

DATE OF DEFERRAL	Wednesday, 6 May 2020
PANEL MEMBERS	Renata Brooks (Acting Chair), Stuart McDonald and Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Gordon Kirkby: The Applicant / planning firm for the development is owned by a personal acquaintance.</p> <p>Ernie Royston: I was Director of Planning at Shoalhaven City Council till end of 2009 and would have been responsible for reporting to Council on Draft LEP matters when this matter was originally instigated on this land</p> <p>Patricia White: I have a conflict as a councillor I have attended meetings, briefings, workshops, inspections and Regional Development Committee Meetings relating to this proposed.</p> <p>Greg Watson: A member of Council in 2005 when a planning proposal was considered over the subject land</p> <p>Tim Fletcher: Having been a Director of the Planning at Shoalhaven City Council for many years.</p>

Public meeting held by Teleconference Call on 6 May 2020, opened at 11:05am and closed at 12:50pm.

MATTER DEFERRED

2017STH018 – Shoalhaven City Council – RA/17/1001 at Lot 1 DP 780801, Lot 1 DP 737576 & Lot 0 DP U3
2224 Princes Highway Milton – Milton Meadows Senior Housing

REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter for the following reasons:

1. The application may not be determined as the proposed development is for a Special Fire Protection Purpose on bushfire prone land and advice and/or General Terms of Approval (GTAs) have not been received from the Rural Fire Service. As an integrated development, GTAs are required. In the event that GTAs are received, they may include details and requirements which have a material impact on the nature of the development and the proposals to mitigate its impact. This may require amendments to the application which the Panel would need to take into account and may also require a further assessment report from the Council.
2. There is insufficient information for the Panel to come to a conclusion and determine the application with respect to the following aspects of the development, noting that the assessment report proposes draft conditions of consent in relation to some of these matters:
 - a. The environmental impacts on potentially affected properties of the proposed Princes Highway roundabout and associated stormwater management works, and options to mitigate those impacts, particularly in relation to noise, removal of vegetation, visual impacts and access to affected properties.
 - b. The uncertainty associated with retention of existing views for the two adjoining properties at 52 and 60 Windward Way.
 - c. Safe, equitable and compliant access around the site for pedestrians and residents using mobility aids such as wheelchairs and mobility scooters to satisfy Clauses 26 and 38 of SEPP (Housing for Seniors or People with a Disability).




- d. The design of the residential apartment buildings to meet both the constraints of the site in terms of visual impact, while at the same time meeting the design criteria of SEPP 65 Apartment Design Guide (ADG) (specifically in relation to the minimum floor to ceiling heights of 2.7m and the resultant total height of the buildings). In this regard the Panel notes that the applicant has acknowledged that the application is not consistent with the ADG. It is also uncertain as to how the design of the buildings achieve cross ventilation and noise mitigation requirements being met simultaneously for proposed apartments facing the Princes Highway.
- e. The impact of the development on the existing perimeter vegetation, including existing trees to be retained (in addition to the small leaf fig and the Endangered Ecological Community)
- f. SEPP 55 Remediation of Land considerations – the Panel will request Council provide it with a copy of the Phase 1 (Preliminary) Environmental Site Assessment prepared by Envirotech in 2016.

3. Panel members who have not had the benefit of a site inspection, wish to undertake a site visit to assist the Panel's consideration of visual impact and overall density of development on the site, noting that the proposal does present a greater level of development than envisaged in the concept plan presented at the time that the planning controls for the site were amended to allow for seniors housing development and relies on measures external to the site (Asset Protection Zone and roundabout) to manage impacts associated with the scale of the development.
4. The Panel wishes to consider additional information it will request from Council on the permissibility of any proposed commercial operation of the proposed Medical Centre.

The Panel intends to issue a detailed request to Council in relation to matters listed under item 2 above and arising from the site visit once the response from the Rural Fire Service has been received and its implications have been considered.

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

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 <p>Renata Brooks (Acting Chair)</p>	 <p>Stuart McDonald</p>
 <p>Susan Budd</p>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH018 – Shoalhaven City Council – RA/17/1001
2	PROPOSED DEVELOPMENT	<p>Demolition and vegetation removal work and staged construction of a Senior Housing development comprising:</p> <ul style="list-style-type: none"> • 89 Bed Residential Care Facility (RCF) • 126 Independent living Units (ILU) (duplex and triplex forms) • 133 ILU spread over 7 x 3 storey residential flat buildings with underground car parking, • Community Centre comprising clubhouse/restaurant/medical centre/gym and swimming pool • ancillary civil infrastructure and landscaping • Roundabout intersection and associated civil works on Princes Highway and surrounding road reserves
3	STREET ADDRESS	<p>Lot 1 DP 780801, 276 Princes Highway, Milton</p> <p>Lot 1 DP 737576, Part Road Reserve Princes Highway, Milton</p> <p>DP U3 2224 Property ID81992, Part Road Reserve Princes Highway, Milton</p> <p>DP R63051603 Property ID 81999, & Part Crown Road Reserve Warden Road, Milton – Property ID 81997</p>
4	APPLICANT/OWNER	Hawes & Swan Planning on behalf of Annsca Property Group/Meadows of Milton Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979 ○ Environmental Planning and Assessment Regulation 200 ○ Threatened Species Conservation Act 1995 ○ Rural Fires Act 1997 ○ SEPP No. 55 – Remediation of Land ○ SEPP No. 65 – Design Quality of Residential Apartment Development ○ SEPP (Housing for Seniors or People with a Disability) 2004 ○ SEPP (Infrastructure) 2007 ○ SEPP (State and Regional Development) 2011 ○ Shoalhaven Local Environmental Plan (LEP) 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Nil • 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: 17 March 2020 • Late information received 1 May 2020: Rezoning Application – Visual & Landscape Constraints Report • Late information received 5 May 2020: Supplementary Council Assessment Report & Revised conditions of consent for supplementary report. • Written submissions during public exhibition: 62 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Phil Bradshaw, Jan Gregory, John Wilmont and Michael Le Strange ○ Council assessment officer – Peter Johnston ○ On behalf of the applicant – David Calgaro, Stephen Jones and Garry Finn
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 15 April 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan (Chair) Alison McCabe and Renata Brooks ○ <u>Council assessment staff</u>: Peter Johnston, Robert Domm and Cathy Bern • Site inspection: Monday, 15 April 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe and Renata Brooks ○ <u>Council assessment staff</u>: Peter Johnston, Robert Domm and Cathy Bern • Final briefing to discuss council's recommendation, Wednesday, 29 April 2020, 10:00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair), Stuart McDonald and Susan Budd ○ <u>Council assessment staff</u>: Peter Johnston • Final briefing to discuss council's recommendation, Wednesday, 6 May 2020, 10:30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair), Stuart McDonald and Susan Budd ○ <u>Council assessment staff</u>: Peter Johnston
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report