

SOUTHERN REGIONAL PLANNING PANEL

SRPP No	2018STH015
DA Number	DA-2018/557
Local Government Area	Wollongong City
Proposed Development	Demolition of existing 45 bed residential aged care facility and construction of new 111 bed residential aged care facility and conversion of existing 44 hostel bed facility to 22 serviced self-care dwellings with community /ancillary spaces, reconfiguration of and additional car parking and associated landscaping and infrastructure works plus tree removals
Street Address	4 Lindsay Evans Place, Dapto Lot 1 DP 1082602
Applicant/Owner	Anglican Community Services c/o Minto Planning Services
List all documents submitted with this report for the panel's consideration	Attachment 1 – Letter from Bushfire Consultant Attachment 2 – Clause 26 Compliance Statement SEPP (HSPD) 2004 Attachment 3 – Architectural Plans- Retaining Walls/Elevation Plans Attachment 4 – Preliminary Draft Construction Management Plan Attachment 5a – Landscape Plans Attachment 5b – Arborist Report – Residential Care Facility Attachment 5c – Arborist Report - Independent Living Units Attachment 5d – Stormwater Concept Plan Attachment 6 – Architectural Plans – Site Plans Attachment 7 – Conditions
Recommendation	DA-2018/557 be determined by way of approval subject to the conditions contained within Attachment 7 .
Report by	Vivian Lee, Senior Development Project Officer

SUPPLEMENTARY REPORT

Purpose of the Supplementary Report

The Development Application DA-2018/557 was reported to the Southern Regional Planning Panel (SRPP) on the 31 May 2019. The decision for the application was deferred as detailed below in Figure 1:

REASONS FOR DEFERRAL

The Panel agreed to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The unanimous decision of the Panel was:

- A That the application be deferred for the following information:
- i How the proposal will comply with the Bushfire Safety Authority letter dated 22 June 2018.
 - ii How the proposal satisfies clause 26 of SEPP (HSPD) 2004 and what, if any, variation is sought. If a variation is sought, a Clause 4.6 Exception to Development Standard is required.
 - iii Architectural plans that provide details of retaining wall structures including cross sections. The plans should provide a reduction in the height of the stepped retaining wall on the north-western elevation.
 - iv A preliminary draft Construction Management plan that addresses the following:
 - likely access constraints to the site;
 - options for parking for builders;
 - smoking areas on-site;
 - potential traffic management controls that will need to be implemented;
 - communication protocol for residents and neighbours.
 - v A landscape plan that is consistent in terms of tree protection and removal and final landscape design for the site.
 - vi A letter from the bushfire consultant that confirms that the landscape plan meets bushfire requirements.
- B That on receipt of the information, a further supplementary report be prepared including any proposed conditions.
- C That the matter be determined electronically.

Figure 1: Deferral Reasons 31 May 2019

This supplementary report will address each of these reasons.

Matter Ai) Compliance with the Bushfire Safety Authority

A letter from Building Code & Bushfire Hazard Solutions dated 23 July 2019 has been submitted that provides comment on the conditions in the Bushfire Safety Authority dated 22 June 2018, at **Attachment 1**. The letter outlines how the proposal complies or can comply with the conditions without the impacting the design of the proposal as presented.

It is considered the information provided has reasonably addressed how the proposal will comply with the NSW RFS requirements.

Matter Aii) Clause 26 of SEPP (Housing for Seniors and People of Disability) 2004

A Clause 26 Compliance Statement prepared by Minto Planning Services dated July 2019, at **Attachment 2** was submitted. This statement refers to and includes an access arrangement report prepared by Accessible Building Solutions dated 22 July 2019.

The submitted information outlines how the proposal complies with Clause 26 Location and access to facilities of SEPP (HSPD) 2004 and considers that it satisfies the requirements with no variation sought.

Assessment

An assessment of the application under Clause 26 of SEPP (HSPD) 2004 with reference to the information provided in the Clause 26 Compliance Statement submitted by applicant at **Attachment 2** is presented below.

Clause 26 Location and access to site facilities

Council is required to be satisfied that the residents of the proposed development will have suitable access to support services, including transport, medical care and recreation facilities, and prior to granting development consent.

- (1) (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) *community services and recreation facilities, and*
- (c) *the practice of a general medical practitioner.*

Comment: The Clause 26 Compliance Statement outlines the locations in which the support services are available where the mini bus service will drop off and pick up residents of the development. These locations are:

- Dapto Square, Princes Highway, Dapto that is opposite Dapto Medical Centre on the other side of the road and adjacent to Dapto Mall and Dapto Town Centre where a range of shops, banks and other retail/commercial services; and
- Ribbonwood Centre, Princes Highway, Dapto a Council operated facility provides a range of community services and recreation facilities.

