

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

SSPP No:	2018SSH028
MA No:	MA18/0155
Local Government Area:	Sutherland Shire
Proposed Development:	Section 4.55(1) Modification Application to DA16/1810 - correction to Condition 1
Street Address:	Lot 1 DP 1097917 (No. 19) Kiama Street (also known as 86-110 Bellingara Road), Miranda
Applicant/Owner:	HammondCare
Number of Submissions:	None
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant Clause 4.15 Matters	None
List all documents submitted with this report for the panel's consideration:	Approved Conditions of Consent for DA16/1810
Report prepared by:	Daniel Lukic – Environmental Assessment Officer (Planner) Sutherland Shire Council
Report date	14 June 2018

Summary of s4.15C matters

Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report **Not Applicable**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Not Applicable**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

REASON FOR REPORT

In accordance with the provisions Section 20(1)(2) of *State Environmental Planning Policy (State and Regional Development) 2011*, the SSPP remains as the consent authority for any modification application made pursuant to Section 4.55 of Environmental Planning and Assessment Act 1979 for a regionally significant development determined by the JRPP or SSPP.

PROPOSAL

Consent is sought to correct minor errors made by Council in the issue of Development Consent 16/1810. Condition 1 of the consent refers to an original plan of development submitted with the application rather than a later plan that was submitted in response to issues raised by Council and the Sydney South Planning Panel (SSPP).

This Modification Application seeks to amend the minor error to ensure that the correct plan is listed in the approved plan set.

THE SITE

The site is located between Kiama Street and Bellingara Road, Miranda.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

1. Pursuant to the provisions of Section 4.55(1) of the Environmental Planning and Assessment Act 1979, the requested modification to Development Consent No. 16/1810 dated 7 July 2017 for 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 08/0808 at Lot 1 DP 1097917 (No. 19) Kiama Street, Miranda, be supported.
2. Condition 1 of Development Application for 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 08/0808 at Lot 1 DP 1097917 (No. 19) Kiama Street, Miranda, be modified as follows:
 1. Approved Plans and Documents
The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

Plan number	Reference	Prepared by	Date
DA.00 (Revision 1)	Cover & Schedules	Bickerton Masters	20/12/2016
DA.02 (Revision 1)	Site Plan	Bickerton Masters	20/12/2016
DA.03 (Revision 1)	Site Analysis	Bickerton Masters	20/12/2016
DA.06 (Revision 2)	Shadow Diagrams	Bickerton Masters	13/04/2017
DA.07 (Revision 1)	Part Site Plan	Bickerton Masters	20/12/2016
DA.08 (Revision 1)	Street Elevations	Bickerton Masters	20/12/2016
DA.09 (Revision 3)	Ground Floor & Landscape	Bickerton Masters	13/04/2017
DA.10 (Revision 5)	Floor Plan - Basement	Bickerton Masters	13/04/2017
DA.11 (Revision 5)	Floor Plan - Ground Level	Bickerton Masters	13/04/2017
DA.12 (Revision 3)	Floor Plan - Level 1	Bickerton Masters	13/04/2017
DA.13 (Revision 2)	Floor Plan - Level 2	Bickerton Masters	13/04/2017
DA.14 (Revision 2)	Floor Plan - Level 3	Bickerton Masters	13/04/2017
DA.15 (Revision 4)	Floor Plan - Level 4	Bickerton Masters	13/04/2017
DA.16 (Revision 2)	Roof Plan	Bickerton Masters	13/04/17
DA.17 (Revision 1)	Building Sections	Bickerton Masters	20/12/2016
DA.18 (Revision 1)	Building Sections (Section B)	Bickerton Masters	20/12/2016
DA.19 (Revision 2)	External Elevations - South	Bickerton Masters	13/04/2017
DA.20 (Revision 2)	External Elevations - East	Bickerton Masters	13/04/2017
DA.21 (Revision 2)	External Elevations - North	Bickerton Masters	13/04/2017
DA.22 (Revision 2)	External Elevations - West	Bickerton Masters	13/04/2017
DA.27 (Revision 2)	Apartment Types A + B	Bickerton Masters	13/04/2017
DA.28 (Revision 2)	Apartment Types C	Bickerton Masters	13/04/2017
DA.29 (Revision 2)	Apartment Types D1 + D2	Bickerton Masters	13/04/2017
DA.30 (Revision 2)	Apartment Types E + F	Bickerton Masters	13/04/2017
DA.31 (Revision 2)	Apartment Types G + H	Bickerton Masters	13/04/2017
DA.32 (Revision 1)	External Finishes	Bickerton Masters	20/12/2016
DA.33 (Revision 2)	Area Schedules	Bickerton Masters	13/04/2017
DA.34 to DA.38 Revision 1)	BASIX Commitments	Bickerton Masters	20/12/2016
SK.170206 (Revision 1)	External Access	Bickerton Masters	06/02/2017
2638-GE-001 (Revision 2)	Locality Plan and Drawing Index	Complete	13/04/2017
2638-MF-001 (Revision 2)	Materials and Finishes Plan	Complete	13/04/2017
2638-PP-001 (Revision 2)	Planting Plan	Complete	13/04/2017
2638-DE-001 (Revision 2)	Typical Details	Complete	13/04/2017

