

DATE OF DETERMINATION	20 June 2017
PANEL MEMBERS	Morris Iemma (Chair), Peter Brennan, Lindsay Fletcher and Kent Johns
APOLOGIES	Bruce McDonald, Nicole Gurran and Steve Simpson
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council Chambers, on Tuesday 20 June 2017 opened at 12.10 pm and closed at 1.15 pm.

MATTER DETERMINED

2017SSH005 – LGA – Sutherland – DA – 16/1810 – Lot 1 DP 1097917, 19 Kiama Street (also known as 86-110 Bellingara Road,), Miranda, Stage 3 of construction of an aged care facility being the erection of a 5 storey building containing 33 self-contained seniors housing units and amendment to Stage 1 Masterplan Development Consent DA08/0808.

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 the matters observed at site inspections listed at item 8 in Schedule 1.

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*. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing within the metropolitan South District and the Sutherland local government area in a location with acceptable access to the services and amenities available from Miranda Centre and metropolitan transport services available from Miranda Rail Station.
2. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP (Housing for Seniors or People with a Disability) 2004, SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide.
3. The proposal adequately satisfies the applicable provisions and objectives of Sutherland Shire LEP 2015 and Sutherland Shire Draft DCP 2015.

4. The proposed development is considered to be of appropriate scale and form adequately consistent with the Stage 1 Masterplan Development Consent DA08/0808 for the site and the planned character of the locality in which it is placed. In that regard, the Panel notes the support given to the proposal by the Architectural Review Advisory Panel.
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology the amenity of adjacent and nearby residential premises, and the operation of local road system.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

A – The Panel approves the amendment to the Masterplan consent subject to submission of An Amending Masterplan drawing that supersedes the original Masterplan subject of Development Consent DA08/0808 for the Stage 3A area only. Stages 3A and 3C must be shown on the Amending Masterplan as approved by Development Consent DA08/0808.

Reason - to avoid any inconsistency between Development Application DA16/1810 and Development Consent DA08/0808, in accordance with Clause 97(1) of Environmental Planning and Assessment Regulations 2000.

B - The development application was approved subject to the conditions in the Council Assessment Report with the following amendments to:

- Condition 2 (i) is deleted
- Condition 2 (ii) is deleted
- 2 (iv) – delete the word paved with unit pavers
- Condition 34(A)(iii) – deleting reference to swimming pool shell
- Condition 40(A)(i) – deleting the reference to employees
- Condition 4 – is deleted
- Condition 17 and/or 18 will be modified to require replacement tree planting with Council's policy

Conditions 17 and 18 are amended to read as follows:

17. Approved Landscape Plan (ENV2005)

A. Design Changes

The landscape works on the site must be carried out in accordance with the approved Landscape Plan except as amended by the following:

- i. Tree Protection Zones (TPZ) must be shown on plan for all existing trees to be retained and protected.*

- ii. *The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank to enable effective landscape maintenance.*
- iii. *The private terraces of each ground floor dwelling must be provided with one tap connected to mains water.*
- iv. *Ensure that the mature heights of all proposed tree species under high voltage wires comply with the requirements of Ausgrid.*
- vi. *As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au and search for Native Plant Selector).*
- v. *The vegetable patch/garden is not to be located forward of the building line to Bellingara Road.*

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above. A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an occupation certificate (interim or final). This certificate is required to ensure that all landscaping works and the deep soil percentage requirements have been carried out in accordance with 'A' above, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$225 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$150 each.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date.

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

Sutherland Shire Council Nursery

345 The Boulevarde, Gympie

Ph: 02 9524-5672

18. Trees on Private Land

A. Tree Removal

The removal of the following trees is approved:

- i) Trees as listed below and as identified in Appendix E - Site Plan A - Survey of Subject Trees from the report titled "Arboricultural Impact Assessment, 19 Kiama Street, Miranda NSW" prepared by Redgum Horticultural (Ref: 2682) dated 1 December 2016.:

Tree No.	Tree Species (botanical and common name)	Location
2	<i>Eucalyptus</i> spp.	In the proposed Garden Terrace (South) adjacent to theatre entrance
3	<i>Corymbia gummifera</i>	Bellingara Road front setback
4	<i>Eucalyptus punctata</i>	Bellingara Road front setback
5	<i>Eucalyptus punctata</i>	Bellingara Road front setback
6	<i>Eucalyptus</i> spp.	Bellingara Road front setback
7	<i>Eucalyptus</i> spp.	Bellingara Road front setback
8	<i>Eucalyptus</i> spp.	Bellingara Road front setback

- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.

- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015.

All other vegetation that would require approval to be removed must be protected.

B. Design

- i) Seven trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council's (Draft) Development Control Plan 2015 requires indigenous replacement canopy tree planting at a ratio of 8:1 on private land.
- ii) 56 replacement trees are required to be planted.
- iii) A minimum number of 23 indigenous trees must be planted on the site. The trees selected must be planted within 3m of the front or rear setback of the subject property and not within 3m of a building or proposed building or swimming pool. Replacement planting must be selected from the following table:
- iv) Trees must have a minimum container size of 5 litres.

Note: For the remaining 33 replacement trees required by “B ii)” above, Council offers offsite planting under a ‘Deed of Agreement’ as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council’s Green Street Program. ‘Deed of Agreement’ forms can be downloaded from Council’s website at www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement.

A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

C. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council’s Controls for Preservation of Trees and Bushland Vegetation (SSC(Draft)DCP 2015 Chapter 38). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.





Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from local provenance seed may be available from:

Sutherland Shire Council Nursery

345 The Boulevard, Gympie

Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

PANEL MEMBERS	
 Morris Iemma	 Lindsay Fletcher
 Kent Jones	 Peter Brennan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH005 – LGA – Sutherland – DA – 16/1810
2	PROPOSED DEVELOPMENT	Stage 3 of construction of an aged care facility being the erection of a 5 storey building containing 33 self-contained seniors housing units

		and amendment to Stage 1 Masterplan Development Consent DA08/0808.
3	STREET ADDRESS	Lot 1 DP 1097917, 19 Kiama Street (also known as 86-110 Bellingara Road,), Miranda
4	APPLICANT/OWNER	HammondCare
5	TYPE OF REGIONAL DEVELOPMENT	General Development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Senior's SEPP) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP) 65 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Sutherland Shire Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Draft Sutherland Shire Development Control Plan 2015 Section 94 Community Facilities Plan Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report, Draft conditions of development consent, Architectural review advisory panel comments, Public submissions, Visual analysis of masterplan and proposed development, Taylor Brimmer Landscape Masterplan Written submissions during public exhibition: 3 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – Michael Cooney, Andrew

		<p>Masters, Michel Oliver and Paul Knox</p> <ul style="list-style-type: none"> ○ On behalf of the council – Daniel Lukic
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 20 June 2017 • Final briefing meeting to discuss Council’s recommendation – 20 June 2017, 11.30 am to 12.00 pm • Determination meeting – 20 June 2017 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Morris Iemma (Chair), Peter Brennan, Lindsay Fletcher and Kent Johns ○ <u>Council assessment staff</u>: Daniel Lukic, Carine Elias and Annette Birchall
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with Council Assessment Report