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INTEGRATED DEVELOPMENT APPLICATION

Statement of Environmental Effects

Proposed Seniors Housing development

'Stratford House'

Cnr Rockford Road and Remembrance Driveway Tahmoor

**REV_02
JULY 2020**

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This Report has been prepared exclusively for submission to Council as an accompaniment to a Development Application, which seeks consent to a Senior's Housing development at 'Stratford House', corner of Rockford Road and Remembrance Driveway at Tahmoor.

The information contained in this Report has been compiled from both primary and secondary information sources.

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GLOSSARY AND ABBREVIATIONS

ABBR. /
TERM DESCRIPTION

APZ	Asset Protection Zone
BCA	NSW <i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
BHAR	Bushfire hazard assessment report
CEEC	Critically endangered ecological community
DA	Development application
DCP	Development Control Plan
DPIE	Department of Planning Industry and Environment
DSI	Detailed Site Assessment
EPA Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPA Reg's	NSW <i>Environmental Planning and Assessment Regulations 2000</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESA	Environmental Site Assessment (Stage 1)
ha	Hectares
LEP	Local Environmental Plan
LGA	Local Government Area
LES	Local environmental study
PBP	Planning for Bushfire Protection 2006
PSI	Preliminary Site Investigation
REP	Regional Environmental Plan (Deemed SEPP)
RF Act	NSW <i>Rural Fires Act 1997</i>
RFS	NSW Rural Fire Service
SANSW	Subsidence Advisory New South Wales
Seniors SEPP	<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
SEPP	State Environmental Planning Policy
TIA	Traffic impact assessment
VPA	Voluntary planning agreement
WDCP	Wollondilly Development Control Plan 2016
WLEP	Wollondilly Local Environmental Plan 2011

1.

EXECUTIVE SUMMARY

This Statement of Environmental Effects ('SEE') has been prepared by Precise Planning ('PP') and is intended to accompany a Development Application ('DA') for a proposed Senior's Housing complex at **Stratford House**, cnr Rockford Road and Remembrance Driveway Tahmoor ('**subject site**'). **This version is Rev_02 of the SEE and has been prepared following a formal written request from Wollondilly Council, seeking additional information and/or clarification.**

This DA seeks consent to the erection of 214 **self-contained dwellings (in-fill self-care housing)**, as well as alterations and additions to the existing dwelling and other activities.¹ The subject site is zoned partly R2 Low Density Residential and the remainder RU4 Primary Production Small Lots, pursuant to Wollondilly Local Environmental Plan 2011 ('LEP'). The Land Use table contained within the LEP permits *Senior's Housing* (which is a type of *Residential Accommodation*) in the R2 zone, but does not permit Senior's Housing in the R4 zone. However, the RU4 component of the site is immediately adjacent to land zoned "...primarily for urban purposes". Therefore, senior's housing is permissible on the R2 component of the land, pursuant to the LEP, and on the RU4 component of the land, subject to the issue of a Site Compatibility Certificate ('SCC') for that purpose by the Sydney Western City Planning Panel. An SCC has been issued for the subject proposal, for those lots contained within the RU4 zone, pursuant to clause 25(4)(a) of the *State Environmental Planning Policy (Housing for Senior's or People with a Disability) 2004* ('**Senior's SEPP**') (see Annexure A). The SCC authorises "a (maximum 120-bed residential care facility and (maximum) 220 serviced and self-care units with a maximum floor space ratio of 0.2:1 and a maximum building height of 9m (two storeys)". The SCC at schedule 2 imposes various requirements on the determination and Annexure A of this SEE provides information on how such requirements have been addressed by this application.

The subject site comprises ~~twenty (20)~~ **twenty-one (21)** contiguous allotments, legally described as follows:

- Lots 1, 2, 3, 4, 5, 6, 7, 22, 23, 27, 28, 29, 30, 31, 32, 35, 36 and 37 DP 12096
- Lots 2 and 3 DP 236262
- **Lot 11 DP 739884 (refer to letter from Precise Planning to Wollondilly Council dated 5 February 2020, see Annexure 'G')**

Currently occupying the subject site is a two-storey dwelling, with associated structures. The existing dwelling is an item of local heritage significance under the LEP. **An existing dwelling occupies Lot 11 DP 739884.**

¹ A full description of the components for which this DA seeks consent is detailed in part 2.1 and part 4 of this SEE

The subject site is bounded by Rockford Road to the east; Remembrance Driveway to the northwest, Hawkins Road to the south and Stratford Road to the west. The total site comprises ~~20~~ 21 separate titles and contains an area of about ~~13.34ha~~ 14.364ha (by survey) or ~~13.22ha~~ 14.244ha (by title). Land uses surrounding the site include residential dwellings, rural residential (hobby farm) uses, a hotel, public school and an electrical substation.

The subject site is not shown as bushfire prone on the bushfire-prone land maps and is not contained in a drinking water catchment.

An existing sheltered bus stop is located near the front of the site, with a concrete constructed continuous path of travel to and from all services in the Tahmoor township. The site will be serviced with electricity, telephone, Sydney Water sewerage (when available) and water connections and natural gas.

This DA is *Regionally Significant Development* for the purposes of Schedule 7, clause 2, *State Environmental Planning Policy (State and Regional Development) 2011*, as the Capital Investment Value ('CIV') exceeds \$30m. Pursuant to section 2.15(a) *Environmental Planning & Assessment Act 1979* ('EPA Act'), the application will be determined by a planning panel.

The application is *Nominated Integrated Development* for the purposes of section 4.46(1) EPA Act, requiring approval under section 91 *Water Management Act 2000* ('WM Act'). The application is *Integrated Development* for the purposes of section 4.46(1) EPA Act, requiring approval under section 22 *Coal Mine Subsidence Compensation Act 2017* ('CMSC Act') and section 138(2) *Roads Act 1993*.

The application will not be required to be referred to Roads and Maritime Services ('RMS') under Schedule 3 *State Environmental Planning Policy (Infrastructure) 2007* ('SEPP Infrastructure'), because, although *senior's housing* is a form of *residential accommodation* under the LEP and there are more than 75 dwellings proposed, the proposed site access along the alignment of both Stratford Road and Rockford Road is greater than 90 metres. However, the traffic management works proposed for the Remembrance Driveway/Rockford Road and Remembrance Driveway/Stratford Road intersections are required to be referred to RMS.

This SEE has been prepared in accordance with the provisions of Clause 2(1)(c) and 4, Schedule 1, *Environmental Planning & Assessment Regulation 2000* ('EPA Regs'). It is divided as follows:

- Section 2** – Introduction and subject site detail
- Section 3** – Site analysis
- Section 4** – Detailed description of the proposal
- Section 5** – Identification and assessment of likely impacts
- Section 6** – Statutory requirements
- Section 7** – Conclusion

A suite of plans and/or reports has been prepared to support this proposal, which are detailed in Table 2 of this SEE. The various specialist reports have not identified any issues which cannot be appropriately and satisfactorily managed. A detailed review of the specialist reports is undertaken in *Section 5* of this SEE.

The seniors housing development is proposed to be erected in 11 stages, so that it can regulate supply with market demand. The proposed staging will also assist in managing effluent disposal, which is proposed to be managed onsite until such time as permission is granted for the site to be connected to Sydney Water's reticulated sewerage scheme.

The SCC includes a 120 bed *Residential Care Facility* ('**RCF**'). A separate DA has been lodged with Council for a boundary adjustment in order to create the site on which the RCF will be erected. Consent for the erection and use of the RCF is not sought by this current DA.

A Senior's Housing complex is a compatible land use for this location and, as discussed later in this report, there is a demonstrable need for more additional Senior's Housing complexes in the local area. A high quality facility on this site may be achieved with negligible environmental impact and a positive social and economic impact. The location of the site at the southwestern edge of the township of Tahmoor makes an ideal context for such a facility. Large regional centres in proximity to the site include Campbelltown, Bowral, Camden and Narellan. Tahmoor itself contains all major banks, a credit union, post office, medical centres, dentist, solicitors, accountants, hairdressers, fast food outlets, restaurants, supermarkets and the like. The nearest public hospital is in Campbelltown.

Based on investigations represented in this report, it is concluded that the site is suitable for the proposed development and worthy of support.

2.

INTRODUCTION

2.1 General

This planning report has been prepared to accompany a development application, which seeks consent to the following:

- 1) Demolition of structures (as identified on the demolition plan) and removal of vegetation (as identified on the tree removal/retention plan).
- 2) Dewatering of the existing farm dams
- 3) Alterations and additions to the existing Stratford House dwelling and associated buildings and 'change of use' from residential to administrative, recreation and dining room.
- 4) Erection of 214 self-contained dwellings (in-fill self-care housing)
- 5) Installation of a temporary onsite effluent disposal system, including the decommissioning of the existing system presently connected to Stratford House
- 6) Landscaping
- 7) Civil and stormwater works

The development is proposed to be undertaken in eleven (11) stages, as set out in Table 6, part 4.8 of this report.

Type of application

The application is **Nominated Integrated Development** for the purposes of section 4.46(1) EPA Act, requiring approval under section 91 *Water Management Act 2000* ('**WM Act**'), as works are proposed within 40 metres of a mapped watercourse (see Figure 1).

The application is **Integrated Development** for the purposes of section 4.46(1) EPA Act, requiring approval under section 22 *Coal Mine Subsidence Compensation Act 2017* ('**CMSC Act**'), as the subject site is within a *Proclaimed Mine Subsidence District*.

The application is **Integrated Development** for the purposes of section 4.46(1) EPA Act, requiring approval under section 138(2) *Roads Act 1993*, as Remembrance Driveway is a classified road and works are likely to be required within the road reserve.



FIGURE 1

Mapped watercourse in SE corner of subject site
SOURCE: Sixmaps

2.2 Site identification

This application involves ~~twenty (20)~~ **twenty-one (21)** individual lots, which are described as follows:

Street Address	Existing lot / DP	Area of existing lots (as per title)	Improvements
2689 Remembrance Dve Tahmoor	1/12096	1031sqm	Vacant
2691 Remembrance Dve Tahmoor	2/12096	1031sqm	Vacant
2693 Remembrance Dve Tahmoor	3/12096	1031sqm	Vacant
2695 Remembrance Dve Tahmoor	4/12096	1031sqm	Vacant

Street Address	Existing lot / DP	Area of existing lots (as per title)	Improvements
2699 Remembrance Dve Tahmoor	5/12096	1929sqm	Vacant
2705 Remembrance Dve Tahmoor	6/12096	2131sqm	Vacant
2707 Remembrance Dve Tahmoor	7/12096	1081sqm	Vacant
4 Rockford Rd Tahmoor	37/12096	1480sqm	Vacant
6 Rockford Rd Tahmoor	36/12096	1012sqm	Vacant
8 Rockford Rd Tahmoor	35/12096	1012sqm	Vacant
20 Rockford Rd Tahmoor	2/236262	2.138ha	Two storey residence with ancillary buildings and indoor, inground swimming pool
30 Rockford Rd Tahmoor	3/236262	9320sqm	Vacant
34 Rockford Rd Tahmoor	32/12096	1391sqm	Vacant
36 Rockford Rd Tahmoor	31/12096 (subject to separate DA for boundary adjustment)	1.037ha	Vacant
46 Rockford Rd Tahmoor	30/12096 (subject to separate DA for boundary adjustment)	1.591ha	Small shed
56 Rockford Rd Tahmoor	29/12096	1.298ha	Vacant
66 Rockford Rd Tahmoor	28/12096	9946sqm	Farm dam
10 Hawkins Rd Tahmoor	27/12096	9921sqm	Vacant
7 Stratford Rd Tahmoor	11/739884	1.024ha	Dwelling
11 Stratford Rd Tahmoor	22/12096 (subject to separate DA for boundary adjustment)	1.2ha	Farm dam
15 Stratford Rd Tahmoor	23/12096 (subject to separate DA for boundary adjustment)	1.618ha	Vacant

TABLE 1

Land particulars



FIGURE 2 (updated to include 11/739884)
Land involved in this application

2.3 Supporting documentation

The application is supported by the following documents:

Document	Author	Reference
Access assessment	Accessible Building Solutions	Job No 219308 dated 5 December 2019 (and revisions dated March 2020)
Acoustic report	Marshall Day	Job Rp 001 20190319 dated 11 December 2019
Air quality report	Todoroski Air Sciences	Job No19030941 dated 6 December 2019 (and letter dated 15 July 2020)
Aquatic ecology and dam dewatering report	Narla Environmental	Project No cgpr1_var1, version 1.0 dated November 2019
BASIX		
BCA Assessment	Citiplan	Ref 200143 dated 21 April 2020
BDAR	Land Eco Consulting	19.4.2573.1 Ver 1.0 dated 13 December 2019 (and updated version dated January 2020)
Care Provider details	DR Care Solutions	Dated 15 July 2020
CIV report	Property & Building Assessments	Ref No: 10911 dated 9 December 2019

Document	Author	Reference
Contamination assessment (preliminary site investigation)	Martens & Associates	Ref P1907155JR01V01 dated July 2019
Contamination assessment (detailed site assessment)	Martens & Associates	Ref P1907155JR04V01 dated November 2019
CPTED report	The Design Partnership	Project Number 19.110 Issue B dated 11 December 2019
Heritage impact statement	Phillips Weir	Ref J3597 Third Issue dated 10 December 2019
Plan (access to services)	Australian Survey Solutions	Ref 190529 Issue B dated 13 December 2019
Plan (architectural set)	McCabe Architects	Project 1721 dated Dec 19 (revised - Rev A dated July 2020)
Plans (concept intersection design)	Martens & Associates	P190715PS06 – R01 – 200522c dated 22 May 2020; provided to Council 25 May 2020 (and revisions dated July 2020)
Plan (detail survey)	Australian Survey Solutions	Job 190529 Issue C dated 9 December 2019
Plans (internal accessibility clearance)	McCabe Architects	12 March 2020; provided to Council 13 March 2020
Plan (landscape)	Nicholas Bray	Job 191210 Rev F dated 10 December 2019
Plan (proposed easements within Lot 11 DP 739884)	Australian Survey Solutions	Ref 190529 dated 17 February 2020; provided to Council 18 February 2020
Plan and report (site analysis)	Precise Planning	Annexure D of this report
Planning report	Precise Planning	1343 REV_01 dated December 2019 (and REV_02 dated July 2020)
Salinity preliminary assessment	Martens & Associates	P1907155JR03V01 dated November 2019
Social & Health Impact Comment Assessment form	Prepared by Council and responded to by Precise Planning	Responses provided to Council 24 January 2020
Social & Health Impact Comment Assessment form – response to concerns from Social & Health Working Group	Prepared by Precise Planning	Provided to Council 3 March 2020
Traffic impact assessment	Martens & Associates	P1907155JR02V03 dated December 2019 (and revisions dated July 2020)
Waste management plan and Waste Management Report	Precise Planning and Blue Water Consulting	Unreferenced and undated (and waste management report – project number 19053BW-1343 dated 24 July 2020)
Traffic report	Martens & Associates	P1907155JR02V03 dated December 2019
Wastewater report and Peer Review	Martens & Associates and Whitehead & Associates (Peer	P1907155JR05V01 dated December 2019 (and

Document	Author	Reference
Watercourse assessment	<i>Review)</i>	<i>revisions dated May 2020; peer review dated 24 July 2020)</i>
	Martens & Associates	P1907155JC01V01 dated 5 December 2019

TABLE 2

List of supporting documentation

2.4 Zone and permissibility

The subject site is zoned as follows:

- Lots 1, 2, 3, 4, 5, 6, 7, 35, 36 and 37 DP 12096 – **R2 Low Density Residential**
- Lots 22, 23, 27, 28, 29, 30, 31 and 32 DP 12096 – **RU4 Primary Production Small Lots**
- Lots 2 and 3 DP 236262 – **RU4 Primary Production Small Lots**
- **Lot 11 DP 739884 – RU4 primary Production Small Lots**

The proposed **senior's housing** facility is permissible within the R2 Low Density Residential zone, under the umbrella term **residential accommodation**².

The proposed **senior's housing** facility is not a permissible use within the RU4 Primary Production Small Lot zone. However, the issuing of the SCC³ pursuant to the provisions of Clause 25(4) *Senior's Living SEPP* overcomes this permissibility issue on the lots within the subject site within the RU4 zone, thereby enabling this proposal.

All other components of the proposal are either permissible, or else are ancillary uses and are therefore permissible with consent.

2.5 Planning considerations

Consideration	Response
Compliance with aims of WLEP and regard to zone objectives	Refer to part 6.5.1 and 6.5.2 of this SEE
Compliance with DCP provisions	Refer to part 6.7 of this report
Bushfire prone land	No
Contamination	Refer to PSI and DSI (see part 5.6 of this report)
Mine Subsidence District	Yes, SANSW concurrence will be required
Endangered Ecological Communities	Refer to BDAR (see part 5.7 of this report)
Water Catchment Area	Subject site is not located in a water catchment area
Aboriginal artefact sites	No Aboriginal sites have been recorded in or near the subject site on the AHIMS register. No Aboriginal places have been declared in or near the subject site on the

² **Senior's housing** is a type of **residential accommodation** under the LEP

³ See Annexure A

Consideration	Response
	AHIMS register
Additional permitted uses map	No
Land application map	Included
Land zoning map	R2 Low Density Residential and RU4 Primary Production Small Lot
Height of buildings map	9 metres for the R2 zoned land only
Lot size map	N/A
Land reservation acquisition map	No
Heritage map	Yes, item of local heritage significance - I 235 – Stratford House affecting 20 Rockford Rd (Lot 2 DP 236262) and 2705 Remembrance Dve (Lot 6 DP 12096)
Natural resources - biodiversity map	No
Natural resources - water map	No
Original holdings map	No
Urban release areas map	No
Land reclassification map	No
Odour buffer map	No

TABLE 3
Planning considerations

2.6 Site-specific constraints

Based on the conclusions of the various specialist reports, the site has no major constraints that would hinder or prevent the development of the site as proposed.

2.7 Proposed boundary adjustment

The overall site masterplan for this DA shows a land allocation of about 1.2ha fronting Stratford Road which is labelled “Residential Aged Care Facility (future)”.

Under a separate DA, consent is sought for a boundary adjustment involving existing lots 22, 23, 30 and 31 DP 12096 in order to separate the land for the future RCF from the remainder of the site. Consent for this proposed boundary adjustment is sought pursuant to cl.4.2B LEP. Negotiations are currently underway with several potential operators of the future RCF and it is expected that a separate DA will be submitted in 2020 seeking approval to the future RCF.

3.

SITE ANALYSIS (existing)

Characteristic	Analysis
Property description	20 21 separate, contiguous lots as identified in part 2.1, Table 1 of this report
Location, dimensions, shape, area, orientation	Bounded by Remembrance Driveway to the northwest, Rockford Road to the northeast, Hawkins Road to the southeast and Stratford Road to the southwest. Individual lots are generally rectangular or parallelogram-shaped. Total area of subject site is 13.34ha 14.364ha (by survey), or 13.22ha 14.244ha by title. Most lots are orientated NE-SW except those with frontage to Remembrance Driveway, which are orientated NW-SE.
Access	Usual vehicle access to the subject site is via Rockford Road, leading to Stratford House. An historical access exists to Remembrance Driveway. Rockford Road is a typical bitumen-sealed rural road with catch drains along the frontage of the subject site and kerb and gutter opposite. Remembrance Driveway is a main urban bitumen-sealed road with catch drains along the frontage to the subject site and kerb and gutter opposite. Both Stratford Road and Hawkins Road are typical rural bitumen-sealed roads with catch drains on both sides.
Contours and levels	Shown on survey plan. With the exception of the NW and NE corners, the subject site generally drains in a SW direction, toward Stratford Road. The NW portion drains to Remembrance Driveway and the NE portion drains to Hawkins Road. The highest part of the subject site (in the vicinity of Stratford House) is around RL 276.5 AHD and the lowest part of the site (close to Stratford Road) is around RL 270 AHD.
Existing vegetation	Refer to detail survey plan and BDAR
Existing improvements	Lot 3 DP 236262 contains the historic Stratford House and other buildings. Lot 11 DP 739884 contains an existing dwelling
Significant views	The site enjoys limited district views
Stormwater	Surface water generally flows as per the slope of the land, as described above. There are currently two farm dams collecting surface runoff.
Electricity	Overhead supply along all frontages
Water	Reticulated water supply along the Remembrance Driveway frontage and within all other road reserves
Sewer	All residentially zoned lots are entitled to a sewerage connection, but the existing dwellings are not currently connected
Gas	Natural gas is available at the subject site
Microclimate	The location and topography does not create a microclimate
Fences, easements	Generally rural-type fencing where in existence; no easements
Natural features	There are no noteworthy natural features
Surrounding development	Rural residential, Tahmoor Inn, residential development opposite in Rockford Road. The new Tahmoor Central development is located opposite the subject site in Remembrance Driveway.

Characteristic	Analysis
Street frontage features	<i>There are no noteworthy street frontage features</i>
Heights - subject and adjoining land	<i>No significant changes</i>
Significant noise sources	<i>No significant noise sources affecting the land, except potentially traffic noise from Remembrance Driveway and the operation of Tahmoor Inn</i>
Bushfire risk	<i>Land is not mapped as bushfire prone</i>
Contamination	<i>Refer to PSI and DSI</i>
Salinity	<i>Non-saline soils</i>
Acid sulphate soil	<i>No testing undertaken on this occasion</i>
Flooding	<i>Not considered flood-prone</i>

TABLE 4

Site analysis

In addition to the information contained in Table 4 above, a detailed site analysis for the purposes of clause 30 Seniors SEPP is contained in Annexure D of this report.

4.

DETAILED DESCRIPTION OF THE PROPOSAL

4.1 Demolition of structures and dewatering of farm dams

The structures proposed for demolition are identified on the demolition plan.

All demolitions work will be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures* and the Waste Management Plan ('WMP').

The de-watering of the two farm dams will be undertaken in accordance with the *Aquatic Ecology Dam Dewatering Report* ('**dam dewatering report**') prepared by Narla Environmental. The dam dewatering report has been prepared to ensure all specific ecological management issues are addressed prior to dewatering approval, including:

- An aquatic survey prior to dam dewatering and a description of fauna residing within the dam;
- Details of the appropriate timing (season) for dewatering;
- Details on the methods that will be used to capture and rescue fauna residing in and around the dam;
- Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam;
- Detailed description on the methods for fauna transportation and release of rescued aquatic fauna (eg fish and turtles);
- Methods to prevent injury to fauna during pumping of water from the dam;
- Details on how problems associated with low dissolved oxygen in the final dewatering stage will be managed;
- Protocol for dealing with any injured fauna;
- Protocol to prevent the spread of diseases (depending on the location of the release site);
- Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction);
- Details on how exotic pest species will be humanely euthanised in a manner consistent with the *Prevention of Cruelty to Animals Act 1979*;
- Methods for disposing of dam water and preventing the spread of carp eggs and juvenile pest species into natural waterways.

The dam dewatering will be carried out in accordance with the recommendations of the dam dewatering report.

4.2 Removal of vegetation

Trees proposed to be removed are identified on the tree retention/removal plan. Trees proposed to be retained will be protected by barriers where deemed necessary.

All trees proposed to be removed will be inspected for hollows prior to any work being undertaken. Where trees identified for removal are found to contain hollows, normal protocols will be undertaken including an ecologist onsite to relocate animals residing in the hollows.

Details are provided in the BDAR lodged with the application.

4.3 Erection and use of serviced self-care housing

The application proposes the erection and use of 214 serviced self-care houses, comprising six (6) different dwelling types. The detail of each dwelling type is outlined in table 5 below.

<i>Dwelling type</i>	<i>Description</i>	<i>Garage</i>	<i>Footprint</i>	<i>Configuration</i>	<i>Number</i>
A	Single storey, 3 bedroom with detached garage structure, skillion roofs	Two garage doors facing rear elevation, total area 45sqm	172sqm	3 bedroom + study; 2 bathrooms	91
B	Single storey, 2 bedroom with open carport, skillion roofs	Open carport at front elevation, total area 27sqm	126.1sqm	2 bedroom; 1 bathroom	41
C	Single storey, 2 bedroom with open carport to side, skillion roofs	Open carport at side, total area 21.6sqm	133.7sqm	2 bedroom + study; 1 bathroom	30
D	Single storey, 2 bedroom with open carport to side, skillion roofs	Open carport to side, total area 21.6sqm	115.2sqm	2 bedroom; 1 bathroom	15
E	Single storey, 2 bedroom with open carport to side, skillion roofs	Open carport to side, total area 19.4sqm	122.4sqm	2 bedrooms + study; 1 bathroom	27
F	Single storey, 2 bedroom with open carport to side, skillion roofs (corner lots only)	Open carport to side, total area 19.4sqm	142.5sqm	2 bedroom + study; 1 bathroom	10
TOTAL					214

TABLE 5

Dwelling detail

The staging detail is set out in part 4.8 of this report

4.4 Alterations and additions to existing dwelling 'Stratford House'

The existing structures known as 'Stratford House' comprise a large, two (2) storey building ('**existing dwelling**') as shown on plan TP.100 of the architectural plan set. In addition, there is a separate building which houses an indoor swimming pool and spa, as well as shower and WC facilities, a kitchen and a lounge area ('**pool pavilion**'), as well as an adjacent double garage ('**existing garage**').

Some minor internal demolition is proposed for both the existing dwelling and the pool pavilion, as shown on plans TP.101 and TP.103 of the architectural plan set.

- An additional wing is proposed to be added to the existing building, which will accommodate a lift, servery WCs, an indoor dining area for up to 72 diners at a time, as well as an outdoor dining area on a covered verandah area.
- The use of the rooms comprising the ground floor and first floor of the existing dwelling are proposed to be changed, as detailed on plans TP.104 and TP.105 of the architectural plan set. Consent is sought for the existing residential use to be changed to an administrative, recreational and dining room use.
- A small extension is proposed to the existing pool pavilion to provide improved amenities areas for the occupants. In addition, the existing spaces within the pool pavilion building will change, as detailed on plan TP.104 of the architectural plan set.
- The existing double garage will be converted to a gymnasium and the courtyard area will be developed as detailed.

The proposed alterations and additions have been designed with input from James Phillips, heritage consultant, Weir Phillips.

4.5 Installation of temporary onsite effluent disposal system

Sydney Water has acknowledged that it is unable to accommodate flows from the proposed development until upgrading works are completed at the Picton Sewerage Treatment Plant. These upgrade works are anticipated to be completed in mid 2021 (see Annexure C).

In order to manage effluent until connection to Sydney Water's reticulated sewerage system is possible, it is proposed to install an onsite effluent disposal system, as detailed in the onsite effluent disposal report prepared by Martens and Associates. The system has been designed to accommodate dwellings and the Stratford House expansion up to and including stage 5. It is anticipated that, by the time stages 1 to 5 are constructed and occupied, it will be well into 2022, which provides some flexibility in the event that Sydney Water's program is delayed.

Once the Sydney Water connection becomes available, the village will be connected and the onsite effluent system will be decommissioned and removed. Appropriate soil testing will be undertaken to ensure that the ground where the irrigation occurred is fit for redevelopment.

The proposed irrigation area occupies the location of proposed stages 6, 7A, 7B, 8 and 9, as detailed on the effluent disposal report by Martens and Associates. This report also provides a nominal location for the back-flush requirement for the swimming pool.

4.6 Civil works

Proposed civil works include all internal roads and installation of stormwater structures, which are conceptually detailed on the plan set by Martens and Associates.

Other works external to the site, within public road areas, are anticipated. The proponent awaits Council's requirements in this regard. A footpath is proposed for the full frontage of Rockford Road and Remembrance Driveway and other footpath works may be required in order to ensure satisfactory pedestrian and mobility access. **The extent of footpath construction for each stage is intended to relate to the safe pedestrian access for residents of the stage in question, to be able to safely walk from the dwelling to the dining/administration building, to the proposed bus shelters and also to Tahmoor's commercial and retail area and return.**

The proposed roundabout at the intersection of Remembrance Driveway and Rockford Road is planned for construction of Stage 4B and its completion is intended to coincide with the completion of dwelling construction that stage.

Bus shelters are proposed to be constructed, along with any necessary civil works and signage, for Stage 1 of the development.

The above works will be the subject of a Construction Certificate application following development approval.

4.7 Installation of landscaping

Proposed landscaping is detailed on the landscape plans. The landscaping will be installed as required, as relevant for each stage of the proposed development. The landscape plan also provides detail of proposed fencing.

4.8 Proposed staging details

The development is proposed to be undertaken in 11 stages, as detailed on plan TP.006 of the architectural plan set and Table 6 below.

Stage	Detail	Dwelling types	Dwelling numbering
1	Erection of 24 dwellings, together with associated landscaping and stormwater works; alterations and additions to Stratford House; installation of the onsite effluent disposal system; dam dewatering	Type A – 12 Type B – 8 Type C – 2 Type E – 2 TOTAL – 24	Nos 1 to 24
2	Erection of 24 dwellings, together with associated landscaping and stormwater works	Type A – 15 Type B – 1 Type C – 4 Type D – 2 Type E – 2	Nos 25 to 48

Stage	Detail	Dwelling types	Dwelling numbering
		TOTAL – 24	
3	Erection of 11 dwellings, together with associated landscaping and stormwater works	Type A – 2 0 Type B – 6 Type C – 1 Type D – 2 TOTAL – 11 9	Nos 49 51 to 59
4A	Erection of 15 dwellings, together with associated landscaping and stormwater works	Type A – 15 TOTAL – 15	Nos 60 to 74
4B	Erection of 17 dwellings, together with associated landscaping and stormwater works	Type B – 8 Type C – 1 Type D – 1 Type E – 6 Type F – 2 TOTAL – 17 18	Nos 75 to 91 + 184
5	Erection of 22 dwellings, together with associated landscaping and stormwater works	Type A – 6 8 Type C – 8 Type D – 1 Type E – 4 Type F – 3 TOTAL – 22 24	Nos 92 to 113 + 49 and 50
6	Erection of 31 dwellings, together with associated landscaping and stormwater works	Type B – 13 Type C – 2 Type D – 4 Type E – 9 Type F – 3 TOTAL – 31	Nos 114 to 144
7A	Erection of 15 dwellings, together with associated landscaping and stormwater works	Type A – 15 TOTAL – 15	Nos 145 to 159
7B	Erection of 24 dwellings, together with associated landscaping and stormwater works	Type A – 15 Type B – 3 Type C – 4 5 Type D – 2 TOTAL – 24 25	Nos 160 to 183 + 209
8	Erection of 16 dwellings, together with associated landscaping and stormwater works	Type A – 6 7 Type B – 2 Type C – 3 4 Type D – 2 1 Type E – 2 Type F – 1 TOTAL – 16 17	Nos 184 to 199 185 to 200 + 214
9	Erection of 15 dwellings, together with associated landscaping and stormwater works	Type A – 5 4 Type C – 5 3 Type D – 2 Type E – 2 Type F – 1 TOTAL – 15 12	Nos 200 to 214 201 to 208 and 210 to 213

TABLE 6
Staging detail

4.9 Waste management

Demolition and Building stages

Refer to the Waste Management Plan for details.

