

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Tuesday, 7 May 2019
<b>PANEL MEMBERS</b>	Renata Brooks (Chair), Mark Grayson, Louise Camenzuli, Duncan Gair and Carl Peterson
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Carl Peterson noted for the record that he lives in the same street as Scott Lee, but does not have a personal association or dealings with Mr Lee. The Panel agreed that he did not have a conflict of interest.</p> <p>Mark Grayson noted that he is working on an unconnected project for which Marchese Architects are the architects. The Panel did not consider this created a conflict of interest.</p>

Public meeting held at Wingecarribee Shire Council on 7 May 2019, opened at 12:30 pm and closed at 2.25pm.

#### MATTER DETERMINED

2018STH003 – Wingecarribee – 17/1822 AT 2-18 Centennial Road Bowral (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.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to conditions below.

The decision was unanimous.

#### REASONS FOR THE DECISION

- The Development is permissible by virtue of the Wingecarribee LEP 2010.
- The matters raised around design, landscaping/tree retention, heritage and amenity have either been addressed satisfactorily or can be through conditions.
- It is in the public interest to provide a variety of housing, including seniors living with appropriate support facilities.
- The panel believes the other matters raised by objectors in oral submissions at the public meeting have been addressed or can be through conditions.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and Deferred Commencement Condition and Amended Conditions below:

## DEFERRED COMMENCEMENT CONDITION

- A deferred commencement condition shall be imposed requiring the submission of amended plans incorporating the retention of the Priests Cottage, including an amended conservation management plan.

## AMENDED CONDITIONS

- Part 1 Condition 1 shall be amended under Stage 1 to include the wording “including the Priests Cottage” after the words “facilities building and prior to construction of 52”. At the end of the paragraph regarding Stage 1, the additional words shall be included “and construction of shared pathway and associated traffic safety measures”
- In Condition 5 – additional wording to be added to the end of this condition to include the requirement that the urban design statement is to verify the building form of Stage 2 East to contain the 2<sup>nd</sup> storey element within the pitched roof space. The Panel however, is not to be taken to be approving design details of Stage 2 which will be assessed when the Stage 2 DA is submitted. (including, without limitation separation between buildings and setbacks other than from internal and external roads))
- In Conditions 7 & 2 – Remove references to the word “Stage 3”. Condition 7 also to include after “landscaping embellishment” – “Detailed Landscape plan, Landscape and open space plan works”.
- Condition 11 – Heading to include “Riparian and Ecological Restoration Works”.
- Condition 29(d) – To include the wording “in accordance with Landscape Plans L01-L13”.
- The amendments to conditions recommended in the memorandum dated 30 April 2019 to be included.
- The amendments to conditions recommended in the memorandum dated 6 May 2019 to be included.
- Condition 34 – shall reflect the correct development services plan being 15<sup>th</sup> September 2017.
- Condition 47 - The condition shall remove the word “Carpark” and replace with the word “Road” in the first paragraph. The heading shall read “Road and Shared Footpath Design, Site Access and Movement”.
- Condition 133 – shall remove the draft wording under Item (d) and shall include the wording “Shared footpaths plans to show a minimum 1.8m width suitable for pedestrians, cyclists and mobility scooters along the northern side of Mount Street from Kirkham Road to the internal pathway as shown on the landscape plan L03, and from the main access to the development in Centennial Road to the Eastern Side of Kirkham Road in the vicinity of the northern end of the Bowral Railway Station; and under the railway viaduct to the eastern side of Mittagong Road to link with the Cherry Tree Walkway. Associated crossings of Kirkham and Mittagong Roads to include appropriate pedestrian refuges to Austroad Standards / RMS Standards. All costs to be borne by the applicant.” Condition 133 shall also be amended to remove Item (e). The following wording shall be added to the end of the condition: “All necessary approvals shall be obtained prior to works proceeding.”
- **Administrative Note - That the numbering of the conditions of consent will need to be amended following the amendments and to correct current errors in numbering**

## 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:

- Over development of the site
- Character in the context of Centennial Rd

- Heritage
- Permissibility and strategic planning
- Similar applications in area
- Traffic and vehicular, public transport and shared pedestrian, cycleway, mobility scooter accessSafety for pedestrians and site users/ visitors
- Flooding and storm water
- Infrastructure capacity
- NoiseEcology
- Residents wellbeing
- Construction impacts

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report, the supplementary assessment report and the supplementary assessment memorandums and that no new issues requiring assessment were raised during the public meeting.

