

DATE OF DETERMINATION	Wednesday, 18 September 2019
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Michael Leavey and Justin Hamilton
APOLOGIES	None
DECLARATIONS OF INTEREST	Jason Pauling: One of the companies Jason Pauling works for is a potential or actual supplier to the facility.

Public meeting held at Lake Macquarie City Council: 126-138 Main Road, Speers Road on 18 September 2019, opened at 2.30pm and closed at 3.30pm.

MATTER DETERMINED

2019HCC013 – Lake Macquarie City Council – DA/321/2019 at 3 Northville Drive, Edgeworth NSW 2285 – Alterations and Additions (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.

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Lake Macquarie Local Environmental Plan 2014 (LEP), that has demonstrated that:

- compliance with cl. 4.3 (Building Height 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 it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the B4 Mixed Use zone; and
- the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel generally agreed with the environmental assessment and conclusions by Council staff in their assessment report;
- The use was suited to the land, and would provide a community benefit in the provision of a residential aged care facility;
- The design and integration of internal and external space, and the facilities provided for users and visitors to the facility was well considered and provided high amenity
- The design was suited to the use and site;
- The siting, height, form and modulation was acceptable and appropriate for the site;
- The proposal would have minimal impact on surrounding land and the environment;

- Environmental impacts were reasonably managed or mitigated by the design and conditions of consent.




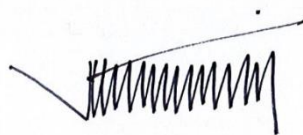
CONDITIONS

The development application was approved subject to the conditions in the Council assessment report, as amended by updated set of conditions dated 18 September 2019 from Council to the Panel, and with the following further amendments. These additional conditions were imposed to clarify timing of undertaking roadworks and to ensure appropriate consultation with family members of a couple who have a memorial and ashes to be removed or relocated.

- Condition 4 be amended so the word "Final" is deleted in the last sentence (prior to "Occupation Certificate"), and the words "(Related to Northville Drive)" be added after the heading "Stage 5 – Public Works Certificate"
- A New Condition 4A to state:
A plan outlining appropriate consultation measures with the next of kin and family of Albert and Iris Hawkins shall be provided with the application for a Construction Certificate (related to the removal of the memorial and ashes of Mr and Mr Hawkins), including measures that have or will be undertaken prior removal and relocation of the memorial and ashes.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel noted there were no community submissions.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	 Justin Hamilton

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019HCC013 – Lake Macquarie City Council – DA/321/2019
2	PROPOSED DEVELOPMENT	Seniors Housing (Residential Aged Care Facility) – alterations and additions
3	STREET ADDRESS	3 Northville Drive, Edgeworth NSW 2285
4	APPLICANT/OWNER	Applicant: Planix Projects Owner: Royal Freemansons Benevolent Institution
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 (State and Regional Development) 2011 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy 55 (Remediation of Land) State Environmental Planning Policy No. 19-Bushland in Urban Area Lake Macquarie Local Environmental Plan 2014 Lake Macquarie Development Control Plan 2014 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 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: 4 September 2019 Clause 4.6 Building Height variation requests Written submissions during public exhibition: Nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Elizabeth Lambert On behalf of the applicant – Jillian Kuzera, Toni Giles, Mel Gholami, Dean Yasseen, Steve Hulme, Adam Cleere, Andrew Crowley, David Peatfield, Mathew Taylor, Michael Babbage and Andrew Francis
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: Wednesday, 18 September 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Michael Leavey and Justin Hamilton <u>Council assessment staff</u>: Elizabeth Lambert Final briefing to discuss council's recommendation, Wednesday, 18 September 2019, 2:00pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Michael Leavey and Justin Hamilton <u>Council assessment staff</u>: Elizabeth Lambert
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report