Ongoing Waste Management

It is proposed to contract with a private waste collection service for waste collection, for both the residential dwellings and the administration and dining operations of the Stratford House building.

The internal road system for the residential areas has been designed to accommodate a private waste collection vehicle. Residents will place bins at the edge of their allotment weekly and the waste will be collected by a waste collection vehicle with a hydraulic arm.

Waste generated by the administration and dining operations in Stratford House will have a central receptacle, which will be accessed directly by the waste collection vehicle.

The details and swept path analysis is appended to the Waste Management Plan.

Waste Management Report

In response to a request by Council's waste management officer, further details of the waste management strategy have been provided in the waste management report by Blue Water Consulting.

This report addresses, amongst other things, the following:

- Management of garden organics
- Kerbside cleanup services
- External access to rear yards to enable movement of bins
- Location of bins to service the Administration and Dining areas
- Swept path diagrams for waste collection vehicles
- Arrangements with a private waste management service

5.

IMPACTS AND CONSTRAINTS - Specialist studies

5.1 Aboriginal archaeological constraints

No Aboriginal sites have been recorded in or near the subject site on the Aboriginal Heritage Information Management System ('AHIMS') register. No Aboriginal places have been declared in or near the subject site on the AHIMS register (see Figure 4 below).



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

FIGURE 4

Result of AHIMS Register search

On this basis, it was considered that a due diligence assessment was unwarranted in this circumstance.

5.2 Acoustic impacts

In order to determine the degree to which the proposed development may be impacted by noise, an acoustic impact assessment ('**acoustic report**') was prepared by Marshall Day Acoustics.

The acoustic report has evaluated potential noise impacts on the site from road traffic noise and provides noise design targets required for any mechanical services as part of the development. Additionally, consideration is also given to potential noise impacts from the nearby Inghams Poultry Processing Plant and the Tahmoor Inn Hotel to ensure that noise from these sources does not give rise to adverse effects on aged care receiver acoustic amenity.

On-site noise level measurements and subsequent calculations indicate that, for some dwellings, noise from the above sources have the potential to give rise to adverse noise impacts. On this basis, noise control recommendations comprising architectural treatments, including the provision of alternative ventilation and the upgrading of glazing elements have been proposed.

The specific noise control recommendations are set out in section 6.0 of the acoustic report.

With the incorporation of the noise control recommendations and based on the assumptions detailed in this report, noise criteria applicable to the development are capable of being achieved.

Clarification was sought by Council in relation to aspects of the acoustic assessment (Annexure H), as follows:

Council:

The acoustic assessment has only assessed noise in two locations. I have observed on the site plan that there is a proposed dwelling located closer to the Tahmoor Inn, than identified in the logger location. Noise readings should be carried out at the nearest sensitive receiver and it is considered that further assessment should be carried out in this area

Marshall Day response:

- Based on data acquired during MDA's environmental noise survey (4 May 2019 to 14 May 2019) and associated site inspection, it is considered that the measured background noise levels at the subject logger positions are representative of the general acoustic environment of the area, including the residences
- The noise environment experienced on site aligns with the NPfI description for the 'Suburban Residential' receiver category, "Suburban – an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry. This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity"
- Background noise levels measured on-site align with typical levels described in Table 2.3 of the NPfI for 'Suburban Residential' use
- The background noise level measured on-site are likely to be driven by distant traffic and other noise sources, not localised traffic, particularly in the Evening and Night periods when traffic is likely to be very intermittent
- As the Night period background noise level is not driven by local traffic activity, significant variance across the site is unlikely
- The Night period, being the most stringent criteria, is likely to drive any future mechanical services design and compliance
- On this basis consideration of a specific residence location is unlikely to change the derived Night-time NPfI criteria and resultant outcomes of the report

Council:

The acoustic assessment has not assessed any potential noise to the dwellings and surrounding homes from the proposed dining facilities

Marshall Day response:

- MDA has been provided with further information with respect to operation of the communal facilities/dining/function room indicating that it will be used by residents and admin only
- It is not expected that large externally run events will occur and operation will be generally limited to dining
- Dining activities do not typically form a core element of a noise emissions assessment, particularly for an aged care facility
- Noise emissions from food preparation and eating are not expected to be significant
- The operation of mechanical services associated with cooking and food preparation must be designed to comply with the NPfI criteria detailed in the acoustic report

5.3 Air quality impacts/constraints

In order to determine potential air quality impacts or constraints associated with the proposal, an air quality assessment ('**air quality report**') was undertaken by Todoroski Air Sciences. The air quality report incorporates the following aspects:

- A review of the existing local climate and meteorology conditions of the subject site;
- A description of the dispersion modelling approach used to assess potential odour impacts from nearby sources on the subject land;
- Presentation of the predicted results and a discussion of the potential odour impacts; and
- Recommendations for consideration in the planning process in order to mitigate any potential odour impacts.

The air quality report identified five (5) potential odour sources proximate to the subject site, as detailed in Table 5-2 and Figure 5-4 of the report. Of the 5 potential odour sources, the report identifies the Inghams Turkey Processing Facility as the primary operation with any potential to adversely impact the subject site in terms of odour emissions. Consequently, air dispersion modelling of odour emission sources with this facility was conducted to predict potential air quality impacts.

Section 6 of the air quality report sets out the results of the modelling (see Figure 6-1). The result is that the predicted odour levels would range from <2 OU to 5 OU, dependent on distance from the facility. An odour level of 5 OU is predicted to encroach approximately 20 metres into the project site along Rockford Road. Odour levels ranging from 4 OU to <2 OU are predicted across the remainder of the site. The levels predicted would not be dissimilar to levels experienced at the existing residences surrounding the facility. The report also notes that much higher odour levels, compared to the subject site, are predicted to odour at the existing residences along Rockford Road which are between the subject site and the facility.

Section 7 of the air quality report sets out the following mitigation and management recommendations:

- Position the most sensitive land uses and built-up areas outside of the 3 OU buffer;

- Plan for the least odour sensitive land uses to be located near to odour generating sources. Compatible land uses may include commercial land use, bushland reserves and car parks.
- Orientate buildings to provide adequate air flow around the building and design buildings to encourage air flow in a particular direction. (This can be aided by block size and shapes and understanding of prevailing wind flows). Avoid construction of dead end courtyards or long narrow spaces perpendicular to the prevailing winds where air can lay dormant and stagnate;
- Build continuous dense landscaping (bunds and vegetation) along odour sources to assist in odour dispersion from the odour source, thus reducing the odour impact on the Project site; and,
- Consider air conditioning and ventilation, and design buildings so living spaces do not face odorous sources. Buildings could have non-opening windows on the odorous side of the building and could duct cleaner air into the building from the far side, and out to the odorous side.

In response, the following points are made:

- Since the measurement data by The Odour Unit in 2013, the facility has upgraded its wastewater system to a purpose-built wastewater treatment process and connect the site to the Sydney water reticulated sewerage infrastructure. As a consequence the risk of odour nuisance is significantly reduced.
- A 4m wide vegetative buffer has been provided for the setback along Rockford Road.
- Whilst some dwellings fall into the predicted 4 OU area, the vast majority sit within the 2 OU area.
- Given the minimal nuisance currently being experienced by residents on the opposite side of Rockford Road, potentially located within 6 OU and 7 OU, and the distinct lack of complaints, the erection of a small number of dwellings within the 4-5 OU area is considered acceptable.

Clarification was sought by Council in relation to aspects of the air quality assessment (Annexure H), as follows:

Council:

Evidence is to be provided on how the lot layout will achieve the recommendations in the Air Quality Assessment provided by Todoroski, to reduce odour impact to future occupants. The recommendation is to position less sensitive receivers closest to the odour source, being Inghams Processing Plant, however the majority of the odour-affected portion of the site, as shown in the odour contours, will be taken up by dwellings

TAS:

As noted in the AQA, the odour modelling predictions are likely to overestimate the actual impacts from the Ingham's Turkey Processing Facility, for example there are many existing residences located closer to the facility that are modelled to have higher levels of odour than at the Project site. The Ingham's Turkey Processing Facility is required operate without causing adverse odour impacts at the existing residences, hence the odour levels that the Facility is required to achieve in practice will be significantly lower than the presented in the conservatively modelled odour levels.

We also note that a 500 metre (m) buffer for the Ingham's Turkey Processing Facility was developed prior to wastewater management upgrades at the facility. The main source of odour at the facility, the settlement ponds, are not actively used since connecting to Sydney Water's reticulated sewer and there has been a significant improvement to the odour levels in the surrounding area.

The recommendations in the AQA are provided for consideration to minimise odour impacts (i.e. the recommendations represent good practice, and are not necessary for compliance, given that odour levels from the Facility at intermediate locations need to be compliant in any case, with or without the development present). **Figure 1** presents the lot layout overlaid with the predicted odour contours from the AQA.

Per **Figure 1** (or Figure 6-1 of the AQA), we can see the lot layout has positioned the majority of dwellings outside of the locations with no scope for adverse odour, and that all of the proposed dwellings would have odour impacts less than existing residences. When considering the intermediate areas, i.e. the areas with 1- 2 OU less odour than existing dwellings (shown as the 3 and 4 OU bands), we can see that approximately half of this intermediate zone has no dwellings, and a relatively small number of lots. We can also see that the parts of the development not especially sensitive to odour are located in this area, including the clubhouse facilities, gym and pool house. For the lots positioned within the intermediate area, the buildings have been orientated to allow for air flow with roads and access ways providing spacing between building blocks to prevent air stagnation. The alignment of the buildings generally aligned north to south to follow the dominant wind flows from the south which further aids the air flows around the buildings (refer to windrose in Figure 4-2 of the AQA).

The layout also includes a continuous landscape buffer on the eastern side of site, separating the Project site with the Ingham's Turkey Processing Facility, which would assist in the dispersion of odour, but also the future residents' perception of odour.

Overall, the lot layout has taken consideration of the recommendations in the AQA to minimise odour levels according to generally good practice.

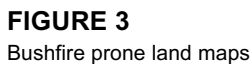
5.4 Aquatic ecology and dam dewatering impacts

Two (2) existing farm dams are required to be dewatered and the ground reinstated within stage 1 of the proposed development. Accordingly, an Aquatic Ecology Dam Dewatering report has been prepared by Narla Environmental in order to ensure all specific ecological management issues are addressed prior to obtaining approval for the dewatering activity. The dewatering process is discussed in part 4.1 of this report.

Provided the dewatering work is undertaken in accordance with the recommendations contained in the dam dewatering report, it is considered that aquatic ecological impacts will be appropriately managed.

5.5 Bushfire constraints

The subject site is not shown as bushfire prone on the bushfire prone land maps. Consequently, no bushfire risk assessment or management plan was required to be prepared.



A Preliminary Site Investigation ('PSI') was undertaken by Martens and Associates.

- Identification of historic and current potentially contaminating site activities.
- Evaluation of current areas of environmental concern ('**AEC**') and associated contaminants of potential concern ('**COPC**') within the site.
- Assess identified AECs and associated COPCs
- Provide comment on suitability of the site for the future development, and where required, provide recommendations for additional investigations.

- Walkover inspection to review current land use, potential contaminating activities and neighbouring land use;
- Site history review using aerial photographs and available historic records;
- Review of NSW EPA notices under the *Contaminated Land Management Act (1997)*
- Preparation of a report in general accordance with the relevant sections of NSW OEH (2011), ASC NEPM (2013) and EPA (2017).

The PSI concludes as follows:

The review of the site history indicated that Stratford House was established around 1886, and the surrounding buildings and gardens have been established on the grounds between 1970 and 1998. A former dwelling located in the northeast portion of the site was recently demolished. Historically, the site appears to have generally been used for grazing or horse agistment purposes, and remains a rural residential / rural property.

Potential contamination sources are summarised as:

- *Former dwelling construction and maintenance have the potential to have introduced contaminants in the form of asbestos (fibrous cement sheets as a construction material), pesticides (pest control) and heavy metals (paints, pest control, use of galvanised materials).*
- *Past shed construction, storage and maintenance could have introduced asbestos (possible construction material), pesticides (pest control) and heavy metals (paints, galvanised metals, pest control).*
- *Farm dams may have accumulated contaminants from site uses. Additionally, iron impacted soil and sludge removed from the pond near the dwelling and stockpiled into the dam near the western boundary may have introduced contaminants into the dam and / or surrounding site soils.*

Overall, the site is considered to generally have a risk of contamination in localised hot spots and / or within in the vicinity of the noted AEC. To determine potential risk of harm to human health and environment under proposed development conditions, assessment of the identified AEC should be undertaken prior to any future development. The Stratford House buildings and gardens are proposed to be retained as part of the proposed development, and no investigations will be required in this area.

In light of the conclusions, the PSI makes the following recommendations:

Prior to the proposed development, assessment of the AEC and COPC as noted in this PSI should be undertaken.

To address potential identified AEC and COPC, a Detailed Site Investigation (DSI) including intrusive soil sampling and analysis of COPC is recommended. Following demolition, testing under shed, and former dwelling footprints (plus 1-2 m curtilage) is recommended to determine any residual impacts from previous use.

The DSI is to be developed in accordance with NSW EPA (1995) Sampling Design Guidelines and a risk-based assessment. Assessment shall address each of the identified AEC and associated COPC identified in Table 6. Results of the site testing shall be assessed against site acceptance criteria (SAC) developed with reference to ASC NEPM (2013).

Provided the above recommendations are adhered to, we consider that the site shall be able to be made suitable for the proposed development.

In accordance with the recommendations of the PSI, a Detailed Site Investigation ('DSI') was undertaken and a report prepared by Martens & Associates.

The scope of works included:

- Review of the PSI;
- Intrusive subsurface investigation and sampling of AEC noted in the PSI;
- Preparation of a report in general accordance with the relevant sections of ASC

NEPM (2013), NSW OEH (2011) and NSW EPA (2017).

The DSI at section 8 contains the following discussion:

Site conditions during this DSI were similar to those identified in the PSI (MA, 2019a), except the northern dwelling had been demolished; with construction materials (bricks, pipes and fences) observed in the area, and a small dog kennel constructed with besser blocks was observed in the north of the site. It was noted that the minor hydrocarbon staining of the concrete slab in the central shed had occurred. The slab appeared in a good condition, minimising the contamination pathway to the underlying soil. Sampling was completed immediately adjacent to the shed with laboratory analytical results confirming that no soil contamination levels were above the SAC.

Observations with regard to contamination on the site indicated there were no obvious signs of contamination. The dog kennel was assessed as having a low risk of contamination.

Laboratory analytical results (EnviroLab report 221735) indicated that sample SS10 in AEC B exceeded the SAC for zinc. The 95% UCL calculations for the site indicated that the 95% UCL values (including SS10) were less than the SAC. All other results were less than the adopted SAC and considered not to pose a significant risk to receptors.

The DSI concludes as follows:

Based on current analysis and the site observations, the site is considered to have a low risk to human and environmental receptors from the proposed development.

If the shed in the vicinity of SS08 and SS09 is demolished, an inspection of the underlying soils is recommended to assess their condition post demolition. MA consider that the site does not require further investigation or remediation to render it fit for the intended use.

If any unexpected finds (such as fibro material, odours or soil staining) are encountered during site works, the unexpected find will require assessment by MA to determine requirements for additional investigation and / or remedial action. If any soil material is to be removed from site, a formal waste classification assessment shall be required in accordance with the NSW EPA Waste Classification Guidelines (2014).

5.7 Ecological impacts/constraints

This proposal has triggered the NSW Biodiversity Offset Scheme ('BOS') and requires submission of a 'Part 4 General' Biodiversity Development Assessment Report ('BDAR') due to the proposed removal of 'native vegetation' in excess of the clearing thresholds outlined in the Biodiversity Assessment Method ('BAM'). The BDAR is required to be undertaken by an accredited assessor to assess the impacts of the proposal.

This BDAR has been prepared by Land Eco to identify the potential impacts of the proposal on biodiversity values within the Subject Land. This assessment has been completed in accordance with the Biodiversity Assessment Method and includes:

- Detailed literature review and desktop assessment to describe the environment and landscape features of the Subject Land and to identify the suite of threatened biota potentially affected by the proposal;
- Site assessment to describe the biodiversity values of the Subject Land and to determine the likelihood of threatened biota and their habitats occurring within the proposed activity footprint;

- Targeted field surveys for a suite of candidate Species Credit species identified by the Biodiversity Assessment Method Calculator as likely to occur within the native vegetation of the Subject Land in accordance with the relevant NSW threatened species survey guidelines;
- Discussion and recommendation of measures to avoid and minimise impacts to biodiversity values;
- Discussion on impacts to biodiversity values including Serious and Irreversible Impacts; and
- Biodiversity Assessment Method calculations using the Biodiversity Assessment Method Calculator 1.2.7.2 to quantify the level of biodiversity impacts of the proposal following the implementation of measures to avoid and minimise impacts, and to determine the biodiversity credits that will need to be purchased and retired to offset the residual impacts of the proposal.

The Subject Land has been historically cleared and where canopy remnants remain, most of this has been under scrubbed. A substantial area located in the north-east is planted with ornamental trees, shrubs and groundcovers. The remaining majority of the Subject Land comprises historically cleared native grassland. The proposed development has been designed to minimise impacts on biodiversity values as far as practicable and requires the removal of approximately 11.3 ha of native vegetation.

The proposed development is expected to result in clearing and associated impact (11.3ha) to one distinct plant community type (PCT):

- 1395: Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion

The area of PCT 1395 within the Subject Land comprises an occurrence of *Shale Sandstone Transition Forest in the Sydney Basin Bioregion*, which is listed as a Critically Endangered Ecological Community and Serious and Irreversible Impact (SAIL) entity under the NSW *Biodiversity Conservation Act 2016*. This vegetated area consisted of four condition classes as follows:

- Condition Class 1: PCT 1395 Weed Infested Remnant (0.5ha)
- Condition Class 2: PCT 1395 Canopy Remnant (3.8ha)
- Condition Class 3: PCT 1395 Derived Native Grassland (6.5ha)
- Condition Class 4: PCT 1395 Exotic Dominant (0.5ha)

Class 4 and Class 3 scored such low Vegetation Integrity Scores (VIS) that they require no offsets in accordance with the BOS.

The following Ecosystem Credits are required to be retired to offset the biodiversity impacts of the proposal.

- 146 Ecosystem Credits of PCT 1395-Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (Shale Sandstone Transition Forest in the Sydney Basin Bioregion)

Once the applicant meets their offset obligations, the project will incur no significant or serious and irreversible impact upon Shale Sandstone Transition Forest in the Sydney Basin Bioregion.

The final number of credits are provisional at this stage and are being verified prior to finalisation.

5.8 Economic impacts

Positive economic benefits will flow to the local community during construction, as well as generating ongoing employment opportunities in terms of maintenance of the village, landscaping and facilities. Tradespeople during construction will increase spending in the local economy.

In addition, the increase in the population will create a stimulus to the local businesses and services through increased demand for goods and services.

As seniors living developments are often more heavily reliant on public transport than a typical residential area, the increased population will increase patronage of the local bus service and therefore increase its viability.

5.9 Environmental impacts on the natural and built environment

Natural environment

Component	Comment
Atmosphere (gases)	New housing tends to create additional atmospheric impacts as a result of heating a cooling the dwellings and potentially additional kilometres being driven on the roads. These activities tend to increase CO ₂ emissions. However, the proposed dwellings are BASIX and NatHERS compliant, walking distance to Tahmoor Town Centre and close to public transport links, thereby providing the opportunity for a reduced/minimal impact.
Biosphere (plants and animals)	The proposal involves the removal of some native vegetation, which will be offset under the biodiversity offset scheme (refer to BDAR)
Lithosphere (land)	The proposal is for residential use and is not a contaminating activity
Hydrosphere (water)	The discharge of stormwater is proposed to be managed in accordance with Council's policy, as detailed in the CSMP.

TABLE 7

Environmental impacts on the natural environment

Built environment

Component	Comment
Urban amenity	The proposed development achieves a high standard of urban amenity through thoughtful design, landscaping and compliance with the design criteria contained in the Seniors SEPP
Housing diversity	The proposal provides an affordable alternative to the "quarter acre lot" for seniors or people with a disability, which is consistent with the intent of the objectives of the Seniors SEPP.
Transport	The subject site provides vehicular parking for every dwelling and is proximate to bus stops and the Tahmoor Town Centre
Air quality	The proposal is not expected to adversely impact on air quality in the area and will not be

Component Comment

	unreasonably adversely impacted by existing surrounding land uses (refer to air quality report)
Water quality	Water quality is based on compliance with Council's policy and the principles of WSUD.
Noise	The proposed development is not envisaged to create noise impacts for adjoining properties. Whilst the proposed development fronts a classified road, Remembrance Driveway is lined on both sides with residential development and the noise from traffic is not anticipated to be unsatisfactory. The subject site also shares a common boundary with Tahmoor Inn and mitigation measures are proposed in this regard (refer to acoustic report)
Energy efficiency	The proposed development will comply with BASIX requirements
Water efficiency	The proposed development will comply with BASIX requirements
Waste generation	The proposed development will operate in accordance with the waste management plan. Each dwelling will have a recycling bin, greenwaste bin and general waste bin.

TABLE 8

Environmental impacts on the natural environment

5.10 Heritage constraints

Two of the existing lots, which accommodate the old Stratford House building and gardens, is listed in WLEP Schedule 5 as an item of local heritage significance. Therefore, Weir Phillips Planning and Heritage were consulted for input on the site layout, as well as architecture of the proposed alterations and additions. Weir Phillips has also prepared a heritage impact statement ('**heritage report**').

The heritage report at part 2.1 noted that Stratford House:

- Is listed as an individual item of local heritage significance under Part 1, Schedule 5 of the WLEP;
- Is **not** located in a heritage conservation area as defined by Schedule 5 Part 2 of the LEP;
- Is **not** listed as an item on the State Heritage Register under the *Heritage Act 1977* (NSW); and
- Is **not** subject to any other listings or registers, statutory or non-statutory.

At Part 5.6 of the heritage report, Weir Phillips provides a revised Statement of Significance as follows:

Stratford House has local significance as evidence of the phase of development which saw the establishment of country estates, particularly in areas to the south in the Southern Highlands, although residences of this size were not commonly built in the area now covered by Wollondilly Shire.

The garden, the tree lined driveway, the driveway loop, and surrounding fields are also indicative of a setting considered appropriate for a country estate.

The building has aesthetic significance as a good example of the Victorian Italianate style popular at the time and has similarities of detailing and style to other houses and commercial buildings built by William Pritchard in the Picton area. The building was uncommon in the area, and is now a rare surviving example of an Italianate villa. While its architectural integrity has been reduced through later modifications, its rarity is increased in consideration of the intact state of much of its original grounds.

Part 6.3 of the heritage report outlines the effect of the proposal on the **item, its views and setting**.

At its conclusion (Part 7), the heritage report states, in part:

The proposed works will have an impact on the significance, settings and views of Stratford House. However, by retaining, conserving and reusing the item; by preserving and improving its landscaped setting within the existing lot boundary of the subject site; and by sympathetically designing and sensitively constructing the works around Stratford House, the principal sources of the house's significance may be retained.

Views to and from Stratford House may also be improved as a result of the works, allowing Stratford House to re-establish historic visual connections lost in recent decades.

5.11 Salinity constraints

A preliminary salinity assessment ('**salinity report**') was prepared by Martens & Associates. The objective of the assessment was to assess the risk of soil salinity so that consideration can be given to local prevailing salinity conditions and the impacts of, and on, the proposed development.

At section 3.3 the salinity report notes:

No obvious sign of saline conditions were observed across the site:

- *Vegetation growth appeared to be healthy and uninhibited;*
- *No water marks or salt crystals were observed on the ground surface;*
- *Site surface drainage appeared generally good;*
- *No evidence of concentrated surface erosion was observed.*

At section 3.5.3 the salinity report concludes and recommends:

- *Sub-surface materials at the site are categorised as non-saline. No specified saline management strategies are required;*
- *An exposure classification of 'A2' should be adopted for preliminary design of buried concrete structures across the site in accordance with AS3600 (2009).*

No further salinity testing or assessment is required.

5.12 Services constraints

5.12.1 Electricity

Overhead low voltage supply is currently available in Rockford Road and it is anticipated the site will feed off this line. It is likely that a pad-mounted substation will be required as the development proceeds. An application will be made to Endeavour Energy once consent has been issued to determine supply requirements to each proposed lot in the subdivision. Internal electrical reticulation will be underground.

5.12.2 Water

Sydney Water has advised that the proposed development should connect to the existing DN150 main for servicing at Remembrance Driveway, with internal reticulation network constructed in line with Water Services Association of Australian ('WSAA') code requirements.

5.12.3 Sewerage

Sydney Water has advised that there is currently insufficient capacity within the existing wastewater system to service the proposed development. It further advises that the implementation of a long-term effluent management strategy is likely to be operational in 2021-2022.

In the interim, an onsite effluent disposal system has been proposed, which will accommodate effluent from stages 1 to 5, as well as the Stratford House building. Once the Sydney Water connection becomes available, the village will be connected and the onsite effluent system will be decommissioned and removed. Appropriate soil testing will be undertaken to ensure that the ground where the irrigation occurred is fit for redevelopment.

The proposed irrigation area occupies the location of proposed stages 6, 7A, 7B, 8 and 9, as detailed on the effluent disposal report by Martens and Associates. This report also provides a nominal location for the back-flush requirement for the swimming pool.

5.12.4 Telecommunications

Telecommunications infrastructure is currently connected to the site and can be augmented to service the development.

5.12.5 Gas

Natural gas is currently connected to the site and can be augmented to service the development.

5.13 Social impacts

An affordable housing option for seniors or people with a disability will have a positive social impact in the local area. As well as providing opportunities for people in these categories to find high quality accommodation with good access to services and amenities, it also provides opportunities for families to remain living within close proximity to each other. This assists in terms of reducing isolation for the residents, but also assists younger families to more easily visit and stay connected to parents and grandparents in advancing years.

The fellowship, friendship and camaraderie within the estate itself is also an invaluable social benefit to the occupants.

Additional information was sought by Council in relation to social and health impacts and an assessment form was completed by Precise Planning and returned to Council. The outcome of the assessment is as follows:

The proposed village is specifically designed for over 55s and people with a disability. The nature of these types of developments is that they fit well in, and actively contribute to, local communities. Not only do residents spend money in the local economy, but the village itself provides a park-like haven for residents. Typically these villages do not produce social friction, nor impacts such as noise.

Opportunities exist for residents to "give back" to the local community, sharing wisdom and enriching the lives of locals, both adults and children, as well as providing a local village of high quality where seniors are in closer proximity to their families.

The potential negative impacts can be appropriately managed through appropriate consent conditions and management policies, as well as an active and engaged population.

Generally, it is considered that the proposed village will contribute positively to the local area.

5.14 Stormwater impacts

In order to appropriately manage stormwater through the site, Martens & Associates was engaged to prepare a conceptual stormwater management plan ('CSMP'). The CSMP outlines the following:

Documentation of results of a water quality assessment for the site; and
Treatment train specification to achieve nominated water quality objectives; and
Assessment of on-site detention ('OSD') requirements for the site. The CSMP should be read in conjunction with the conceptual civil design plan set.

5.14.1 Water quality

The stormwater treatment strategy for the site aims to provide at-source and end-of-line controls, in accordance with the principles of WSUD, to satisfy treatment objectives. The major treatment components include:

- Rainwater tanks
- Gross Pollutant Traps ('GPTs')
- Ocean Protect Stormfilters (or equivalent)
- A bioretention basin

The modelling results demonstrate that the pollutant reduction targets are achieved.

5.14.2 Water quantity

The objectives for the site stormwater quantity strategy are:

- OSD is to be provided to ensure post development discharge rates do not exceed the rate of runoff for existing conditions up to the 1% annual exceedance probability ('AEP') storm event
- The system is designed to carry all flow during minor storm events, up to and including the 10% AEP, by way of a pit and pipe network
- The system is designed to carry all flows during major storm events, up to and including the 1% AEP, by way of a pit and pipe network and overland flow paths.

The hydraulic modelling indicates that provision of OSD achieves water quantity objectives.

Clarification was sought by Council in relation to aspects of the proposed stormwater arrangement (Annexure H), as follows:

Council:

Integrated stormwater management plan to be provided that includes water sensitive urban design. Consideration could be given to SW capture and re-use on site no potable use

Martens:

Council's requirements for stormwater quality & quantity have been met as documented in the 'Preliminary Roads & Drainage Design' planset and 'Concept Stormwater Management Plan' report. Stormwater harvesting was included by way of 2.5 KL individual rainwater tanks on each unit.

Based on a preliminary water balance assessment, 2.5 KL tanks are the most appropriate and efficient sized tanks to install on the lots, when considering reuse rates and available space on each lot. We also recommend an additional 30 KL rainwater tank be included for the Stratford House community buildings, with water reused for external irrigation means.

This provides for a total of 565 KL of rainwater storage for water harvesting within the development.

Council:

Discharge of SW to the existing road tabledrain drainage is not acceptable as there is insufficient capacity to cater for the minor storm events. Piped drainage must be provided to an existing natural or piped system

Martens:

It is understood from discussions at the teleconference that these items may be conditioned and engineering details provided at CC stage

Council:

A management plan should be provided for the management of onsite stormwater management devices

Martens:

It is understood from discussions at the teleconference that these items may be conditioned and engineering details provided at CC stage

Council:

Filling in the western part of the lot may impact on the natural drainage of upstream catchments fronting Stratford Road. Filling should be restricted in this area to ensure the natural drainage systems are maintained

Martens:

The catchment draining to this location has been considered by way of a swale along the boundary with 25 Stratford Rd. Future design of the RACF (subject to future DA) will need to take into account the overland flows through this portion of the site.

5.15 Traffic impacts

A Traffic Impact Assessment ('**traffic report**') has been prepared by Martens & Associates. The traffic report modelling accounted for the future 120 bed RCF fronting Stratford Road, although consent is not sought for the RCF in this DA.

Traffic monitoring was undertaken at 6 sites across the existing road network. Traffic impact analysis was undertaken at 4 key intersections along Remembrance Driveway and Rockford Road (including the future roundabout intersection with the Tahmoor Central development) using intersection modelling software ('SIDRA').

The results of the SIDRA modelling demonstrates:

- The proposed development does not adversely affect the level of service at any of the key intersections assessed.
- Future intersection treatment work at the intersection of Remembrance Driveway and Rockford Road is recommended in order to mitigate the effects of increased traffic volumes along Remembrance Driveway in the 2029 existing and developed conditions. This is required due to the increased traffic associated with the Tahmoor Central development rather than the proposed site development.
- With the intersection treatment works proposed in this report, the level of service is not detrimentally affected at any of the intersections assessed.

The proposed intersection treatment works recommended in the traffic report are:

- A new roundabout intersection treatment at the intersection of Remembrance Driveway and Rockford Road to meet future 2029 traffic conditions, to be constructed to coincide with the completion of the ~~Tahmoor Central~~ Stage 4B of the development; and
- Auxiliary right and left turn treatments along Remembrance Driveway for the intersection with Stratford Road, based on Austroad guidelines.