- (2) *Access complies with this clause if:*

 (c) *in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development:*

Comment: Wollongong Local Government Area is not located within the Greater Sydney (Greater Capital City Statistical Area) and transport service in the form of a mini bus run and operated by the facility available to the residents of the development.

- (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*

Comment: The mini bus pick up point for the residents on site is located at the porte cochere of the Residential Care Facility (RCF) that is at the entrance of this building and is directly accessible.

The access from the Independent Living Units (ILUs), proposed to be created by converting the hostel rooms) has been calculated to be a travel distance of less than 400m via a path and crossing the internal road via kerb ramps to an average gradient of 1:57 that considered to be a suitable access pathway as per subclause (4). The route and details are marked on Access Report that forms part of **Attachment 2**.

- (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*

Comment: The mini bus service will take to the residents to two (2) drop off locations:

- Princes Highway, Dapto where there is bus drop off bay located at Dapto Square, where Dapto Mall and Dapto Medical Centre are within 400m; and
- Bus set down bay at the Ribbonwood Centre, Dapto that is located close to the entrance of the building, less than 400m.

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

Comment: The compliance statement provides that the mini bus service will be made available to the residents of the RCF and ILUs both to and from the development at least once a day from Monday to Friday (both days inclusive). The bus is to be separate and in addition to any bus required or utilised for day trips or the like (see condition 142 at **Attachment 7**).

and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

(3) *For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services **(and from the transport services to the facilities and services referred to in subclause (1))** is to be no more than 1:14, although the following gradients along the pathway are also acceptable:*

- (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
- (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
- (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

(4) *For the purposes of subclause (2):*

(a) *a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and*

(b) *distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.*

Comment: In this instance, comments under (2)(c)(i) have covered the suitable access pathway from the development to the transport service (mini bus pick up point).

The pathways from the drop off locations that need to be considered:

- A. Dapto Square bus drop off bay to Dapto Mall
- B. Dapto Square bus drop off bay to Dapto Medical Centre-
- C. Dapto Ribbonwood Centre bus set down bay to entrance of building

For A there is sealed pathway to Dapto Mall entrance that is relatively flat and suitable access for an electric wheelchair/motorised cart.

For B there is a sealed footpath and kerb ramps provided to cross Princes Highway at the traffic lights that is relatively flat path.

For C there is a kerb ramp and sealed path to the entrance of Ribbonwood Centre.

It is considered that there are suitable access pathways are provided from the drop off locations to the services and facilities with acceptable gradients as demonstrated by the applicant in the information submitted at **Attachment 2**.

Overall, the information submitted by the applicant is considered to satisfy Clause 26 of SEPP (HSPD) 2004 and residents of the proposed development will have access to the required services and facilities in accordance with subclause (2).

Matter Aiii) Retaining walls

Elevation plans of the residential care facility and retaining walls prepared by Merrin and Cranston dated 2 July and 17 July 2019 (these plans show the retaining walls with the indicative planting) are at **Attachment 3**.

In a letter dated 3 July 2019 by Minto Planning Services identifies the plans have been amended as follows:

- *The height of the lower tier of the terraced retaining wall on the North-West corner of the RACF building have been reduced from approximately 2100mm above the ground level to a minimum of 900mm above the ground level. The height from the top of the lower tier retaining wall to the courtyard level is a maximum of 2000mm.*
- *The blockwork retaining walls on the NW stair has been reduced to slab/tread height and replaced with a metal balustrade*
- *Dimensions have been added to show the retaining wall minimum and maximum heights. Refer to Elevation 1 on drawing SD.R.301 and Elevation 4 on drawing SD.R.302.*

It is considered there has been a satisfactory reduction in the height of the stepped retaining walls on the north-western elevation.

Matter Aiv) Preliminary Draft Construction Management Plan

A Preliminary Draft Construction Management Plan prepared by RJA Projects dated 3 July 2019 has been submitted and presented at **Attachment 4**.

Council's Traffic Officer has reviewed the plan and it is considered satisfactory with the matter incorporated into condition no. 62 for a Construction Environmental Management Plan to be provided prior to the commencement of works at **Attachment 7**.

Matter Av) Landscape Plans

The Panel required a landscape plan that is consistent in terms of tree protection and removal and final landscape design for the site.

Amended landscape plans prepared by Nicholas Bray Landscapes dated 17 July 2019 were submitted and presented at **Attachment 5a**.

Originally, the application as presented to the Panel was accompanied by one (1) arborist report. With the submission of recent information there are now two (2) arborist reports, one associated with the trees for the RCF surrounds at **Attachment 5b** and one for the ILUs and Community Centre surrounds at **Attachment 5c**.

