



DATE OF DETERMINATION	22 December 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher
APOLOGIES	None
DECLARATIONS OF INTEREST	Mark Honey: Declared a potential conflict of interest through his role as Mayor. Michael Forsyth: As a member of Council's Blue Haven Advisory Committee I declare a conflict of interest in relation to the subject development application and I will not participate in the determination.

Papers circulated electronically on 17 December 2020.

MATTER DETERMINED

PPSSTH-53 – KIAMA MUNICIPAL COUNCIL – 10.2016.286.2 at Lot 12 DP 1264110 (formerly Lot 202 DP 1054190 and Lot 1 DP 473509) 23 Meares Place and 33 Collins Street, Kiama – Mixed Use – Seniors living development/ commercial - demolition of existing structure, staged construction of mixed use seniors living development comprising fifty-nine (59) independent living units, one (1) retail shop (92sqm), one level of basement parking (for 76 vehicles + ambulance bay), and recreational, amenity and administration facilities for residents (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Modification application

The panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel:

- was satisfied that the development, to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and
- considered the reasons given by the Panel in granting the original consent and
- determined to approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment:

- The inclusion of a new condition in the “Prior to Occupation” section:

The Applicant shall ensure that 24 hour per day, 7 days per week emergency and security support is available for residents. Details shall be submitted to Council for approval.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Potential impacts of construction on adjoining properties

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. The panel notes that in addressing this issue, a condition of consent has been included requiring a detailed dilapidation report, including photographic records, to be prepared for all structures located on adjoining properties prior to commencement of work.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSTH-53 – KIAMA MUNICIPAL COUNCIL – 10.2016.286.2
2	PROPOSED DEVELOPMENT	Mixed Use – Seniors living development/ commercial - demolition of existing structure, staged construction of mixed use seniors living development comprising fifty-nine (59) independent living units, one (1) retail shop (92sqm), one level of basement parking (for 76 vehicles + ambulance bay), and recreational, amenity and administration facilities for residents.
3	STREET ADDRESS	Lot 12 DP 1264110 (formerly Lot 202 DP 1054190 and Lot 1 DP 473509) 23 Meares Place and 33 Collins Street, Kiama
4	APPLICANT/OWNER	Churches of Christ Community Care C/o Urbis Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> ● Environmental planning instruments: <ul style="list-style-type: none"> ● SEPP (State and Regional Development) 2011 ● SEPP (Housing for Seniors or People with a Disability) 2004 ● SEPP No. 55: Remediation of Land ● SEPP (Building Sustainability Index: BASIX) 2004. ● SEPP No. 65: Design Quality of Residential Apartment Development ● Kiama Local Environmental Plan 2011 Kiama Local Environmental Plan ● Draft environmental planning instruments: Nil ● Development control plans: <ul style="list-style-type: none"> ● Kiama Development Control Plan 2020 ● 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: 8 December 2020 ● KLEP 2011 cl. 4.3 Height of Building ● Written submissions during public exhibition: One (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing: 13 October 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher ○ <u>Council assessment staff</u>: Anthony Randall ● <u>Site Inspection</u>: 19 October 2020 Tim Fletcher ● Electronic Determination: Papers circulated 17 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

