

**JOINT REGIONAL PLANNING PANEL
(SYDNEY EAST REGION)**

JRPP No	JRPP2014SYE099
DA Number	DA14/0823
Local Government Area	Sutherland Shire
Proposed Development	Demolition Works, Construction of New Facilities, Alterations and Additions to Existing Buildings, Landscaping and External Works to the Residential Care Precinct of John Paul Village
Street Address	Lot 10 DP 1110571 - 15 The Avenue, Heathcote
Applicant/Owner	D Kataieh
Number of Submissions	9
Regional Development Criteria (Schedule 4A of the Act)	3. General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	• <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy No.1 – Development Standards</i> • <i>Greater Metropolitan Regional Environmental Plan No 10 – Georges River Catchment</i> • <i>Sutherland Shire Local Environmental Plan 2006 (SSLEP2006).</i> • <i>Draft Sutherland Shire Local Environmental Plan 2013 (DSSLEP2013)</i> • <i>Sutherland Shire Development Control Plan 2006 (SSDCP2006)</i>
List all documents submitted with this report for the panel's consideration	• Draft Conditions of Development Consent • Pre-Application Discussion (PAD) letter dated 30 May 2014. • Additional Information submitted by Applicant dated 13 November 2014 • Public Submissions • NSW Office of Environment and Heritage (OEH) submission & Applicants response to submission dated 5 November 2014, • NSW Transport- Sydney Trains response dated 7 November 2014 and owners consent dated 17 October 2014. • NSW Rural Fire Service (RFS) response dated 9 September 2014. • Architectural Review Advisory Panel (ARAP) comments dated 28 August 2014. • Applicant's SEPP1 Objection Building Height

Recommendation	Deferred Commencement Approval
Report by	Evan Phillips, (Environmental Assessment Officer) Sutherland Shire Council

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment value of more than \$20 million and is nominated under Schedule 4A (3) of the Environmental Planning and Assessment Act 1979. The applicant's submission indicates that the proposed development has a value of \$49,751,750.

1.2 Proposal

The proposed development is for alterations and additions to the residential care precinct of John Paul Village including the construction of a new three (3) storey facility with basement level car parking. A total of 63 additional aged care rooms accommodating 46 additional residents and 89 additional car spaces are proposed. Landscaping and internal / external civil works are proposed and a revised two-way driveway access point off Wilson Parade at the north western corner of the site is proposed.

1.3 The Site

The site is located off the eastern side of Wilson Parade Heathcote, north of The Avenue. The site has an area of 42,840m² and is relatively flat. A senior's housing development consisting of several medium density buildings set amongst gardens and landscaped courtyards known as John Paul Village has operated on the site since the 1980's.

1.4 The Issues

The main issues identified are as follows:

- Urban Design and Building Height
- Traffic Impacts and Safety
- Bushfire Planning
- Environmental Impact
- Construction Management

1.5 Conclusion

Following detailed assessment of the proposed development, the current application is recommended for support subject to minor design refinement, and a "Deferred Commencement" development consent ensuring the requirements of NSW Transport – Sydney Trains are satisfied, and the outstanding bushfire management and asset protection issues are resolved as outlined in "Appendix A" of this report.

2.0 DESCRIPTION OF PROPOSAL

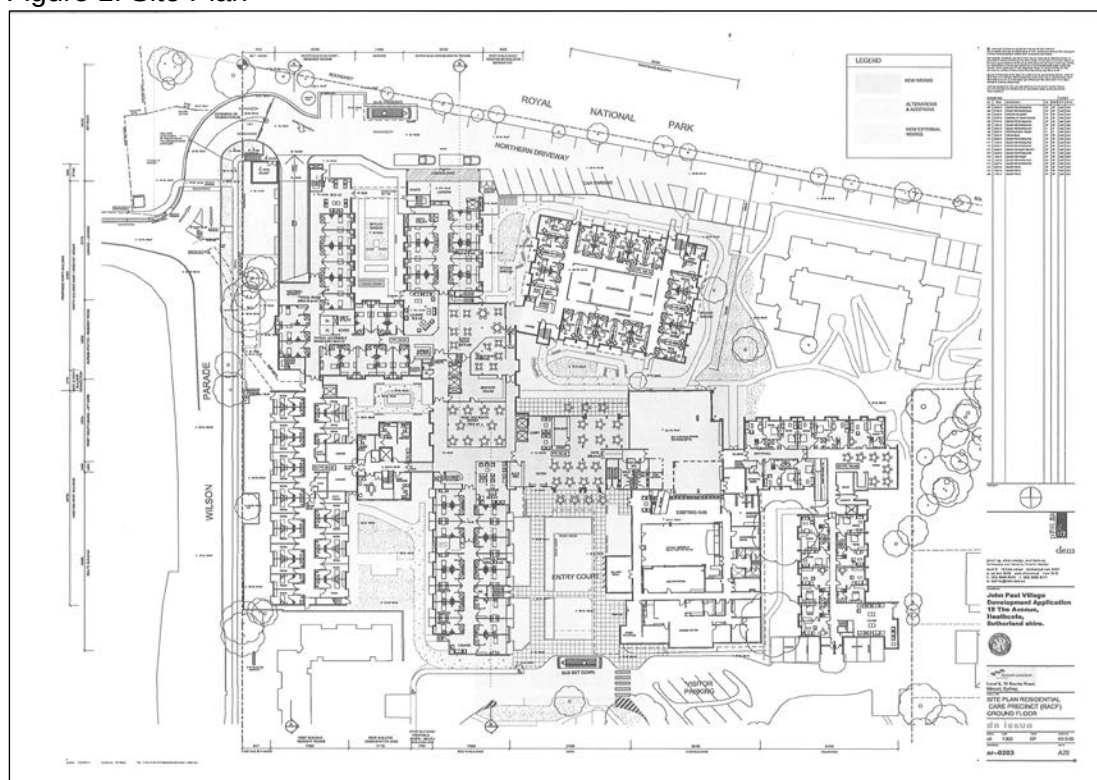
The proposed alterations and additions to the residential care precinct of John Paul Village are two (2) – three (3) storeys in nature and include a basement level car park. A total of sixty three (63) aged care rooms are proposed accommodating forty six (46) additional residents in predominantly high care and dementia rooms and care environments. The

basement car park accommodates ninety seven (97) spaces (including accessible). Existing parking on the northern side of the site is removed to facilitate the design. Car parking within the whole facility is proposed to be increased by eighty nine (89) spaces resulting in a net total of two hundred and forty seven (247) spaces. Landscaping and other internal / external civil works are proposed including the construction of vegetated courtyards, internal driveways and stormwater facilities. The development works are proposed to be undertaken in the following two (2) stages:

