

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 10 March 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, George Greiss and Darcy Lound
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli: One of my Partners at Corrs Chambers Westgarth has advised the applicant or an affiliated entity of the applicant of the above development proposal. As a Partner of the firm, I consider that this fact, while the relevant file is unrelated to the proposal being assessed, may result in a reasonably perceived conflict of interest.

Public meeting held at Campbelltown City Council, Corner of Queen and Broughton Street, Campbelltown on 10 March 2020, opened at 12:50pm and closed at 1:00pm.

MATTER DETERMINED

2019WCI038 – Campbelltown City Council – DA435.1/2019 at 247 Jamboree Avenue, Denham Court – Seniors Living (as described in Schedule 2)

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

Development application

Having regard to those matters, and the considerations set out at s.4.15 of the *Environmental Planning and Assessment Act 1979*, the panel determined to approve the development application under s.4.16 of the Act for the following reasons:

1. The development application was made under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* by Bolton Clarke - a registered social housing provider within the meaning of that SEPP. As such the development standards for the minimum size of the site and the maximum building height across the site that would otherwise regulate the development, do not apply to the DA (See clause 40(5)(b) of the SEPP).
2. The proposed facility as proposed to be constructed on the corner of Jamboree Avenue and Denham Court Road has a neighbouring seniors housing development as its only adjoining neighbour on two sides. The Council assessment report concludes that the proposal has been designed with regards to the staged development consent and concept plan involving that neighbouring development which identifies the future use of the subject site as a residential aged care facility.
3. While the proposed Seniors housing development is prohibited within the SP2 zone comprising part of the site, it is permitted with consent within the R2 zoned portion of the site and therefore may be approved under the provisions for development near zone boundaries.
4. In is in that context that the proposed development has been assessed by the Council assessment staff to be acceptable having regard to the relevant merit considerations discussed in the assessment report.
5. The proposed facility will facilitate the supply and choice of aged persons housing within the Southwest Growth Centre and the City of Campbelltown in a location within to access transport services and the services that will be available from the commercial centre planned nearby.

6. The proposed development, subject to the conditions imposed, adequately satisfies the relevant State Environmental Planning Policies including SEPP (Sydney Region Growth Centres) 2006, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP (Infrastructure) 2007 and SEPP 55 Remediation of Land.
7. The proposed development subject to the conditions imposed complies with the requirements of the Rural Fires Act 1997 (noting that while the proposal is to be erected on bushfire prone land for the purpose of seniors housing the NSW Rural Fires Service has issued a bushfire safety authority for the development).
8. The proposal is consistent with the provisions and objectives of Campbelltown Growth Centre DCP.
9. The scale, architectural treatment and landscape treatment adopted for the proposal are consistent with the character of anticipated residential development in the locality. The panel noted particularly the introduction of a significantly landscaped feature presenting to the corner of Jamboree Road and Denham Court Road to reinforce the natural vegetation characterising the locality.
10. The proposed development will have no unacceptable adverse impacts on the natural or built environments including impacts on natural bushlands and on the performance of the local road network, noting that these issues have been addressed in strategic assessments determining the urban use of this land reflected in the staged development consent and concept plan for the adjoining development which identifies the nursing home use for this property.
11. In consideration of conclusions 1-10 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

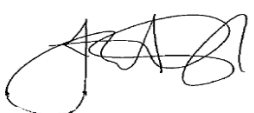



The decision was unanimous.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

There were no public submissions made during the notification of the development, nor were there any submissions at the public determination meeting.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 George Greiss	 Darcy Lound

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI038 – Campbelltown City Council – DA435.1/2019
2	PROPOSED DEVELOPMENT	Construction of a 144 bed residential aged care facility, 52 parking spaces, loading dock, associated site and landscaping works
3	STREET ADDRESS	247 Jamboree Avenue, Denham Court
4	APPLICANT/OWNER	Applicant: Bolton Clarke Owner: RSL Care RDNS Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Campbelltown Growth Centre Precincts Development Control Plan Planning agreements: Nil 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"> Council assessment report: 25 February 2020 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: Nil On behalf of the applicant: Sophy Purton

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Tuesday, 13 August 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Darcy Lound and George Greiss ○ <u>Council assessment staff</u>: David Timmins and David Smith • Site inspection: Tuesday, 10 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and George Greiss ○ <u>Council assessment staff</u>: David Timmins and Belinda Ward • Final briefing to discuss council's recommendation, Tuesday, 10 March 2020 at 12:00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, George Greiss and Darcy Lound ○ <u>Council assessment staff</u>: David Timmins. Fletcher Rayner and Belinda Borg
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	As attached to the council assessment report