

RECORD OF DEFERRAL

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DEFERRAL	26 August 2019
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks and John Griffin
APOLOGIES	Pam Allan
DECLARATIONS OF INTEREST	<p>Rob Pollock declared a conflict of interest as he has discussed the development application with a number of people and believes that he could appear to have a pre-existing opinion on the DA.</p> <p>Lindsay Usher declared a conflict of interest as he was involved in the assessment of the DA.</p> <p>Neither panel member participated in the determination of the DA.</p>

Public meeting held at Batemans Bay Soldiers Club on 26 August 2019, opened at 1:15 pm and closed at 5:20 pm.

MATTER DEFERRED

2018STH030 – Eurobodalla – 272/19 at 49 Beach Road Batemans Bay – seniors living development concept plan (as described in Schedule 1)

REASONS FOR DEFERRAL

The panel resolved to defer the Concept and Stage 1 Development Application 272/19 for a seniors living and residential flat building development for the following:




1. Amended plans that:
 - a) Reduce the overall density of the development resulting in greater built form separation that at least meets or exceeds State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and Apartment Design Guidelines (ADG) separation requirements
 - b) Reduces the extent of noncompliance with the Height of Building standard of Clause 4.3 of the Eurobodalla Local Environmental Plan 2012
 - c) Provide greater landscaped area that supports canopy trees that have the capacity to grow to the height of the buildings proposed
 - d) Explore opportunities to reduce the extent of traffic utilising Marlin Avenue
 - e) Identifies an area on site for caravan and trailer parking
 - f) Redesign the residential care facility consulting centre to delete the pharmacy and provide consulting rooms commensurate with a Seniors Living facility
 - g) Redesign the mass of the Residential Aged Care Building to reduce the impact of the building when viewed from the boardwalk and adjoining waters
 - h) Include a plan that details the exact location of the marine park boundary
 - i) Setback buildings from the board walk to minimise privacy and amenity impacts
 - j) Provide additional cross sections that demonstrate the relationship with the foreshore frontage, and adjoining residential lands to the south
 - k) Include a revised staging plan that identifies that the board walk will be constructed in one stage
 - l) Include a plan that demonstrates compliance with solar access, cross ventilation and accessibility requirements of the ADG and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

2. The following additional information be lodged with the amended plans:

- a) A design and architectural strategy for the overall development
 - b) A waste management strategy
 - c) An updated arborist report that reviews the vegetation to be retained including recommendations for protection during construction
 - d) A revised contamination report that meets the provisions of State Environmental Planning Policy No 55 – Remediation of Land
 - e) A preliminary construction management plan that includes management of dewatering
3. That the existing plans be referred to an external architect/urban designer for review and comment that ensures design excellence. These comments are to be provided to the applicant for consideration as part of the amended plans
 4. That the amended plans be advertised
 5. That a supplementary report be provided that specifically addresses the amended plans and the following:
 - a) Compatibility with the desired future character of the area
 - b) Traffic impacts in the area and car parking
 - c) Compliance with the ADG and SEPP 65
 - d) Compliance with State Environmental Planning Policy (Coastal Management) 2018
 - e) Compliance with Marine Estate Management Act provisions
 - f) Compliance with State Environmental Planning Policy No62 Sustainable Aquaculture

When this information has been received, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 John Griffin	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH030 – Eurobodalla – 272/19
2	PROPOSED DEVELOPMENT	Concept proposal (residential and seniors living development) and development proposal - stage 1B - 18 seniors living units and associated infrastructure
3	STREET ADDRESS	49 Beach Road Batemans Bay
4	APPLICANT/OWNER	Global Lifestyle Developments Pty Ltd / Birss Nominees Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy No 64 – Advertising and Signage State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Eurobodalla Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Batemans Bay Regional Centre Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 92, 93 and 94 Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Verbal submissions made at the public briefing meeting: 9 May 2019 Council assessment report: 26 August 2019 Amended Clause 4.6 Variation Request - Height of Buildings (Clause 4.3) ELEP 2012: 14 June 2019 Written submissions during public exhibition: 126 Late written submission: one (1 – received 19 August 2019) Supplementary Council assessment report: 26 August 2019 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Adele Baker, Trish Hellier, In objection – Vivianne Wheatley, John Wilson, Rob Murray on behalf of Friends of Hanging Rock Inc, Stephen Gouge on behalf of Friends of Hanging Rock Inc, Felicity Rourke on behalf of Friends

		<p>of Hanging Rock Inc, Susan Bourke, Christine Robert, Richard Howarth, Peter Coggan, Dr Jody Warran, Sue Lowes, Rob Murray on behalf of David Seymour, Andrew Topp, David Lowes, Greg Wheatley, Anne Howarth, Rodney Ingamells and Deborah Hutton</p> <ul style="list-style-type: none"> ○ Council assessment officer – Katrena Browne ○ On behalf of the applicant – Garry Fielding • Diagrams tabled by Anne Howarth
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 9 May 2019 • Public briefing meeting: 9 May 2019 • Final briefing to discuss council's recommendation, 26 August 2019, 10:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Renata Brooks and John Griffin ○ <u>Council assessment staff</u>: Katrena Browne and Gary Bruce
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report