2638-DA-005 (Revision 2)	Whole Site Landscape Strategy - Outdoor Activities and Pedestrian Circulation	Complete	13/04/2017
MMD-378541-C-DR-CV-XX-0010 (Revision P2)	Concept Soil and Water Management Plan	Mott MacDonald	20/12/2016
MMD-378541-C-DR-CV-XX-0100 (Revision P2)	Drains Catchment Plan	Mott MacDonald	20/12/2016
MMD-378541-C-DR-CV-XX-0005 (Revision P1)	General Arrangement Plan	Mott MacDonald	20/12/2016
MMD-378541-C-DR-CV-XX-0110 (Revision P1)	MUSIC Catchment Plan	Mott MacDonald	16/12/2016
MMD-378541-C-DR-CV-XX-0030 (Revision P1)	Site Works and Stormwater Management Plan - Basement	Mott MacDonald	20/12/2016
MMD-378541-C-DR-CV-XX-0020 (Revision P1)	Site Works and Stormwater Management Plan - Ground	Mott MacDonald	20/12/2016
MMD-378541-C-DR-CV-XX-0041 (Revision P1)	Site Works Details Sheet 2	Mott MacDonald	20/12/2016
MMD-378541-C-DR-CV-XX-0050 (Revision P1)	Stormwater Detention Tank Plan, Section and Details	Mott MacDonald	20/12/2016
MMD-378541-C-DR-CV-XX-0040 (Revision P1)	Stormwater Drainage Details	Mott MacDonald	20/12/2016

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work.

- i) A Construction Certificate.
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority.
- iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days' notice of such commencement.

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

An application has been made under the provisions of Section 4.55(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) to modify the terms of Development Consent No. 16/1810.

Development Consent No. 16/1810 was granted on 7 July 2017 for the 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 08/0808 on the subject property.

The specific modification sought to the approved development involves the following as described by the applicant:

"During the assessment of the Approved DA Council have issued a letter on 22-03-2017 requesting the floor plans and roof plan to be reviewed and amended if required prior to determination.

Amended drawings were resubmitted to Council on 09-04-2017 for assessment. It was later discovered that the stamped DA plans received from Council does not include the updated roof plan.

Therefore a stamped drawing with the correct roof form is required for CC purpose."

2.0 SITE DESCRIPTION AND LOCALITY

The site is 4.985 hectares in area and has frontages to both Bellingara Road and Kiama Street. Approval has been granted by the Masterplan for the construction of a senior's living development in a number of stages. Stages 1 and 2 have been finalised.

Stage 1 has been constructed and was occupied in 2015. This development comprised 92 independently living units across 6 unit blocks and is located in the south-east portion of the site. Stage 2 has been constructed and was occupied in 2016 and is located within the western section of the site fronting Bellingara Road. This development comprised 82 dwellings within 5 unit blocks and 10 independent living unit villas, car parking, landscaping, community centre with open space areas, a bowling green, communal barbeque facility and associated works. The unit blocks range between 5 to 6 storeys in height.

The site has access to both Bellingara Road and Kiama Street. An internal road through the subject land connects both public roads. The internal road is not a public road.

South of the site are residential dwellings while to the west are residential dwellings, an outdoor sporting facility (netball courts) and a seniors living villa estate. To the east and north are a number of industrial developments and a small maintenance depot facility. A major electricity transmission easement traverses the site in a generally east-west direction.



Locality Plan



Aerial plan

The approved development is yet to commence construction.

3.0 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.

4.0 PUBLIC PARTICIPATION

As the application involves a modification under Section 4.55(1) of the EP&A Act advertising and notification is not necessary.

5.0 STATUTORY CONSIDERATIONS

The proposed modification involves the correction of errors made by Council in the issue of the previous modification application approval. As such, the assessment of this modification application does not require assessment against any statutory planning considerations.

6.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the Heads of Consideration under Section 4.15 of the EP&A Act.

The following matters are considered important to this application.

6.1 Proposed Modification

Consent is sought to amend the development consent subject to the provisions of Section 4.55(1) of the Act as a minor error was made by Council in the issue of the consent. Condition 1 of the consent refers to an original plan of development submitted with the application rather than a later plan that was submitted in response to issues raised by Council and the Sydney South Planning Panel (SSPP).

This Modification Application seeks to amend the minor error to ensure that the correct plan is listed in the approved plan set.

Apart from the correction to Condition 1, the development remains the same as approved.

Council raises no objections to the application and recommends that the Panel grant consent to the application.

7.0 DEVELOPER CONTRIBUTIONS

The development is exempt from any developer contributions.

8.0 DECLARATION OF AFFILIATION

Section 10.4 of the EP&A Act 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.

9.0 CONCLUSION

The subject land is located within Zone R3 Medium Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being senior's housing, is a permissible land use within the zone with development consent from Council.

This application satisfies the requirement that the development to which the consent as modified relates will remain substantially the same development as that originally granted consent.

The application has been assessed having regard to the Heads of Consideration under Section 4.15 of the EP&A Act, together with the provisions of SSLEP2015 and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that the Modification Application No. 18/0155 can be supported.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (DSL).