

DATE OF DETERMINATION	Monday, 7 December 2020
PANEL MEMBERS	Louise Camenzuli (Acting Chair), Susan Budd, Robert Khan and Michael Banasik
APOLOGIES	None
DECLARATIONS OF INTEREST	Justin Doyle: Considered the SCC application Nicole Gurran: Considered the SCC application

Papers circulated electronically on 14 October 2020 and on 18 November 2020.

MATTER DETERMINED

PPSSWC-52 – Wollondilly – DA17/12/2019 at 2689 - 2707 Remembrance Drive, 4-66 Rockford Road, 10 Hawkins Road & 7, 11 & 15 Stratford Road, TAHMOOR – Seniors Living (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.

APPLICATION TO VARY A DEVELOPMENT STANDARD

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the *Wollondilly Local Environmental Plan 2011*, that has demonstrated that:

- compliance with cl. 40 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)* (development standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard,

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because, while objectives are not specifically identified within clause 40 of the Seniors Housing SEPP, the proposed non-compliance is located on an existing building on the subject site, the specific building being identified as of local heritage significance and altering or demolishing the building would be considered inappropriate; and
- the proposed development is also consistent with the objectives of the Site Compatibility Certificate. The subject allotment within which the specific non-compliance is located is zoned RU4 – Primary Production Small Lots. The Council's assessment report notes that the development application is not inconsistent with the objectives of this zone, with careful consideration in the design to ensure a sympathetic transition to the surrounding rurally zoned lands; and
- the concurrence of the Secretary has been assumed.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height.

- The proposal is consistent with the emerging context and setting of the site in that it has been designed with a sensitive interface to the existing surrounding community and that the proposal incorporates features of a garden setting to ensure a high-quality landscape outcome for the site.

2. It is anticipated that the development will contribute to the wider choice of housing available in the Wollondilly Local Government Area. The scale and density of the development respects the identified desired planning outcome as detailed in the staging plan and the development will provide:
 - 214 self-contained dwellings – restricted for residents 55 years and older;
 - A clubhouse for residents;
 - A pool House for residents;
 - Intersection upgrades between Rockford Road and Remembrance Drive; and
 - Bus Shelters (One on Rockford Road and One on Remembrance Drive).
3. The proposed development includes appropriate local road upgrades and intersection treatments that accommodate the likely future traffic generated by the development. The development will also deliver pedestrian pathways to the Tahmoor Town Centre.
4. The proposed development has adequately addressed the key assessment concerns including traffic, waste water, tree removal/landscaping and accessibility.
5. The matters raised by the Panel at the Briefing on 19 October 2020 have been adequately addressed in the Council's supplementary assessment report dated 18 November 2020 and the revised draft conditions of consent.

CONDITIONS





The development application was approved subject to the conditions in the Council's supplementary assessment report of 18 November 2020.

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:

- Impact that the Dam Dewatering will have on Flora and Fauna
- Impact the proposed waste water system may have on the nearby Bargo River National Park
- Density is out of character
- Tree removal/harm on local Flora and Fauna
- Infrastructure concerns

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Louise Camenzuli (Acting Chair)	 Robert Khan
 Michael Banasik	 Susan Budd

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-52 – Wollondilly – DA17/12/2019
2	PROPOSED DEVELOPMENT	Seniors Living development comprising 214 self-contained dwellings, including alterations and additions to the existing dwelling and associated works
3	STREET ADDRESS	2689 - 2707 Remembrance Drive, 4-66 Rockford Road, 10 Hawkins Road & 7, 11 & 15 Stratford Road, TAHMOOR
4	APPLICANT/OWNER	Common Ground Property (NSW) Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979 ○ Coal Mine Subsidence Compensation Act 2017 ○ Roads Act 1993 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy NO 44 – Koala Habitat Protection ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River ○ Wollondilly Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: Nil • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Environmental Planning and Assessment Regulation 2000 • 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: 13 October 2020 • Council supplementary assessment report: 18 November 2020 • Clause 4.6 Exception to development standards • Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 19 October 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurrin, Robert Khan and Michael Banasik ○ <u>Council assessment staff</u>: Michael Buckley, Chris Morris and Anthony Richardson • Final Briefing: Tuesday, 1 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Susan Budd, Robert Khan and Michael Banasik

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Michael Buckley, Chris Morris and Anthony Richardson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council's supplementary assessment report of 18 November 2020