Stage 1 - North Wing: This includes the demolition of the existing single storey North Wing Nursing Home and the construction of a basement level car parking area with associated (underground) kitchen, laundry, services areas, amenities, workshop, storage area and garbage holding room. Three levels of residential care rooms are to be constructed above the basement with associated resident and staff areas including consulting rooms, common areas, courtyards and dining areas. Internal lift access is proposed between levels. The existing one-way driveway crossing off Wilson Parade at the north western corner of the site is proposed to be replaced with a two-way driveway and associated traffic works.

Stage 2 - South Wing, Kingfisher & Parkview: This includes the demolition of the existing single storey South Wing Nursing Home. The development immediately adjoins the southern side of the North Wing constructed in stage 1 above. The development works entail basement car parking with two levels of resident care rooms above and includes a café on the ground floor and 'wellness area' on the first floor. A new chapel will be constructed on the third floor. Alterations and additions are to be carried out to the existing staffroom above the Village Hub and refurbishment to the existing "Kingfisher Hostel" and "Parkview Hostel" across both levels is proposed.

Figure 1: Site Plan



3.0 SITE DESCRIPTION AND LOCALITY

The site is located off the eastern side of Wilson Parade Heathcote, north of The Avenue. The site has an area of 42,840m² and is relatively flat. There are numerous established native and mature trees at the peripheries of and throughout the site.

The large allotment contains a senior's housing development consisting of several medium density buildings set amongst gardens and landscaped courtyards. The development includes residential aged care facility and independent living accommodation. There are 173 residential aged care rooms accommodating 190 residents and 158 car spaces within the development. The development is operated by the catholic aged care trust and is known as John Paul Village.

Immediately to the north of the site is the Royal National Park. Across Wilson Parade to the west of the site is the Illawarra Railway Line. Surrounding the development to the south and east are low density detached dwelling houses. Heathcote High School and neighbourhood shops are located to the south.

Figure 2: Locality Plan

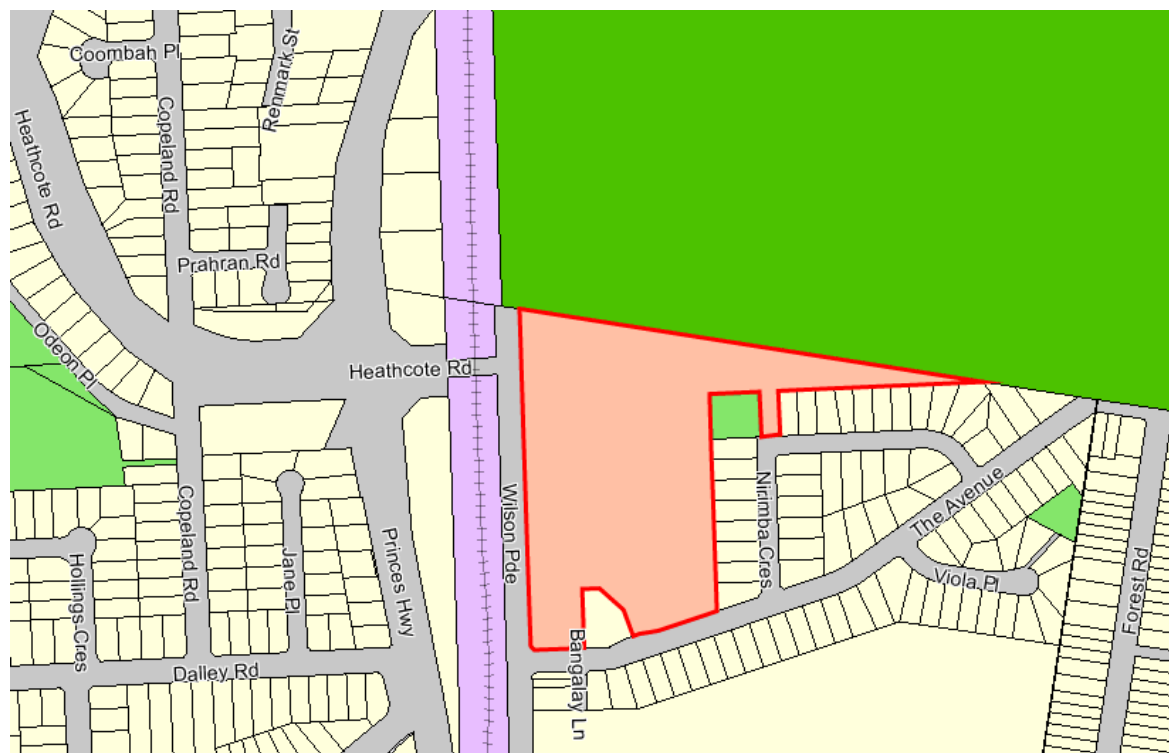


Figure 3: Aerial Plan



4.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 24 June 2014 regarding the development.

A full copy of the advice provided to the Applicant is contained within “Appendix B” of this report.

