

Relevant JOINT REGIONAL PLANNING PANEL

Meeting held at Campbelltown City Council on 1 October 2015 at 12.00 pm

Panel Members: Mary-Lynne Taylor (Chair), Paul Mitchell, Bruce McDonald, Cr Paul Hawker

Apologies: Cr Paul Luke Declarations of Interest: None

Determination and Statement of Reasons

2015SYW112 – Campbelltown – DA1241/2015/DA-SL [5-17 Bryon Avenue Campbelltown] as described in Schedule 1.

Date of determination: 1 October 2015

Decision:

The panel determined to approve 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:

The panel unanimously agrees to approve the development application for the following reasons:

1. The proposed development adds to the supply of more affordable housing for seniors and people with a disability in the Southwest Metropolitan Subregion and the City of Campbelltown in a location with satisfactory public transport access to the metropolitan transport facilities available at Campbelltown and Leumeah and the amenities and services provided in the Campbelltown Central Business area.
2. The proposed development, subject to the conditions applied, adequately satisfies the relevant State Environmental Planning Policies including SEPP (Housing for Seniors or People With a Disability) 2004.
3. The proposal adequately satisfies the provisions and objectives of Campbelltown LEP (Urban Area) 2002 and Campbelltown (Sustainable City) DCP 2014. In this regard the Panel notes that a residential flat building is not permitted within a 2(b) Residential B zone under the LEP but that the provisions of SEPP (Housing for Seniors or People With a Disability) 2004 permitting the use prevail in this case.
4. The site development treatment and the landscape treatment adopted for the proposal will effectively integrate the proposed development into the existing and planned character of the residential precinct in which it is located.
5. The proposed development will have no significant adverse impacts on the natural or built environments including impacts on the amenity of adjoining or nearby residential premises or the operation of local road network.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Conditions:

The Panel approves the development application subject to the conditions outlined in the Council Assessment Report and as amended at the meeting.

The following conditions were amended:

1. Insert section heading to Recommended Conditions of Consent:

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

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2. Condition 8, to move from Recommended Conditions of Consent and be included within clauses of Development Requirements During Construction, with minor edits to paragraph 2 to reflect the following:

In the event of a noise, dust or vibration related issue arising during construction, the person in charge of the premises shall when instructed by Council, carry out an acoustic, dust or vibration investigation by an appropriate qualified consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

3. Remove Advice 8 and incorporate into Condition 14 to read as follows:

Rainwater tank/s shall be installed on site for the collection and storage of stormwater for irrigation purposes in accordance with approved plans. Any rainwater collected within any rainwater tank as part of the development shall be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where reticulated potable water supply is available.

4. New addition to General Conditions:

Protection of habitable room windows




Habitable room windows adjoining car parking areas, driveways, vehicle manoeuvring areas and pedestrian pathways shall be designed or fitted with devices to reduce noise and light impacts from vehicles and pedestrian movements.

5. New condition regarding covenant:

Positive Covenant Restricting Residents

Prior to occupation, the applicant shall register a positive covenant on the use of land under Section 88E of the Conveyancing Act 1919 which restricts the residents of the development to people aged 55 or more years or people with a disability of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

Panel members:

		
Mary-Lynne Taylor (Chair)	Bruce McDonald	Paul Mitchell
<p>Approved by email</p> <p>Cr Paul Hawker</p>		

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015SYW112 – Campbelltown – DA1241/2015/DA-SL
2	Proposed development: Seniors Living Development
3	Street address: 5-17 Bryon Avenue Campbelltown
4	Applicant/Owner: Land and Housing Corporation
5	Type of Regional development: CIV> \$5M – Crown Development
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Campbelltown (Urban Area) Local Environmental Plan 2002 • Draft Campbelltown Local Environmental Plan 2014 • Campbelltown (Sustainable City) Development Control Plan 2014 • Campbelltown City Council Section 94A Development Contributions Plan 2011 • 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 Environmental Planning and Assessment Act 1979 (EPA) or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 21 September 2015 Written submissions during public exhibition: 3 Verbal submissions at the panel meeting: Support- none; Against- Swapnil Sukul on behalf of Hiralal Sukul; On behalf of the applicant - David Carey of Land and Housing Corporation
8	Meetings and site inspections by the panel: Site Inspection: 1 October 2015 Briefing Meeting: 1 October 2015 Determination Meeting: 1 October 2015
9	Council recommendation: Approval with conditions
10	Draft conditions: Attached to Council Assessment Report