Clarification was sought by Council in relation to aspects of the proposed traffic and access arrangements (Annexure H), as follows:

Council:

Traffic report indicates access to Stratford Road however the supporting documentation does not show how this connection is made

Martens:

This access is associated with the future residential aged care facility (RAC). Reference to this access and the RAC have been removed from the traffic report. No additional access to Stratford Road is proposed as part of the current development application.

Council:

Public bus access to be considered adjacent to the site

Martens:

Public bus access adjacent to the site has been considered as per Sections 2.2.4 and 5.4 of the traffic report. Existing bus stops are located 100 m north of the site serviced by 5 different bus routes. The traffic report concluded 'existing public transport infrastructure is expected to be able to cope with the increased demand from the future development. Hence, upgrades to the existing system are not considered necessary.' Although upgrades to the existing public transport system are not considered necessary, if required by Council additional bus stops can optionally be constructed adjacent to the site on Remembrance Driveway or Rockford Road, as shown in drawing PS01-AZ07.

Council:

Private bus and taxi/community transport access to be provided internally with appropriate turning heads and parking space

Martens:

It is noted that access to services and facilities for this proposal is fully compliant with the Seniors Living SEPP. Nevertheless, the proponent intends to have a community bus owned by the village for direct transportation of residents and a shuttle service on a daily basis (as advised to Council on 3 March 2020)

Council:

Internal road geometry is not suitable for movement of standard waste collection vehicles. Vehicles should be able to make turns in a forward movement only

Martens:

Refer to waste management report by Blue Water Consulting P/L

Council:

Additional internal parking spaces to be considered to reduce parking on the internal road carriageways

Martens:

Each dwelling provides parking spaces as required by the SEPP and other visitor parking is provided. It is our view that no further parking is required. Resident and visitor parking rules will be prepared and enforced by the village management to ensure satisfactory vehicle parking practices that do not inhibit access or create safety issues

ROAD INFRASTRUCTURE

Clarification was sought by Council in relation to aspects of the proposed road infrastructure arrangements (Annexure H), as follows:

Council:

There are drainage issues at the intersection of Rockford/Remembrance that may not support the proposed intersection upgrade

Martens:

Vertical geometry was not provided for the conceptual roundabout layout. Drainage can be addressed at detailed design stage, and we expect this can readily be managed.

Council:

Stratford Road and Remembrance Driveway intersection may not need upgrade if no traffic increase. The report should be updated to only include the works in the proposal

Martens:

The future RCF site has been removed from the traffic assessment, hence no upgrade works at the intersection of Stratford Road and Remembrance Driveway are proposed as part of this proposal

Council:

The inclusion of a roundabout needs to be investigated in the context of the larger precinct traffic, new roundabouts, pedestrian crossings etc and future facilities. Acceptance of the roundabout treatment required further communications with Council before accepting a particular treatment

Martens:

A Cardno report prepared for Council titled 'Wollondilly Local Environmental Study Final Traffic Assessment' (2011) recommended a number of intersections with Remembrance Driveway near the site be upgraded to roundabouts, including at Progress Street, Struan Street and Myrtle Creek Avenue in Tahmoor. The inclusion of additional roundabouts on Remembrance Driveway is therefore consistent with other modelling and recommendations provided to Council.

In addition, the traffic assessment included modelling of the three intersections closest to the proposed roundabout: the roundabout intersection at Tahmoor Central (intersection B); the pedestrian crossing adjacent to Tahmoor Public School (intersection G); and the give way intersection at Ralfe Street and Rockford Road (intersection D). All intersections are linked to the proposed roundabout in SIDRA. Modelling has demonstrated that the proposed roundabout will operate safely in the context of the local traffic network, and all intersections have an acceptable level of service (LOS) in all scenarios assessed, hence we consider the proposed roundabout is an effective intersection treatment. We are available to further discuss the suitability of the proposed roundabout treatment with Council if required.

Council:

Roundabout geometry at Rockford/Remembrance does not appear to be consistent with the requirements of the Austroads Design Guide, in particular the radius of the central median width or circulating land and approach deflection

Martens:

The concept roundabout design was undertaken in accordance with urban roundabout design and is similar to the existing roundabouts in the area (i.e. Remembrance Drive & Thirlmere Way and Remembrance Drive & Regreme Road – the latter was constructed in late 2017). The proposed design meets the requirements of Austroads for design entry speed of <40km/h (as per typical urban roundabout designs, where vehicles are encouraged to slow down to improve safety) and minimum radius of 7m. Swept path assessment (included in planset P1907155PS06) demonstrates that the concept roundabout is capable of accommodating HRV design vehicles and AV check vehicles (in accordance with Austroads design and check vehicle criteria). We therefore consider the roundabout geometry is appropriate and meets Austroads requirements.

Council:

Traffic report makes no reference to how the RAB will operate in close proximity to the Tahmoor Inn RAB and the Tahmoor Public School Ped X. Comments in the report are that the Ped X has not been modelled however there is a concern that in peak times when the crossing is operating as a school crossing, the RAB may lose function due to queuing on the departure lane of the northern leg

Martens:

Both the Tahmoor Inn / Tahmoor Central roundabout and the Tahmoor Public School pedestrian crossing have been modelled as part of the traffic assessment (intersections B and G respectively), and are linked to the proposed roundabout. Modelling shows an acceptable LOS in all modelled scenarios for all intersections. We further note that the queueing behind the pedestrian crossing has been checked based on turning count survey footage and the model has been calibrated accordingly. Hence, the proposed roundabout can operate efficiently in close proximity to both the Tahmoor Central roundabout and the Tahmoor Public School pedestrian crossing.

Council:

The proposed pedestrian refuge island on Rockford Road as part of the proposed roundabout treatment is supported however it does not appear to meet the standard dimensions required for a refuge island

Martens:

The design has been updated to a 3 x 2m pedestrian island in accordance with TfNSW (Technical Direction TDT 2011-01a).

Council:

Additional assessments should be made on the suitability and safety, with consideration of the target resident, of the existing pedestrian pathway networks and road crossing points in the wider road network. Pedestrian refuge or crossing points may need to be provided at Bronzewing Street, Emmett Street and Larkin Street to get access to the local commercial precinct.

Martens:

Pedestrian safety has been considered in the traffic assessment and we have recommended a number of pedestrian safety improvement works, including new footpaths along Remembrance Driveway and Rockford Road, and new pedestrian islands on Rockford Road, Emmett Street and Larkin Street, as shown in drawing PS01-AZ07. This will link the site to the existing Tahmoor commercial precinct and improve safety of pedestrians. Sight distance checks were also undertaken for the existing pedestrian crossings on Remembrance Drive (intersection G) and Bronzewing Street, which were shown to have acceptable sight distances, hence no changes are recommended for these intersections.

The proposed pedestrian infrastructure will complement the existing footpaths and pedestrian crossings, and will provide a safe route to and from the Tahmoor town centre for aged site residents.

Council:

The report shows acceptable operation of intersection G, being the development access point on Rockford Road, however it is likely that delays of up to 5s will result in the use of the unsealed shoulder to bypass vehicles turning right into the site. This may impact on the integrity of the current paving edge and unsealed shoulder. These impacts should be addressed

Martens:

The proposed site accesses on Rockford Road have been assessed as intersections E and F, and have maximum delays of 5.6 and 5.5 seconds respectively (in the 2030 PM peak).

Traffic volumes on Rockford Road are 112 and 136 vehicles per hour in the AM and PM peaks respectively, hence the average spacing between vehicles is 32 and 26 seconds respectively. It is therefore likely that vehicles will enter the site before traffic backs up behind them, and hence this impact is expected to be negligible. Further, modelling indicates the intersection operates safely (LOS A) and hence a bypass lane is considered unnecessary.

5.16 Visual impacts - streetscape and local amenity impacts

Streetscape

The proposal will contribute positively to the existing streetscape.

The site is located on Remembrance Drive between the urban areas of Tahmoor, with townhouse and small lot developments opposite and adjacent the site, and the frontage of the Tahmoor Hotel Inn. The Inn has a sprawling open unsealed carpark along its frontage with no trees to visually soften the carpark, creating a very poor visual address to the street. The Remembrance Drive frontage of the proposed development will include a wide band of retained trees, and additional tree and screen planting in front of the proposed units, to reinforce a parkland character. Some trees in the garden will be removed to improve the views to the heritage house and garden from Remembrance Drive.

The site forms the frontage to Rockford Road from Remembrance Driveway to Hawkins Road. Opposite the site are predominantly single storey brick and weatherboard cottages on one hectare lots, and paddocks within the Inghams property. Overhead electricity wires run along the residential side of the road. There are no street trees planted in Rockford Road, however some remnant local native species remain within the verge on both sides of the road. In the recent past, the site was screened from Rockford Road with a crop of wattles in various stages growth and decline, along the length of the verge. These have since been removed.

The proposal includes a 4m wide band of shrubs trees groundcovers and an 1800mm high hardwood timber fence within the property to visually screen the development from opposite neighbours. The design proposal for the screen planting has been influenced by the garden within the site, with a loose arrangement of trees and shrubs rather than formal hedging, reminiscent of both the heritage garden and the natural bushland within the locality. A footpath is also proposed within the verge along Rockford Road. The opportunity exists to introduce further street tree planting on the development side of the road, where overhead power lines are not a constraint.

The proposal includes thinning some of the overgrown trees and shrubs in the heritage garden, improving vistas to the garden from Rockford Road.

Local amenity

The proposed development will positively contribute to the character of the local area.

The proposal respects the heritage values of Stratford House and maintains its extensive gardens and viewing opportunities from public areas.

The subject site is located adjacent to the southern end of the urban area of Tahmoor, where the general vicinity is undergoing a transition. The large Tahmoor Central development opposite the Remembrance Driveway frontage is marginally extending the urban footprint of Tahmoor, such that the redevelopment of the subject site to an urban environment will not be particularly conspicuous. Whilst some rural zoned lots will adjoin the development, a seniors development is not likely to create significant noise issues and the interface of the site with the adjoining rural lots will be appropriately fenced and landscaped.

All proposed dwellings are single storey, which is consistent with surrounding development and eases the transitions to both the existing residential developments on the opposite side of Rockford Road, as well as the retained rural lots within the Rockford Road/Remembrance Driveway, Hawkins Road/Stratford Road precinct.

The treatment of the Stratford House building is also an essential strategy to reinforce the park-like character of the location. In particular, the pedestrian and view cones through to Remembrance Driveway and Rockford Road, as well as the less dense dwelling area within stage 1 (nearest to Remembrance Driveway and Rockford Road), provide a strong streetscape character statement for the whole development.

The interface with the streetscape along Rockford Road is sensitively managed by open fencing with substantive landscaping, in conjunction with the single storey built form. It is proposed to construct a footpath along the shoulder of Rockford Road to the intersection with Remembrance Driveway.

6.

STATUTORY PROVISIONS

6.1 Environmental Planning & Assessment Act 1979

Element	Component	Specifics	Response
S.1.3 Objects of the Act			<i>This proposal is either consistent with, or else does not hinder the attainment of, the relevant objects of the Act, specifically objects (a), (c),(d), (f), (g) and (h).</i>
S.1.5 Meaning of "development"	Subclause (3)(b)(iii)	Categories of development	<i>The proposal is Regionally Significant Development under Sch.7, cl.2, SEPP (State and Regional Development) 2011</i>
S.2.15 Functions of Sydney district and regional planning panels	Subclause (a)	Responsibility as consent authority	<i>For the purposes of this subsection, a Sydney district or regional planning panel will be the consent authority for this application</i>
S.4.5 Designation of consent authority	Subclause (b)	Responsibility as consent authority	<i>For the purposes of this subsection, a Sydney district or regional planning panel will be the consent authority for this application</i>
S.4.15 Evaluation	EPIs	SEPPs	<i>SEPP 44 – Koala Habitat Protection (part 6.3.1 of this report) SEPP 55 – Remediation of Land (part 6.3.2 of this report) SEPP (Building Sustainability Index: BASIX) 2004 (part 6.3.3 of this report) SEPP (Housing for Seniors or People with a Disability) 2004 (part 6.3.4 of this report) SEPP (Infrastructure) 2007 (part 6.3.5 of this report) SEPP (State and Regional Development) 2011 (part 6.3.6 of this report)</i>
		REPs	<i>Sydney REP 20 – Hawkesbury Nepean River (part 6.4 of this report)</i>
		LEPs	<i>WLEP 2011 (part 6.5 of this report)</i>
		Draft EPIs	<i>None of relevance</i>
		DCPs	<i>WDCP 2016</i> <i>Part 6.6 of this report</i>
		Planning agreements	<i>No planning agreements proposed</i>

Element	Component	Specifics	Response
S.4.46 What is integrated development?	EPA Regs		The proposal is capable of compliance with the relevant requirements of the Regulations (part 6.2 of this report)
	Coastal Zone Management Plan		Not applicable
	Likely impacts		Part 5 of this report
	Suitability of the site		Part 6.9 of this report
	Submissions		A matter for Council's consideration
	Public interest		Part 6.11 of this report
	Subclause (1)	Integrated development	The application is nominated integrated development requiring approval under the WM Act. The application is integrated development requiring approval under the CMSC Act

TABLE 9
EPA Act 1979

6.2 Environmental Planning & Assessment Regulation 2000

For the purposes of Cl.50(2A) *Environmental Planning & Assessment Regulation 2000* ('EPA Regs'), a valid *Site Compatibility Certificate* ('SCC') is provided at Annexure A of this report.

For the purposes of Part 1(1), Sch. 1, EPA Reg's:

Clause	Required information	Response
(a)	Name and address of the applicant	Noted on application form
(b)	Description of the development to be carried out	Refer to Part 2.1 of this report
(c)	Address and formal particulars of title of the land on which the development is to be carried out	Refer to Part 2.2, Table 1 of this report
(d)	Whether the land is, or is part of, critical habitat	Refer to BDAR
(e)	Whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats....	Refer to BDAR and section 7 of the application form
(ea)	Biodiversity compliant development	N/A
(f)	List of any authorities from which concurrence must be obtained before the development may lawfully be carried out	Refer to Part 2.1 of this report and Section 6 of the application form
(f1)	In the case of an application that is accompanied by a BDAR, the reasonable steps taken to obtain like-for-like biodiversity credits required to be retired, if different biodiversity credits are proposed	Refer to BDAR. Like-for-like credits are proposed
(f2)	If the land is subject to a private land conservation agreement	N/A
(g)	A list of any approvals from integrated development agencies that must be obtained before development may lawfully be carried out	Refer to Part 2.1 of this report and Section 6 of the application form
(g1)	In the case of State significant development	N/A
(h)	The estimated cost of the development	Refer to CIV report

Clause	Required information	Response
(h1)	In the case of State significant development	N/A
(i)	Evidence that the owner of the land on which the development is to be carried out consents to the application	Refer to letter of owner's consent
(j)	A list of the documents accompanying the application	Refer to Section 2.3, Table 2 of this report

TABLE 10

Requirements of Part 1(1), Sch.1, EPA Regs

6.3 State Environmental Planning Policies

6.3.1 State Environmental Planning Policy No 44 ('SEPP 44')

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

SEPP 44 aims to achieve its objectives:

- a) By requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;
- b) By encouraging the identification of areas of core koala habitat; and
- c) By encouraging the inclusion of areas of core koala habitat in environmental protection zones

The provisions of SEPP 44 apply to the subject site.

SEPP 44 sets out certain steps to determine whether the land triggers requirements for action.

Clause 7 – Step 1 – Is the land potential koala habitat⁴?

- (1) *Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.*
- (2) *A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.*
- (3) *If the council is satisfied:*
 - a) *that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or*
 - b) *that the land is a potential koala habitat, it must comply with clause 8.*

It is noted the BDAR states:

⁴ 'Potential koala habitat' means areas of native vegetation where the trees of the types listed in Schedule 2 (SEPP 44) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

State Environmental Planning Policy No 44 has been assessed and the subject land does not contain 'potential' or 'core' habitat. Therefore, there is no need for a Koala plan of Management.

Consequently, no further investigation is required under SEPP 44.

6.3.2 State Environmental Planning Policy No 55 ('SEPP 55')

The object of SEPP 55 is to provide for a Statewide planning approach to the remediation of contaminated land.

In particular, SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- a) by specifying when consent is required, and when it is not required, for a remediation work, and
- b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- c) by requiring that a remediation work meet certain standards and notification requirements.

Clause 7 of SEPP 55 outlines considerations by the consent authority prior to granting development consent.

- 1) A consent authority must not consent to the carrying out of any development on land unless:
 - a) it has considered whether the land is contaminated, and
 - b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- 2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- 3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- 4) The land concerned is:
 - a) land that is within an investigation area,
 - b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

- c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
- i. *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - ii. *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

**Clause 7
reference** **Response**

1) a)	The PSI identified several areas of environmental concern ('AEC'), which have been further investigated in the DSI (refer to part 5.1 of this report for discussion)
1) b)	The DSI investigated the AECs and concludes that the site is not considered to have a low risk to human health and environmental receptors. The DSI recommends that, upon demolition of the existing shed in the vicinity of test pits SS08 and SS09, an inspection of the underlying soils to carried out to assess its condition. The DSI further concludes that the authors consider that the site does not require further investigation or remediation to render it fit for the intended use ⁵ . (refer to part 5.1 of this report for discussion)
1) c)	The DSI does not consider remediation is necessary (Part 9, DSI)
2)	The land appears to have been used in the past for low intensity agricultural purposes (grazing). A PSI has been undertaken. (refer to part 5.6 of this report for discussion)
3)	Due to the AECs identified by the PSI, and considering the past use of the land for low intensity agriculture (grazing), a DSI has been undertaken. (refer to part 5.1 of this report for discussion)
4)	(a) The land is not within an investigation area
	(b) Low intensity agricultural grazing appears to have been undertaken at the site
	(c) N/A

TABLE 11
SEPP 55 considerations

Based on the findings of the PSI and DSI, it is considered that the considerations and requirements of SEPP 55 have been addressed.

6.3.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ('BASIX SEPP')

The aim of the BASIX policy is as follows:

- (1) Regulations under the EPA Act have established a scheme encourage sustainable residential development (*the BASIX scheme*) under which:
 - (a) An application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and

⁵ Section 9, p24, DSI by Martens and Associates (P1907155JR04V01 dated November 2019)

- (b) The carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

The proposed development is considered to be a **BASIX affected development** under the definition contained in cl.3 EPA Reg's. Consequently, a BASIX certificate has been prepared for each proposed dwelling and confirms that each townhouse will comply with the provisions of the BASIX SEPP.

6.3.4 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("Seniors SEPP")

6.3.4.1 - Aims

The aim of this Policy is to encourage the provision of housing (including residential care facilities) that will:-

- (a) Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (b) Make efficient use of existing infrastructure and services, and
- (c) Be of good design

The aim will be achieved by:-

- (a) Setting aside local planning controls that would prevent the development of housing for seniors or people with a disability with meets the development criteria and standards specified in the SEPP, and
- (b) Setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and
- (c) Ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.

This application achieves the aim of the Seniors SEPP, because it:

- Increases the supply and diversity of residences that meet the needs of seniors or people with a disability;
- Utilises existing infrastructure and services;
- Is considered to be of good design because it is compliant with the design principles contained in the Seniors SEPP.

6.3.4.2 – Definition

The type of housing proposed in this application may be classified as **serviced self-care housing** under clause 13(1), being:

Seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care

Serviced self-care housing is a type of **self-contained dwelling**, being defined under clause 13(1) as:

A dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

Self-contained dwellings are included in the umbrella definition of **seniors housing** contained in the Seniors SEPP, Clause 10, being:

Residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) **A residential care facility; or**
- (b) **A hostel; or**
- (c) **A group of self-contained dwellings; or**
- (d) **A combination of these**

But does not include a hospital.

6.3.4.3 – Permissibility under the Seniors SEPP

Pursuant to WLEP, the subject land is partly zoned R2 Low Density Residential (which is a zone primarily for urban purposes) and the remainder is zoned RU4 Primary Production Small Lots.

Clause 4 of the Seniors SEPP states that it applies to "... land that adjoins land zoned primarily for urban purposes", but only if one of the types of development specified in clause 4(1)(a) is permitted on the land. In this case, **dwelling houses** are permitted on land within both the R2 Low Density Residential zone and also RU4 Primary Production Small Lots. Therefore, pursuant to clause 4(1)(a)(i), the Seniors SEPP applies to the subject land (both zones).

Subject to clause 24(2) of the Seniors SEPP, *serviced self-care housing* is permissible on the RU4 zoned portion of the land pursuant to clause 17(2)(c).

6.3.4.4 – Site Compatibility Certificate

A **Site Compatibility Certificate ('SCC')** was issued by the Sydney Western City Planning Panel, in respect of the subject site, on 22 March 2019, pursuant to clause 25(4)(a) Seniors SEPP (See Annexure A).

The SCC covers only those lots contained within the RU4 zone, being Lots 22, 23 and 27-32 DP 12096 and Lots 2-3 DP 236262. The lots contained within the R2 zone do not need to benefit from the SCC as *seniors housing*

The SCC states

The panel certifies that in its opinion:

- *The site described in Schedule 1 is suitable for more intensive development;*
- *The development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);*
- *That development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.*

The **development description** in **Schedule 1** of the SCC is:

A (maximum) 120 bed residential care facility and (maximum) 220 serviced and self-care units with a maximum floor space ratio of 0.2:1 and a maximum building height of 9m (two storeys).

The **requirements imposed on determination** in **Schedule 2** of the SCC are addressed in the Table in Annexure A of this report.

6.3.4.5 – Site-related requirements

Part 2 of the Seniors SEPP sets out site-related requirements for seniors housing.

a) Location and access to facilities (cl.26)

Cl.26(1) requires a consent authority to be satisfied, by written evidence, that the residents of a proposed seniors housing development will have access to the following services:

- (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*

Cl.26(2)(a) specifies that access complies if the services are within 400 metres of the site, with an appropriate continuous path of travel.

The subject site is located within the **Greater Sydney (Greater Capital City Statistical Area)** and so cl.26(2)(b) applies in the event the subject site does not comply with any of the components contained within cl.26(2)(a)(i), (ii) or (iii).

Table 12 below identifies the distance of the closest specified services from the subject site, measured from the corner of Rockford Road and Remembrance Driveway.

<i>Nearest facility or service</i>	<i>Distance from site (metres)</i>
<i>Supermarket</i>	234 (Foodworx); 337 (Aldi)
<i>ATM</i>	250
<i>Medical centre</i>	139; 262
<i>Pharmacy</i>	269
<i>Dentist</i>	217
<i>Café and bakery</i>	237
<i>Hairdresser</i>	237
<i>Community centre</i>	195m (6 Harper Close)
<i>Tahmoor Inn</i>	303
<i>Bottle shop</i>	290
<i>Specialty shops/eateries</i>	433

TABLE 12

Distance from site to services

Public transport

A bus stop is located 93.6 metres from the site to transport residents to Tahmoor Town Centre (about 706 metres away). The destination bus stop is adjacent to KFC at the Tahmoor Town Centre the distance from this bus stop to Tahmoor Town Centre is 109.69 metres.

The return trip bus stop is located on the southeast side of Remembrance Driveway adjacent to Tahmoor Town Centre, a distance of 122.48 metres. This bus drops off along Remembrance Driveway, opposite Bronzewing Street and the distance from that stop back to the subject site is 131.86 metres.

All footpath gradients to and from bus stops above are within the tolerances provided by the Seniors SEPP.

Notwithstanding the above, the amended plans submitted to Council in July 2020 depict a nominal location for a bus shelter adjacent to the subject site in Remembrance Driveway, as well as in Rockford Road. The final locations of these bus shelters will be determined at CC stage in conjunction with Council and the local bus company.

Although exceeding 400 metres from the subject site, a number of other services are accessible to residents within 400 metres of a bus stop, at Tahmoor Town Centre. The services provided at Tahmoor Town Centre are listed below. Relevant distances and gradients are identified on the Access to Services/Facilities plan prepared by Australian Survey Solutions (see Annexure E of this report)

TAHMOOR to PICTON		Monday to Friday														Saturday					
		am	am	am	am	am	am	pm	pm	pm	pm	pm	pm	pm	pm	am	am	am	am	pm	pm
		912	912*	911	911	912*	913*	911	911*	912	912*	912*	911	911	911	912*	912*	912	912*	911	911
Tahmoor- KFC- Remembrance Dr	7:00	-	9:44	10:04	10:43	12:02	12:49	1:42	1:46	3:00	3:41	3:40	-	6:48	7:52	9:53**	11:00	2:04	3:27	3:50	-
Tahmoor (Thirlmere Way)	7:00	7:35	9:44	10:04	10:43	-	12:49	1:42	1:46	3:01	-	#	5:33	-	-	-	11:00	-	-	-	-
Thirlmere Way/Milne	7:03	7:38	9:47	9:59	10:46	11:59	12:51	1:45	1:48	3:03	3:45	-	5:30	-	7:55	9:49	11:03	2:06	3:23	-	-
Rmbrance Dr/Struan St	-	7:34	9:52	#	-	12:03	12:56	1:50	-	-	-	3:42#	5:35	6:49#	-	9:55	-	-	3:27	3:51	-
Rmbrance Dr/River Rd	-	7:33	9:56	#	-	12:06	12:58	1:53	-	-	-	3:48#	5:37(D)	6:50(D)	-	9:58	-	-	3:30	3:32(D)	-
Picton Pool	-	7:30	9:58	10:09	-	12:09	1:02	1:55	-	-	-	3:52	-	-	-	10:00	-	-	3:32	-	-
Thirlmere Way/Denmead St	7:05	7:40*	-	-	10:49	-	-	-	1:51	3:05	-	-	-	-	7:57	-	11:05	2:08	-	-	-
Thirlmere Way- before R'about	7:10	7:49	-	-	10:52	-	-	-	1:54	3:09	3:58	-	-	-	7:59	-	11:08	2:10	-	-	-
Thirlmere R'about-Bus Stop Oaks St	-	7:49	-	-	10:52	-	-	-	1:54	3:09	3:59	-	-	-	7:59	-	11:08	2:10	-	-	-
Thirlmere Public School- Oaks St	-	7:50	-	-	10:53	-	-	-	1:55	3:10	4:00	-	-	-	7:59	-	11:08	2:10	-	-	-
Taara Gardens	-	-	-	-	10:56	-	-	-	1:58	-	4:04	-	-	-	8:03	-	-	-	-	-	-
East Gates	7:13	7:54	-	-	11:01	-	-	-	2:03	-	4:08	-	-	-	8:07	-	11:10	2:11	-	-	-
Queen Victoria Hospital	7:15	-	-	-	11:03	-	-	-	2:05	-	4:09	-	-	-	8:08	-	11:11	2:12	-	-	-
Redbank- Thirlmere Way Viaduct	7:19	-	-	-	11:06	-	-	-	2:07	-	4:12	-	-	-	8:11	-	11:14	2:15	3:34	-	-
Redbank- Argyle Street/Hill Street	-	8:00	10:01	10:10	-	12:09	1:04	1:58	-	-	-	3:53	-	-	-	10:01	-	-	-	-	-
Argyle St/Regime Road	-	8:05	-	-	11:09	12:14	-	2:02	-	-	-	4:15	-	-	8:13	10:04	-	2:17	-	-	-
Jarvisfield Rd/Remembrance Dr	-	8:10	-	-	11:14	12:18	-	2:06	-	-	-	4:20	-	-	8:18	10:09	-	2:21	-	-	-
Picton- Shire Hall Menangle St	7:23	8:12	10:05	10:13	11:16	12:21	1:07	2:08	2:10	-	4:22	3:57	OR	OR	8:20	10:10	11:16	2:23	3:37	OR	-
Picton- Railway Station	7:25	8:15	10:07	10:15	11:18	12:23	-	2:10	2:15	-	4:25	4:00	-	-	8:22	10:12	11:17	2:25	-	-	-
		(C)	(N)				(N)					(C)	(D)	(D)	(N)		(N)				

PICTON to TAHMOOR		Monday to Friday														Saturday					
		am	am	am	am	am	am	pm	pm	pm	pm	pm	pm	pm	pm	am	am	pm	pm	pm	pm
		911	911	912	911	914	911	911	914	911	911	912*	912	911	912	911	912	912	912	912	911
Picton Railway Station	-	8:44	9:35	10:24	11:18	11:58	12:55	2:10	2:15	-	5:20	6:20	-	10:45	12:45	3:00	-	-	-	-	-
Picton- St Anthony's- Menangle St	-	8:45	9:38	10:26	11:20	12:00	12:58	2:12	2:17	3:30	5:22	6:22	-	10:47	12:47	3:02	3:40	-	-	-	-
Redbank- Thirlmere Way Viaduct	-	-	9:42	-	11:22	-	1:00	2:15	-	-	5:32	6:23	-	-	12:50	3:05	-	-	-	-	-
Redbank- Argyle Street/Hill Street	-	8:48	-	10:29	-	12:03	-	-	2:20	3:33	-	-	-	-	10:48	-	-	3:42	-	-	-
Picton Pool	-	8:49	-	10:30	-	12:04	-	-	2:21	3:33	-	-	-	-	10:49	-	-	3:43	-	-	-
Remembrance Dr/River Rd	6:32#	8:55#	-	10:34	-	12:08	-	-	2:25	3:38	(5:45)	-	6:56	10:52	-	-	3:45	-	-	-	-
Remembrance Dr/Struan St	6:33#	8:57#	-	10:38	-	12:11	-	-	2:28	3:42	(5:44)	-	6:57	10:55	-	-	3:48	-	-	-	-
Queen Victoria Hospital	-	-	9:45	-	11:25	-	1:03	2:19	-	-	5:35	6:24	-	-	12:53	3:08	-	-	-	-	-
East Gates	-	-	9:46	-	11:27	-	1:04	2:20	-	-	5:36	6:26	-	-	12:54	3:09	-	-	-	-	-
Thirlmere Public School- Oaks Street	-	-	9:48	-	11:28	-	1:06	2:22	-	-	-	-	-	-	12:56	3:11	-	-	-	-	-
Taara Gardens	-	-	9:50	-	11:30	-	1:08	2:24	-	-	OR	On Req	-	-	1:00	3:15	-	-	-	-	-
Thirlmere Way after Thirlmere R'about	-	-	9:55	-	11:33>	-	1:12	2:26	-	-	5:38	6:28	-	-	1:03	3:18	-	-	-	-	-
Thirlmere Way/Denmead St	-	-	9:58	-	-	-	1:15	2:28	-	-	5:40	6:30	-	-	1:06	3:21	-	-	-	-	-
Thirlmere Way/ Milne St	-	-	9:59	-	-	-	1:17	2:30	-	-	5:42	6:32	-	-	1:08	3:23	-	-	-	-	-
Tahmoor- Thirlmere Way- opp KFC	-	-	10:00	-	12:00	-	1:20	2:31	-	-	5:43(D)	6:33	-	-	1:09	3:24	-	-	-	-	-
Tahmoor- Remembrance/Progress St	6:35	-	10:00	-	12:00	12:13	-	2:32	2:28	3:43	-	6:33	7:00	10:56	1:11	3:24	3:50	-	-	-	-
Tahmoor- Opp Bi-Lo/Bronzwing St	-	-	10:03	10:41	12:01	-	-	2:33	-	-	-	-	-	10:57	1:10	3:25	3:50	-	-	-	-



FIGURE 4
Picton Buslines timetable

Tahmoor Town Centre

The Tahmoor Town Centre has the following tenancies:

- Australia Post
- Eyepower (Optometrist)
- Subway
- Macarthur Credit Union
- BWS
- Woolworths supermarket
- Wollondilly Quality Meats (butchery)

- Tahmoor Centre Bakehouse
- John Tacey Chemist
- Rojopelli (Hairdresser)
- Michel's Patisserie
- House Warehouse
- Woolworths/Caltex Petrol
- KFC

Access to services and facilities plan

A plan has been prepared by Australian Survey Solutions which details the distances to services and bus stops, as well as pathway gradients (see Annexure E).

