

DATE OF DETERMINATION	Tuesday 28 November 2017
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks, Peter Brennan
APOLOGIES	Hon. Pam Allan, Graham Rollinson
DECLARATIONS OF INTEREST	None

Electronic determination meeting opened 21 November 2017 – closed 28 November 2017

MATTER DETERMINED

2017STH020 – Shellharbour – DA267/2014 Pt 2 AT 7-23 Wallaroo Drive, Shellharbour City Centre (AS DESCRIBED IN SCHEDULE 1)

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 modify the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979* subject to the addition of the following condition:

- “(i) The plans being amended to provide a 1.6m wide corridor running east of the entry lobby on Levels 2, 3 and 4 of Building B and C is to be extended to the eastern face of the building for the same width of 1.6m. This will be through bed 2 of unit C2.03, C3.03 and C4.03. A window opening having vertical proportions and having a height the same as the windows to the living area on the eastern elevation of unit C2.02 is to be included at the eastern end of the corridor on Level 2, 3 and 4 to provide light, air and outlook into the corridor. This amendment will require – the deletion of the light and ventilation well shown on plan and deletion of an area of approximately 1.6m x 4.8m in bed 2 of unit C2.03, C3.03 and C4.03.*
- (ii) The dining and living area of each unit may be reconfigured.*
- (iii) The amendments are to be included on any construction certificate issued for the development.”*

The decision was unanimous, noting that Graham Rollinson was an apology for the electronic meeting.

REASONS FOR THE DECISION


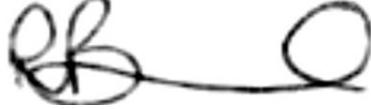

The reasons for the decision of the Panel were:

- The changes to the approved plans generally maintained the amenity of the units as originally approved with the exception of light, outlook and ventilation to corridors.
- Amended plans addressed this concern partially, however a further condition was required to ensure a similar amenity outcome to that of the original approval.

CONDITIONS

The development application was approved subject to modification to the conditions recommended in the supplementary Council Assessment Report (dated 20 November 2017), with the following additional condition to be imposed:

- (i) The plans being amended to provide a 1.6m wide corridor running east of the entry lobby on Levels 2, 3 and 4 of Building B and C is to be extended to the eastern face of the building for the same width of 1.6m. This will be through bed 2 of unit C2.03, C3.03 and C4.03. A window opening having vertical proportions and having a height the same as the windows to the living area on the eastern elevation of unit C2.02 is to be included at the eastern end of the corridor on Level 2, 3 and 4 to provide light, air and outlook into the corridor. This amendment will require – the deletion of the light and ventilation well shown on plan and deletion of an area of approximately 1.6m x 4.8m in bed 2 of unit C2.03, C3.03 and C4.03.
- (ii) The dining and living area of each unit may be reconfigured.
- (iii) The amendments are to be included on any construction certificate issued for the development.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Peter Brennan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH020 – Shellharbour – DA267/2014 Pt 2
2	PROPOSED DEVELOPMENT	Section 96(2) Modification Development Application Senior Living Development
3	STREET ADDRESS	7-23 Wallaroo Drive, Shellharbour City Centre
4	APPLICANT/OWNER	The Uniting Church in Australia Property Trust (NSW)
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
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 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No 65 Design Quality of Residential Flat Building Shellharbour City Council Local Environment Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Shellharbour City Council Development Control Plan Planning agreements: Shellharbour City Council Section 94 Contributions Plans 2016 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: 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"> Supplementary Council assessment report and amended plans: 20 November 2017 Council assessment report: received 1 November 2017 Written submissions during public exhibition: Nil Verbal submissions at the public meeting on 16 November 2017: <ul style="list-style-type: none"> On behalf of the applicant – Samantha Miller (Ethos Urban) and Graeme Fieldon (Uniting)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 16 November 2017 Final briefing meeting to discuss council's recommendation, 16 November at 11:30 am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Renata Brooks, Peter Brennan, Graham Rollinson <u>Council assessment staff</u>: Madeline Cartwright Public determination meeting 16 November 2017 – deferred unanimously
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report