- The current application was submitted on 4 August 2014.
- An Information Session was held on 21 August 2014 and three (3) people attended.
- The application was considered by the Architectural Review Advisory Panel (‘ARAP’) on 28 August 2014
- The application was placed on exhibition with the last date for public submissions being 2 September 2014. Nine (9) submissions were received.
- The JRPP was briefed on the application on 25 September 2014.
- Additional information was requested by Council on 15 October 2014
- The applicant entered into discussions with the Office of Environment & Heritage in respect to bushfire requirements and asset protection issues after advice was received on 15 September 2014.
- Additional information and amended plans were lodged 5 November through to 13 November 2014. This included responses to the Office of Environment & Heritage, public submissions and comments of ARAP. And revised architectural, landscape, construction / site management and stormwater plans.

A full copy of the additional information is contained in “Appendix C”.

5.0 ADEQUACY OF APPLICANT’S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application, including a SEPP 1 Objection requesting a variation to the building height standard.

6.0 PUBLIC PARTICIPATION

The application was publicly exhibited until 2 September 2014 in accordance with SSDCP 2006 and other statutory requirements.

An information session between Council Officers and interested residents was held during the exhibition period on 21 August 2014. The meeting was attended by three (3) parties.

Given the location of the subject site immediately adjoining the access / egress route of Heathcote (east of Highway), 814 adjoining or affected owners were notified of the proposal. Council has received nine (9) submissions in response, and one (1) submission from the NSW Office of Environment & Heritage (OEH) being the land owner of the land immediately adjoining to the north of the subject site (i.e. The Royal National Park).

A full list of the locations of those who made submissions, the dates of their letters and the issues raised is contained within "Appendix D" of this report.

A summary of the main issues is provided below:

6.1 Issue 1 – Traffic Impacts

- Vehicular access / egress from Wilson Parade
- Traffic generation, car parking and pedestrian safety
- Adequacy of local road network.
- Bushfire emergency evacuation
- Pedestrian safety

6.2 Issue 2: Urban Design

- Compatibility of development character of Heathcote locality.
- Building height and compliance with SSLEP2006.

6.3 Issue 3: Environmental Impacts

- Tree removal
- Stormwater runoff into Royal National Park

6.4 Issue 4: Construction Management

- Residential Amenity
- Length of time of staged construction (6 years).
- Use of No's 27-31 Nirimba as construction area.
- Vehicular movements

Comment: The above matters are discussed throughout the Assessment component of this report.

6.5 Office Environmental & Heritage (OEH)

The site immediately adjoins the Royal National Park to the north and the OEH have been notified of the proposed development in accordance with SSDCP 2006 and other statutory requirements. The OEH has raised several key issues relating to an

existing bushfire Asset Protection Zone (APZ) within the OEH land and the proposed stormwater treatment and potential for stormwater to be directed into the Royal National Park. The OEH requires the APZ to be provided within the development site itself, and not to extend or rely on the existing OEH land (including existing APZ).

Comment: The applicant has provided response to the concerns raised and additional information has been referred to the OEH. The OEH have not provided support the proposed method of bushfire management. As discussed in this report, matters with regards to bushfire planning and stormwater treatment can be addressed through design, suitable conditions of development consent and agreement from the OEH with regard to the proposed method of bushfire protection and on-going management of land adjoining the site. A suitable “deferred commencement” condition is recommended in “Appendix A” of this report.

A full copy of the OEH submission and the applicant’s response to the submission is provided in “Appendix E”.

7.0 STATUTORY CONSIDERATIONS

The majority of the property is within Zone 12 – Special Uses (Seniors Housing) under the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). Portions of the site currently occupied by the senior’s housing development are located within Zone 3 Environmental Housing (Bushland) under SSLEP2006. Seniors housing within this ‘environmentally sensitive’ zone is prohibited under the Seniors Housing SEPP and SSLEP2006.

The majority of the site is proposed to be re-zoned to SP1 – Special Activities (Seniors Housing) under Draft Sutherland Shire Local Environmental Plan 2013 (DSSLEP 2013).

The following environmental planning instruments and development control plans are of particular relevance to the assessment of the application:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No.1 – Development Standards*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sutherland Shire Local Environmental Plan 2006 (SSLEP2006).*
- *Draft Sutherland Shire Local Environmental Plan 2013 (DSSLEP2013)*
- *Sutherland Shire Development Control Plan 2006 (SSDCP2006)*

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls and a compliance checklist relative to these:

Standard/Control	Required	Proposed	Complies
State Environmental Planning Policy (Affordable Rental Housing) 2009 “Cannot refuse standards”			
Cl.48(a) Building Height	8m	16.97m	No (discussed in report)
Cl. 48(b) Building Density	1:1	0.68:1	Yes
Cl. 48(c) Landscaped Area	25m ² per bed	14,833m ² / 62.8m ² per bed	Yes
Cl. 48(d) Car Parking	Residential Care 1 space for each 10 beds (24) 1 space for each 2 employees (41)	93 in new Basement Total: 247 Car spaces in site	Yes
	1 ambulance space	1 proposed	Yes
Sutherland Shire Local Environmental Plan 2006			
Cl 33 Ridge Height Ceiling Height	Max 9.0m Max 7.2m	16.97m 10.52m	No No
No. of Storeys	Max 2	3	No (discussed in report)
Cl 42 Minimum Lot Size – Seniors Housing	Min Area - 1200m ² Min Width – 25m	42,840m ² Min 150m (Existing)	Yes Yes

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1. NSW Transport - Sydney Trains

Formal landowners consent has been granted for the proposed development works within the northern part of Wilson Parade. Given the proposed development is located within or in close proximity to a rail corridor the application is referred to Sydney Trains for concurrence in accordance with Clause 86 of State Environmental Planning Policy Infrastructure - 2007. The NSW Department of Planning document entitled ‘Development near Rail Corridors and Busy Roads – Interim Guideline’ (2008) and other relevant matters have been considered and concurrence has been granted subject to both “deferred commencement” and standards conditions of development consent.

A full copy of this external report including owners consent is provided in “Appendix F”.

