including the cut and fill areas.

Arcadis considers it likely that fill mounds of this nature will be present at other portions of the Site, however, notes that these are difficult to recognize due to the undulating nature of the Site and the fact they may be vegetated. Such fill locations should be addressed with a UFP during construction works.

Arcadis notes that given the low reported concentration of CoPC in soils in staged development locations, the risks to current and future site occupants is likely to be low, lending more confidence what was established within the Arcadis (2018) PSI. Further sampling of fill materials including those within building footprints is necessary to more wholly characterise and assess the nature of fill material at the Site.

The remaining reported results indicate that, apart from areas where noted exceedances of SAC were identified during the PSI and DSI, the Site is suitable for the proposed residential development.

Whilst, the sampling density completed is less than that recommended in the NSW EPA (1995) Sampling Design Guidelines, Arcadis considers the sampling density conducted for Stage 2 and Stage 3 development footprints is sufficient. The sampling density in the Stage 1 development footprint will increase post-demolition.

Stockpiles of waste associated primarily with Outbuilding demolition activities should be removed from Site”.

Recommendations

As verified in the matter of *Lippmann Partnership Pty Ltd v Canterbury-Bankstown Council*, SEPP 55 requires the consent authority to be satisfied of two (2) pre-conditions before granting consent.

Precondition 1 requires that. If contamination is or may be present, the consent authority must consider a report that details the findings of a preliminary investigation of the contamination on the land. The report must be carried out in accordance with the contaminated land planning guidelines. This precondition has been satisfied in this case with the consideration of the DSI report by Arcadis Ref.10025626RP02 dated 19 September 2018..

Precondition 2 requires the consent authority to (a) consider whether the land is contaminated and (b) to be satisfied that the land is suitable in its contaminated state, or will be suitable after remediation, before the land is used for the proposed development.

The Detailed Site Investigation (DSI) Report prepared by Arcadis, dated 19 March 2019 has identified the presence of contaminating materials on the site. Therefore in terms of Precondition (2)(a) the land is contaminated.

The DSI report recommends that a Construction Environmental Management Plan (CEMP) and an Asbestos Management Plan (AMP) be undertaken. The CEMP should include an unexpected finds protocol in the event that additional fill material, waste etc. is identified during construction/civil activities. The DSI report considers it is likely that additional material with potential for environmental concern will be found within specific targeted locations within the site including existing buildings and that such finds will form part of the site preparation works (including demolition).

The DSI recommends due to the presence of bonded ACM above criteria, the fill material within the NPF berm should be either disposed of off-site, capped on-site or additional assessment undertaken to further understand the volume of asbestos.

The DSI report recommends on-site capping will require the preparation of an EMP that will be a Restriction-As-To-User on the property title.

The Arcadis Report concludes that the site can be made suitable for the proposed landuse subject to the recommendations outlined above from the most recent DSI report and those within the Arcadis (2018) PSI submitted with the original development application.

Further testing will be required but cannot be completed until site preparation and demolition works. A Remedial Action Plan (RAP) will be required to address all investigation and test results following demolition and minor site works.

In terms of Precondition 2(b), the consent authority can be satisfied that the land will be suitable after remediation and before the land is used for the proposed development. This can be achieved by recommended conditions of consent. Recommended conditions are as follows:

“The recommendations of the Detailed Site Investigation Report for 2-18 Centennial Road, Bowral, NSW prepared by Arcadis, dated 19 March 2019 are to be implemented in full prior to the issue of an Interim or Final Occupation Certificate.”

“A Remedial Action Plan verified by an Independent Site Auditor is to be completed and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1.”

“The Remedial Action Plan verified by an Independent Site Auditor is to be fully implemented and completed and a Site Audit verifying the land is suitable for residential use and the uses approved with this consent shall be submitted to the Principal Certifying Authority and to Council prior to the issue of any Interim or Final Occupation Certificate.”

5.3 Likely impacts

The likely impacts of this development in terms of the additional information and deferral matters requested by the SRPP are discussed below.

5.3.1 Environmental Impacts

Arboricultural Impacts.

The status of all trees on site have been carefully assessed by a Qualified Arboriculturist. A total of 474 trees were assessed. 375 are to be retained and 99 removed. A total of 1,115 trees are to be replanted.

Impact on the Southern Highlands

The clearance of 10m has been indicated on the Arboricultural Impact Assessment, the Concept Masterplan, Site Staging Plans and the Landscape Masterplan to confirm the distance of the tree trunks of Southern Highlands Shale Woodlands (SHSW) from construction impacts.

Riparian Impacts

Landscape Embellishments and restoration works pertaining to the Riparian Zone will be undertaken at Stage 1 to ensure that the rehabilitation occurs and that it is undertaken in a timely manner. Ongoing management of the riparian area and SHSW will be subject to a restriction-as-to-user on the Section 88B to the title of the land.

5.3.2 Architectural Impacts

Architectural Aesthetic Heritage Impacts

Broad conceptual Manor Houses have been proposed which are predominantly one storey in appearance and two storey in habitable space. First floor habitable spaces are intended to be largely contained within an attic or dormer style roof design. It is recommended that an urban design statement be submitted with the development application for Stage 2 which demonstrates the character and materiality of the original buildings on the site be appropriately considered in future building design for Stage 2 and this has been addressed by recommended conditions.

5.3.3 Social Impacts

It is intended to provide approximately 135 dwellings and community facilities for Seniors and People with a Disability which will provide a much needed social facility within an location which is well connected to transport, commercial, recreational, entertainment and medical facilities. The majority of facilities and services within the site are to be available to residents and their visitors and the public which is considered a positive outcome for the neighbourhood and surrounding residents as well as future residents of the site.

6. CONCLUSION

The assessment, conclusions, and recommendations remain unchanged from the February 2019 Assessment Report (see Attachment 3) and should be considered in conjunction with this report.

In conclusion, the proposal is considered to satisfy:

- The Deferral Matters 1 to 6 from the SRPP meeting of February 2019 and the
- The requirements of SEPP 55 – Remediation of Land – Site Investigation.

7. RECOMMENDATION

It is recommended that the SRPP approve Development Application No. DA17/1822 lodged with Council seeking Concept Plan and Stage 1 Approval to develop 2- 18 Centennial Road, Bowral for seniors housing facilities at the subject site.

Stage 1 Refurbishment and construction works within the main facilities building and fifty two (52) dwellings, plus the provision of community footpaths and the restoration of the Riparian Zone.

Stage 2 83 dwellings with 28 dwellings generally in the eastern portion of the site and 55 dwellings generally in the western portion of the site.

The Development Application is approved subject to conditions at Attachment 1 – Schedule of Conditions.

