

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 13 October 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 Public Teleconference on 6 October 2020, opened at 3:30pm and closed at 4:40pm.

MATTER DETERMINED

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 (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

- The panel generally agreed with the recommendations and balance of considerations in Council's assessment reports.
- The application complies with relevant statutory controls (including relevant provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* 2004 with application of conditions and is suitable to the site and its location between the Milton and Ulladulla townships.
- The proposed development will provide additional housing and care choices for the aging population in the broad locality.
- The Panel was satisfied that the visual impact of the development would be appropriately mitigated by the design and siting of the independent living units and apartment blocks, by

conditions requiring the height of the residential aged care facility and the clubhouse building to be reduced through conditions and appropriate management of landscaping.

- In particular, the Panel was satisfied that the requirements for Asset Protection Zones imposed by the Rural Fire Service General Terms of Agreement would not prevent the proposed landscaping, augmentation and retention of existing vegetation from being effective in mitigating view impacts from key public and private viewpoints.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report attached to Supplementary Report 2 as amended in the attached set of conditions




- To address clarity and enforceability
- To require consultation with affected landholders on the design of the roundabout prior to finalisation of detailed plans
- To require approval from Endeavour Energy for moving the overhead powerlines underground before works commence
- To address visual impacts by lowering the roof heights of the residential aged care facility and clubhouse and requiring a plan of management for vegetation to minimise view impacts for dwellings at 52 and 60 Winward Way.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Visual impact
- Impact of the proposed roundabout and need for consultation
- Traffic impacts – volume and safety
- Vegetation management
- Scale, bulk and density of the development and impact on local services
- Stormwater impacts
- Impact on heritage items
- Construction impacts
- Risks associated with proposed phasing of the development

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and conditions of consent and that no new issues requiring assessment were raised during the public meetings. The panel notes that in addressing these issues additional analysis was provided by the applicant in relation to the acoustic and biodiversity impacts of the proposed roundabout, along with updated landscape and apartment plans. Further assessment was also undertaken by Council.

PANEL MEMBERS	
 Renata Brooks (Acting Chair)	 Stuart McDonald
 Susan Budd	

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 story 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

		<ul style="list-style-type: none"> • 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 Additional material provided by the applicant to Council following Panel meetings on 29 April and 6 May 2020. • Supplementary Council assessment report received 21 September 2020 • Written submissions during public exhibition: 62 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Michael L'Estrange, Kevin Pearson, John Ellerton, Phil Bradshaw on behalf of Milton CCB (community group) ○ Council assessment officer – Peter Johnston ○ On behalf of the applicant – David Calgaro • Total number of unique submissions received by way of objection: 4
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 • Site inspection: Wednesday, 20 May 2020 <ul style="list-style-type: none"> ○ Panel members: Stuart McDonald and Susan Budd ○ Council assessment staff: Peter Johnston • 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 • Final briefing to discuss council's recommendation: Tuesday, 6 October 2020 <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