9.2. Rural Fire Service

The site use is a "special fire protection purpose" as defined in s100B of the Rural Fires Act 1997 and is integrated development under section 91 of the Act. In response, a range of measures addressing design and construction, utility services and evacuation and emergency management are recommended as conditions of development consent. No additional plantings are permitted to be planted along the northern boundary of the site. No specific concerns or requirements have been raised regarding asset protection and the safe evacuation of residences within the immediate locality given the land use intensification and proposed works at the northern end of Wilson Parade.

A full copy of this external report is provided in "Appendix G".

9.3. Architectural Review and Advisory Panel (ARAP)

The application was considered by ARAP on 28 August 2014. ARAP have reviewed this development previously as a pre-DA submission. While the proponent has attempted to address the issues previously raised, the panel is of the view that many of the concerns noted have not been adequately considered or resolved. The panel concluded that the proposal could be improved in a number of ways including:

- A need for a Masterplan that takes an overview of the site for all future development.
- Resolution of access and internal circulation.
- The potential of the northern frontage has not been fully realised.
- Resolution and improvement of the built form including character and architectural quality.
- Incorporation of energy and water efficiency measures.

A full copy of this external report is provided in "Appendix H".

9.4. Architect

A review of the amendments made to the proposal in response to the recommendations of ARAP has been undertaken by Council's Architect. The design has not accepted the challenges and benefits of the locality, its purpose and the resultant improved amenity for residents that could have been achieved. However, the design resolution for the character of the building form has definitely advanced from the original concept and as such would appear similar in its appearance to the existing buildings. In this sense the proposal achieves its purpose and compliments the established visual presentation of the overall institution. A summary of Council's Architects response is provided below:

Master Plan - The proposed master plan is brief and does not consider all of the long term impacts of the overall development of the property including no indication of the expected facilities to be provided for future residents and their access to them without conflict with vehicles, and other required management programmes.

Way Finding - The way finding explanations provided are based primarily on vehicular movements. The various existing and proposed barriers through the development result in complex and unobvious pathways. The main access pathways for pedestrians appear to be shared with vehicles which are neither safe or desirable. The separate entries between the basement carpark area and access to the front entry / administration area (The Hub) remain disjointed. Better visual assistance and good signage is required to ensure there are clearer paths to the various facilities.

Northern Façade - Whilst orientating lounge and connecting gallery / bridges with glazed facades allows residents to achieve an outlook toward the Royal National

Park there is still an isolation of the area from the main body of the proposed development. The resolution of this amenity appears to be a minor manipulation of the original building configuration rather than developing the design around this outstanding site quality. The opportunity to achieve better utilisation of this amenity requires a redesign.

There could be improved amenity that would allow a connection to the outside through a provision of outdoor terrace / balcony spaces accessed off the proposed lounges and connecting gallery / bridges. The resultant overhang of these elements would then provide shading to the glazed façade and as such reduce the need of blinds, screens or the like leaving a more open vista to the natural bushland area opposite.

Character, Built Form - The changes in roof form 'calm down' the bulk of the building and provide an obvious 'connection' with the existing development. However, instead of attempting to blend in with the existing site character, the opportunity to create a more contemporary and active appearance in the building form has not been adopted. The opportunity for establishing a new direction for aged care in the natural settings of the adjoining open natural bushland spaces has been missed.

9.5. Landscape Architect

Council's Landscape Architect has undertaken an assessment of the proposed development with regards to tree removal, greenweb requirements and the amended landscape design. Generally, no objections to the development proposal have been raised subject to suitable conditions of development consent.

9.6. Traffic & Transport

Council's Traffic & Transport Manager has undertaken an assessment of the proposed development with regards to parking provision, traffic impacts and pedestrian safety. The existing road system has sufficient capacity to cater for any additional traffic generated by the proposed development. Whilst not standard practice to have access and egress to the major road (Wilson Parade) when alternative access could be provided from the secondary roads (The Avenue and Nirimba Crescent), the application has demonstrated that a satisfactory design can be obtained for the proposed entry/exit from Wilson Parade, and other internal design and existing residential amenity issues can be addressed with the changes in general circulation and additional on-site parking provision.

It is recommended that a central median island be constructed in Wilson Parade to enforce left in and left out movements only to and from Wilson Parade and advice from Railcorp and National Parks and Wildlife be sought as to the maintenance of the access and egress arrangement.

Further, the proposed development is not required to be referred to the Roads & Maritime Services (RMS) for formal consultation under the relevant traffic generating guidelines or Council's Consultative Traffic Forum for consideration.

9.7. Engineer

Council's Engineer has undertaken an assessment of the application with respect to stormwater disposal, car parking provisions and manoeuvrability, and site management. Concerns raised regarding the proposed stormwater design and adequacy of the basement level design and associated ambulance parking have been resolved through amendments to the development proposal. No objections to the development proposal have been raised subject to suitable conditions of development consent.

9.8. Environmental Science

Council's Environmental Scientist has undertaken an assessment of the application with respect to site environmental issues including, impacts to flora and fauna, Georges River catchment and adjoining Royal National Park. The proposed works are unlikely to have a significant environmental impact. No objections have been raised subject to the landscape plan being amended to reinforce Council's Greenweb "support" strategy.

9.9. Building

Council's Building Surveyor has undertaken an assessment of the application with respect to design, fire safety, accessibility and relevant matters and requirements of the National Construction and relevant Building Codes. No objections to the development proposal have been raised subject to suitable conditions of development consent.

9.10. Community Places

Council's Community Places Manager has undertaken an assessment of the application with respect to seniors housing requirements, social impact, crime risk and prevention and accessibility. No objections to the development proposal have been raised subject to suitable conditions of development consent. Formal referral to the NSW Police Force for independent review under Council's adopted protocol is not warranted in this instance.

