

COUNCIL SUPPLEMENTARY REPORT

Panel Reference	2018STH030
DA Number	272/19
LGA	Eurobodalla Shire Council
Proposed Development	Concept Development Application for a Three (3) Stage Development consisting of Residential Apartments, Self-Care Seniors Housing and a Residential Care Facility and Wellness Centre
Street Address	49 Beach Road, Batemans Bay
Applicant/Owner	Global Lifestyle Developments Pty Ltd / Birss Nominees Pty Ltd
Date of DA lodgement	16 November 2018
Number of Submissions	126 Submissions – 95 Objections, 31 in Favour 1 Objection received 19 August 2019
Recommendation	Approval Subject to conditions of consent
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over \$30 million
List of all relevant s4.15 (1)(a) matters	<ul style="list-style-type: none"> • Applicable State Environmental Planning Policies • Eurobodalla Local Environmental Plan 2012 • Batemans Bay Regional Centre Development Control Plan • relevant regulations e.g 92, 93, 94
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Plans • Clause 4.6 • Site Compatibility Certificate • Agency responses • Statement of Environmental Effects
Report prepared by	Katrena Browne
Report date	26 August 2019

EXECUTIVE SUMMARY

This supplementary report has been prepared to address a submission received by the Planning Panel on 19 August 2019.

This report addresses the issues raised in the submission, which have not been discussed within the original report.

The submission has been received outside any public exhibition period. The application has been placed on the Planning Panels website with a determination date set for the 26 August 2019.

SUPPLEMENTARY REPORT

The submission raises the following concerns:

- the development containing the largest pharmacy south of Nowra;
- a retail premises is prohibited in the R3 and SP3 zones;
- the need for an assessment against the Australian Community Pharmacy Authority's guidelines;
- inability to access the PBS; and
- existing pharmacies could service the development.

The submission expresses concern over the plans containing a reference to a pharmacy within the Wellness Centre. The Wellness Centre originally consisted of a multi-storey building which contained medical facilities servicing both the development and the wider community.

During the assessment process, the Wellness Centre has been converted from the original proposed development which contained a medical centre, pharmacy and health consulting rooms to a development that is of a scale that is now considered ancillary to the Seniors Housing and Residential Care Facility. Council has not consented to any landuse within the Wellness Centre.

The Development Application is a concept application in accordance with s4.22 of the Environmental Planning and Assessment Act, 1979. In accordance with 4.22(4), any consent granted does not authorise the carrying out of the development for the wellness centre. A subsequent development application will be required prior to any development occurring. This means, even though the plans nominate the potential for a pharmacy in this location, this development application does not authorise the use of the building as a pharmacy. The internal landuses and construction of the wellness centre would be the subject of a separate development application.

CONCLUSION

The development application is approving a wellness centre ancillary to Seniors Housing and Residential Care Facility and no particular landuse within the building. If the Panel feel that there is a need for more certainty, a condition could be imposed to provide that the pharmacy landuse does not form part of this consent.