Conclusion

The subject site is therefore compliant with the *Location and access to facilities* requirements specified in either cl.26(2)(a) or (b) of the Seniors SEPP.

b) Bush fire prone land (cl.27)

The land is not shown as bushfire prone on the bushfire prone land maps (see Figure 4 below).

c) Water and sewer (cl.28)

Cl.28(1) requires the consent authority to be satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

Cl.28(2) requires that, where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.

Sydney Water has issued a feasibility letter in relation to the proposed development, which is at Annexure C of this report. The feasibility letter indicates that reticulated water can be made available to the proposed development. However, reticulated sewer facilities will not be available, due to capacity issues, until 2021/2022.

Consequently, it is proposed to manage effluent disposal onsite, until such time as the reticulated sewer option becomes available. The wastewater report prepared by Martens and Associates designs a system which can accommodate the proposed development up to stage 5. Given the projected timing of the proposal, it is expected that stage 5 will be constructed well after the timeframe given by Sydney Water to connect.

The proposed wastewater system has been designed to achieve all relevant Council and health regulations.

The proposal therefore satisfies the requirements of cl.28(1) and (2) of the Seniors SEPP.

6.3.4.6 Design requirements (Part 3)

Part 3 of the Seniors SEPP sets out design requirements for seniors housing.

a) Site analysis (cl.30)

A site analysis plan has been prepared in order to comply with the requirements of cl.30. A written statement to accompany the site analysis plan is provided at Annexure D of this report.

b) Design principles

- *Neighbourhood amenity and streetscape (cl.33)*

The proposed development will positively contribute to the character of the local area. The proposal respects the heritage values of Stratford House and maintains its extensive gardens and viewing opportunities from public areas.

The subject site is located adjacent to the southern end of the urban area of Tahmoor, where the general vicinity is undergoing a transition. The large Tahmoor Central development opposite the Remembrance Driveway frontage is marginally extending the urban footprint of Tahmoor, such that the redevelopment of the subject site to an urban environment will not be particularly conspicuous. Whilst some rural zoned lots will adjoin the development, a seniors development is not likely to create significant noise issues and the interface of the site with the adjoining rural lots will be appropriately fenced and landscaped.

All proposed dwellings are single storey, which is consistent with surrounding development and eases the transitions to both the existing residential developments on the opposite side of Rockford Road, as well as the retained rural lots within the Rockford Road/Remembrance Driveway, Hawkins Road/Stratford Road precinct.

The treatment of the Stratford House building is also an essential strategy to reinforce the park-like character of the location. In particular, the pedestrian and view cones through to Remembrance Driveway and Rockford Road, as well as the less dense dwelling area within stage 1 (nearest to Remembrance Driveway and Rockford Road), provide a strong streetscape character statement for the whole development.

The interface with the streetscape along Rockford Road is sensitively managed by open fencing with substantive landscaping, in conjunction with the single storey built form. It is proposed to construct a footpath along the shoulder of Rockford Road to the intersection with Remembrance Driveway.

- *Visual and acoustic privacy (cl.34)*

The proposed development will not adversely impact on the visual or acoustic privacy of adjoining residents, as appropriate fencing is proposed and the immediately adjoining neighbours are all small lot rural lots with adequate separation distance.

All dwellings are proposed to be single storey with adequate separation distance and dividing fencing to maintain visual and acoustic privacy (refer to fencing detail plan).

In terms of acoustic amenity, refer to the acoustic report for recommended fencing and window treatments in specific locations.

- *Solar access and design for climate (cl.35)*

Shadow plans have been provided, which demonstrate some direct solar access within every hour mid-winter between 9am and 3pm for minimum 70% of dwellings. The solar access plans demonstrate that a minimum of 152 dwellings (71%) are compliant with the aforementioned solar access requirements. Therefore, the scheme is compliant with the standard.

The internal road orientation allows for satisfactory solar access opportunities. The proposed built form is low-rise and dwellings are either completely detached, or else only detached by garage, to any other dwelling. This provides the maximum opportunity for solar access.

The proposed additions to the Stratford House building have been designed to maximise, within heritage constraints, passive energy opportunities. The design encourages natural light penetration with outdoor dining opportunities. The design also encourages cross-flow ventilation in summer.

- *Stormwater (cl.36)*

The concept design by Martens and Associates achieves relevant water quality objectives and detention targets, as discussed in part 5.13 of this report.

- *Crime prevention (cl.37)*

In order to ensure satisfactory *Crime Prevention Through Environmental Design* ('CPTED'), a report was commissioned to review and make recommendations where required. The design has adopted those recommendations where possible.

- *Accessibility (cl.38)*

Whilst not required in order to comply with other provisions of the Senior's SEPP, the updated plans submitted to Council in July 2020 nominate a potential location for bus shelters in Remembrance Driveway and Rockford Road, both immediately in front of the subject site.

These will cater for residents both leaving the site, and returning to the site. The bus shelter locations and either adjacent to or in the immediate vicinity of pedestrian access points to/from the administration building, which will provide an *obvious and safe pedestrian link* (cl.38(a)). In addition, the updated information provided in the Martens Traffic report considers the safety and practicality of the pedestrian route to the Tahmoor shopping/commercial area, should residents choose to walk rather than catching a bus.

The pedestrian access around the site is considered satisfactory, including landscaped access ways. Parking practices will be developed and managed by the village management to ensure safety of residents (cl.38(b)).

- *Waste management (cl.39)*

A Waste Management strategy has been prepared for the site, which maximises opportunities for recycling. A private contractor will be contracted to provide garbage collection services, as detailed in the Waste Management Plan and part 4.9 of this report.

6.3.4.7 – Development standards (Part 4)

Part 4 of the Seniors SEPP sets out development standards for seniors housing.

- a) *Sizes and height (cl.40)*

The site exceeds 1,000sqm (cl.40(2)) and has a frontage to 4 roads, each greater than 20 metres (cl.40(3)).

The R2 zoned portion of the subject site has a maximum height of building control of 9m (WLEP), but the RU4 zoned portion has no maximum height of building control under the WLEP. However, cl.40(4)(a) specifies that in an zones where **residential flat buildings** are not permitted, the maximum height of building is 8 metres. Cl.40(4)(b) specifies that any building located adjacent to a boundary of the site must not be more than 2 storeys in height and cl.40(4)(c) specifies that a building located in the rear 25% area of the site must not exceed 1 storey in height.

As all the proposed dwellings are single storey, the proposal is compliant with each of these height controls. However, the existing building, Stratford House, is two-storey and currently exceeds the 8 metre control by 1.58 metres. There is some doubt as to whether this control applies to existing buildings. Nevertheless, a cautionary approach has been taken and, for the avoidance of doubt, a request to vary the control pursuant to cl.4.6 WLEP 2011 has been prepared and is included at Annexure F of this SEE.

The existing part of the Stratford House building marginally exceeds the maximum 9 metre control. However, the proposed additions all comply with the 9 metre WLEP control and the 8 metre Seniors SEPP height control. The highest element of the proposed extensions is the lift-well, which is approximately 6.6 metres.

- b) *Standards concerning accessibility and useability (cl.41)*

Clause 41 and Schedule 3 of the SEPP contains standards for the accessibility and useability of self-contained dwellings. To ensure compliance, an Access Report was prepared by Accessible Building Solutions.

The assessment contemplates compliance with the following:

- Access provisions of the Building Code of Australia ('BCA');
- Access to Premises Standard
- AS1428 Suite of Standards
- AS2890.6 Car Parking
- AS1735.12 Lifts
- Seniors SEPP
- Council's DCP relating to Access for People with a Disability

The Access Report concludes that the proposal will be compliant with the relevant standards within the Seniors SEPP, as well as AS 1428 and 4299, having reviewed the detail on the architectural plans.

On page 16 of the access report is a Statement of Compliance, as follows:

On the basis of the above assessment, I am satisfied that the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard and Seniors Living SEPP.

c) Development on land adjoining land zoned primarily for urban purposes (Part 5)

Part 5 of the Seniors SEPP sets out standards for seniors housing located on land adjoining land zoned primarily for urban purposes.

- *Serviced self-care housing (cl.42)*

Clause 42 requires evidence that residents of the proposed development will have reasonable access to home delivered meals, personal care and home nursing, as well as assistance with housework.

It is intended that all these services will be offered and made available as required. Arrangements are being negotiated with service providers. As such arrangements are not yet finalised, it is suggested that a condition of consent be imposed which requires detailed evidence of the provision of such services prior to occupation of development.

- *Transport services to local centres (cl.43)*

Clause 43 requires, in addition to the public transport services, that a bus capable of carrying at least 10 passengers be available, to transport residents to shops, banks and other retail, commercial services, community services and recreation facilities and a medical practice. This transport service must be available to take residents to and from the specified locations at least once between 8am and 12 noon each day and at least once between 12 noon and 6pm each day.

The proposed development will include, either owned or contracted, a community bus dedicated to transporting residents as specified.

It is noted, however that most of the services specified are within 400 metres walk from the subject site.

- *Availability of facilities and services (cl.44)*

The proposed development will be constructed in 11 stages, as set out in Part 4.8, Table 6 of this report. The relevant facilities and services will be made available to residents upon occupation of each stage.

- d) *Development standards that cannot be used as grounds to refuse consent (Part 7)*

Part 7 of the Seniors SEPP sets out standards that cannot be used as grounds to refuse consent.

- *Building height (cl.50(a))*

The proposal is compliant because all dwellings are single storey and less than 8 metres in height. The tallest section of the addition to Stratford House also complies with this standard.

- *Density and scale (cl.50(b))*

The proposed development has a floor space ratio ('FSR') of 0.2:1, therefore the proposal is compliant with this standard.

- *Landscaped area (cl.50(c)(ii))*

The landscaped area proposed for this development is 40.6% and therefore is compliant with the minimum 30% standard. Note that all landscaping is proposed on existing ground level and is therefore all *deep soil zone* planting.

- *Deep soil zones (cl.50(d))*

The **deep soil zone** is to be 15% of the area of the site and preferably be located at the rear of the site with a minimum dimension of 3 metres.

This is achieved, as detailed on the landscape plan. As the site has no "rear" as such, the intent of the requirement is met insofar as each individual dwelling has around 50sqm of deep soil planting and deep soil planting opportunities are available right across the subject site.

The deep soil planting area represents 40.6% of the development area (refer landscape plan) and is therefore compliant with the standard.

- *Solar access (cl.50(e))*

Living rooms and private open space ('POS') areas for at least 70% of dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter. Refer to the shadow diagrams, which indicate that the proposal is compliant with this standard.

- *Parking (cl.50(h)(i))*

The standard is 0.5 car spaces for each bedroom. The overall scheme proposes 91 x 3 bedroom dwellings and 123 x 2 bedroom dwellings, which equates to 519 bedrooms. At 0.5 spaces for each bedroom, the standard arising from the SEPP is 210 spaces (rounded up).

In the proposed development, each Type A (3 bedroom) dwelling is provided with 2 car spaces and each Type B to F is provided with 1 car space. This equates to a total as follows:

91 (Type A) x 2 spaces	= 182 spaces
123 (Type B-F) x 1 space	= 123 spaces
Visitor spaces	= 36 spaces (shown on plan TP.004 architectural plan set)

TOTAL SPACES PROVIDED = 341 spaces

A number of the dwelling types also have provision for a stacked parking space at the front of the carport.

It is considered that the parking standard is achieved.

6.3.5 State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

Clause 101 of the Infrastructure SEPP deals with developments with frontage to a classified road. Remembrance Driveway is a classified road.

Cl.101(2)

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

Comment: The proposal does not provide vehicular access to/from Remembrance Driveway.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

I. the design of the vehicular access to the land, or

Comment: The vehicular accesses to the land are located in Rockford Road, in excess of 100 metres from the classified road. The design of the vehicular access will not have any impact on the safety, efficiency and ongoing operation of the classified road.

II. the emission of smoke or dust from the development, or

Comment: The development is for residential dwellings. The development will not generate smoke or dust.

III. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

Comment: The development does not propose direct access to or from Remembrance Driveway. Where the development results in increased traffic at the intersection of Rockford Road and Remembrance Driveway, this may be managed by traffic management works as specified by Council and/or RMS.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment: The issue of potential traffic noise is dealt with in the acoustic report.

6.3.6 State Environmental Planning Policy (State and Regional Development) 2011 ('State and Regional Development SEPP')

The aims of this Policy are:

- a) to identify development that is State significant development,
- b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- c) to identify development that is regionally significant development.

The proposal is not State significant development, State significant infrastructure or critical State significant infrastructure.

Schedule 7 of the State and Regional Development SEPP identifies certain triggers for **Regionally Significant Development**. Of particular note is Schedule 7, clause 2, which outlines the triggers for *General development over \$30 million*⁶.

The CIV submitted with this application indicates a projected capital investment value of \$35,063,478. Therefore, the proposal is *Regionally Significant Development* for the purposes of the *State and Regional Development SEPP*.

6.4 Regional Environmental Plans (deemed SEPPs)

6.4.1 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)

The aim of this Plan is to protect the environment of the Hawkesbury-Nepean River System by ensuring that the impacts of future land uses are considered in a regional context.

Clause 4(1)(a) of the Plan requires a consent authority, when determining an application for consent to the carrying out of development on land to which the Plan relates, take into consideration the general planning considerations set out in clause 5 of the Plan, as well as the specific planning policies set out in clause 6 of the Plan.

Reference	Requirement	Response
Cl.5(a)	The aim of the plan	The proposal has been designed to achieve relevant water quality and onsite detention objectives
Cl.5(b)	The strategies listed in the Action Plan	Strategies of relevance to the proposal: UL2: The proposed water management for the proposal is designed using Water Sensitive Urban Design ('WSUD') principles UL3: Proposed dwellings will achieve BASIX targets and achieve satisfactory NatHERS ratings
Cl.5(c)	Feasible alternatives	The subject site is ideal for the development due to its collective size and close proximity to essential services. It makes good use of the existing historic building, giving it a new lease of life. All impacts are manageable.
Cl.5(d)	Relationship between the different impacts of the development or other proposal and the environment	The proposed development is relatively low impact. Stormwater discharge will achieve water quality targets and equalise pre and post development flow rates. Mitigation measures are proposed to manage noise from nearby roads and other activities. Landscaping around Stratford House will be retained and embellished and the site will be comprehensively landscaped. Traffic impacts will be managed in conjunction with Council. With the proposed management and mitigation measures implemented, the proposed development is unlikely to create unacceptable cumulative impacts with other existing surrounding development.

TABLE 13

SREP 20 – Clause 5 considerations

⁶ Capital Investment Value ('CIV')

In relation to cl.6:

(1) Total Catchment Management – All dwellings will be connected to Sydney Water's reticulated sewerage system when it becomes available. In the interim, an onsite effluent system is proposed up to and including stage 5 of the development. Stormwater will be managed in accordance with Council's engineering standards and the CSMP.

(3) Water Quality – Water quality will be managed in accordance with the strategy set out in the CSMP.

(4) Water Quantity – Water quantity will be managed in accordance with the strategy set out in the CSMP.

(5) Cultural Heritage – refer to the heritage impact assessment.

(6) Flora and fauna – refer to the BDAR.

(10) Urban development – This part mainly relates to the rezoning stage. The proposal will not produce additional effluent equivalent to 2,500 people.

(12) Metropolitan strategy – Transport infrastructure, waste disposal and air quality have all been addressed with specialist reports.

6.5 Local Environmental Plans (LEPs)

Wollondilly Local Environmental Plan 2011 (WLEP 2011)

6.5.1 Aims / objectives of the Plan

The particular aims of WLEP 2011 are as follows:-

- (a) *to provide for the management of natural resources and the protection of the natural landscape character,*

Comment: The proposed development will not adversely impact the management of natural resources. The surrounding landscape character is transitioning to a more urban environment.

- (b) *to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,*

Comment: No Aboriginal sites have been recorded in or near the subject site on the Aboriginal Heritage Information Management System ('AHIMS') register. No Aboriginal places have been declared in or near the subject site on the AHIMS register.

The proposed development is considered to be consistent with the current transition of the general locality to a more urban environment.

- (c) *to protect water quality in land that is situated within water supply catchments,*

Comment: - The land is not located within a water supply catchment area. Nevertheless, water quality targets and OSD will be achieved at the completion of the development.

- (d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,*

Comment: The site is conveniently located in terms of access to services and bus stops. In addition, mandatory services such as meals, cleaning, laundry will be available onsite.

- (e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,*

Comment: the subject land has very little agricultural potential due to its proximity to the existing residential area.

- (f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.*

Comment: Whilst this development is on rural land on the fringe of the urban area of Tahmoor, it is located in an area under transition. Opposite to the east is existing residential and the Inghams turkey processing plant. The site is opposite the Tahmoor Central development, which is being developed for commercial operations. The subject site also shares a common boundary with the Tahmoor Inn.

The proposal is generally consistent with, or else does not hinder the attainment of, the relevant aims of the Plan.

6.5.2 Zone and zone objectives

The subject site is located partly within the R2 Low Density Residential zone and partly within the RU4 Primary Production Small Lot zone.

<i>Lots within R2 zone</i>	<i>Lots within RU4 zone</i>
1, 2, 3, 4, 5, 6, 7, 35, 36 and 37 DP 12096	Lots 2 and 3 DP 236262
	Lots 22, 23, 27, 28, 29, 30, 31 and 32 DP 12096
	Lot 11 DP 739884

TABLE 14

Existing lot breakup between land use zones

Cl.2.3(2) of WLEP 2011 requires the consent authority to have regard to the objectives for development in the zone. The following table is included to assist Council with this task.

R2 Low Density Residential zone

Zone objective	Response
To provide for the housing needs of the community within a low-density residential environment	The proposal achieves this objective by providing a range of housing options for seniors or people with a disability. The area of the site contained within the R2 zone (see Figure 4 below) accommodates 17 dwellings. When considered holistically (with the balance of the land contained in the RU4 zone), the development represents an FSR of 0.2:1, which equates to 1 dwelling per 562sqm across the site, which is considered appropriate.
To enable other land uses that provide facilities or services to meet the day to day needs of residents	The Stratford House building provides facilities to meet day to day needs of the residents.

TABLE 15

R2 zone objectives

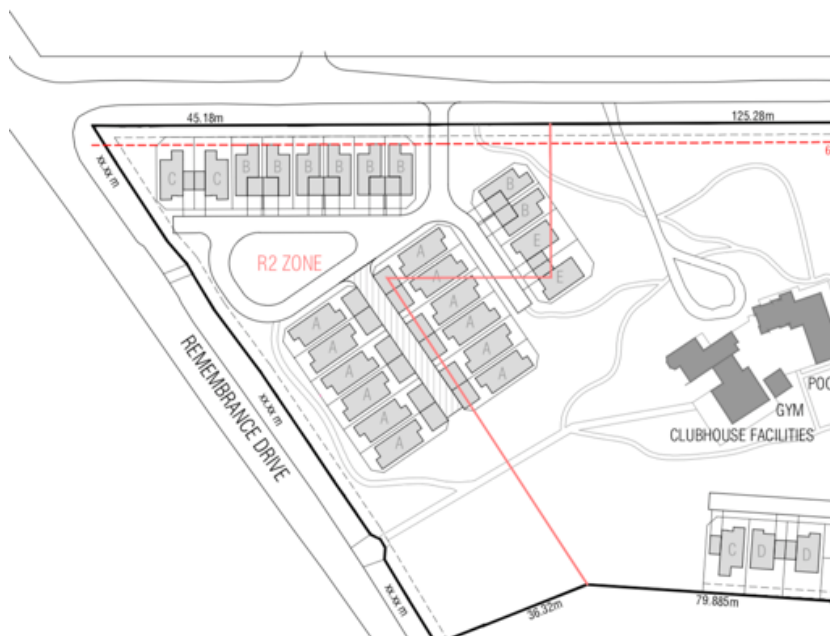


FIGURE 4

Area of the subject site contained within the R2 Low Density Residential zone

RU4 Primary Production Small Lot zone

Zone objective	Response
To enable sustainable primary industry and other compatible land uses	The proposal does not involve any primary industry uses. The operation of the Seniors SEPP in setting aside local planning controls enables the proposal to be permissible, notwithstanding it doesn't involve any primary industry activities

Zone objective	Response
To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature	As above
To minimise conflict between land uses within this zone and land uses within adjoining zones	Although the proposal is not a permissible use in the RU4 zone, nevertheless it is unlikely to result in land use conflict.
To provide areas within which the density of development is limited in order to maintain a separation between urban areas	The DPIE has issued a SCC in relation to this proposal, confirming it is suitable for more intensive development

TABLE 16

RU4 zone objectives

6.5.3 Land Use permissibility

Seniors housing is defined in the LEP as follows:

seniors housing means a building or place that is—

- a) a residential care facility, or
- b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- c) a group of self-contained dwellings, or
- d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
- e) seniors or people who have a disability, or
- f) people who live in the same household with seniors or people who have a disability, or
- g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note.

Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

Seniors Housing is a permissible use within the land use zone for the R2 zone, but not the RU4 zone. However, pursuant to cl.4(1) Seniors SEPP, the RU4 zoned component of the land is considered to "... *adjoin land zoned primarily for urban purposes...*". Therefore, subject to the SCC issued for the subject land (see Annexure A) pursuant to cl.25(4) Seniors SEPP, the proposal is permissible.

6.5.4 Other Relevant Clauses

Clause 5.10 – Heritage conservation

The LEP heritage map and Schedule 5 identifies part of the subject site as an item of local heritage significance. Specifically, the listing applies to lot 6 DP 12096 and lot 2 DP 236262.

Clause 5.10(4) LEP requires the consent authority, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Clause 5.10(5)(a) and (c) LEP authorises the consent authority, before granting consent to any development on land on which a heritage item is located, or on land within the vicinity of land on which a heritage item is located, to require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned.

In light of the above clauses, a heritage impact assessment has been prepared and forms part of the development application. Refer to part 5.10 of this report for discussion

Clause 7.1 – Essential Services

Essential services will be provided for the development as detailed in clause 5.6 of this report.

Clause 7.5 – Earthworks

Earthworks are required in conjunction with the erection of the dwellings and the civil and stormwater works.

In response to Cl.7.5(3):

- a) The earthworks are not of such significance as to disrupt or have a detrimental impact on existing drainage patterns and soil stability in the locality;
- b) The earthworks are required for the future use or redevelopment of the land;
- c) No imported fill is envisaged;
- d) The earthworks are not of such significance as to adversely impact the existing and likely amenity of adjoining residents;
- e) The intention is to equalise cut and fill volumes across the site;
- f) No items of significance are mapped on the site. Nevertheless, excavators will be vigilant during earthworks operations;
- g) The works are unlikely to have adverse impacts on any watercourses. The land is not located in a drinking water catchment or an environmentally sensitive area.

6.6 Relevant Draft Environmental Planning Instruments

We are not aware of any draft local environmental plans that would impact on this proposal.

6.7 Relevant Development Control Plans

6.7.1 Wollondilly Development Control Plan 2016

Volume 1 WDCP is relevant to this proposal.

VOLUME 1 – General; PART 2 – General considerations for all development

DCP reference	Response
Part 2 – General considerations for all development	<ol style="list-style-type: none"> 1. The relevant safety and human health risks listed have been considered in the various specialist reports accompanying the application 2. The internal road layout provides a high level of amenity and logic. The external road network is the subject of the traffic report. 3. The concurrence of SANSW will be required 4. The existing wastewater management system will be decommissioned and connected to the proposed wastewater management system, as detailed in the wastewater report 5. The land is not located within a drinking water catchment
Part 3 – Variations to this plan	Noted
Part 4 – Community engagement	Noted
Part 5 – Colonial Heritage (General)	Noted. Refer to the heritage impact assessment and colour palette in the architectural plan set
Part 6 – Heritage (Specific locations)	N/A
Part 7 – Aboriginal Heritage	No assessment undertaken on this occasion
Part 8 – Flooding	The land is not known to be flood affected
Part 9 – Environmental Protection	Refer to BDAR
Part 10 – Tree removal	Trees will be removed during the course of construction of the subdivision, as envisaged in the BDAR
Part 11 – Landscaping	Refer to the landscape plan
Part 12 – Signage	N/A at this stage

TABLE 17

General considerations for all development
Volume 1, WDCP 2016

Note:

WDCP 2016 does not contain any specific guidelines for Seniors Housing.

6.8 Planning Agreements

No planning agreements are proposed.

6.9 Relevant Provisions of the Regulations

This proposal is capable of compliance with any relevant provisions of EPA Regs (refer to Part 6.2 of this report for further discussion).

6.10 Impact of the Development

Potential impacts and mitigation measures (where necessary) are discussed in section 4 of this report.

6.11 Suitability of the site

It is considered that the land is generally suitable for the proposed development, based on the conclusions of the various specialist reports. This view is supported by the SCC, which states:

The panel certifies that in its opinion:

The site ... is suitable for more intensive development;

The development described ... is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);

That development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified

6.12 Submissions

Public submissions will be a matter for consideration by Council.

6.13 Public Interest

It is considered that the proposal is in the public interest. It proposes an affordable housing alternative for seniors or people with a disability in exceptional surroundings and close to amenities and services. The proposal is generally compliant with the planning controls where relevant, with manageable impact to the natural or built environment and placing manageable increased demands on public infrastructure. The additional population will have a positive economic impact in the locality and seniors housing is generally considered to be inoffensive and compatible with a residential environment.

7.

CONCLUSION

On merit it is considered that this application be approved subject to conditions. It does not seek to vary any guidelines or requirements of the planning controls applying to the area, **except a minor exceedance of the maximum height control contained in cl.40(4)(a) of the Seniors SEPP (refer to Annexure F)**. On balance it is considered that this application seeks consent to a reasonable proposal. It is requested that Council officers recommend approval of this development.

Yours faithfully

PRECISE PLANNING

ANNEXURE A

SITE COMPATIBILITY CERTIFICATE

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Certificate of Site Compatibility

The Sydney Western City Planning Panel has determined the application made by Precise Planning on behalf of Common Ground Property Pty Ltd on 26 March 2018 by issuing this certificate under clause 25(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The panel certifies that in its opinion:

- the site described in Schedule 1 is suitable for more intensive development;
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.

A handwritten signature in black ink, appearing to read "Justin Doyle", enclosed within a thin black rectangular border.

Justin Doyle
Chair
Sydney Western City Planning Panel

Date certificate issued: 22 March 2019

Please note: This certificate will remain current for 24 months from the date of this certificate (clause 25(9) and cannot be varied during its currency to cover additional land.

SCHEDULE 1

Site description: Stratford House, Rockford Road, Tahmoor (Lots 22, 23 and 27-32 DP 12096 and Lots 2-3 DP 236262).

Development description: A (maximum) 120-bed residential care facility and (maximum) 220 serviced and self-care units with a maximum floor space ratio of 0.2:1 and a maximum building height of 9m (two storeys).

SCHEDULE 2

Requirements imposed on determination:

1. Consultation with the Subsidence Advisory NSW during the preparation of concept plans prior to the lodgement of any development application with Wollondilly Shire Council.
2. Consultation with Sydney Water during the preparation of concept plans prior to the lodgement of any development application with Council.
3. The final layout, building construction and on-site facilities accompanying any development application is to be subject to satisfactory resolution of issues relating to:
 - A heritage impact statement to address heritage impacts on Stratford House (Heritage Item 1235 under schedule 5 of the Wollondilly Local Environmental Plan 2011), including the visual character of and views to Stratford House from key points in the vicinity;
 - A flora and fauna assessment to examine significant and endangered vegetation communities identified on the site and whether the concept should be amended to reduce the need for avoidable removal of vegetation even where it may reduce the total yield of the development below the approved maximums;
 - An acoustic report to assess any potential noise impacts of the nearby Ingham's processing plant and Tahmoor Inn on the development proposal, including potential traffic movements to and from the processing plant;
 - An odour assessment to assess any potential odour impacts of the nearby Ingham's processing plant on the development proposal, including the appropriateness of residential dwellings along Rockford Rd;
 - Infrastructure requirements generated by the development on Rockford, Stratford and Remembrance Driveway, eg. Pedestrian connectivity to the town

and train station, including pathways and crossings including potentially pedestrian connectivity through the site;

- An assessment addressing Council's Open Space, Recreation and Community Facilities Strategy (2014) to respond to the need for private open space;
- Built form arrangements and interfaces between the 3 storey element of the development and neighbouring properties;
- Provision of higher levels of care being sequenced in early stages of the development, to cater to the full range of resident needs;
- Subdivision design and landscaping and building form of the development to remain consistent with the character of Tahmoor village and its rural edge; and
- Stormwater management treatment, including impacts on the Bargo River catchment.

Note: For the avoidance of doubt, resolution of the nominated requirements may require amendment to the concept plan accompanying the application.

Summary of responses to Schedule 2 SCC – Requirements Imposed on Determination

Requirement	Response
<i>Consultation with SANSW during the preparation of concept plans prior to the lodgement of any development application with Wollondilly Shire Council</i>	See Annexure B
<i>Consultation with Sydney Water during the preparation of concept plans prior to the lodgement of any development application with Wollondilly Shire Council</i>	See Annexure C
<i>Heritage impact statement to address heritage impacts on Stratford House (Heritage Item I 235 under schedule 5 of the Wollondilly LEP 2011), including the visual character of and views to Stratford House from key points in the vicinity</i>	See heritage impact statement by Weir Phillips
<i>A flora and fauna assessment to examine significant and endangered vegetation communities identified on the site and whether the concept should be amended to reduce the need for avoidable removal of vegetation even where it may reduce the total yield of the development below the approved maximums</i>	See Biodiversity Development Assessment report by Land Eco Consulting
<i>An acoustic report to assess any potential noise impacts of the nearby Inghams processing plant and Tahmoor Inn on the development proposal, including potential traffic movements to and from the processing plant</i>	See acoustic assessment by Marshall Day
<i>An odour assessment to assess any potential odour impacts of the nearby Inghams processing plant on the development proposal, including the appropriateness of residential dwellings along Rockford Road</i>	See odour assessment by Todoroski Air Sciences
<i>Infrastructure requirements generated by the development on Rockford, Stratford and Remembrance Driveway, eg Pedestrian connectivity to the town and train station, including pathways and crossings including potentially pedestrian connectivity through the site</i>	See pedestrian connectivity plan at Annexure D
<i>An assessment addressing Council's Open Space, Recreation and Community Facilities Strategy (2014) to respond to the need for private open space</i>	See Annexure D
<i>Built form arrangements and interfaces between the 3 storey element of the development and neighbouring properties</i>	The submitted DA does not have any 3 storey elements
<i>Provision of higher levels of care being sequenced in early stages of the development, to cater for the full range of resident needs</i>	The proponent is currently negotiating with 2 potential RCF operators with nationwide experience. A deal is expected early in 2020 and it is anticipated a DA for the RCF will be submitted during 2020.
<i>Subdivision design and landscaping and building form of the development to remain consistent with the character of Tahmoor village and its rural edge</i>	The design of the estate is consistent with the traditional grid pattern popular in the older areas of Tahmoor village. The building form is all single storey, which is the predominant built form in the area.
<i>Stormwater management treatment, including impacts on the Bargo River catchment</i>	See CSMP by Martens & Associates

ANNEXURE B

SUBSIDENCE ADVISORY NSW CORRESPONDENCE

From: **sa-riskeng** <sa-riskeng@finance.nsw.gov.au>
Subject: **ES&I19-00107 - 2009 Rockford Road Tahmoor - Proposed Aged Care Facility and Retirement Dwellings**
Date: **4 July 2019 at 3:28 pm**
To: **Jeff Godepman@nsw.gov.au**
Cc: **SA Risk**, **sa-riskeng@finance.nsw.gov.au**

Dear Jeff,

SA NSW advises that any new subdivision infrastructure and surface development on the site would be required to be designed and constructed in accordance with Guideline 6 parameters.