9.11. Environmental Health

Council's Environmental Health Officer has undertaken an assessment of the application with respect to building fitout and operational requirements including exhaust and ventilation, amenity impacts associated with the operation of plant and equipment, and the submitted acoustic report addressing noise from the adjoining road and rail corridors. No objections to the development proposal subject to suitable conditions of development consent.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 Concept Master Plan

Historically, the overall site lacks consideration of a larger master plan and long term vision whereby existing, proposed and future new facilities are well integrated and planned. In response to concerns, the applicant has prepared a "15 Year Concept". Whilst preliminary in nature, the concept provides for a main entry to John Paul Village via Wilson Parade and removes the existing access from The Avenue. The entry enables the existing u-turn bay to be replaced with a round-about option which is a more rational approach in terms of road design and "way finding" to the site. Existing vehicular issues within The Avenue may also be alleviated.

Future access to the basement car park is indicated from the new entry which provides direct connectivity with the central Hub / administration areas of the facility. Whilst internal linkage from the basement to the main / central entry court (i.e. the Hub) is not provided under the current application, the development and associated concept master plan is considered to be acceptable and conducive to allow for post-

adaptation. A suitable condition of development consent is recommended requiring the construction of the North Wing building to allow for post adaptation.

The concept master plan demonstrates that future 'wayfinding' to and within the development from a vehicular use point of view can be resolved and enables future development opportunity for additional accommodation which is in high demand. Pedestrian 'wayfinding' appears to remain an issue which requires future resolution.

Appropriate staging of the development and construction management and potential impacts can be addressed at a detailed development application (DA) stage. Conditions relating to "wayfinding" in this stage are included in the recommendation.

10.2 Seniors Housing SEPP

The proposed development is by definition a 'residential care facility' and the provisions of the Senior Housing SEPP apply to the application. John Paul Village facility provides for a range of accommodation within the existing facility and the proposal creates additional housing and care opportunities consistent with the objectives of the Senior Housing SEPP.

The site and design related requirements of the Seniors Housing SEPP are outlined below and these matters are expanded upon throughout the assessment component of this report.

Part 2 - Site Related Requirements

Clause 26 - Location & Access to Facilities

Comment: The site is located within proximity to neighbourhood shops and bus services. The residential care facility also provides a private bus service to provide access to services within the nearby urban centres.

Clause 27 - Bushfire Prone Land

Comment: The proposal is capable of satisfying the relevant bushfire planning requirements and enabling safe evacuation in the event of an emergency. Direct consultation and written support from the Rural Fire Service for the development has been received. Confirmation and agreement to these terms from the Office of Environment & Heritage will be required as a condition of development consent.

Clause 28 - Water and Sewer

Comment: Adequate services and facilities are provided in conjunction with the residential care facility.

Part 3 - Design Requirements and Principles (Clauses 30-39)

Comment: The proposal adequately demonstrates that regard has been given to the design requirements and principles set out in the Seniors Housing SEPP. This includes the provision of a detailed site analysis demonstrating the suitability of the site for the development and adequate resolution of the matters relating to streetscape integration, internal and neighbourhood amenity, stormwater management, crime prevention through design, accessibility provision and waste management. Further discussion on these design requirements and principles is provided throughout the assessment discussion.

Part 7 - Development standards that cannot be used as grounds to refuse consent

Comment: The Seniors Housing SEPP prevails to the extent of any inconsistency with SSLEP 2006. As detailed in the attached compliance table and discussed in further detail in this report **(with the exception of building height)** the "cannot refuse" provisions contained within Clause 48 are satisfied.

10.3 Zoning & Social Comment

The site is located within Zone 12 – Special Uses (Seniors Housing) and the relevant objectives of this zone are as follows:

- a. *to provide for a range of community facilities and services to meet the needs of the community,*
- b. *to allow for development by public authorities,*
- c. *to provide for a variety of development in accordance with local educational, religious or similar community demand,*
- d. *to ensure the scale and nature of new development is compatible with the surrounding urban form and natural setting of the zone,*

The re-development of the residential care facility and associated increase in aged care accommodation is consistent with Council's long term housing strategies. Additional employment and aged care housing which is in high demand will provide both a social and economic benefit to the community so long as its impacts on surrounding lands can be minimised and managed. The facility has successfully co-existed in Heathcote with adjoining land uses and the proposed land use intensification is considered appropriate in light of this context. The proposal is consistent with the zone objectives and adequately satisfies the relevant matters for consideration.

10.4 Building Height

The proposal comprises three (3) storeys, is 10.52m ceiling height and has a 16.97m ridge height to the highest section of the new work, being the chapel spire. The majority of the ridge of the North Wing is elevated 2.74m – 3.83m below the spire element of the development.

The proposed development fails to comply with the development standard for height contained within Clause 33 of SSLEP2006 and exceeds the “cannot refuse” provisions of the Seniors Housing SEPP. To support these variations, the applicant has lodged an Objection pursuant to the requirements of SEPP 1. A copy is attached as “Appendix I”.

An assessment of the submitted SEPP1 Objection has been undertaken in accordance with the convention established in *Justice Lloyd in Winten Property Group Limited v North Sydney Council* (2001), and with regard to *Wehbe v Pittwater Council* (2007).

The underlying objects of the height development standard are set out in clause 33(2) of SSLEP 2006 as follows:

“(a) to ensure the scale of buildings:

(i) is consistent with the desired scale and character of the street and locality in which the buildings are located, and

(ii) complements any natural landscape setting of the buildings,

(b) to allow reasonable daylight access to all buildings and the public domain,

(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,

(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,

(e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones.”

Analysis: The development will perceivably present as two (2) storeys when viewed from the public domain (Wilson Parade) due to the existing levels of the site and relationship to the adjoining elevated roadway. Given the prominent nature of the site at the “gateway” entry to Heathcote East, maintaining an appropriate streetscape appearance and perception of height, bulk and scale is imperative. The location of the building in the north western corner of the site, away from adjoining residential development is appropriate in order to maintain a suitable transition between the different land uses. It is anticipated that three (3) storey developments would be difficult to realise elsewhere within the site given this relationship.