The Panel notes that in addressing these issues flood modelling has been carried out; the sewer system scheduled for an upgrade in 2019; the development has been redesigned to address heritage appropriately; and appropriate conditions have been imposed addressing contamination, traffic and access, noise, ecology and construction impacts.

PANEL MEMBERS	
 Renata Brooks (Chair)	 Mark Grayson
 Louise Camenzuli	 Duncan Gair
 Carl Peterson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH003 – Wingecarribee – 17/1822
2	PROPOSED DEVELOPMENT	Concept Plan for Seniors Housing and Stage 1 – 52 self-care dwellings
3	STREET ADDRESS	2-18 Centennial Road Bowral
4	APPLICANT/OWNER	Waterbrook Bowral
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"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ Water Management Act 2000</li> <li>◦ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>◦ State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</li> <li>◦ State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004</li> <li>◦ Wingecarribee Local Environmental Plan 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Bowral Town Development Control Plan v.9</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 12 February 2019</li> <li>• Written submissions during public exhibition: 18</li> <li>• Written submissions accepted after supplementary assessment report completed: 2</li> <li>• Verbal submissions at the public meeting on 12 February 2019: <ul style="list-style-type: none"> <li>◦ In support – Rosalind Beavis, James Hugh Donohoe, Jannette Gabler, Sue Watkins</li> <li>◦ In objection – Justin Miller, Graham McLaughlin, Richards Stephens (Peter Gabler speaking on his behalf), Gayle McGuinness, Ian Bickerton, Bohndan Bilinsky, Brian Keane</li> <li>◦ Council assessment officer – Nick Wilton and Daniel Thompson</li> <li>◦ On behalf of the applicant – Kevin Ryan, Scott Lee, Paul Davis, Julian Brady, Paolo Soloto</li> </ul> </li> <li>• Council supplementary assessment report: 23 April 2019</li> <li>• Council supplementary assessment memorandum: 30 April 2019 &amp; 6 May 2019</li> <li>• Verbal submissions at the public meeting on 7 May 2019: <ul style="list-style-type: none"> <li>◦ In support – James Donohoe, William Downes, Rosalind Beavis, Nicole Jones, Sue Watkins, Elizabeth Norman, Janette Gabler, Gary Turland</li> <li>◦ In objection – Rob Landsberry, Leslie Jolley, Graham McLaughlin, Ian Bickerton, Christopher Sheridan Plowman, Robert Thompson, Justin Miller, Verity Gayle McGuinness</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Council assessment officer – Sophie Perry</li> <li>○ On behalf of the applicant – Scott Lee, Kevin Ryan, Aaron Gadiel, Louis Panagopoulos, John Maddocks, Julian Brady, Steve Zappia, Liane Dobler.</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing: 26 July 2018</li> <li>• Briefing to discuss council's recommendation, 12 February 2019, 10:30 am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Renata Brooks, Mark Grayson, Duncan Gair and Carl Peterson</li> <li>○ <u>Council assessment staff</u>: Daniel Thompson, Nick Wilton, Jason Rothery and Mitchell Cunningham</li> </ul> </li> <li>• Public meeting on 12 February 2019</li> <li>• Final briefing to discuss council's recommendation, 7 May 2019, 10:30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Renata Brooks (Chair), Mark Grayson, Louise Camenzuli, Duncan Gair and Carl Peterson</li> <li>○ <u>Council assessment staff</u>: Sophie Perry, Nick Wilton, Jason Rothery, Paul Donovan</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report