These parameters are:

Maximum horizontal ground strain – 2mm/m
Maximum tilt – 4mm/m
Maximum radius of curvature – 10km (hogging and sagging).

Other conditions may include (but are not limited to) structural engineering certification of the design and the submission of works as executed drawings after completion. Other conditions may be imposed depending on the finalised design submitted.

Regards

Melanie Fityus | Senior Risk Engineer
Subsidence Advisory NSW
Better Regulation Division | Department of Customer Service
P: 4908 4300
E: sa-riskeng@finance.nsw.gov.au | www.subsidenceadvisory.nsw.gov.au



Subsidence
Advisory NSW

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ANNEXURE C

SYDNEY WATER CORRESPONDENCE

Case Number: 178246

17 July 2019

COMMON GROUND PROPERTY (NSW) P/L
c/- ROSE ATKINS RIMMER

FEASIBILITY LETTER

Developer: COMMON GROUND PROPERTY (NSW) P/L
Your reference: 30/25858
Development: Lot 2 DP236262 232 REMEMBRANCE DRWY, Tahmoor
Development Description: Residential care facility with a capacity of 120 beds and 200 associated serviced selfcare dwellings (duplex and apartment style) including access roads
Your application date: 18 April 2019

Dear Applicant

This Feasibility Letter (Letter) is a guide only. It provides general information about what Sydney Water's requirements could be if you applied to us for a Section 73 Certificate (Certificate) for your proposed development. **The information is accurate at today's date only.**

If you obtain development consent for that development from your consent authority (this is usually your local Council) they will require you to apply to us for a Section 73 Certificate. You will need to submit a new application (and pay another application fee) to us for that Certificate by using your current or another Water Servicing Coordinator (Coordinator).

Sydney Water will then send you either a:

- Notice of Requirements (Notice) and Developer Works Deed (Deed) or
- Certificate.

These documents will be the definitive statement of Sydney Water's requirements.

There may be changes in Sydney Water's requirements between the issue dates of this Letter and the Notice or Certificate. The changes may be:

- if you change your proposed development eg the development description or the plan/site layout, after today, the requirements in this Letter could change when you submit your new application; and

- if you decide to do your development in stages then you must submit a new application (and pay another application fee) for each stage.

What You Must Do To Get A Section 73 Certificate In The Future.

To get a Section 73 Certificate you must do the following things. You can also find out about this process by visiting www.sydneywater.com.au > Plumbing, building & developing > Developing > Land development.

- 1. Obtain Development Consent from the consent authority for your development proposal.**
- 2. Engage a Water Servicing Coordinator (Coordinator).**

You must engage your current or another authorised Coordinator to manage the design and construction of works that you must provide, at your cost, to service your development. If you wish to engage another Coordinator (at any point in this process) you must write and tell Sydney Water.

For a list of authorised Coordinators, either visit www.sydneywater.com.au > Plumbing, building & developing > Developing > Providers > Lists or call **13 20 92**.

The Coordinator will be your point of contact with Sydney Water. They can answer most questions that you might have about the process and developer charges and can give you a quote or information about costs for services/works (including Sydney Water costs).

- 3. Developer Works Deed**

After the Coordinator has submitted your new application, they will receive the Sydney Water Notice and Developer Works Deed. You and your accredited Developer Infrastructure Providers (Providers) will need to sign and lodge both copies of the Deed with your nominated Coordinator. After Sydney Water has signed the documents, one copy will be returned to the Coordinator.

The Deed sets out for this project:

- your responsibilities;
- Sydney Water's responsibilities; and
- the Provider's responsibilities.

You must do all the things that we ask you to do in that Deed. This is because your development does not have water and sewer services and you must construct and pay for the following works extensions under this Deed to provide these services.

Note: The Coordinator must be fully authorised by us for the whole time of the agreement.

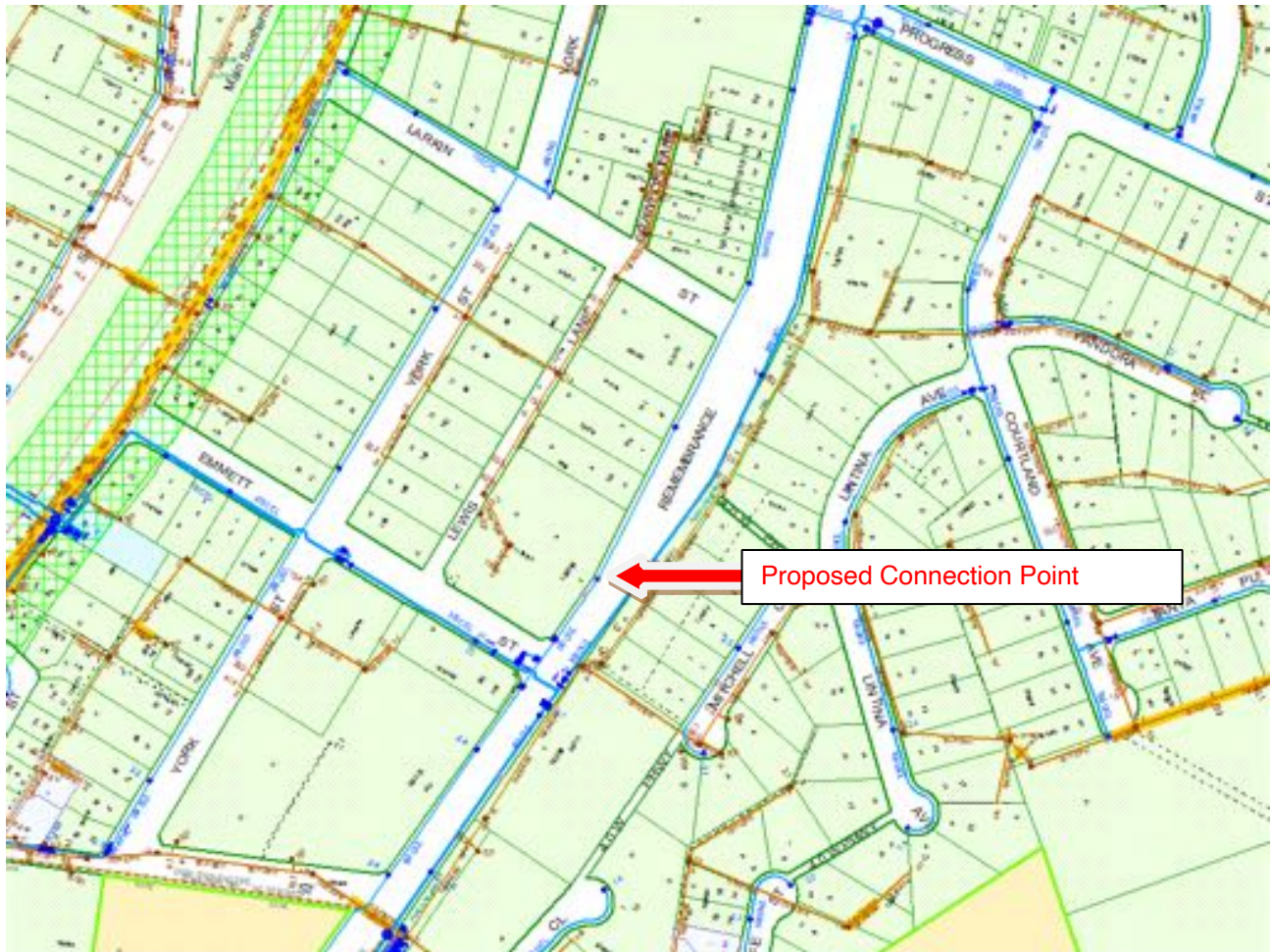
4. Water and Sewer Works

4.1 Water

Your development must have a frontage to a water main that is the right size and can be used for connection.

Sydney Water has assessed your application and found that:

- The development should connect to the existing DN150 main for servicing at Remembrance Drive (refer to Figure 2) with internal reticulation network to be constructed in line with the WSAA code requirements.



4.2 Sewer

Your development must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within your development's boundaries.

Sydney Water has assessed your application and found that:

- There's currently no capacity within the existing wastewater system to service the proposed development.
- Because the proposed subdivision is not included within the Picton, Thirlmere, Tahmoor growth area, at this point in time a connection to the Picton system cannot be approved.
We anticipate that the implementation of a long-term effluent management strategy for Picton will take time and is likely to be operational in 2021-2022.

5. Ancillary Matters

5.1 Asset adjustments

After Sydney Water issues this Notice (and more detailed designs are available), Sydney Water may require that the water main/sewer main/stormwater located in the footway/your property needs to be adjusted/deviated. If this happens, you will need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you will need to complete it **before we can issue the Certificate**. Sydney Water will need to see the completed designs for the work and we will require you to lodge a security. The security will be refunded once the work is completed.

5.2 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use Sydney Water's **Permission to Enter** form(s) for this. You can get copies of these forms from your Coordinator or the Sydney Water website. Your Coordinator can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

5.3 Costs

Construction of these **future** works will require you to pay project management, survey, design and construction costs **directly to your suppliers**. Additional costs payable to

Sydney Water may include:

- water main shutdown and disinfection;
- connection of new water mains to Sydney Water system(s);
- design and construction audit fees;
- contract administration, Operations Area Charge & Customer Redress prior to project finalisation;
- creation or alteration of easements etc; and
- water usage charges where water has been supplied for building activity purposes prior to disinfection of a newly constructed water main.

Note: Payment for any Goods and Services (including Customer Redress) provided by Sydney Water will be required prior to the issue of the Section 73 Certificate or release of the Bank Guarantee or Cash Bond.

Your Coordinator can tell you about these costs.

5.4 Mine Subsidence Areas

Your future development is located within a Mine Subsidence Area and will need some unique design features to be incorporated into the required water and sewer main extension. Your Coordinator can provide more details.

OTHER THINGS YOU MAY NEED TO DO

Shown below are other things you need to do that are NOT a requirement for the Certificate. They may well be a requirement of Sydney Water in the future because of the impact of your development on our assets. You must read them before you go any further.

Approval of your building plans

Please note that the building plans must be approved when each lot is developed. This can be done at Sydney Water Tap inTM. Visit www.sydneywater.com.au > Plumbing, building & developing > Building > Sydney Water Tap inTM.

This is not a requirement for the Certificate but the approval is needed because the construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

Where a Sydney Water stormwater channel, pipe or culvert is located within ten (10) metres of your development site it must be referred to Sydney Water for further assessment.

Your Coordinator can tell you about the approval process including:

- Possible requirements;
- Costs; and
- Timeframes.

Disused Sewerage Service Sealing

Please do not forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to a Sydney Water sewer main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Soffit Requirements

Please be aware that floor levels must be able to meet Sydney Water's soffit requirements for property connection and drainage.

Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A **Boundary Trap** is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable **Backflow Prevention Containment Device** appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on **1300 889 099**.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a **contingency plan** for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on **1300 985 227** or businesscustomers@sydneywater.com.au

Fire Fighting

Definition of fire fighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the fire fighting flow of the development and the ability of Sydney Water's system to provide that flow in an emergency. Sydney Water's Operating Licence directs that Sydney Water's mains are only required to provide domestic supply at a minimum pressure of 15 m head.

A report supplying modelled pressures called the Statement of Available pressure can be purchased through Sydney Water Tap inTM and may be of some assistance when defining the fire fighting system. The Statement of Available pressure, may advise flow limits that relate to system capacity or diameter of the main and pressure limits according to pressure management initiatives. If mains are required for fire fighting purposes, the mains shall be arranged through the water main extension process and not the Section 73 process.

Large Water Service Connection

A water main will be available, once you have completed your water main construction, to provide your development with a domestic supply. The size of your development means that you will need a connection larger than the standard domestic 20 mm size.

To get approval for your connection, you will need to lodge an application with Sydney Water Tap inTM. You, or your hydraulic consultant, may need to supply the following:

- A plan of the hydraulic layout;
- A list of all the fixtures/fittings within the property;
- A copy of the fireflow pressure inquiry issued by Sydney Water;
- A pump application form (if a pump is required);
- All pump details (if a pump is required).

You will have to pay an application fee.

Sydney Water does not consider whether a water main is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

Disused Water Service Sealing

You must pay to disconnect all disused private water services and seal them at the point of connection to a Sydney Water water main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Other fees and requirements

The requirements in this Notice relate to your Certificate application only. Sydney Water may be involved with other aspects of your development and there may be other fees or requirements. These include:

- plumbing and drainage inspection costs;
- the installation of backflow prevention devices;
- trade waste requirements;
- large water connections and
 - council fire fighting requirements. (It will help you to know what the fire fighting requirements are for your development as soon as possible. Your hydraulic consultant can help you here.)

No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from Sydney Water and to the extent that it is able, Sydney Water limits its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.

END

ANNEXURE D

SITE ANALYSIS (CL.30 SENIORS SEPP) AND ASSESSMENT OF THE OPEN SPACE, RECREATION AND COMMUNITY FACILITIES STRATEGY

SITE ANALYSIS (cl.30(2)(b)(i) Seniors SEPP)

- *Proposal addresses site analysis*

The site analysis identified several constraints and opportunities that were addressed during development of the design proposal.

- *Site surrounds*

The site is very well located within 600m of the centre of Tahmoor township, and 250m from the nearest Supermarket and Tahmoor Community Centre. Emmett Park, the main recreational park in the town, including children's playground, toilets and picnic facilities, is within 600m walk from site. The proposal includes improvements to the park with the installation of an external footpath, ensuring residents of the town can enjoy safe access to their community space. The train station is a 750m walk from the site. The Tahmoor Central development (under construction) of commercial, retail and restaurants is located opposite the site in Remembrance Way.

The opportunity afforded by such close access to a wide range of community facilities was a factor in the development of the concept for seniors housing.

The Inghams Turkey Processing Plant off Rockford Road in nearby Ralfe Street is visually separated from the site by the row of houses in Rockford Road. There will be some noise nuisance due to truck and vehicle movement to and from the site, which has been addressed in the acoustic report.

The Rockford Road frontage to Ralfe Street, where truck movements are likely to occur, is 72m. The proposal includes a pedestrian crossing in Rockford Street addressing the issue of heavy traffic for pedestrians moving from the site. There are only 8 residential units fronting this section of Rockford Road, where noise is a potential nuisance. These units are behind a four metre wide vegetated screen.

Noise is likely to be a nuisance on Remembrance Drive. This has been addressed by placing only six units backing onto Remembrance Drive. These have all been set well back from the road corridor with a 20m wide landscaped zone between the units and the existing road. In addition, the acoustic report recommends glazing treatment to some units.

Adjacent residential zones currently view onto open paddocks. The residents opposite the site will lose those open views with the development. The two residents immediately adjacent to the site will lose some of the privacy they currently enjoy with just one rural neighbour. This has been addressed by locating a four metre wide band of vegetation around the site, ensuring privacy for those immediately adjacent, and a green outlook for those living opposite the site. Fencing is proposed within the band to ensure planting has the greatest opportunity for dense growth.

- *The site*

The site is currently three separate zones. The garden is currently quite overgrown, with little maintenance having occurred beyond the past two years, when it came into current ownership. It is currently very lush due to a working bore, but this hasn't been the case in the past. The proposal is to reduce the screening of the garden around the heritage house and open the garden, creating view corridors in and around the site, integrating the site with the two adjacent open landscapes of the site, while respecting the heritage values of the garden. This will also open the site to views of the house and garden from the street, allowing greater visibility of the house for the wider community.

The character of the garden is to be extended into the southern portion of the site, through a central green pedestrian streetscape. Development in the front of the heritage house, between garden and Remembrance Drive has been scaled back to ensure it is surrounded by open trees in grassland, reinforcing the parkland character in the foreground of the house. The site is located on gently sloping land with grades in the vicinity of 1:25 to 1:80 throughout the site. This ensures the site is suitable for seniors housing without the need for ramp access. There appears to be no need for any level changes along any of the boundaries to accommodate this proposal.

The site is well located to utility services in Remembrance Drive, including electricity, water and NBN.

- *Landscape character*

The site is gently undulating with 3 distinct character zones, with the heritage house, buildings and garden in the middle.

The north-east corner of the site, on the corner of Remembrance Drive and Rockford Road is a former house site. Buildings have been cleared to leave a mix of native and exotic trees in grass. The land slopes gently towards Remembrance Drive. Its proximity to busy roads, electrical substation, Tahmoor Public School, and smaller lot residential on both Rockford Road and Remembrance Drive, give it a more urban character.

The middle zone is Stratford House, a two storey 1890s heritage house with a separate pool house in a lush mature garden with large trees. The garden is screened from the surrounding area by rows of conifers, limiting views from the garden to a view down the original carriageway to Remembrance Drive. It is very enclosed and has little connection to the remains of the site or areas beyond the garden.

The remainder of the site is grassed rural land grazing land, with no understorey and visually dominated by large ironbark trees. The land gently undulates with the highest point being close to the rear of the garden on Rockford Road, and a gentle ridgeline running diagonally across the site. A single galvanised iron shed is the only building on this portion of the site. Dams are located in the two lower corners. This area, the greater portion of the site, has a very open, rural character.

SITE ANALYSIS (cl.30(2)(b)(ii) Seniors SEPP)

- *Neighbourhood amenity and streetscape (cl.33)*

The proposed development will positively contribute to the character of the local area. The proposal respects the heritage values of Stratford House and maintains its extensive gardens and viewing opportunities from public areas.

The subject site is located adjacent to the southern end of the urban area of Tahmoor, where the general vicinity is undergoing a transition. The large Tahmoor Central development opposite the Remembrance Driveway frontage is marginally extending the urban footprint of Tahmoor, such that the redevelopment of the subject site to an urban environment will not be particularly conspicuous. Whilst some rural zoned lots will adjoin the development, a seniors development is not likely to create significant noise issues and the interface of the site with the adjoining rural lots will be appropriately fenced and landscaped.

All proposed dwellings are single storey, which is consistent with surrounding development and eases the transitions to both the existing residential developments on the opposite side of Rockford Road, as well as the retained rural lots within the Rockford Road/Remembrance Driveway, Hawkins Road/Stratford Road precinct.

The treatment of the Stratford House building is also an essential strategy to reinforce the park-like character of the location. In particular, the pedestrian and view cones through to Remembrance Driveway and Rockford Road, as well as the less dense dwelling area within stage 1 (nearest to Remembrance Driveway and Rockford Road), provide a strong streetscape character statement for the whole development.

The interface with the streetscape along Rockford Road is sensitively managed by open fencing with substantive landscaping, in conjunction with the single storey built form. It is proposed to construct a footpath along the shoulder of Rockford Road to the intersection with Remembrance Driveway.

- *Visual and acoustic privacy (cl.34)*

The proposed development will not adversely impact on the visual or acoustic privacy of adjoining residents, as appropriate fencing is proposed and the immediately adjoining neighbours are all small lot rural lots with adequate separation distance.

All dwellings are proposed to be single storey with adequate separation distance and dividing fencing to maintain visual and acoustic privacy (refer to fencing detail plan).

In terms of acoustic amenity, refer to the acoustic report for recommended fencing and window treatments in specific locations.

- *Solar access and design for climate (cl.35)*

Shadow plans have been provided, which demonstrate some direct solar access within every hour mid-winter between 9am and 3pm for minimum 70% of dwellings.

The internal road orientation allows for satisfactory solar access opportunities. The proposed built form is low-rise and dwellings are either completely detached, or else only detached by garage, to any other dwelling. This provides the maximum opportunity for solar access.

The proposed additions to the Stratford House building have been designed to maximise, within heritage constraints, passive energy opportunities. The design encourages natural light penetration with outdoor dining opportunities. The design also encourages cross-flow ventilation in summer.

- *Stormwater (cl.36)*

The concept design by Martens and Associates achieves relevant water quality objectives and detention targets, as discussed in part 5.13 of this report.

- *Crime prevention (cl.37)*

In order to ensure satisfactory *Crime Prevention Through Environmental Design* ('**CPTED**'), a report was commissioned to review and make recommendations where required. The design has adopted those recommendations where possible.

- *Accessibility (cl.38)*

Whilst not required in order to comply with other provisions of the Senior's SEPP, the updated plans submitted to Council in July 2020 nominate a potential location for bus shelters in Remembrance Driveway and Rockford Road, both immediately in front of the subject site. These will cater for residents both leaving the site, and returning to the site. The bus shelter locations and either adjacent to or in the immediate vicinity of pedestrian access points to/from the administration building, which will provide an *obvious and safe pedestrian link* (cl.38(a)). In addition, the updated information provided in the Martens Traffic report considers the safety and practicality of the pedestrian route to the Tahmoor shopping/commercial area, should residents choose to walk rather than catching a bus.

The pedestrian access around the site is considered satisfactory, including landscaped access ways. Parking practices will be developed and managed by the village management to ensure safety of residents (cl.38(b)).

- *Waste management (cl.39)*

A Waste Management strategy has been prepared for the site, which maximises opportunities for recycling. A private contractor will be contracted to provide garbage collection services, as detailed in the Waste Management Plan and part 4.9 of this report.

SITE ANALYSIS PLANS:

- Area analysis plans
- Site analysis plans
- Site analysis – trees
- Accessibility analysis

Wollondilly Council Open Space, Recreation and Community Facilities Strategy

The Wollondilly Council *Open Space, Recreation and Community Facilities Strategy* was prepared by Clouston Associates in May 2014 (issue G).

The core aims and objectives of the Strategy are to:

- Identify and document the existing open space and community facilities and their distribution across the LGA;
- Achieve a clear understanding of stakeholder and community needs in relation to open space, recreation and community facilities;
- Enhance the recreational, environmental and social values of open space, recreation and community facilities across the LGA by better matching facility provision and accessibility to the community's needs, in line with best practice;
- Establish clear linkages and corridors that enhance recreational connectivity, walking and cycling accessibility to day-to-day destinations (shops, transport, work, school, parks, community facilities) and the natural values of the LGAs open space;
- Identify actions and strategies that will enhance the community's health and wellbeing;
- Document actions that will ensure that open space and community facilities are sustainably managed from economic, environmental, social and cultural perspectives.

The purpose of the strategy is to inform a number of key Council Policies and Strategies including:

- Council's Developer Contributions Plan;
- Development of Plans of Management;
- Levels of embellishment and the scale and nature of future facilities;
- The Strategic acquisition and disposal of property

In schedule 2 of the Site Compatibility Certificate for this project, the Sydney Western City Planning Panel imposed certain requirements on its determination to issue the SCC. Specifically, one of those requirements is:

An assessment addressing Council's Open Space, Recreation and Community Facilities Strategy (2014) to respond to the need for private open space.

The strategy itself does not address private open space. Nevertheless, the strategy's findings, summarised in the executive summary, identify the need for significant intervention in order to sustain and improve the public open space, recreation and community facilities in the long term.

The challenge for the proposed development is to ensure that sufficient private open space is available at the site, in order that it not create additional burdens on the existing public spaces.

In this regard, the following is highlighted:

- The design of this scheme is individual dwelling houses, each with its own front and rear yard (private open space areas);
- The proposal provides a very generous open space area around the curtilage of the Stratford House building which, although not “private open space” in the sense it is for one resident’s private use, it is private insofar as it is not open to the public. All residents will have access to the area.
- The Stratford House building, once the alterations and additions are made, will provide areas for the following:
 - Library;
 - Gymnasium
 - Activity room;
 - Consultation room;
 - Dining room;
 - Games room;
 - Spa.

Whilst it is not the intention to cloister residents from being active in the community, nevertheless the provision of these facilities within the grounds is expected to relieve pressure on existing facilities provided for by Council. In addition, as the operation and maintenance of these facilities will be funded through levies from residents, there will be no financial burden on Council as a result of this development.

At part 6 of the strategy (p104), a suggestion is made that *“Developers should demonstrate that they have analysed the needs of future residents and the existing local open space context in preparing their open space proposals.*

This analysis has been undertaken and provision made as outlined above.

On p105, the strategy further suggests:

Subdivisions or Development Applications should demonstrate that proposed open space is accessible, ie generally no greater than 400m distance from any residence.

Comment: As well as the private open space within the front and rear yards of each proposed dwelling, the area around the Stratford House building is closer than 400m to every proposed dwelling with an accessible path of travel from each proposed dwelling to the existing garden area.

Proposed open space should largely be free of major constraints (eg easements, steep gradients, major infrastructure) and at minimum provide for basic day to day recreation needs (seating, shade, kickabout, play etc), the scope of which would be subject to scale and density of the development;

Comment: The area around Stratford House is free of constraints and could provide a range of recreation activities.

Natural landscapes (ie creeks, river and bushland) should be integrated into the development and, where legislation and conservation requirements permit, should include appropriate recreation facilities such as paths and trails.

Comment: Whilst there are no creeks or rivers, we note that most of the extensive vegetation around Stratford House will remain, thereby being integrated into the open space area.

In our view, the open space provided by this proposal does not place any burden on the existing public open space areas of the Shire and is consistent with recommendations of the strategy where applicable.

Tahmoor Railway Station
(750m walk from site to station)

Emmett Park
Picnic facilities, childrens
playground, toilets, tennis
courts.

Pedestrian pathway currently
missing around park

Existing car parking

Existing school crossing

Bus stop

Existing pedestrian crossing
outside School

Carparking for Woolworths
supermarket, service station,
takeaway food restaurants

Pedestrian refuge Island

Bus stop

Missing footpath

Pedestrian refuge island

Tahmoor strip shops with
seperate angle parking off main
road

Pedestrian refuge island

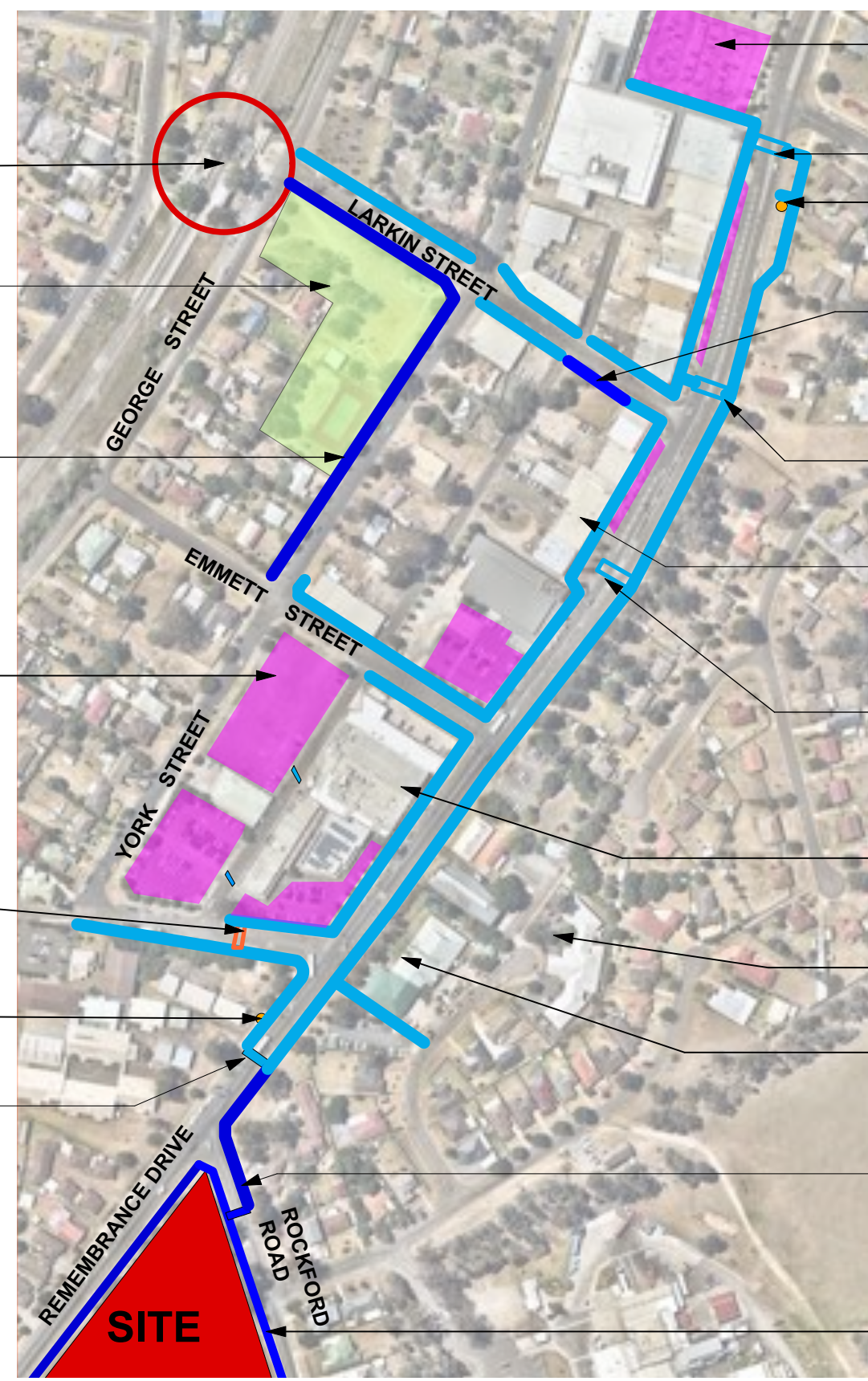
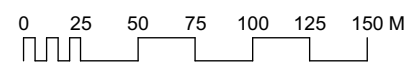
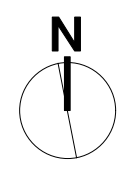
ALDI and other retail with
vehicle parking

Tahmoor Community Health
Centre

Tahmoor Community Centre

New pedestrian crossing
required in Rockford Street

New pedestrian path required
around site.