The overall design of the development integrates with the urban and sensitive environmental setting of Heathcote East, near the Royal National Park, as well as the existing residential care and independent living buildings adjoining the proposal. The pitched roof design assists in maintaining a residential and consistent streetscape character. The largest area of non-compliance is confined to the chapel spire which sits above the predominant ridge level of the building. The design element provides architectural interest and visual relief to the development. An ‘institutional’ building typology is avoided which is a typical characteristic of other residential care facilities.

The existing landscape setting of the site and locality is adequately maintained and suitable vegetation is provided which assists in ameliorating potential adverse visual impacts generated by the development when viewed from the public domain or adjoining lands. The development does not adversely impact upon adjoining residential development in terms of loss of views, loss of privacy, overshadowing or visual intrusion. Reasonable internal amenity is afforded to the future occupants of the development.

The SEPP1 Objection provides evidence to demonstrate that compliance with the standard would be unreasonable or unnecessary in the circumstances of the case. The proposed variation is considered to be consistent with the aims of SEPP1 and the objects of the Act. A variation to Council's building height development standard is considered to be reasonable in the circumstances of the case, primarily due to the scale of existing buildings within John Paul Village and the relationship of the site to the public domain and adjoining properties.

Having regard to the object and the purpose of the standard for maximum building height it is considered that:

- (i) Compliance with the development standard is unreasonable and unnecessary and the objection is well founded.
- (ii) Variation to the development standard contained within Clause 33 of SSLEP2006 would be consistent with the aims of SEPP1.
- (iii) Variation to the development standard would not raise matters of significance for state or regional planning, be contrary to the public interest, or contrary to the objects of the Act.

10.5 General Urban Design & Residential Amenity

The Seniors Housing SEPP, SSLEP 2006 and Chapter 3 of SSDCP2006 contain relevant matters of consideration relating to urban design and residential amenity. There are minimal numeric development controls applicable to the development type, yet broader consideration to the objectives contained within these environmental planning instruments has been given.

Having regard to the comments of ARAP and Council's Architect it is Council's position that there are missed opportunities with the design. Particularly the

opportunities for a clearer future plan incorporating enhanced “wayfinding” measures and a contemporary design approach rather than to blend with the existing. Notwithstanding these comments, the proposed development including roof form and façade treatment is anticipated to integrate with the existing streetscape character and respected environmental and low density residential setting of the existing facility and Heathcote locality. Whilst the development could be further refined from a design perspective, refusal of the proposal on the basis of its architectural merit is not considered warranted. Future stages and ‘organic’ growth of the facility can adopt some of the required “wayfinding” measures as the village evolves. Conditions are included in the recommended consent to resolve “wayfinding” and internal amenity issues.

The predominant setback of the existing facility to Wilson Parade and the northern property boundary is maintained consistent with the provisions of SSDCP2006. Suitable building articulation, architectural detailing and landscape interest promotes visual interest to the prominent western elevation which minimises visual impacts associated with built form when viewed from the roadway and “gateway” into Heathcote east.

The treatment of the northern elevation has been a specific area of concern given the substantial amenity achievable within the development including enhanced solar access and visual outlook. Whilst extensive glazing is provided to the elevation and internal common / leisure areas take advantage of this aspect, design refinement is recommended. The provision of outdoor terrace / balcony spaces accessed from the lounge areas and connecting the gallery / bridges will greatly improve this amenity. The resulting overhangs can provide shading to the glazed façade and minimise the needs for blinds and screens to be provided which reduce internal amenity and affect the visual appeal of the design. Whilst there is an isolation of the area from the main body of the development and absence of individual rooms facing the north, the design is considered to be acceptable. Adequate solar access is maintained to the majority of rooms and internal areas of the development.

Matters relating to ecologically sustainable development, energy efficiency and sustainable building techniques have been considered and the development incorporates appropriate measures and construction techniques in conjunction with the development.

The Crime Prevention through Environmental Design (CPTED) principle aims have been considered with regards to potential safety and security issues associated with the design of the development. The proposed new works and existing facility provides suitable opportunities for both active and passive surveillance. The development is considered appropriate subject to suitable conditions of consent incorporating additional CPTED treatment measures.

The building is designed to comply with the National Construction Code and relevant requirements for fitout and accessibility. Suitable conditions are to be placed on the development consent to ensure all appropriate measures are noted and provided with the application for a Construction Certificate. Accessibility within and around the facility is significantly improved as a result of the proposal.

Potential adverse noise impacts on future occupants from the adjacent Princes Highway and Illawarra Railway Line are required to be considered. The application has been accompanied by acoustic recommendations and is designed to satisfy the relevant noise and vibration emission standards prescribed in the Infrastructure SEPP and the NSW Department of Planning document entitled ‘Development near Rail Corridors and Busy Roads – Interim Guideline’ (2008). The application has been

reviewed by Council's Environmental Health Officer and is considered to be acceptable subject to conditions of development consent.

The location and design of air conditioning and other mechanical plant are generally located to minimise potential adverse noise impacts within the site and to adjoining residential development. Plant and equipment is generally integrated into the built form to not be visually prominent from adjoining properties and public way. Suitable conditions are recommended to ensure noise arising from the on-going operation is within the relative noise guidelines so as to maintain reasonable amenity.

The relevant provisions of the Seniors Housing SEPP, SSLEP2006 and SSDCP2006 have been considered as a part of the assessment of the application and the proposal is considered acceptable.

10.6 Planning for Bushfire Protection

Approximately one third of the site is identified as 'bushfire prone land' due to the Royal National Park adjoining to the north of the site. The provisions of the Seniors Housing SEPP, SSLEP2006, SSDCP2006 and *Guidelines for Developments adjoining Department of Environment and Climate Change Land* are applicable to the proposal. The application has been accompanied by a detailed bushfire risk assessment which includes recommendations on bushfire protection measures in accordance with the NSW Rural Fire Service publication 'Planning for Bushfire Protection 2006', related legislation and policies. The proposal has been reviewed by the Rural Fire Service (RFS) and is considered acceptable subject to suitable conditions of development consent.

