

DATE OF DETERMINATION	29 August 2017
PANEL MEMBERS	Hon. Pam Allan, Renata Brooks, Lindsay Fletcher, Carl Peterson, Cllr. Ian Scandrett
APOLOGIES	None
DECLARATIONS OF INTEREST	Carl Peterson – declared a non-pecuniary less than significant interest as he resides in the same street at the applicant's consultant planner. Carl Peterson remained on the panel, participated in the debate and voted on the matter.

Public meeting held at Gibraltar Room, Wingecarribee Shire Council, 68 Elizabeth St, Moss Vale NSW on 29 August 2017, opened at 1:30 pm and closed at 2:00 pm

MATTER DETERMINED

2016STH036 – Wingecarribee – DA 16/1198 at 2 Charlotte St, Burradoo (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* subject to deferred commencement conditions..

The decision was Unanimous (moved by Ms Brooks and seconded by Cllr Scandrett)

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- Relevant matters have been addressed, and/or the recommended conditions have been imposed to ensure that any potential impacts are negated, or highlighted as requirements for future development applications.
- The development will address the need for a variety of seniors and aged care accommodation.
- Community concerns have been addressed through the imposition of amended conditions as set out below.

CONDITIONS

The development application was approved (by way of deferred commencement) subject to the conditions in the Council Assessment Report, with the following additions and amendments:

- **Add: Condition 18. Design of Stage 4 – Independent Living Units**
As part of any Development Application for Stage 4, the eastern most building of Independent Living Units shall be designed so as to reduce its visual and acoustic impacts on 12 Charlotte Street. This shall involve setting back the second storey from the ground floor not having any balconies on the eastern elevation and adequately demonstrating that visual and acoustic impacts are mitigated.

Reason: to ensure that Stage 4 of the development does not adversely impact on its neighbours.

- **Delete: Condition 22 (Section 94 Contributions)**
Reason: Council's Contributions Planner has advised that S94 Contributions are not applicable to this development as the organisation is a registered charity.

- Amend: **Condition 24 (Construction Management Plan)**
The Construction Management Plan should ensure that construction vehicles do not enter or egress the site from Charlotte Street during school zone hours between 8:00 am and 9:30am and also 2:30pm and 4:00 pm on gazetted School days.
- Delete: **Condition 35 (Water and Sewer Engineering Design)**

Reason: duplicates Deferred Condition 2.

- Amend: **Condition 41 (Disabled Person Access and Facilities)** was amended in relation to pedestrian management to be considered during construction and changes to be made to the Charlotte Street footpath to renew existing footpath infrastructure from Moss Vale Road to the eastern most access driveway to the site to a minimum width of 1500mm. From the Eastern most driveway access to the Eastern boundary of the property on Charlotte Street the proponent will be required to renew the footpath infrastructure to Councils standard 1200mm wide.

Amended condition to read:

Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Pedestrian Management Plan for the site, which addresses pedestrian management during construction and operation, shall be submitted to Council for approval which includes the following:






(a) *Provision of footpath minimum 1500mm wide from the intersection of Moss Vale Road and Charlotte Street to the easternmost driveway access and then 1200mm wide from this driveway access to the eastern boundary*

Reason: Footpaths shall be required to be provided to the full length of Charlotte Street prior to the issue of the first Occupation Certificate (Interim or Final) for Stage 4

(b) *Pedestrian access within the site for each stage, taking into consideration:*
i. Pedestrian access to and from the temporary car park.
ii. The Park Road vehicular entrance.

Reason: For pedestrian management and safety

- *Advice to Council* - The Joint Regional Planning Panel suggests that the Traffic Committee of the Council consider installing 'No Stopping' signs for the length of the development site on Charlotte Street Burradoo (Northern side) during construction.
- *Advice to Council* – The Joint Regional Planning Panel suggests that Council seek a review of the RMS concurrence / condition for access for construction traffic for Stage 1 of the development, to allow access via Park Road to address public submission concerns regarding public safety. In this event, the amendments to condition 24 would be superseded.

PANEL MEMBERS	
 Hon. Pam Allan (Chair)	 Renata Brooks
 Lindsay Fletcher	 Carl Peterson
 Cllr. Ian Scandrett	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH036 – Wingecarribee – DA 16/1198
2	PROPOSED DEVELOPMENT	Master Plan for Seniors Housing and Stage 1 – 28 Bed Dementia Unit
3	STREET ADDRESS	2 Charlotte St, Burradoo
4	APPLICANT/OWNER	Jim Gilvarry & Associates Pty Ltd / Harbison Memorial Retirement Village
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 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 (Sydney Drinking Water Catchment) 2011 State Environmental Planning Policy (infrastructure) 2007 Wingecarribee Local Environment Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bowral Town Plan Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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"> Council assessment report: 15 August 2017 Written submissions during public exhibition: three (3) Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Ms Laurel Cheetham On behalf of the applicant – Mr Scott Lee, Mr Jim Gilvarry
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 16 March 2017 Briefing Meeting 17 March 2017 Second site inspection 29 August 2017. Final briefing meeting to discuss council's recommendation, 29 August 2017 at 10:30am Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Hon. Pam Allan, Renata Brooks, Lindsay Fletcher, Carl Peterson, Cr. Ian Scandrett <u>Council assessment staff</u>: Ms Ellie Varga, Mr Nick Wilton
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report