Stratford House, Tahmoor Site Accessibility

scale as shown 11 Dec 2019

Tahmoor Public School
and Childcare centre

Great Southern Rail Line
(750m walk from site to
station at Tahmoor)

Recent Townhouse Development
- less than 400m² lots

"Tahmoor Central"
commercial development
under construction

Creekline to Bargo River

Tahmoor Inn Hotel and Motel

Drainage swale to Bargo River

Existing drainage area (native
vegetation and weeds).
Part of motel site

Fitness studio

Older style single storey fibro,
weatherboard and brick
cottages on 1ha lots

Tahmoor Catholic Church
and residential
accommodation

Bargo River 650m from site

ALDI and other commercial

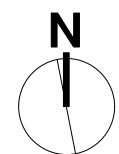
Tahmoor Community Health
Centre

Tahmoor Community Centre

Inghams Turkey Processing Plant

Older style single storey fibro,
weatherboard and brick
cottages on 1ha lots

Rural residential lots 2ha and
larger

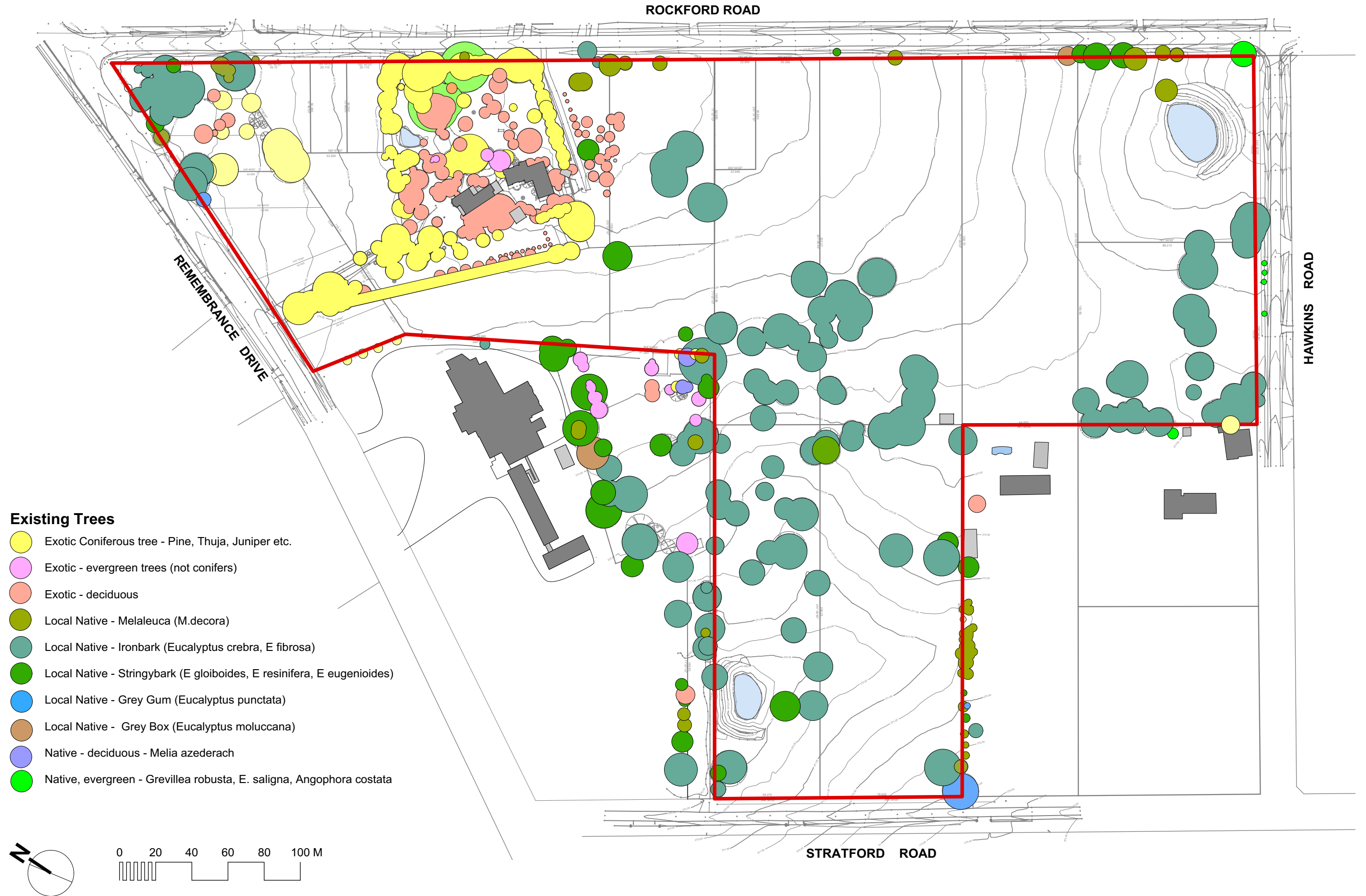


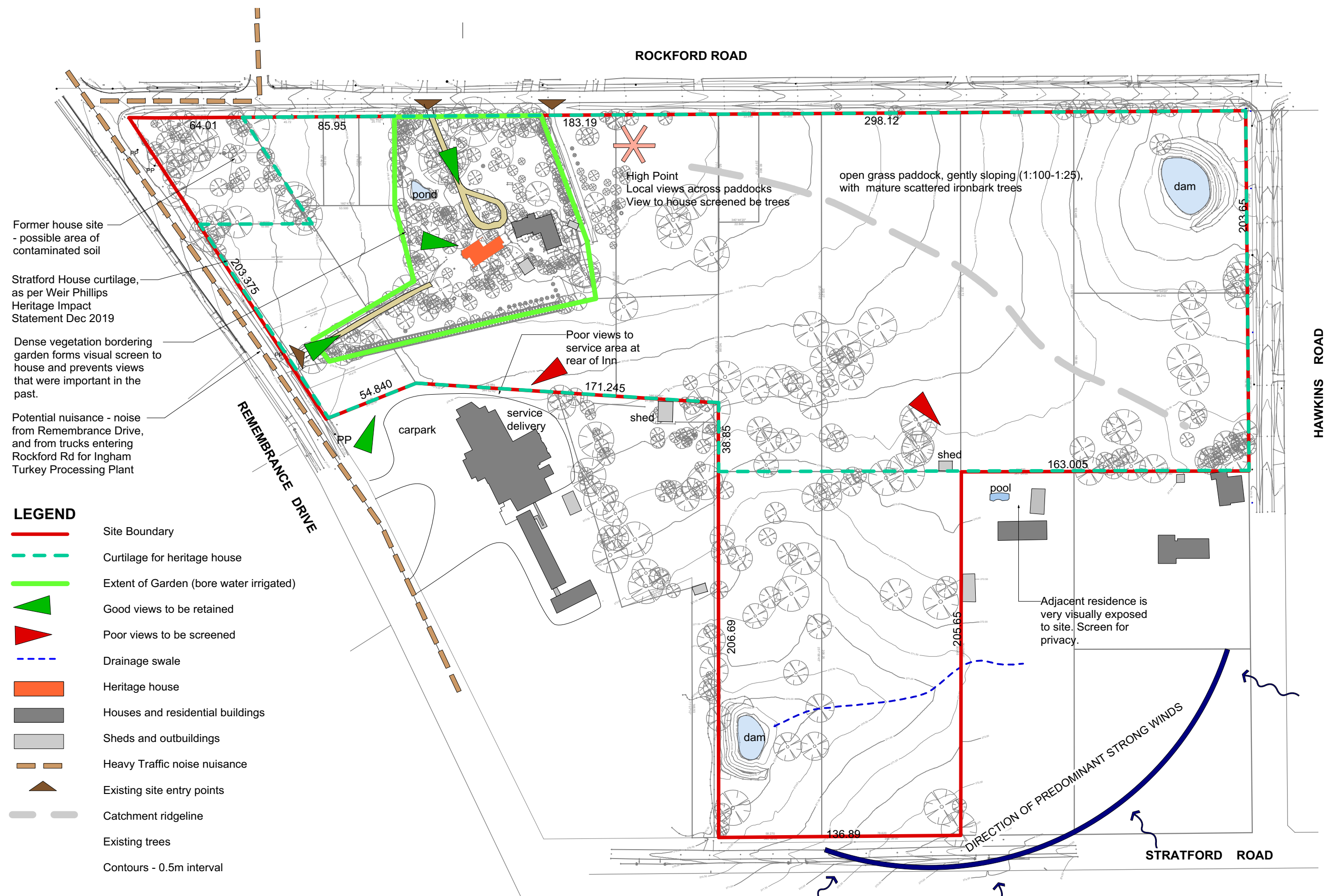
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Stratford House, Tahmoor Site Analysis - Precinct

scale 1:4000 @A3 11 Dec 2019





Stratford House, Tahmoor Site Analysis

scale 1:2000 @A3 11 Dec 2019

ANNEXURE E

ACCESS TO SERVICES/FACILITIES PLAN



P1 AMENITIES PLAN FOR PROPOSED RETIREMENT VILLAGE
SCALE: 1:1500

KEY

- Sf. - DENOTES STAIRS
- PC - DENOTES PRAM CROSSING
- - PATH OF WALKING TO 'MEDICAL CENTRE'
- - PATH OF WALKING TO BUS STOP (SOUTHERN SIDE OF REMEMBRANCE DRIVE)
- - PATH OF WALKING TO PROPOSED 'TAHMOOR CENTRAL' DEVELOPMENT
- - PATH OF WALKING TO 'TAHMOOR INN' HOTEL AND RESTURANT
- - PATH OF WALKING FROM FOOTPATH TO COMMUNITY CENTRE
- - PATH OF WALKING TO 'TAHMOOR TOWN CENTRE'

NOTE: REFER TO DRG 190529.02 FOR GRADES AND DISTANCES

AMENITIES, SERVICES AND FEATURES											
IDENTIFIER		DETAILS	DISTANCE FROM SITE	IDENTIFIER		DETAILS	DISTANCE FROM SITE	IDENTIFIER	DETAILS	DISTANCE FROM SITE	
1		PROPOSED RETIREMENT VILLAGE	0m	12		BRONZEWING STREET	192m	23		BEAUTY SALON	675m
2		DRIVEWAY ENTRANCE TO 'TAHMOOR INN'	281m	13		MEDICAL CENTRE	262m	24		NEWSAGENCY	605m
3		'TAHMOOR INN' HOTEL	303m	14		PHARMACY	269m	25		POST OFFICE	645m
4		ROCKFORD ROAD	15m	15		BOTTLE SHOP	290m	26		BUS STOP	733m
5		PAINTED PEDESTRIAN CROSSING	82m	16		EMMETT STREET	306m	27		'TAHMOOR TOWN CENTRE'	706m
6		MEDICAL CENTRE	139m	17		CONCRETE PEDESTRIAN REFUGE	320m	28		CONCRETE PEDESTRIAN REFUGE	660m
7		INFORMAL UNMARKED BUS STOP (AS BY PICTON BUSLINES)	128m	18		BUS STOP	324m	29		BUS STOP	634m
8		COMMUNITY CENTRE	195m	19		SUPERMARKET - ALDI	337m	30		PLACE OF WORSHIP - ANGLICAN CHURCH	524m
9		DENTIST	217m	20		VARIOUS SPECIALTY SHOPS AND EATERIES	433m	31		END OF FOOTPATH FORMATION	304m
10		CAFE AND BARBER	237m	21		LARKIN STREET	500m	32		PROPOSED 'TAHMOOR CENTRAL' DEVELOPMENT	389m
11		BUS STOP	103m	22		BANK - NAB	550m	33		SUPERMARKET - FOOD WORX	234m

T1 TABLE OF AMENITIES, SERVICES AND FEATURES

NOTE: This information was prepared as a plan to accompany a development application. Grades and distances shown are by GNSS survey.

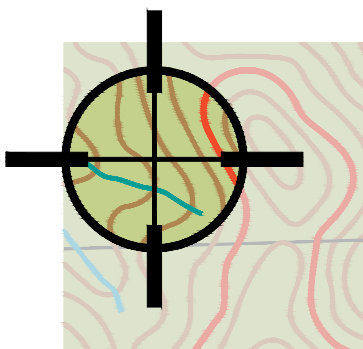
This note is an integral part of this plan.

A1
SHEET

0 50 100 150
SCALE: 1:1500
METRES

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ISSUE	AMENDMENT	DRAWN	DATE
A	INITIAL ISSUE	BW	11/12/19
B	WALKING TO TAHMOOR CENTRAL ROUTE AMENDED	PB	13/12/19



AustralianSurveySolutions
ABN 54 146 524 585
PO Box 498
BOWRAL 2576 NSW
T: 1300 49 39 79
M: 0417 49 39 79
enquiry@aussurvey.com.au
www.aussurvey.com.au

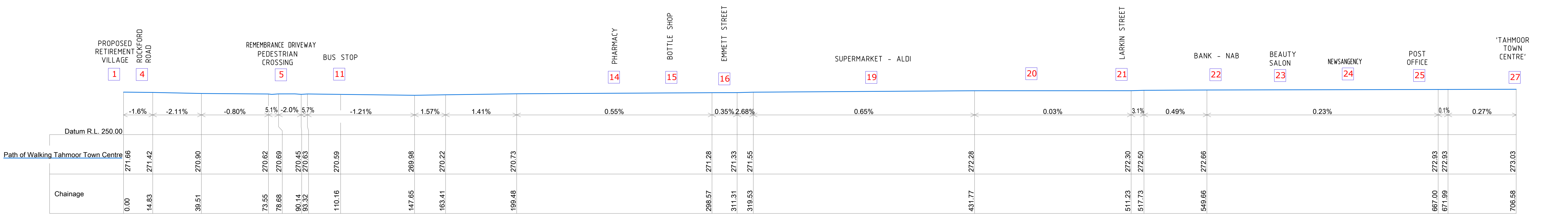
Y:\REPORTS\2019\190529-20-30 ROCKFORD ROAD TAHMOOR\CAD\190529- AMENITIES LOCATIONS REV B.DWG

Client: Common Ground Property NSW

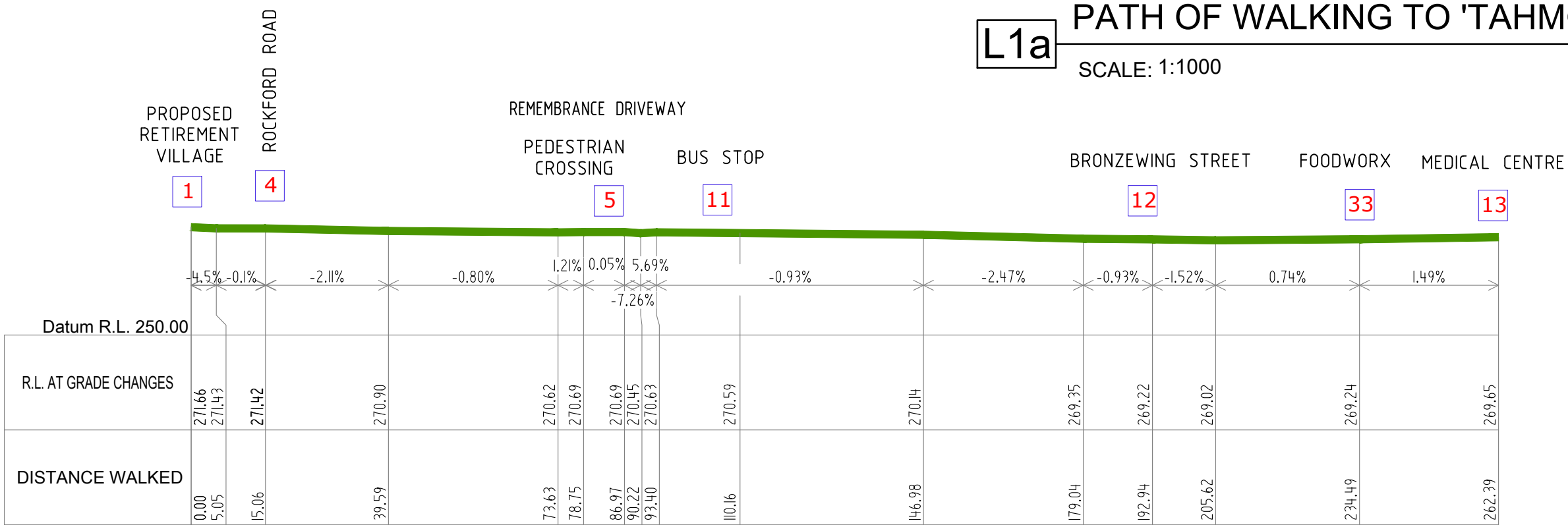
LOCAL GOVERNMENT AREA OF: WOLLONDILLY
AMENITIES PLAN FOR PROPOSED RETIREMENT VILLAGE
LOTS 1-7, 22-23, 27-32
DP 12096, LOTS 2-3 DP 236262, LOT 11 DP 739884
20- 30 ROCKFORD ROAD, TAHMOOR

SCALE: 1: 1000 DATUM: AHD DATE OF SURVEY: 30 Nov 2019

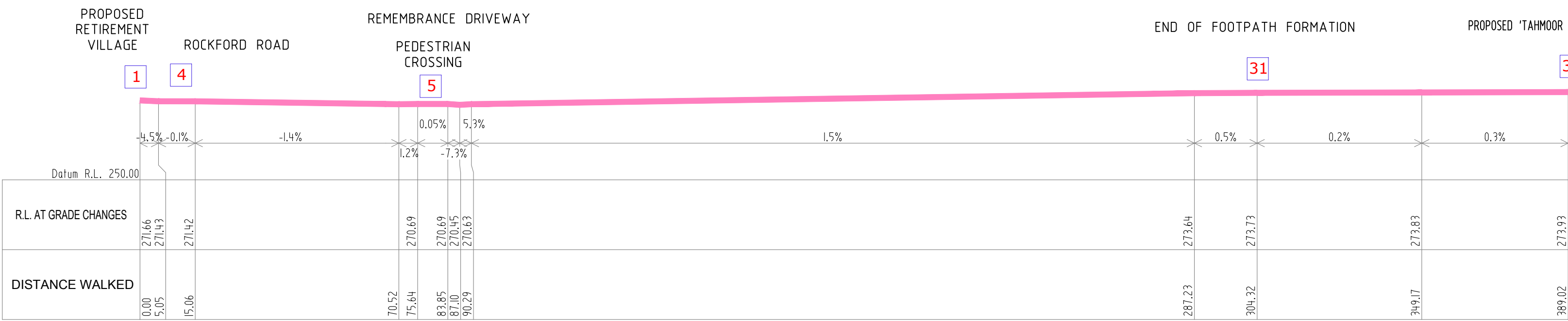
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DRAWN: BW	B
CHECKED: PB	
DRAWING No.	190529.01



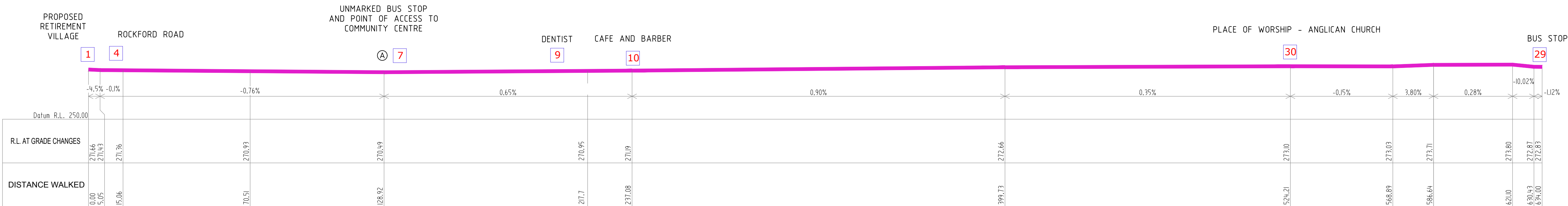
L1a PATH OF WALKING TO 'TAHMOOR CENTRE'
SCALE: 1:1000



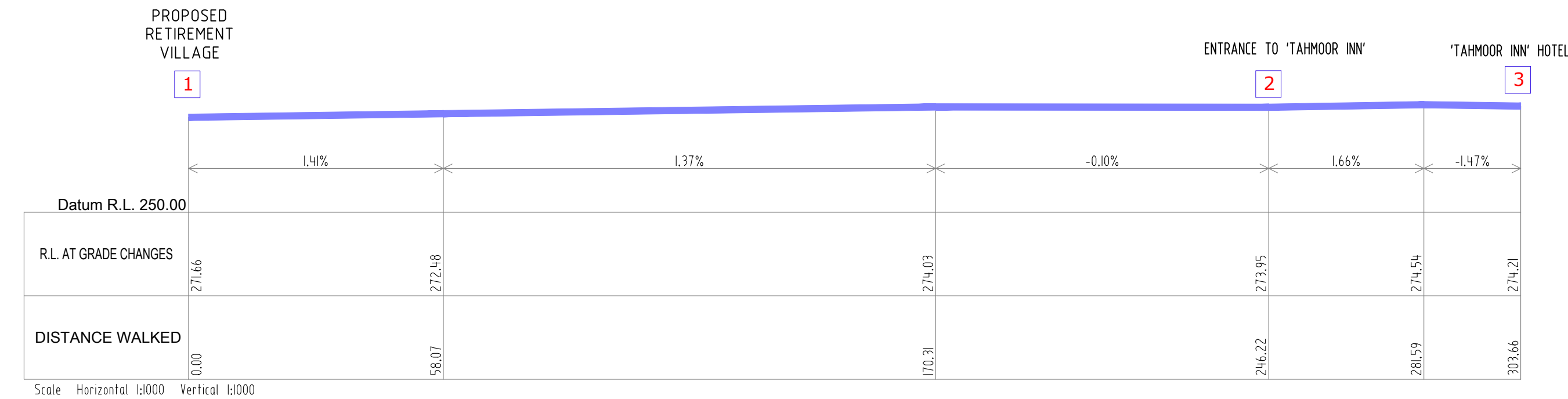
L1B PATH OF WALKING TO 'MEDICAL CENTRE'
SCALE: 1:1000



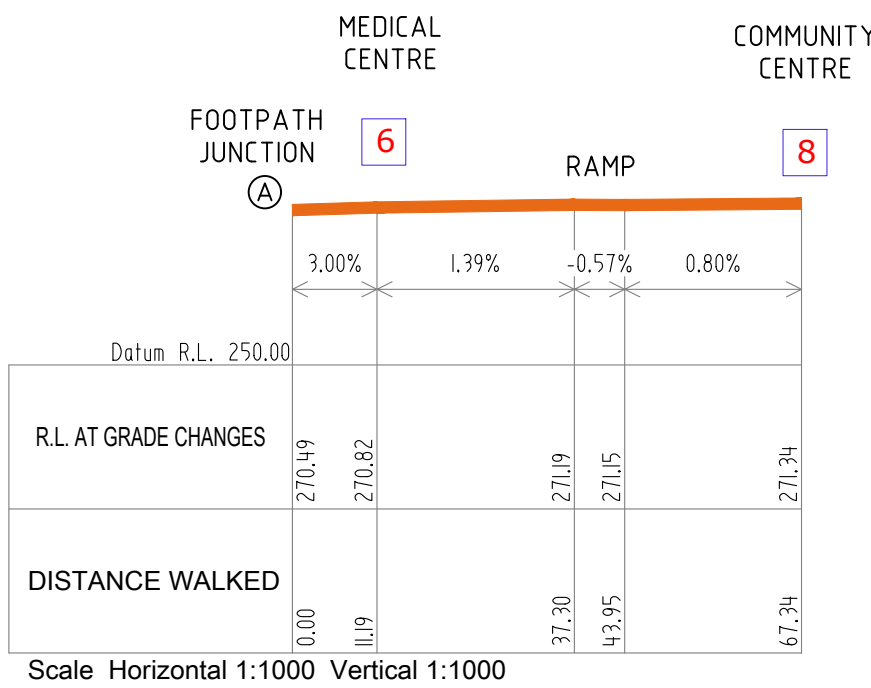
L3 PATH OF WALKING TO PROPOSED 'TAHMOOR CENTRAL' DEVELOPMENT
SCALE: 1:1000



L5 PATH OF WALKING TO BUS STOP (EASTERN SIDE OF REMEMBRANCE DRIVE - SOUTHBOUND)
SCALE: 1:1000



L2 PATH OF WALKING TO 'TAHMOOR INN' HOTEL AND RESTURANT
SCALE: 1:1000



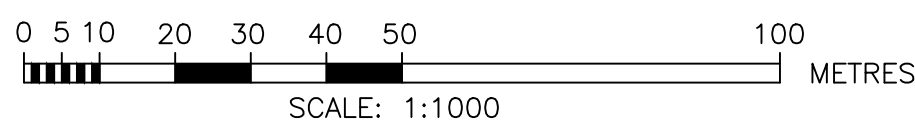
L4 PATH OF WALKING FROM FOOTPATH TO COMMUNITY CENTRE
SCALE: 1:1000

NOTE: REFER TO DRG 190529.01 FOR PLAN OF ROUTES

NOTE: This information was prepared as a plan to accompany a development application. Grades and distances shown are by GNSS survey.

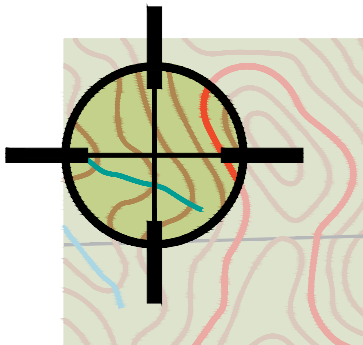
This note is an integral part of this plan.

A1
SHEET



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ISSUE	AMENDMENT	DRAWN	DATE
A	INITIAL ISSUE	BW	11/12/19
B	WALKING TO TAHMOOR CENTRAL ROUTE AMENDED	PB	13/12/19



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Client: Common Ground Property NSW

LOCAL GOVERNMENT AREA OF: WOLLONDILLY
LONG SECTIONS OF WALKING ROUTES TO AND FROM PROPOSED
RETIREMENT VILLAGE
LOTS 1-7, 22-23, 27-32
DP 12096, LOTS 2-3 DP 236262, LOT 11 DP 739884
20-30 ROCKFORD ROAD, TAHMOOR

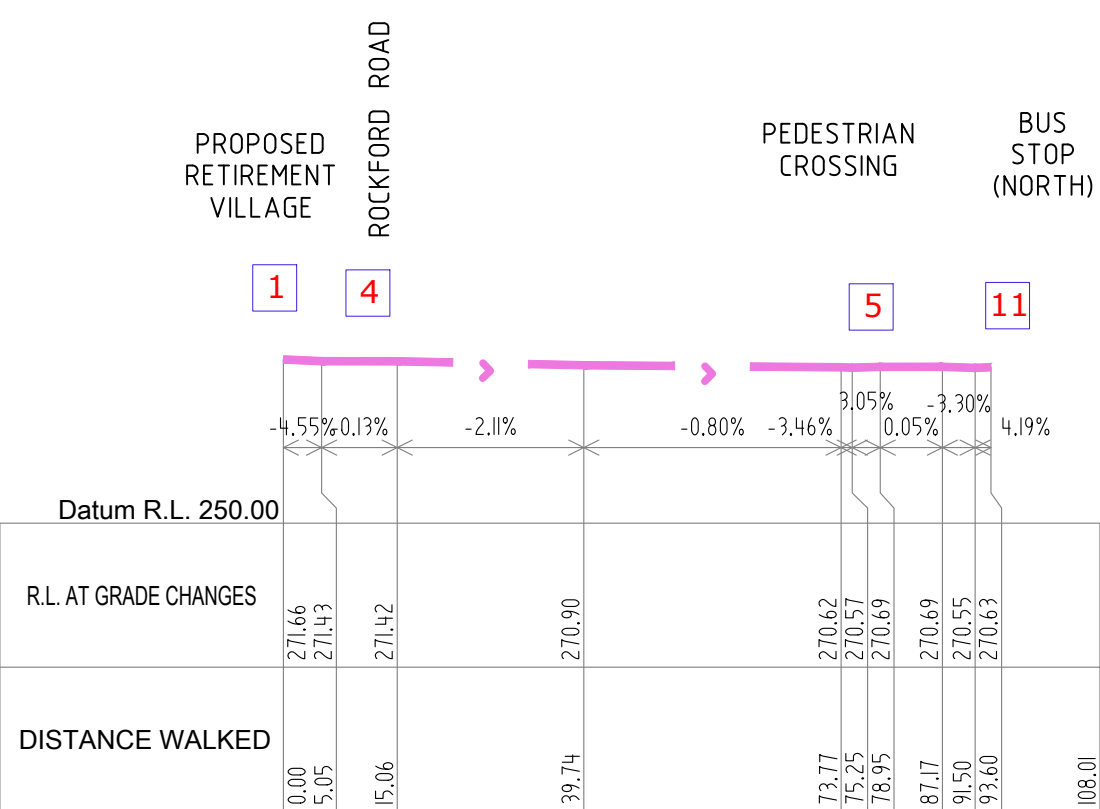
SCALE: 1: 1000 DATUM: AHD DATE OF SURVEY: 30 Nov 2019

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DRAWN: BW
CHECKED: PB
DRAWING No.
190529.02
ISSUE
B