It is a requirement of NSW Transport - Sydney Trains for access to the rail corridor and Royal National Park at the northern end of Wilson Parade to be maintained and unobstructed for access purposes at all times. The proposed internal driveway to John Paul Village has sufficient capacity for larger emergency class vehicles to access the site and adjoining lands in the event of an emergency. The general intensification of the existing land use and additional population within John Paul Village has not raised any specific concern regarding the evacuation of the larger East Heathcote suburban area via the subject site along Wilson Parade.

During public consultation the Office of Environmental and Heritage (OEH), being the adjoining land owner to the north (Royal National Park) raised concerns regarding an existing bushfire asset protection zone (APZ) within the OEH land. The OEH does not support the proposal if it relies on an APZ on the OEH land, and requests that modifications to the development be provided so as to include measures which accommodate asset protection within the site itself.

The applicant indicates that the proposal does not rely on the existing APZ on OEH land to achieve compliance with the relevant bushfire planning requirements as the re-development works within John Paul Village do not extend closer to the bushfire hazard than the existing buildings and the maintenance of the land within the village between the buildings and the boundary is maintained (i.e. infill development provisions). The Bushfire Attack Level (BAL) assessment however takes into account the regular maintenance and management of the adjoining land, and modifications to the BAL assessment and built form would be required should acceptance from the OEH not be obtained. The applicant has submitted a letter prepared by the NSW National Parks and Wildlife Service (Dated 8 September 2011) which indicates that land on the southern side of East Heathcote (including existing APZ) will continue to be maintained. Whilst the letter does not specifically refer to land on both northern and eastern sides of East Heathcote, it is anticipated that a level of land

management would continue given the potential bushfire risks to this locality and existing fringe developments.

Given the nature of correspondence at the time of writing this report and potential for resolution of the matter, it is recommended that approval be granted subject to “deferred commencement”. This will require written confirmation and agreement from the OEH regarding the proposed method of bushfire management (including asset protection) in perpetuity of the development. Alternatively, a method of bushfire management may be prepared with agreement from both the RFS and OEH which satisfies all relevant bushfire planning requirements and addresses both asset protection and the BAL assessment.

10.7 Traffic, Car Parking and Safety

Clause 53 of SSLEP 2006 and chapter 7 of SSDCP2006 contains matters for consideration relating to transport accessibility, traffic impacts and car parking provision. The adequacy of the surrounding road network to accommodate increased traffic movements and aged care / staff population has been a specific area of concern. Particularly in relation to the proposed access / egress arrangement from Wilson Parade, evacuation of the locality during an emergency event, potential vehicular conflicts and other related safety issues.

A total of 63 additional aged care rooms accommodating 46 additional residents and 89 additional car spaces within the total development are proposed. The applicant's submission indicates that Wilson Parade traffic will increase by a maximum of 18 vehicles trips in a peak hour representing 3% of the current bridge traffic.

Council's Traffic and Transport Manager has undertaken an assessment of the application and concurs with the applicant's submission and considers the development acceptable subject to conditions of development consent. This includes the provision of a central median to prevent conflicting vehicular movements, general upgrades of the roadway and ensuring the requirements of Sydney Trains and OEH regarding access are resolved. Additional upgrades within Wilson Parade such as potential bridge widening, road / lane duplication and round-about option at The Avenue Intersection are not warranted given the anticipated increase in vehicle movements and projected traffic generated by the development works. The general design and layout of the entry / exit driveway from Wilson Parade provides adequate sight lines and pedestrian links to maintain general safety. To maintain residential amenity a suitable condition is recommended advising vehicles leaving the basement to exit the site via Wilson Parade.

The provision of additional on-site parking within the facility and a separate site access location from Wilson Parade will assist in relieving issues currently experienced by local residences within the surrounding streets including Nirimba Crescent and The Avenue. The development satisfies the car parking requirements including the “cannot refuse provisions of the Seniors Housing SEPP. The development is not anticipated to present any significant increase in suburb scale traffic generation or affect parking provisions in the street. The proposal adequately satisfies the relevant matters for consideration and is acceptable.

10.8 Environmental Impact

The proposed development including new driveway arrangement from Wilson Parade in the North West corner of the site will require the removal of 66 trees covered by Council's Tree Preservation Order (TPO). The proposal does not directly impact upon or necessitate the removal of any vegetation within the Royal National Park adjoining the site. The loss of the six (6) trees (three (3) remnant species) in Wilson Parade is particularly regrettable, yet necessary to maintain adequate sight lines and ensure vehicular and pedestrian safety.

SSDCP2006 requires replacement tree planting at a rate of 4 to 1 with indigenous species on private land. The application has been reviewed by Council's Landscape Architect and the extent of compensatory planting has been reduced as the development has been sensitively designed to maintain and enhance the existing landscape design such that it makes a positive contribution to the local landscape character. 148 replacement trees are recommended to offset this loss. Some of these may be able to be planted as street trees or in nearby parkland if they cannot be accommodated on-site.

The site is mapped as a Greenweb 'Support' area which requires new plantings to consist of 100% indigenous trees and 80% indigenous understorey species. The application has been amended whereby additional indigenous species including canopy vegetation have been provided within the development including courtyard areas. Suitable vegetation is retained and planting of additional trees is provided along Wilson Parade frontage which both screens the development and maintains the environmental setting of the locality and streetscape character. This vegetation is also anticipated to enhance internal amenity and screen headlights coming across the railway bridge. The perimeter plantings adjoining the Royal National Park / northern boundary are required to be deleted from the application in accordance with RFS requirements for bushfire protection.

It considered that no significant unacceptable or detrimental impacts are presented to the natural environment including adjoining bushland.

10.9 Stormwater & Georges River Catchment

The subject site is located on the eastern periphery of the Georges River Catchment and is subject to the provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. The site also adjoins the Royal National Park to the north and concerns have been raised regarding adverse environmental impacts associated with stormwater run-off and the disposal of stormwater to natural bushland areas.