In addressing this matter, it was confirmed that the location of all trees has been based on survey plans that have been submitted with the application as there was some confusion in the numbering of the trees. It is considered the matter has been resolved by confirming that the tree numbering on the landscape plans, arborist reports and actual numbering of the trees on the site correspond with each other and therefore consistent. In addition, the arborist reports addressed those trees required to be removed to comply with the required (and existing) Asset Protection Zone (APZ) related to the area that surrounds the ILUs.

It was also noted that concerns were raised around the potential conflict of trees with the proposed bio-retention basin located west of the ramp to the under-croft car park near the western side boundary. This resulted in the change to the design of the basin to enable the retention on an additional tree no. 371. The change has been reflected in the architectural plans prepared by Merrin & Cranston dated 17 July 2019 at **Attachment 6** and the amended stormwater concept plan dated 5 August 2019 by Bonacci at **Attachment 5d**.

The application has been reviewed by Council's Landscape, Environment and Stormwater Officers and satisfactory referral advice has been provided.

It is considered that the landscape plan including the tree removal and retention have been amended to be consistent with the survey, arborist reports and architectural plans.

Matter vi) Landscape plans and bushfire requirements

A letter from Building Code & Bushfire Hazard Solutions dated 23 July 2019 (**Attachment 1**) has been submitted that provides comment on the conditions in the NSW RFS Bushfire Safety Authority dated 22 June 2018. It is considered the letter from the bushfire consultant does address how the amended landscape plans are considered to comply with bushfire requirements.

CONDITIONS OVERVIEW

Proposed conditions of consent are presented at **Attachment 7**.

Council has forwarded a copy to the applicant and has received confirmation of agreeance to the same.

The following amendments have been made to the conditions that were previously provided for the 31 May 2019 Panel Meeting.

Condition Number	Description	Reason
1	Approved Plans and Specifications	Amended to reflect the revised plans submitted related to changes to retaining walls associated with residential care facility building and bio-retention basin. These are the architectural plans at Attachment 6 .
14	Tree retention/removal	Amended to reflect the changes made to the landscape plans and arborist reports in regard to tree retention and removal for the site to be consistent with the final design of the proposal
39	Ambulance Access Space	Amended based on the applicant's request for this condition to reflect the minimum headroom be reduced from 3.5m for ambulance access provided in the porte cochere is currently designed to be 3.2m. Based on the vehicle dimensions of NSW Ambulance is up to a maximum height of 3.2m, the condition has been amended to have a minimum headroom of 3.3m.
47	Landscaping	Amended to reflect the amended landscape plans for final landscape plan condition – Attachment 5a .
48	Submission of final landscape plan	Amended to remove the reference to specified plant species required to be planted in the final Landscape Plan as this has been clarified and reviewed as shown on the amended landscape plans – Attachment 5a .
58	Stormwater Drainage Design	Amended to reflect the amended stormwater concept plan that altered the design of the bio-retention basin to retain an additional tree – Attachment 5d .
62	Construction Environmental Management Plan	Additional condition inserted - This condition was not included in the previous conditions and is added to address deferral matter Aiv) that requires the provision of a Construction Environmental Management Plan prior the commencement of works.
Please note the condition numbering has changed to account for the insertion of the additional condition 62		
142 (former 141)	Operation of Mini Bus	Amended to clarify that that the service shall be available at all times and is to be separate and in addition to any bus services required by the proposed development to be utilised of day trips or the like.

CONCLUSION

This Supplementary Report has addressed the matters outlined in the SRPP deferral reasons in the decision dated 31 May 2019.

This application has been assessed having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant environmental planning instruments, SEPP (HSPD) 2004 and WLEP 2009 and found to be generally satisfactory.

It is considered the proposed development has been designed appropriately given the constraints and characteristics of the site and does not result in significant adverse impacts on the character or amenity of the surrounding area, environment and adjoining development. The development as proposed is not considered to set an undesirable precedent and approval would be in the public interest.

RECOMMENDATION

It is recommended pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979* that the Southern Regional Planning Panel considers the original assessment report presented and this supplementary report and determine DA-2018/557 by way of approval subject to the conditions contained within **Attachment 7**.

ATTACHMENTS

- 1 Letter from Bushfire Consultant
- 2 Clause 26 Compliance Statement SEPP (HSPD) 2004
- 3 Architectural Plans- Retaining Walls/Elevation Plans
- 4 Preliminary Draft Construction Management Plan
- 5a Landscape Plans
- 5b Arborist Report – Residential Care Facility
- 5c Arborist Report - Independent Living Units
- 5d Stormwater Concept Plan
- 6 Architectural Plans – Site Plans
- 7 Conditions