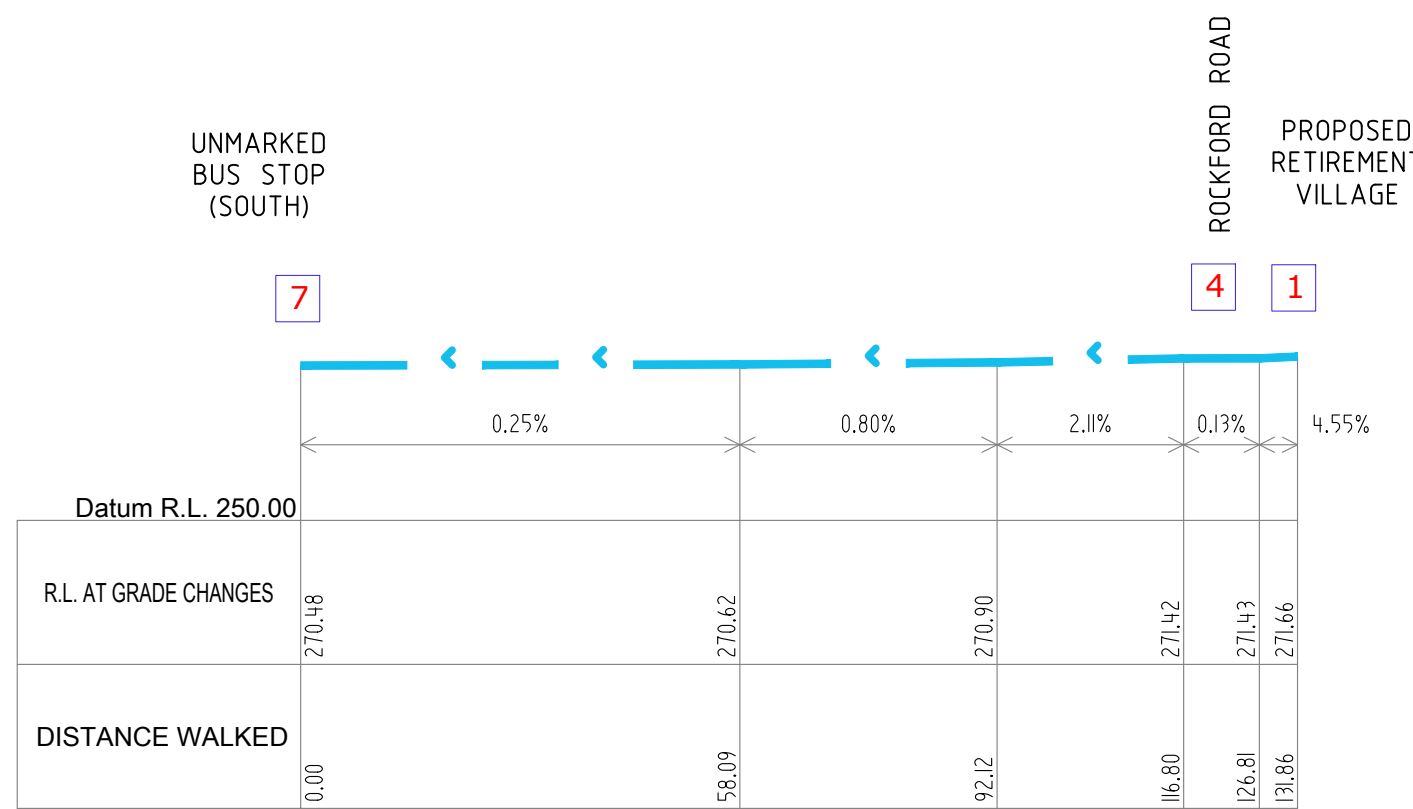


- KEY
- PATH OF WALKING FROM PROPOSED DEVELOPMENT TO BUS STOP
 - PATH OF WALKING FROM BUS STOP TO PROPOSED DEVELOPMENT

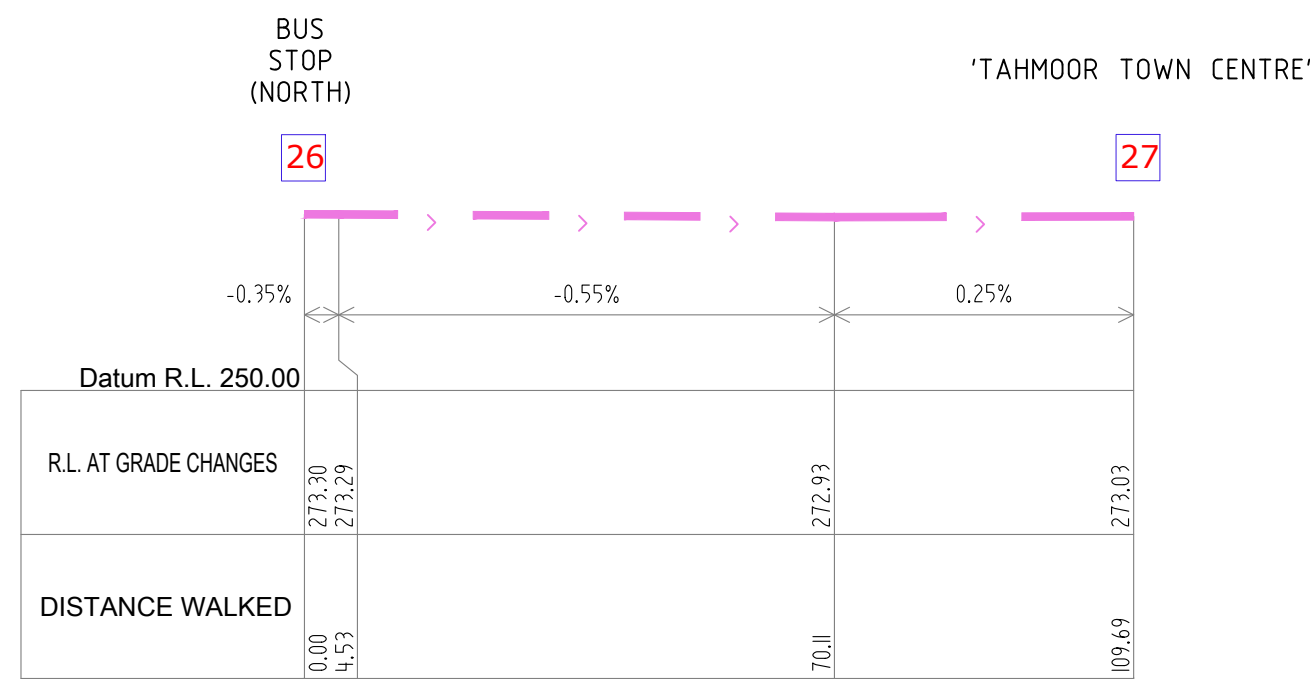
P2 PLAN OF ROUTE - PROPOSED DEVELOPMENT TO BUS STOPS
SCALE: 1:500



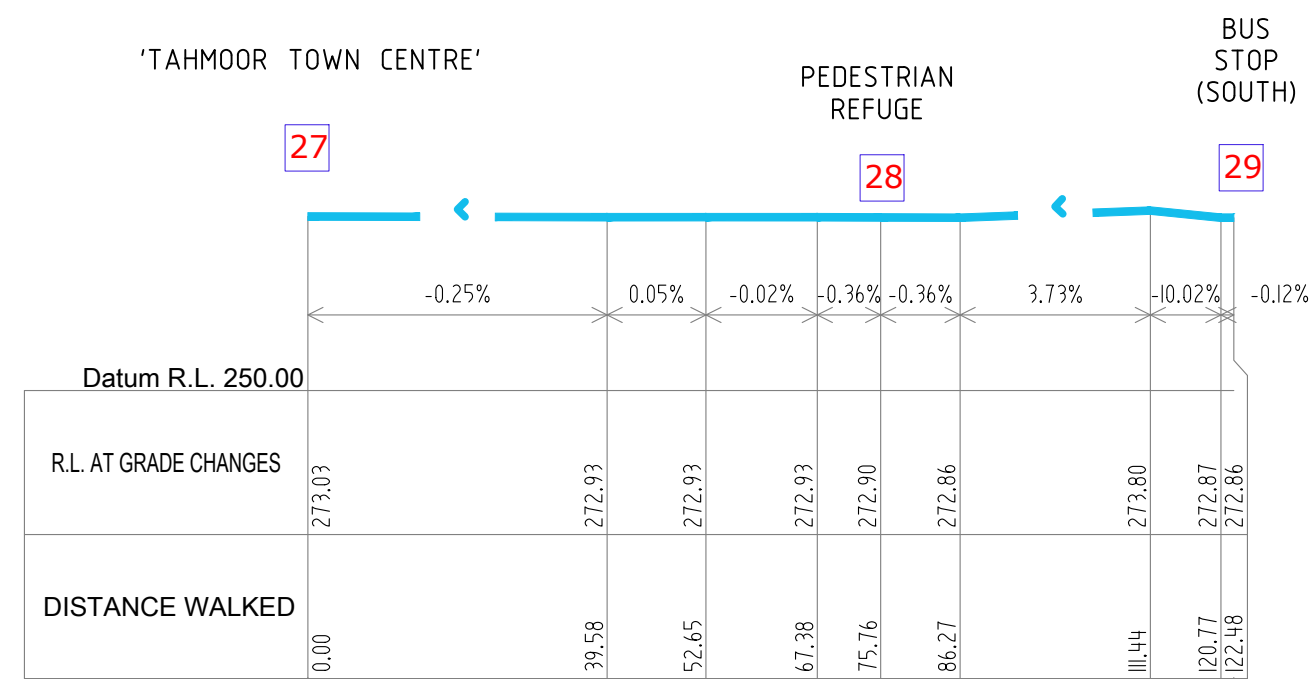
L6 PROPOSED DEVELOPMENT TO BUS STOP (NORTH)
SCALE: 1:1000



L7 BUS STOP (SOUTH) TO PROPOSED DEVELOPMENT
SCALE: 1:1000



L8 BUS STOP (NORTH) TO 'TAHMOOR CENTRE'
SCALE: 1:1000



L9 'TAHMOOR CENTRE' TO BUS STOP (SOUTH)
SCALE: 1:1000

NOTE: This information was prepared as a plan to accompany a development application. Grades and distances shown are by GNSS survey.

This note is an integral part of this plan.

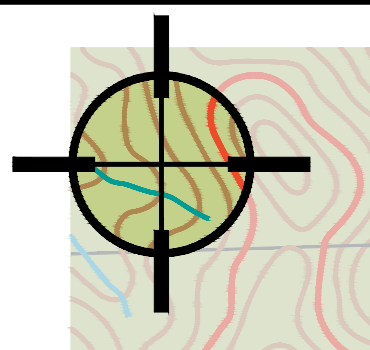
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SHEET

0 10 20 30 40 50 METRES
SCALE: 1:500

0 5 10 20 30 40 50 100 METRES
SCALE: 1:1000

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ISSUE	AMENDMENT	DRAWN	DATE
A	INITIAL ISSUE	BW	5/12/19
B	WALKING TO TAHMOOR CENTRAL ROUTE AMENDED	PB	13/12/19



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Y:\REPORTS\2019\190529-20-30 ROCKFORD ROAD TAHMOOR\CAD\190529-AMENITIES LOCATIONS REV B.DWG

Client: Common Ground Property NSW

LOCAL GOVERNMENT AREA OF: WOLLONDILLY
ROUTES TO EXISTING BUS STOPS ADJACENT TO
PROPOSED RETIREMENT VILLAGE
LOTS 1-7, 22-23, 27-32
DP 12096, LOTS 2-3 DP 236262, LOT 11 DP 739884
20-30 ROCKFORD ROAD, TAHMOOR

SURVEYED: TH/HF
DRAWN: BW
CHECKED: PB
DRAWING No.
190529.03

ISSUE
B

SCALE: 1: 1000 DATUM: AHD DATE OF SURVEY: 30 Nov 2019

ANNEXURE F

CLAUSE 4.6 VARIATION REQUEST



Planning | Development | Management

11 July 2020
Our Ref: 1343

The General Manager
Wollondilly Council
PO Box 21
PICTON NSW 2571

Dear Sir

**DA: 2019/719/1 – proposed senior's housing development
Stratford House, Rockford Road Tahmoor
Cl.4.6 variation request – height of existing building**

A development application has been lodged with Wollondilly Council, which seeks approval to a proposed Senior's Living development at 'Stratford House' and the lots that make up the *subject land* for DA2019/719/1.

This letter seeks support for a variation to the development standard pertaining to height contained in cl.40(4)(a) *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ('**Senior's SEPP**').

1. Introduction

1.1 *The Proposal*

The *proposed development* is described as follows:

Demolition of structures as specified, dam dewatering, vegetation clearing, senior's housing development comprising 214 self-contained dwellings (serviced self-care housing), alterations and additional to existing building (Stratford House), installation of temporary onsite effluent system, associated civil and stormwater works, landscaping, to be developed in 11 stages.

1.2 *The Purpose*

This letter has been prepared at the request of Wollondilly Council in order to address the requirement of cl.40(4)(a) *Seniors SEPP*, which reads:

If the development is proposed in a residential zone where residential flat buildings are not permitted –

(a) The height of all buildings in the development must be 8 metres or less

Note. Development consent for development for the purposes of senior's housing cannot be refused on the grounds of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48(a), 49(a) and 50(a).

This letter is intended to be the “written request” referred to in cl.4.6(3) *Wollondilly Local Environmental Plan 2011* (**‘WLEP’**). This letter formally requests Council’s support to a variation to the maximum height development standard contained in cl.40(4)(a) Senior’s SEPP.

2. Clause 40(4)(a) Senior’s SEPP

2.1 *Varying a development standard*

The NSW Department of Planning and Environment’s publication “*Varying Development Standards; A Guide*” (August 2011), reads:

The NSW planning system currently has two mechanisms that provide the ability to vary development standards contained within environmental planning instruments:

- *Clause 4.6 of the Standard Instrument Local Environmental Plan (‘SILP’);*
- *Standard Environmental Planning Policy No 1 – Development Standards (‘SEPP 1’)*

In this instance, SEPP 1 does not apply, as the Senior’s SEPP is an ‘*Environmental Planning Instrument*’, as referred to in cl.4.6(2) WLEP.

This submission seeks to vary the abovementioned maximum height-related development standard applicable to the proposal. It does not seek to introduce any new controls or development standards. Neither the subject site, nor the proposal, meet any circumstances contained in cl.4.6(6) WLEP. Therefore, the use of cl.4.6 WLEP to vary the relevant height standard is appropriate in this instance.

2.2 *The current legal context*

This request has been prepared having regard to the principles and matters arising out of the recent guideline judgements involving Clause 4.6 variations, in particular:

- *Al Maha Pty Ltd Vs Huajun Investments Pty Ltd* [2018] NSWCA 137
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 (and its predecessor, *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386)
- *Wehbe v Pittwater Council* [2007] NSWLEC 827

It is noted that the judgments in *Al Maha Pty Ltd* and *Initial Action Pty Ltd* reaffirmed the Court's prior judgment in respect to *Micaul Holdings Pty Ltd*, which in turn, refers back to the following key principles:

- That compliance with the development standard must be unreasonable or unnecessary in the circumstances of the case.
- There must be sufficient environmental planning grounds to justify contravening the development standard.
- The applicant's written request must adequately address the matters required to be demonstrated by Clause 4.6(3).
- The proposed development must be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.
- Concurrence to the variation is required by the Secretary, as noted above.

The judgment of *Initial Action Pty Ltd* in particular referred to the following principles:

- There are five ways in which an applicant may demonstrate compliance with a development standard is unreasonable or unnecessary, as discussed in *Wehbe v Pittwater Council*, however these five ways are not exhaustive, and proving one way is sufficient.
- Environmental planning grounds include grounds relating to the subject matter, scope and purpose of the Environmental Planning and Assessment Act, including its objects in section 1.3. Those grounds must be sufficient to justify the contravention with respect to the aspect or element of the development that is contravening the standard.
- The consent authority must be satisfied that the proposed development will be in the public interest *because* it is consistent with the objectives of the development standard and the zone in which the development is proposed to be carried out.

3. The Nature of the Variation

3.1 The applicable planning instrument and zoning

The *Wollondilly Local Environmental Plan 2011* is the principal local planning instrument that applies to the subject land. However, the statewide *State Environmental Planning Policy (Housing for Senior's and People with a Disability) 2004* is the principle planning in this circumstance.

The subject land is partly zoned R2 Low Density Residential and the remainder zoned RU2 Primary Production Small Lots under WLEP.

3.2 The zone objectives

The objectives of the R2 Low Density Residential zone are:



- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

The objectives of the RU4 Primary Production Small Lots are:

- To enable sustainable primary industry and other compatible land uses
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature
- To minimize conflict between land uses within this zone and land uses within adjoining zones
- To provide areas within which the density of development is limited in order to maintain a separation between urban areas

The Senior's SEPP enables the proposed development for the area zoned R2 Low Density Residential.

A Site Compatibility Certificate ('SCC') has been issued for the area zoned RU4 Primary Production Small Lots in order to enable the proposed development on that land.

3.3 The standard being varied

The standard to which this request relates is the maximum height standard contained in cl.40(4)(a) Senior's SEPP.

3.4 Is the standard a 'development standard'?

Yes, the maximum height of buildings standard is considered to be a 'development standard'.

3.5 Does the standard apply?

The 'Stratford House' building is an existing, two-storey building which is listed as an item of local heritage significance in WLEP and is currently used as a residence. The existing building exceeds the maximum height specified in cl.40(4)(a) Senior's SEPP. The development application proposes for this building to be adapted for administrative, dining and recreational uses in conjunction with the senior's living development. New additions to the building are proposed, however all proposed new additions are below the maximum height standard.

The standard itself contains two preconditions in relation to the land on which the development is proposed, namely:

- The development is proposed in a residential zone; and
- Residential flat buildings are not permitted

The land which is the subject of the proposed development is partly zoned R2 Low Density Residential under WLEP and residential flat buildings are not permissible under WLEP in this zone. Therefore, the land on which the development is proposed meets these two preconditions.

The specific wording in cl.40(4)(a) captures all buildings and makes no distinction between existing and proposed buildings. So, whilst in the current circumstance the exceedance relates to an existing building, the standard still applies. Further, if clause 40(4)(a) is read to apply to “uses”, as well as the structure itself, then the existing building is being put to a new “use” and therefore the standard would still apply to the current circumstance.

3.6 Is the development standard a performance-based control or a numerical control?

The development standard is a numerical control.

3.7 What is numerical value of the development standard?

Maximum building height of 8 metres.

3.8 What are the objectives of the development standard?

The Senior’s SEPP does not provide any specific objective for the standard. Nevertheless, for guidance, cl.4.3 WLEP, which relates to maximum height of buildings, contains the following objectives in relation to maximum height of building standards. In this circumstance, such objectives from cl.4.3 WLEP have been adopted as being the underlying purpose or objective of the standard:

- (a) To minimize the impact of new development on neighbouring properties and the streetscape with regard to bulk, overshadowing, privacy and views;
- (b) To maintain a size and scale of development that is compatible with the existing and emerging character of the locality;
- (c) To ensure that the height of buildings is compatible with the landscape and environmental constraints of the land

3.9 What is the quantum of exceedance of the standard?

The roof of the existing building is a maximum of 9.58 metres above the existing ground level at the corresponding location. This is a maximum 19.75% exceedance.

4. The context of the variation

Clause 4.6(2) WLEP permits flexibility in the application of development standards by the consent authority following consideration of a written request from the applicant that seeks to

justify the contravention of the development standard. The written request must demonstrate, to the satisfaction of the consent authority:

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- That there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. The concurrence of the Secretary of Department of Planning & Environment ('DPE') must also be obtained.

5. Assessment of the variation

5.1 Overview

In order for the proposed variation to be supported, the consent authority must be satisfied that compliance with the standard is unreasonable **or** unnecessary in this case and that there are sufficient environmental grounds to justify contravening the standard. The consent authority must also be satisfied that the proposal will be in the public interest, notwithstanding the contravention of the development standard.

5.2 Is strict compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

CI.4.6(3)(a) WLEP

Strict compliance with the 8 metre standard is both unreasonable and unnecessary in this circumstance, for the following reasons.

A. Unreasonable

- Strict compliance is unreasonable in this circumstance, because the only action that could be taken to force compliance is the demolition of the upper floor of the building. Given that the building is part of a WLEP listing as an item of local heritage significance, such action is unreasonable and a poor planning outcome and is not supported on heritage grounds.
- Strict compliance is unreasonable in this circumstance, because the proposed adaptive re-use of the heritage building will further prolong its useful life and the potential removal of its upper floor would result in a greater footprint having to be constructed within its curtilage. This would not only have heritage impact implications but is also simply a waste of money.

- Strict compliance is unreasonable in this circumstance, because, in terms of balance, the existing building is the only height non-compliance. The proposed alterations and additions are compliant, as are the proposed 214 dwellings.
- Strict compliance is unreasonable in this circumstance, because the subject land (RU4 zoned area) has no height limit under the WLEP and even the conventional residential areas of Tahmoor have a 9 metre maximum height limit. The land immediately opposite the subject land has a 12 metre height limit. The non-compliance of the existing building is not peculiar or out-of-character with the height limits of land in the immediate vicinity of the site.
- Strict compliance is unreasonable in this circumstance, because the non-compliance occurs only in relation to the pitched roof of the building. The walls of the building are lower than 8 metres and the height of 9.58 metres from existing ground level is measured to the ridge line of the pitched roof. The non-compliant section of the building, therefore, does not create any excessive bulk, scale, overshadowing or privacy impacts.
- Strict compliance is unreasonable in this circumstance, because the building is located approximately 100m from the nearest dwellings to the east and approximately 150m from the nearest dwelling to the southwest. The non-compliance results in no impacts to these residential properties.
- Strict compliance is unreasonable in this circumstance, because the building is located approximately 80m from the Tahmoor Inn, which is a commercial building. The non-compliance results in no impacts to this commercial property.

B. Unnecessary

- Strict compliance is unnecessary in this circumstance, because the non-compliance has been in existence without causing offense for many years. The building in its current form creates no visual or streetscape impacts. There is no environmental planning justification for forced compliance.
- Strict compliance is unnecessary in this circumstance, because the building is shrouded by comprehensive mature landscaping and cannot be seen from any public vantage points (refer to Figure 1 below)
- Strict compliance is unnecessary in this circumstance, because the “Note” which forms part of cl.40(4)(a) Seniors SEPP prevents a consent authority refusing a development application for Seniors Housing on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. In this circumstance, whilst the **existing building** exceeds 8 metres in height, the **‘proposed’** buildings are all 8 metres or less in height.
- Strict compliance is unnecessary in this circumstance, because the adopted *underlying* objectives of the standard are achieved, notwithstanding the non-compliance with the standard (refer to Part 5.4 of this variation request)



FIGURE 1 – Stratford House surrounded by comprehensive and mature vegetation and is significantly separated from nearby residences and commercial uses

5.3 Environmental Planning Grounds

CI4.6(3)(b) WLEP

As previously detailed, the feature which contravenes the development standard is part of the pitched roof of the heritage building. The mass of the building (both levels) are below 8m. The following environmental planning grounds justify contravening the development standard.

- i. The additional 1.58m height of the pitched roof over and above the 8m standard will result in negligible and generally imperceptible impact, in terms of bulk, scale, overshadowing and visual amenity.

- ii. The height non-compliance is existing and has existed without causing offense for many years. The building is considered and accepted as part of the character of the locality.
- iii. In terms of the objects of the EPA Act (cl 1.3), the height non-compliance is acceptable because it:
 - Promotes the orderly and economic use and development of land. In light of the non-compliance arising from an existing, locally heritage listed building, strict compliance is likely to reduce the highest and best use of the site and potentially render the proposal unviable.
 - Continues to promote good design, amenity and adaptive re-use of the built environment
- iv. The scope of the height non-compliance, in the context of the whole development, is relatively minor (19.75%). Whilst numerically this figure exceeds the 10% threshold, in its context (as outlined previously) the non-compliance is considered minor. The non-compliance is of such a minimal adverse impact that it should be supported.
- v. The building is included in the listing with WLEP as an item of local heritage significance. Forced compliance with the standard would necessitate extensive, unwarranted alterations to the heritage item. This would be a very poor environmental planning outcome on heritage grounds.

5.4 Public Interest Grounds

Cl.4.6(4)(a)(ii) WLEP

Cl.4.6(4)(a)(ii) WLEP helpfully identifies that a proposed development will be *“in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”*.

This is essentially a test to determine whether a proposal is in the public interest, thereby necessitating an assessment as detailed below:

Objectives of the standard

A. Height standard objectives

As previously outlined, the height standard contained in cl.40(4)(a) Seniors SEPP does not contain an explicit objective. In the absence of an explicit objective, it is considered appropriate to apply the height standard objectives from cl.4.3(1) WLEP, as follows:

- (a) *To minimize the impact of new development on neighbouring properties and the streetscape with regard to bulk, overshadowing, privacy and views;*



For reasons set out previously, the height non-compliance results in no impact on neighbouring properties, or the streetscape with regard to bulk, overshadowing, privacy and views. The building enjoys a significant buffer distance from neighbouring properties, which also benefits the streetscape, and is screened from the street with well established vegetation.

- (b) *To maintain a size and scale of development that is compatible with the existing and emerging character of the locality;*

The existing building has been in existence for many decades and the surrounding development has built up around it. Its size and scale is well entrenched in the character of the area. The non-compliance will not result in an adverse impact on the existing character of the locality. The emerging character of the area will be required to account for the building in any case, as it is an item of local heritage significance and there are no plans for its demolition.

- (c) *To ensure that the height of buildings is compatible with the landscape and environmental constraints of the land*

The building is an integral component of the landscape in its current form and is compatible with the environmental constraints of the land.

Objectives of the zone

B. Zone objectives

Clause 4.6(4)(a)(ii) WLEP notes that consideration of the public interest must also include consideration of the objectives of the relevant zone, in this case, R2 Low Density Residential and RU4 Primary Production Small Lots.

R2 Low Density Residential

Zone objective	Response
<i>To provide for the housing needs of the community within a low-density residential environment</i>	<i>The proposal achieves this objective by providing a range of housing options for seniors or people with a disability. The area of the site contained within the R2 zone (see Figure 4 below) accommodates 17 dwellings. When considered holistically (with the balance of the land contained in the RU4 zone), the development represents an FSR of 0.2:1, which equates to 1 dwelling per 562sqm across the site, which is considered appropriate.</i>
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i>	<i>The Stratford House building provides facilities to meet day to day needs of the residents.</i>

TABLE 1 – R2 Low Density Residential zone objectives

RU4 Primary Production Small Lots

Zone objective	Response
To enable sustainable primary industry and other compatible land uses	The proposal does not involve any primary industry uses. The operation of the Seniors SEPP in setting aside local planning controls enables the proposal to be permissible, notwithstanding it doesn't involve any primary industry activities
To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature	As above
To minimise conflict between land uses within this zone and land uses within adjoining zones	Although the proposal is not a permissible use in the RU4 zone, nevertheless it is unlikely to result in land use conflict.
To provide areas within which the density of development is limited in order to maintain a separation between urban areas	The DPIE has issued a SCC in relation to this proposal, confirming it is suitable for more intensive development

TABLE 2 – RU4 Primary Production Small Lots zone objectives

5.5 Secretary's concurrence

CI.4.6(4)(b) WLEP

CI.4.6(4)(b) WLEP prevents the granting of consent for development that contravenes a development standard unless *“the concurrence of the Planning Secretary has been obtained”*.

Planning Circular PS 20-002 issued 5 May 2020, in reference to *Regionally Significant Development*, advises:

“Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened.”

Therefore, in this instance, the regional panel may assume the concurrence of the Secretary.

5.6 Objectives of S1.3 EPA Act

The relevant objects of the Act, contained in section 1.3 EPA Act, are:

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.

This cl 4.6 submission has considered the scope of the proposed variation in balance with economic and environmental considerations. The proposed exceedance is justifiable, given

its minor scope and negligible impacts, when considered and balanced against the economic benefits of the proposed development proceeding in its current form.

(c) to promote the orderly and economic use and development of land

The proposal, with the height exceedance, is a positive orderly and economic use of the land

(f) to promote good design and amenity to the built environment

The development promotes good design, notwithstanding the height exceedances, by adaptively reusing the existing heritage listed building. The built environment amenity is maintained and enhanced.

6. Conclusion

- a) The non-compliance with the height standard relates to a section of the pitched roof of the existing building, Stratford House, which is a two storey building listed in WLEP as an item of local heritage significance.
- b) The existing building height has existed in its location for many decades, without causing offense or impact to either adjoining land or the streetscape.
- c) The non-compliance cannot be viewed from any public place because of comprehensive vegetative screening.
- d) The non-compliance does not create any impacts related to excessive bulk, overshadowing or loss of privacy or views
- e) The objectives of the development standard are achieved, notwithstanding the non-compliance
- f) Forcing compliance would require a major alteration to the upper level of the existing building, which is unwarranted and would be a very poor environmental heritage outcome.
- g) This document has demonstrated that a variation to the standard is justified in this circumstance and Council is urged to support the request.

Yours faithfully

PRECISE PLANNING



Jeff Bulfin



ANNEXURE G

REQUEST TO INCLUDE LOT 11 DP 739884 IN THE APPLICATION AS PART OF THE 'SUBJECT SITE'



Planning | Development | Management

5 February 2020
Our Ref: 1343

The General Manager
Wollondilly Council
PO Box 21
PICTON NSW 2571

Dear Sir

**DA: 2019/719/1 – proposed senior's housing development
Stratford House, Rockford Road Tahmoor**

We refer to the above application and in particular various discussions with Council's Development Assessment Team Leader Michael Buckley.

The purpose of this letter is to request that Council agree to amend the application to include Lot 11 DP 739884 as part of the land to which the development application relates. We are attaching a letter from the owner of Lot 11 DP 739884 authorizing the inclusion. Council will note that the subject Lot 11 DP 739884 is owned by Common Ground (NSW) Pty Ltd, which is the same ownership as the other lots comprising the subject of the existing application.

It is noted that Lot 11 DP 739884 is being included as a stormwater management structure is proposed on that lot.

The physical details of the proposal remain identical to that which was lodged with the original application.

We trust this is satisfactory.

Yours faithfully

PRECISE PLANNING

Jeff Bulfin

ANNEXURE H

REQUEST FROM COUNCIL FOR CLARIFICATION/ADDITIONAL INFORMATION AND SUMMARY RESPONSE

DA/2019/719/1

Precise Planning
PO Box 426
Northbridge NSW

3 July 2020

**PROPOSED Seniors Living (including ancillary work) – 2689
Remembrance Drive, Tahmoor**

Dear Mr Bulfin,

Thank you for your recent development application.

We have commenced assessment of your application however we require further information to proceed. Before we can continue with the assessment, you must provide the following to Council:

1. Building Surveyor / Fire Safety Officer Requirements:

The BCA Report submitted by the applicant is not acceptable as it fails or wrongly comments such as the following;

4.2 – The pool house is well separated from the other buildings. Unsure why sprinklers are proposed.

5.3 – noted Building Solution required for existing stairs. This must include the existing treads, risers, balustrade and handrail. Existing doors that open in the wrong direction also need to be address.

7.14 – location of any ventilation and associated ducting needs to be indicated on the plans as this can / will impact on the heritage fabric of the building.

7.15 – kitchen exhaust ducting needs to be indicated on the plans as this can / will impact on the heritage fabric of the building.

8.1 – mentions compliance with BAL Flame Zone which doesn't seem relevant

10.2 – The applicant has failed to demonstrate how it is proposed to comply with the Fire Safety Guideline, Fire hydrants for minor residential development, published by Fire and Rescue NSW.

1. As such, a report is required be submitted, which is prepared by an A1 Accredited Certifier, Fire Engineer or the like, which demonstrates how the existing building and proposed works will demonstrate compliance with the requirements of Clause 94 of the EP and A Regulation.

2. Environmental Health Officers Requirements

Below are the comments received from Councils Environmental Health Officer, these are required to be addressed:

1. No (DIR) figures have been provided for Stratford house administration and dining facilities, please address.

2. Provide all details for the Sewage Treatment Plant. Details are to be provided for the Sewage Treatment Plant up front, as part of this DA, to ensure that the site can be adequately serviced by on-site wastewater disposal.
3. Details have not been provided for the use of the kitchen/lounge area, administration and dining room facility. – will this be a function centre for events such as birthday parties etc? If so further more detailed floor plans should be provided showing the area of the dining room and proposed maximum number of patrons for events, a commercial kitchen fit-out, all wash up sinks, hand basins and storage areas and surface finishes.
4. Evidence is to be provided on how the lot layout will achieve the recommendations in the Air Quality Assessment provided by Todoroski, to reduce odour impact to future occupants. The recommendation is to position less sensitive receivers closest to the odour source, being Ingham's Processing Plant, however the majority of the odour affected portion of the site, as shown in the odour contours, will be taken up by dwellings.
5. The acoustic assessment has only assessed noise in two locations. I have observed on the site plan that there is a proposed dwelling located closer to the Tahmoor Inn, than identified in the logger location. Noise readings should be carried out at the nearest sensitive receiver and it is considered that further assessment should be carried out in this area.
6. The acoustic assessment has not assessed any potential noise to the dwellings and surrounding homes from the proposed dining facilities.
7. Please also address the following, sub-surface irrigation may not be suitable for this development given the large amount of effluent that will be generated – see response from Neil Shaw Senior Policy Analyst, NSW Ministry of Health, in relation to sub surface irrigation for seniors living:

It depends on what sort of sub-surface method they propose. Usually drip irrigation is preferred but I haven't heard of large volumes being disposed in this way. AS/NZS1547:2012 is intended for on-site sewage management for up to 10Ep but I understand that for larger systems the problem relates more to managing flows and controlling manifolds and pumps. Another problem relates to wet weather storage when disposal areas cannot be used. I understand that setbacks are fairly universal.