There is a general fall to the south and away from the natural bushland areas adjoining the site. Stormwater from the new development is proposed to be collected by a formal piped drainage system which includes stormwater water detention and a treatment train prior to discharge to Council's existing infrastructure in The Avenue to the south.

The stormwater treatment measures are considered appropriate and are supported subject to suitable conditions of development consent. This includes the provisions or rainwater harvesting to be utilised for irrigation of the new landscaped areas. Suitable site environmental site management details have been provided with the application as to protect the environmental quality of the catchment area and to minimise adverse impacts which may be presented to water quality during construction. It considered that no detrimental impact is presented to the environmental quality of the catchment and adjoining bushland.

10.10 Construction Management & Staging of Development

Specific concerns have been raised regarding the proposed use of No's 27-31 Nirimba Crescent as a construction management area, the length of time for staged construction and the potential adverse amenity impacts to adjoining residential development from associated activities.

The application has been amended during the course of assessment whereby the location of the construction management area including site sheds, material storage

and construction vehicle parking has been relocated to within the northern portion of the site adjoining the location of the development works. The applicant has revisited the planned staged construction and from both a neighbourhood amenity and general feasibility view, has provided a reduced anticipated length of time to 3.5 years under a two (2) stage approach.

The construction management plan for Stage 1 depicts construction vehicles leaving the site via Wilson Parade under traffic management. Given the extensive nature of the development works including anticipated materials / machinery required to facilitate the development, this method is appropriately sited away from potential residential noise receivers. Whilst stage 2 of the development seeks to discharge construction vehicles via Nirimba Crescent, such disruptions are considered to be reasonable given the scope of works.

The concerns raised regarding both land use permissibility and proximity of development works to adjoining residences and the Royal National Park is considered to be adequately resolved subject to appropriate management as outlined in the revised management plan and with Council's standard conditions of development consent.

10.11 Archaeological Sensitivity

Council records indicate that the subject site is rated 'medium' in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The site does not warrant an Aboriginal Archaeological Study being undertaken.

10.12 Draft Sutherland Shire Local Environmental Plan 2013 (DSSLEP2013)

DSSLEP2013 was placed on exhibition on 19 March 2013 and is matter for consideration under S.79C(1)(a)(ii) of the EPA Act. The land is proposed to be zoned SP1 – Special Activities (Seniors Housing) under DSSLEP2013 and the proposed development, will remain permissible in the proposed zone.

The draft Development Standard for building height contained within Clause 4.3 of DSSLEP2013 is of particular relevance to the proposal. The proposed development exceeds the maximum overall building height of 8.5m.

DSSLEP 2013 was placed on exhibition on 19 March 2013 and re-exhibited to 1 November 2013. Following consideration of an Independent Review into DSSLEP 2013 Council resolved, on 5 August 2014, to make various changes to the previously exhibited plan. Exhibition of draft SSLEP 2013 – LEP3 has finished.

Following the consideration of 1300 submissions from the community on the latest public exhibition, Council has adopted a final version of Draft SSLEP2013. The draft plan has been forwarded to the State Government who are responsible for the finalisation process. Whilst DSSLEP 2013 – LEP3 has limited statutory weight, it remains a matter for consideration under S.79C(1)(a)(ii) of the EP&A Act, though with a limited degree of certainty or imminence at this time.

11.0 SECTION 94 CONTRIBUTIONS

Due to its nature, the proposed development will not require or increase the demand for local and district facilities within the area. Accordingly, it does not generate any Section 94 contributions.

12.0 DECLARATION OF AFFILIATION

Section 147 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

13.0 CONCLUSION

The proposed development is for demolition works, the construction of new facilities, alterations and additions to existing buildings, landscaping and external works to the residential care precinct of John Paul Village at 15 The Avenue, Heathcote.

The subject land is located within Zone 12 – Special Uses (Seniors Housing) pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being for seniors housing is a permissible land use within the zone with development consent.

In response to public exhibition nine (9) submissions were received. The matters raised in these submissions have been dealt with by design changes or conditions of consent where appropriate.

The proposed development is consistent with the Seniors Housing SEPP, and whilst variation to the building height development standard contained within Clause 33 of SSLEP2006 is proposed, the variations are considered acceptable in this instance.

The proposal will fit comfortably with the urban and bushland character of the Heathcote locality and within the existing grounds of John Paul Village. Additional employment opportunity and aged care provisions provide a social and economic benefit to the community which is in the public interest. A positive contribution to the provision of residential aged care within the Sutherland local government area is consistent with Council's Strategies. Matters regarding traffic impacts, urban design, environmental protection and construction management have been adequately resolved.

It is concluded that subject to subject to minor design refinement and a "Deferred Commencement" development consent addressing the requirements of NSW Transport – Sydney Trains and outstanding bushfire management issues, the proposed development will not result in any significant adverse impacts on the locality, adjoining properties and future occupants of the development. The proposal adequately satisfies the relevant matters for consideration and is recommended for approval.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. DA14/0823 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

14.1 That pursuant to the provisions of Clause 6 of State Environmental Planning Policy No. 1 (SEPP 1), the Objection submitted in relation to the requested

variation of the building height development standard (Storeys, ceiling height, and ridge height) under Clause 33 of Sutherland Shire Local Environmental Plan 2006 is considered to be well founded and is therefore supported. Accordingly, the provisions of SEPP No. 1 are invoked and this development standard is varied to three (3) storeys, 10.52m (ceiling height) and 16.97m (ridge height) in respect to this development application.

- 14.2 That Development Application No. DA14/0823 for Demolition Works, Construction of New Facilities, Alterations and Additions to Existing Buildings, Landscaping and External Works to the Residential Care Precinct of John Paul Village Lot 10 DP 1110571 15 The Avenue, Heathcote be approved, subject to the draft “deferred commencement” conditions of consent detailed in Appendix “A” of the Report.