

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Sutherland Shire Council on Thursday 11 December 2014 at 1:00 pm

Panel Members: David Furlong (chair), Stuart McDonald, Julie Savet Ward, Carol Provan and Kevin Schreiber

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014SYE099 – Sutherland - DA14/0823 [at 15 The Avenue, Heathcote] as described in Schedule 1.

Date of determination: 11 December 2014

Decision:

The panel determined to approve on a deferred commencement basis the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposal is generally consistent with the provisions State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. The variation to the building height standard is considered to be reasonable in this instance and the SEPP 1 objection to that standard well founded.
3. The issues of bushfire management and proximity to rail infrastructure can be overcome by compliance with the proposed conditions.
4. The proposal will fit comfortably with the urban and bush land character of the Heathcote locality and within the existing grounds of the John Paul Village.

Conditions: The development application was approved on a deferred commencement basis subject to the conditions attached to the Council Assessment Report dated 26 November 2014, amended at the meeting as follows:

Part 1 - Deferred Commencement Conditions

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

Note- Under the provisions of Clause 9SA(S) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from NSW Transport - Sydney Trains as to the matters outlined within Attachment A of the letter of concurrence dated 7 November 2014.

Former deferred commencement condition 2 is altered to a Operational Condition and is amended by the following addition:

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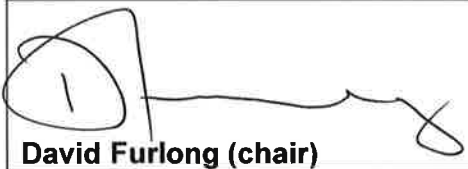
2. This consent is not to operate until the Applicant satisfies the Council that it has obtained:

a) Written confirmation and agreement from the Office of Environment and Heritage (OEH) regarding the proposed method of bushfire management (including asset protection) in perpetuity of the development. Or, an alternate method of bushfire management is prepared consistent with all relevant bushfire planning requirements and specifically addressing both asset protection and the Bushfire Attack Level (BAL) assessment. Any alternate method must have written confirmation and agreement from both the Rural Fire Service (RFS) and OEH in perpetuity of the development.

b) Alternately, the method of bushfire protection other than reliance on the APZ on OEH land may be proposed by physical construction.

c) Whichever solution is proposed (a or b above), the information or design shall be submitted to Council for approval prior to the lodgement of any Construction Certificate, excluding the work solely related to the fire upgrade of the buildings known as Kingfisher and Parkview. Should the alternate in (b) be chosen, Council's consideration shall be limited to the internal amenity of aged care residents, and the visual impact of the development on neighbouring land.

Panel members:

 David Furlong (chair)	 Stuart McDonald	 Julie Savet Ward
 Carol Provan	 Kevin Schreiber	

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SCHEDULE 1	
1	JRPP Reference – LGA- Council Reference: 2014SYE099 – Sutherland - DA14/0823
2	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
3	Street address: Lot 10 DP 110571 -15 The Avenue, Heathcote
4	Applicant: D Kataieh
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations • <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEP)</i> • <i>State Environmental Planning Policy (Infrastructure) 2</i> • <i>State Environmental Planning Policy No.1 – Development Standards</i> • <i>Greater Metropolitan Regional Environmental Plan No 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> • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 26 November 2014 Written submissions during public exhibition: nine (9) Verbal submissions at the panel meeting: On behalf of the applicant- Brett Daintry
8	Meetings and site inspections by the panel: Briefing Meeting on 25 September 2014 and Site Visit on 11 December 2014
9	Council recommendation: Deferred Commencement Approval
10	Draft conditions: Attached to council assessment report