Perhaps a second opinion could be obtained by the proponent. I would suggest Joe Whitehead of Whitehead and Associates who has some considerable experience with wastewater management.

Further information is sought as to whether sub-surface irrigation would be suitable, addressing Neil's comments above.

3. Waste Management Officers Requirements

Councils Waste Management Officer has provided the following issues to be addressed/submitted:

1. Address how residents will dispose of garden organics from private open space, and how garden organics will be managed from shared open space. Subject to the applicant's response, the applicant should also be asked to provide information confirming the availability of a commercial waste company that will be capable of providing this service;
2. Address whether residents will be provided access to kerbside clean-up services and if so, where they will place materials for collection, how they will be collected, and how often this service will be provided;
3. Address whether all dwellings have external access to the rear yard to enable movement of bins from the rear yard to the front of the property for servicing;
4. Show where the 4 proposed 1,100-litre bins to service the Administration and Dining areas will be located;
5. Provide details of the bin storage area, including location, ventilation, and access to a cold water tap;
6. Provide swept path diagrams for the collection vehicles' movements;
7. Provide information confirming the availability of a commercial waste company that will be capable of servicing the bins proposed for collection of commingled recyclables.

8. Engineers Requirements

Councils Development Engineer has provided the following comments:

PLANNING

- A more detailed plan showing staging should be provided to allow assessment of the function of the internal road networks and parking for each stage.

TRAFFIC AND ACCESS

- Traffic report indicates access to Stratford Road however the supporting documentation does not show how this connection is made.
- Public Bus access to be considered adjacent to the site.
- Private bus and taxi/ community transport access to be provided internally with appropriate turning heads and parking space.
- Internal road geometry is not suitable for movement of standard waste collection vehicles. Vehicles should be able to make turns in a forward movement only.
- Additional internal parking spaces to be considered to reduce parking on the internal road carriageways.

STORMWATER MANAGEMENT

- Integrated Stormwater Management Plan to be provided that includes water sensitive urban design. Consideration could be given to SW capture and reuse on site no potable use.
- Discharge of SW to the existing road tabledrain drainage is not acceptable as there is insufficient capacity to cater for the minor storm events. Piped drainage must be provided to an existing natural or piped system.
- A management plan should be provided for the management of onsite stormwater management devices.
- Filling in the western part of the lot may impact on the natural drainage of upstream catchments fronting Stratford Road. Filling should be restricted in this area to ensure the natural drainage systems are maintained.

ROAD INFRASTRUCTURE

- There are drainage issues at the intersection of Rockford/Remembrance that may not support the proposed intersection upgrade.
- Stratford Road and Remembrance Driveway intersection may not need upgrade if no traffic increase. The report should be updated to only include the works in the proposal.
- The inclusion of a roundabout needs to be investigated in the context of the larger precinct traffic, new roundabouts, pedestrian crossings etc and future facilities. Acceptance of the roundabout treatment required further communications with Council before accepting a particular treatment
- Roundabout geometry at Rockford/Remembrance does not appear to be consistent with the requirements of the Austroads Design Guide, in Particular the radius of the central median width or circulating lane and approach deflection.
- Traffic report makes no reference to how the RAB will operate in close proximity to the Tahmoor Inn RAB and the Tahmoor Public School Ped X. Comments in the report are that the Ped X has not been modelled however there is concern that in peak times when the crossing is operating as a school crossing, the RAB may lose function due to queuing on the departure lane of the northern leg.
- The proposed pedestrian refuge island on Rockford Road as part of the proposed roundabout treatment is supported however it does not appear to meet the standard dimensions required for a refuge island.

- Additional assessments should be made on the suitability and safety, with consideration of the target resident, of the existing pedestrian pathway networks and road crossing points in the wider road network. Pedestrian refuge or crossing points may need to be provided at Bronzewing Street, Emmett Street and Larkin Street to get access to the local commercial precinct.
- The report shows acceptable operation of intersection G, being the development access point on Rockford Road, however it is likely that delays of upto 5s will result in the use of the unsealed shoulder to bypass vehicles turning right into the site. This may impact on the integrity of the current pavement edge and unsealed shoulder. These impacts should be addressed.

Additional information required to be submitted:

1. More detailed staging plan.
2. Amended plans addressing the Traffic and access concerns.
3. Amended Drainage Plan addressing the stormwater management concerns
4. Amended traffic impact assessment addressing the road infrastructure concerns and to be provided after consultation with Council.

4. Syd Water

Please see the attached information.

5. Planning Requirements

5. Further information is required to demonstrate Compliance with SEPP (Housing for Seniors or People with a Disability) 2004, Part 3 'Design Requirements', Division 2 'Design Principles' – 38 (a)(b).
6. To demonstrate Compliance with SEPP (Housing for Seniors or People with a Disability) 2004, Part 5 'Development on land adjoining land zoned primarily for urban purposes', 42 (1) – provide written evidence for meals, care and housework assistance. Until such time as written evidence is provided consent cannot be granted. The request for the requirement of written evidence to be imposed via condition of consent is unacceptable as Council (the Consent Authority) is not satisfied by written evidence.
7. A written request under Cl.4.6 of the LEP to vary Cl.40(a) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Council has received legal advice which has determined this to be an appropriate measure to put this matter beyond doubt.

Will this delay the assessment of my application?

If we do not receive the requested information within 28 days, or if alternative arrangements have not been made, the application may be determined on the current information provided and your application may be refused.

If you have any questions please contact me on 4677 1110 or email council@wollondilly.nsw.gov.au.

Yours faithfully,

Digitally Signed: Michael Buckley Development Assessment Team Leader Friday, 3 July 2020 11:11:01 AM Development Services
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12 June 2020

REF: 185541

Anthony Richardson

Council Assessing Officer

Wollondilly Shire Council

council@wollondilly.nsw.gov.au

RE: Development Application DA/2019/719/1 at 2689 Remembrance Driveway, Tahmoor

Thank you for notifying Sydney Water of DA/2019/719/1 at 2689 Remembrance Driveway, Tahmoor which proposes a seniors housing development comprising 214 self-contained dwellings over 11 stages & associated civil & stormwater works; alterations & additions to existing building (Stratford House); vegetation clearing; dam dewatering; demolition of structures; landscaping and installation of a temporary on-site effluent system.

Sydney Water has reviewed the application based on the information supplied and provides the following comments.

Zoning and location of the development

- It is our understating that a significant proportion of the development falls **outside** the boundary of the Picton wastewater scheme and as such is **not in an area we can service**. It is also our understanding that a significant portion of the proposed development is currently zoned as RU4 (under the Wollondilly LEP 2011).

Water Servicing

- There is **limited capacity** within the existing water system. The development falls within Thirlmere Reduced 2 system. The proposed development is likely to cause pressure issues to other customers further downstream. Therefore, the proponent may be required to supply a new PRV and a new PRV zone connecting to the trunk system, at their cost, if the development proceeds. Further information will be provided at section 73.

Wastewater Servicing

- As the proponent is advocating an **alternative on-site wastewater servicing solution**, at the proponent's cost and for an indefinite period of time, Sydney Water has no objections to a temporary on-site effluent system. This system will be assessed as standard as part of the S73 process.

Should the alternative on site wastewater system not progress, Sydney Water notes that:

- Currently there are **no** sewer reticulations close to the proposed development.
- Sydney Water will **not** be able to provide a wastewater connection for any proposed development or partial development **outside** of the existing Picton Wastewater scheme boundary until such time as Sydney Water has implemented its effluent management strategy to expand the scheme.

- Most of the above proposed development **falls outside of the Picton Wastewater Scheme**, with a small portion (six lots only) on the north-east corner falling within the Picton wastewater catchment.
- **This means that Sydney Water cannot service the development as is proposed under DA/2019/719/1 and notes that we will not accept a wastewater servicing application via Lots 1, 2, 3, 35, 36 and 37 on Deposited Plan 12096 for services for the total site.**

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Further advice and requirements for this proposal are in the Attachment 1. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", with a large, sweeping flourish extending to the right.

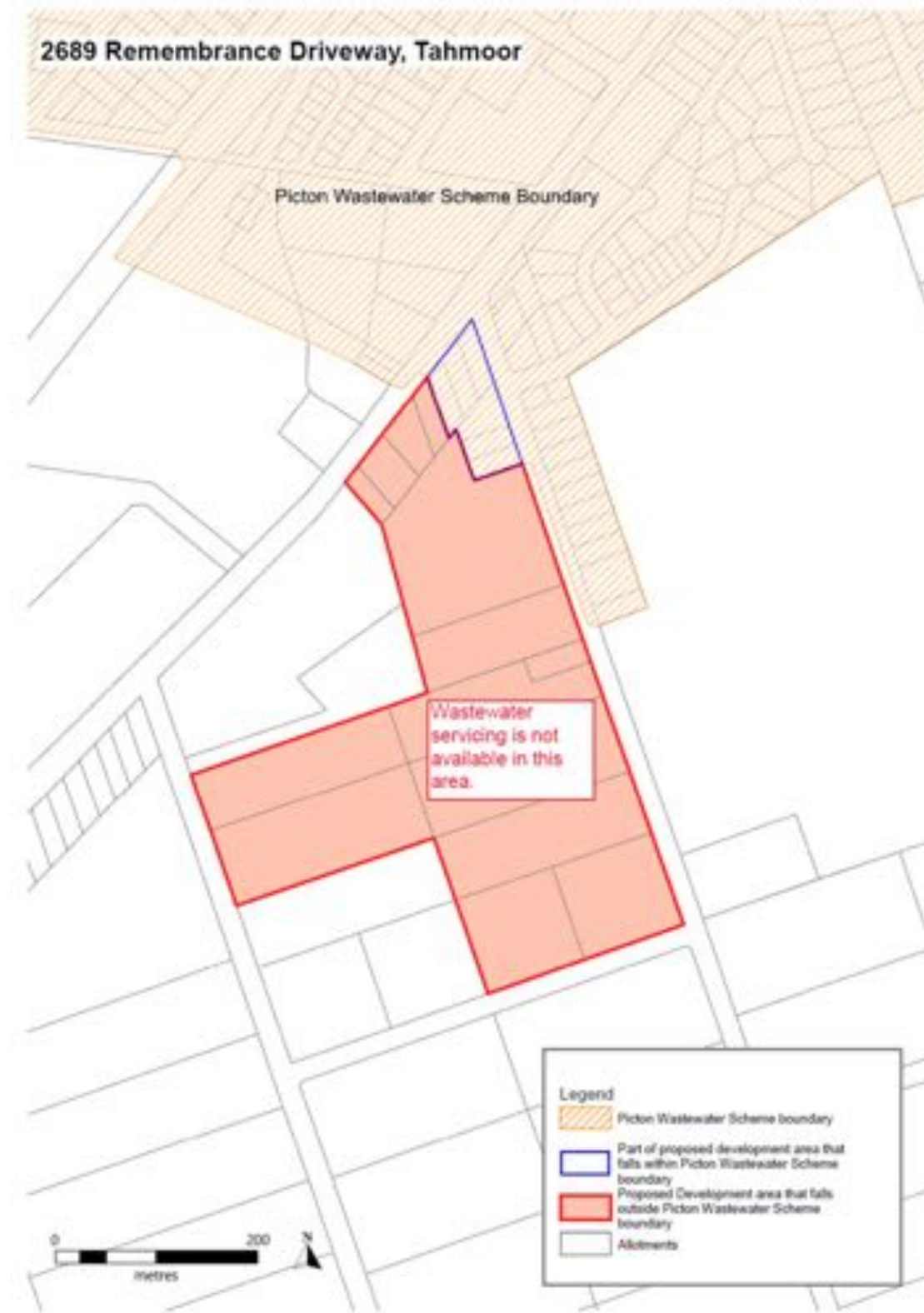
Kristine Leitch

Growth Intelligence Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150

Enc: The attached map shows the proposed development boundary for DA/2019/719/1 and highlights the areas that are excluded from our wastewater servicing area.



Attachment 1

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Segment	Comment	Response
Building surveyor/fire safety officer		
	4.2 The pool house is well separated from the other buildings. Unsure why sprinklers are proposed	Comment is not relevant as sprinklers are not mentioned in the BCA report, nor are they listed in the proposed fire safety schedule appended to the report
	5.3 Noted, building solution required for existing stairs. This must include the existing treads, risers, balustrade and handrail. Existing doors that open in the wrong direction also need to address	It is requested that consent be conditioned so that the heritage building is to comply with Parts C, D and E of the BCA, to satisfy clause 94 requirements. Performance solutions will be documented as part of the CC documentation
	7.14 Location of any ventilation and associated ducting needs to be indicated on the plans as this can/will impact on the heritage fabric of the building	Request that consent be conditioned to require mechanical details to be submitted for approval by Council <u>prior</u> to the issuing of the CC to alleviate heritage implications
	7.15 Kitchen exhaust ducting needs to be indicated on the plans as this can/will impact on the heritage fabric of the building	Request that consent be conditioned to require mechanical details to be submitted for approval by Council <u>prior</u> to the issuing of the CC to alleviate heritage implications
	8.1 Mentions compliance with BAL flame zone which doesn't seem relevant	Noted. Nothing further required
	10.2 The applicant has failed to demonstrate how it is proposed to comply with the Fire Safety Guideline, Fire Hydrants for minor residential development, published by Fire and Rescue NSW	Refer to details provided by Blue Water Consulting detailing satisfactory access and manoeuvrability for fire appliances throughout the site
Environmental health officer		
	No (DIR) figures have been provided for Stratford House administration and dining facilities	These will be used by the residents only and have therefore been accounted for in the wastewater assessment.
	Provide all details for the STP. Details are to be provided for the STP up front, as part of the DA, to ensure that the site can be adequately serviced by onsite wastewater disposal	The wastewater system is ancillary to the development and there are appropriate systems that can manage the wastewater. A preliminary operations and maintenance management plan has been prepared and included as an attachment to the report.
	Details have not been provided for the use of the kitchen/lounge area, administration and dining room facility. Will this be a function centre for events such as birthday parties etc? If so, further more detailed floor plans should be provided showing the area of the dining room and proposed maximum number of patrons for events, a commercial kitchen fit-out, all wash up sinks, hand basins and storage areas and surface finishes	Refer to point above
	Evidence is to be provided on how the lot layout will achieve the recommendations in the Air Quality Assessment provided by Todoroski, to reduce odour impact to future occupants. The recommendation is to position less sensitive receivers closest to the odour source, being Inghams Processing Plant, however the majority of the odour-affected portion of the site, as shown in the odour contours, will be taken up by dwellings	Refer to the letter from Todoroski Air Sciences dated 15 July 2020
	The acoustic assessment has only assessed noise in two locations. I have observed on the site plan that there is a proposed dwelling located closer to the Tahmoor Inn, than identified in the logger location. Noise readings should be carried out at the nearest sensitive receiver and it is considered that further assessment should be carried out in this area	<ul style="list-style-type: none"> Based on data acquired during MDA's environmental noise survey (4 May 2019 to 14 May 2019) and associated site inspection, it is considered that the measured background noise levels at the subject logger positions are representative of the general acoustic environment of the area, including the residences

Segment	Comment	Response
		<ul style="list-style-type: none"> • The noise environment experienced on site aligns with the NPfl description for the 'Suburban Residential' receiver category, "Suburban – an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry. This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity" • Background noise levels measured on-site align with typical levels described in Table 2.3 of the NPfl for 'Suburban Residential' use • The background noise level measured on-site are likely to be driven by distant traffic and other noise sources, not localised traffic, particularly in the Evening and Night periods when traffic is likely to be very intermittent • As the Night period background noise level is not driven by local traffic activity, significant variance across the site is unlikely • The Night period, being the most stringent criteria, is likely to drive any future mechanical services design and compliance • On this basis consideration of a specific residence location is unlikely to change the derived Night-time NPfl criteria and resultant outcomes of the report
	<p>The acoustic assessment has not assessed any potential noise to the dwellings and surrounding homes from the proposed dining facilities</p>	<ul style="list-style-type: none"> • MDA has been provided with further information with respect to operation of the communal facilities/dining/function room indicating that it will be used by residents and admin only • It is not expected that large externally run events will occur and operation will be generally limited to dining • Dining activities do not typically form a core element of a noise emissions assessment, particularly for an aged care facility • Noise emissions from food preparation and eating are not expected to be significant • The operation of mechanical services associated with cooking and food preparation must be designed to comply with the NPfl criteria detailed in the acoustic report
	<p>Please also address, sub-surface irrigation may not be suitable for the development given the large amount of effluent that will be generated – see response from Neil Shaw Senior Policy Analyst, NSW Ministry of Health, in relation to sub surface irrigation for seniors living:</p> <p><i>It depends on what sort of sub-surface method they propose. Usually drip irrigation is preferred but I haven't heard of large volumes being disposed in this way. AS/NZS1547:2012 is intended for on-site sewage management for up to 10Ep but I understand for larger systems the problem relates more to managing flows and controlling manifolds and pumps. Another problem relates to wet weather storage when disposal areas cannot be used. I understand the setbacks are fairly universal.</i></p> <p><i>Perhaps a second opinion could be obtained by the proponent. I would suggest Joe Whitehead of Whitehead and Associates who</i></p>	<p>The Martens wastewater report has been peer-reviewed by Whitehead and Associates and they have confirmed that sub-surface irrigation is acceptable and suitable as a method of irrigation (refer to Whitehead peer review)</p>

Segment	Comment	Response
Waste management officer	has some considerable experience with wastewater management.	
	Further information is sought as to whether sub-surface irrigation would be suitable, addressing Neil's comments above.	
	Address how residents will dispose of garden organics from private open space, and how garden organics will be managed from shared open space. Subject to the applicant's response, the applicant should also be asked to provide information confirming the availability of a commercial waste company that will be capable of providing this service	Refer to Waste Management report by Blue Water Consulting dated 24 July 2020, item 3.1
	Address whether residents will be provided access to kerbside cleanup services and if so, where they will place materials for collection, how they will be collected, and how often this service will be provided	Refer to Waste Management report by Blue Water Consulting dated 24 July 2020, item 3.2
	Address whether all residents have external access to the rear yard to enable movement of bins from the rear yard to the front of the property for servicing	Refer to Waste Management report by Blue Water Consulting dated 24 July 2020, item 3.3
	Show where the 4 proposed 1,100 litre bins to service the Administration and Dining areas will be located	Refer to Waste Management report by Blue Water Consulting dated 24 July 2020, item 3.4
	Provide details of the bin storage area, including location, ventilation and access to a cold water tap	Refer to Waste Management report by Blue Water Consulting dated 24 July 2020, item 3.5
	Provide swept path diagrams for the collection vehicles' movements	Refer to Waste Management report by Blue Water Consulting dated 24 July 2020, item 3.6
Engineer	Provide information confirming the availability of a commercial waste company that will be capable of servicing the bins proposed for collection of commingled recyclables	Refer to Waste Management report by Blue Water Consulting dated 24 July 2020, item 3.7
Planning	A more detailed plan showing staging should be provided to allow assessment of the function of the internal road networks and parking for each stage	Staging plans were provided with the architectural plans. Some minor amendments have been made to facilitate better internal circulation, as shown on the architectural and waste management plans
Traffic and access	Traffic report indicates access to Stratford Road however the supporting documentation does not show how this connection is made	This access is associated with the future residential aged care facility (RAC). Reference to this access and the RAC have been removed from the traffic report. No <u>additional</u> access to Stratford Road is proposed as part of the current development application.
	Public bus access to be considered adjacent to the site	Public bus access adjacent to the site has been considered as per Sections 2.2.4 and 5.4 of the traffic report. Existing bus stops are located 100 m north of the site serviced by 5 different bus routes. The traffic report concluded 'existing public transport infrastructure is expected to be able to cope with the increased demand from the future development. Hence, upgrades to the existing system are not considered necessary.' Although upgrades to the existing public transport system are not considered necessary, if required by Council additional bus stops can optionally be constructed adjacent to the site on Remembrance Driveway or Rockford Road, as shown in drawing PS01-AZ07.

Segment	Comment	Response
<i>Stormwater management</i>	Private bus and taxi/community transport access to be provided internally with appropriate turning heads and parking space	It is noted that access to services and facilities for this proposal is fully compliant with the Seniors Living SEPP. Nevertheless, the proponent intends to have a community bus owned by the village for direct transportation of residents and a shuttle service on a daily basis (as advised to Council on 3 March 2020)
	Internal road geometry is not suitable for movement of standard waste collection vehicles. Vehicles should be able to make turns in a forward movement only	Refer to waste management report by Blue Water Consulting P/L
	Additional internal parking spaces to be considered to reduce parking on the internal road carriageways	Each dwelling provides parking spaces as required by the SEPP and other visitor parking is provided. It is our view that no further parking is required. Resident and visitor parking rules will be prepared and enforced by the village management to ensure satisfactory vehicle parking practices that do not inhibit access or create safety issues
	Integrated stormwater management plan to be provided that includes water sensitive urban design. Consideration could be given to SW capture and re-use on site no potable use	Council's requirements for stormwater quality & quantity have been met as documented in the 'Preliminary Roads & Drainage Design' planset and 'Concept Stormwater Management Plan' report. Stormwater harvesting was included by way of 2.5 KL individual rainwater tanks on each unit. Based on a preliminary water balance assessment, 2.5 KL tanks are the most appropriate and efficient sized tanks to install on the lots, when considering reuse rates and available space on each lot. We also recommend an additional 30 KL rainwater tank be included for the Stratford House community buildings, with water reused for external irrigation means. This provides for a total of 565 KL of rainwater storage for water harvesting within the development.
	Discharge of SW to the existing road tabledrain drainage is not acceptable as there is insufficient capacity to cater for the minor storm events. Piped drainage must be provided to an existing natural or piped system	It is understood from discussions at the teleconference that these items may be conditioned and engineering details provided at CC stage
	A management plan should be provided for the management of onsite stormwater management devices	It is understood from discussions at the teleconference that these items may be conditioned and engineering details provided at CC stage
<i>Road infrastructure</i>	Filling in the western part of the lot may impact on the natural drainage of upstream catchments fronting Stratford Road. Filling should be restricted in this area to ensure the natural drainage systems are maintained	The catchment draining to this location has been considered by way of a swale along the boundary with 25 Stratford Rd. Future design of the RACF (subject to future DA) will need to take into account the overland flows through this portion of the site.
	There are drainage issues at the intersection of Rockford/Remembrance that may not support the proposed intersection upgrade	Vertical geometry was not provided for the conceptual roundabout layout. Drainage can be addressed at detailed design stage, and we expect this can readily be managed.
	Stratford Road and Remembrance Driveway intersection may not need upgrade if no traffic increase. The report should be updated to only include the works in the proposal	The future RCF site has been removed from the traffic assessment, hence no upgrade works at the intersection of Stratford Road and Remembrance Driveway are proposed as part of this proposal
	The inclusion of a roundabout needs to be investigated in the context of the larger precinct traffic, new roundabouts, pedestrian crossings etc and future facilities. Acceptance of the roundabout treatment required further communications with Council before accepting a particular treatment	A Cardno report prepared for Council titled 'Wollondilly Local Environmental Study Final Traffic Assessment' (2011) recommended a number of intersections with Remembrance Driveway near the site be upgraded to roundabouts, including at Progress Street, Struan Street and Myrtle Creek Avenue in Tahmoor. The inclusion of additional roundabouts on Remembrance Driveway is therefore consistent with other modelling and recommendations provided to Council. In addition, the traffic assessment included modelling of the three intersections closest to the proposed roundabout: the roundabout intersection at Tahmoor Central (intersection B); the pedestrian crossing adjacent to Tahmoor Public School (intersection G);

Segment	Comment	Response
		<p>and the give way intersection at Ralfe Street and Rockford Road (intersection D). All intersections are linked to the proposed roundabout in SIDRA. Modelling has demonstrated that the proposed roundabout will operate safely in the context of the local traffic network, and all intersections have an acceptable level of service (LOS) in all scenarios assessed, hence we consider the proposed roundabout is an effective intersection treatment. We are available to further discuss the suitability of the proposed roundabout treatment with Council if required.</p>
	<p>Roundabout geometry at Rockford/Remembrance does not appear to be consistent with the requirements of the Austroads Design Guide, in particular the radius of the central median width or circulating land and approach deflection</p>	<p>The concept roundabout design was undertaken in accordance with urban roundabout design and is similar to the existing roundabouts in the area (i.e. Remembrance Drive & Thirlmere Way and Remembrance Drive & Regreme Road – the latter was constructed in late 2017). The proposed design meets the requirements of Austroads for design entry speed of <40km/h (as per typical urban roundabout designs, where vehicles are encouraged to slow down to improve safety) and minimum radius of 7m. Swept path assessment (included in planset P1907155PS06) demonstrates that the concept roundabout is capable of accommodating HRV design vehicles and AV check vehicles (in accordance with Austroads design and check vehicle criteria). We therefore consider the roundabout geometry is appropriate and meets Austroads requirements.</p>
	<p>Traffic report makes no reference to how the RAB will operate in close proximity to the Tahmoor Inn RAB and the Tahmoor Public School Ped X. Comments in the report are that the Ped X has not been modelled however there is a concern that in peak times when the crossing is operating as a school crossing, the RAB may lose function due to queuing on the departure lane of the northern leg</p>	<p>Both the Tahmoor Inn / Tahmoor Central roundabout and the Tahmoor Public School pedestrian crossing have been modelled as part of the traffic assessment (intersections B and G respectively), and are linked to the proposed roundabout. Modelling shows an acceptable LOS in all modelled scenarios for all intersections. We further note that the queueing behind the pedestrian crossing has been checked based on turning count survey footage and the model has been calibrated accordingly. Hence, the proposed roundabout can operate efficiently in close proximity to both the Tahmoor Central roundabout and the Tahmoor Public School pedestrian crossing.</p>
	<p>The proposed pedestrian refuge island on Rockford Road as part of the proposed roundabout treatment is supported however it does not appear to meet the standard dimensions required for a refuge island</p>	<p>The design has been updated to a 3 x 2m pedestrian island in accordance with TfNSW (Technical Direction TDT 2011-01a).</p>
	<p>Additional assessments should be made on the suitability and safety, with consideration of the target resident, of the existing pedestrian pathway networks and road crossing points in the wider road network. Pedestrian refuge or crossing points may need to be provided at Bronzewing Street, Emmett Street and Larkin Street to get access to the local commercial precinct.</p>	<p>Pedestrian safety has been considered in the traffic assessment and we have recommended a number of pedestrian safety improvement works, including new footpaths along Remembrance Driveway and Rockford Road, and new pedestrian islands on Rockford Road, Emmett Street and Larkin Street, as shown in drawing PS01-AZ07. This will link the site to the existing Tahmoor commercial precinct and improve safety of pedestrians. Sight distance checks were also undertaken for the existing pedestrian crossings on Remembrance Drive (intersection G) and Bronzewing Street, which were shown to have acceptable sight distances, hence no changes are recommended for these intersections.</p> <p>The proposed pedestrian infrastructure will complement the existing footpaths and pedestrian crossings, and will provide a safe route to and from the Tahmoor town centre for aged site residents.</p>
	<p>The report shows acceptable operation of intersection G, being the development access point on Rockford Road, however it is likely that delays of up to 5s will result in the use of the unsealed shoulder to bypass vehicles turning right into the site. This may impact on</p>	<p>The proposed site accesses on Rockford Road have been assessed as intersections E and F, and have maximum delays of 5.6 and 5.5 seconds respectively (in the 2030 PM peak).</p> <p>Traffic volumes on Rockford Road are 112 and 136 vehicles per hour in the AM and PM peaks</p>

Segment	Comment	Response
More information required to be submitted	the integrity of the current paving edge and unsealed shoulder. These impacts should be addressed	respectively, hence the average spacing between vehicles is 32 and 26 seconds respectively. It is therefore likely that vehicles will enter the site before traffic backs up behind them, and hence this impact is expected to be negligible. Further, modelling indicates the intersection operates safely (LOS A) and hence a bypass lane is considered unnecessary.
	More detailed staging plan	Refer to architectural plan set
	Amended plans addressing the traffic and access concerns	Refer to updated plans by Martens
	Amended drainage plan addressing the stormwater management concerns	Refer to updated plans by Martens
	Amended traffic impact assessment addressing the road infrastructure concerns and to be provided after consultation with Council	Refer to updated report by Martens
Sydney Water		
	Letter	<p>In terms of water supply, the proponent will work with Sydney Water post consent to deal with water supply issues. Council only needs to be satisfied that water is available, which it is.</p> <p>In terms of wastewater, SW makes it clear that it has no objections to a temporary on-site effluent system and this will cater for stages 1 to 4 of the proposed development. We see no issue with Council imposing a condition on a consent that states the proposal cannot proceed past stage 4 without evidence being provided that the whole scheme can be connected to SW's reticulated sewerage scheme.</p> <p>Clause 7.1(1)(c) of the WLEP states:</p> <p>Essential services <i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—</i></p> <ul style="list-style-type: none"> • the supply of water, • the supply of electricity, • the disposal and management of sewage. <p>To comply with this clause, Council need only to be satisfied that adequate arrangements for the disposal and management of sewage are available, or will be available when required. Arrangements for management of sewage for stages 1 to 4 can be made available immediately and there will be no requirement/demand for subsequent stages until sewer becomes available. We see no conflict with this clause in terms of what has been proposed.</p> <p>Council has, rightly, sought advice from SW. However, the advice facilitates Council being able to discharge its responsibilities under cl.7.1(1)(c) and places the obligation/ burden for sewerage connection, when required, squarely with the proponent.</p>
Planning requirements		
	Further information is required to demonstrate compliance with SEPP (Housing for Seniors or People with a Disability) 2004, Part 3, 'Design	Whilst not required in order to comply with the SEPP, the updated plans nominate a potential location for bus shelters in Remembrance Driveway and also in Rockford Road. These will cater for residents both

Segment	Comment	Response
	Requirements', Division 2 'Design Principles' – 38(a) and (b)	<p>leaving the site and returning. The bus shelter locations are adjacent to pedestrian access points to/from the administration building, which provides an <i>obvious and safe pedestrian link</i> (cl.38(a)). In addition, the updated information provided in the Martens traffic report notes and proposes potential upgrades to the pedestrian route to the Tahmoor shopping/commercial area, should residents choose to walk.</p> <p>It is considered that pedestrian access around to site is satisfactory, including landscaped access ways. Parking practices will be developed and managed by the village management to ensure safety of residents (cl.38(b)).</p>
	To demonstrate compliance with the SEPP, Part 5, 'Development on land adjoining land zoned primarily for urban purposes', 42(1) – provide written evidence for meals, care and housework assistance.	Refer to proposal by DR Care Solutions dated 15 July 2020
	A written request under cl.4.6 WLEP to vary cl.40(a) of the SEPP	Refer to cl.4.6 variation request by Precise Planning dated 11 July 2020