

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS **for decision under the *Environmental Planning and Assessment Act 1979*** **(NSW)**

The Hunter & Central Coast Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions

For:

Retirement Village – Seniors Housing – Serviced Self Care Housing

JRPP Reference number: 2013HCC024 – Council Reference number: DA1892/2013

Applicant:

Eleebana Shores Retirement Living Pty Ltd

Owners:

Ken Delforce and Helen Simpson

Type of regional development:

The proposal has a Capital Investment Value of over \$20 million.

A. Background

1. JRPP meeting

Hunter & Central Coast Joint Regional Planning Panel meeting was held on:

Date: Tuesday 15 July 2014

Time: 5.00pm

Location: Lake Macquarie City Council, 126-138 Main Road, Speers Point

Panel Members present:

Garry Fielding – Panel Chair
Kara Krason – Panel member
Jason Perica – Panel member
Sandra Hutton – Panel member

Council staff in attendance:

Michelle Bisson

Apologies: - Justin Hamilton, Ken Paxinos and Barry Johnston

Declarations of Interest: Nil

2. JRPP as consent authority

Pursuant to s23G(1) of the Act, the Hunter & Central Coast Joint Planning Panel (the Panel), which covers the Lake Macquarie City Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s23G(2)(a) of the Act], which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

3. Procedural background

A site visit was undertaken by the panel on 15 July 2014.

A final briefing meeting was held with Council Officers on 15 July 2014.

A briefing meeting was held with Council Officers on 13 February 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act, 1979 s.79C (1) Matters for consideration—general

(a)(i) *the provisions of the following environmental planning instruments:*

- State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004
- SEPP (State & Regional Development) 2011
- SEPP 44 – Koala Habitat Protection
- Lake Macquarie Local Environmental Plan 2004
- SEPP 55 (Remediation of Land)
- SEPP 65 (Design Quality of Residential Flat Development)

a)(ii) the provisions of any draft environmental planning instrument

- Draft Lake Macquarie Local Environmental Plan 2014

(a)(iii) *the provisions of the following development control plan:*

- Development Control Plan No. 1 – Principles of Development

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into:

- None

The Panel was provided with 4 submissions of objection to the proposal made in accordance with the Act or the regulations, prior to the meeting one of which was withdrawn. In making the decision, the Panel considered all other (3) submissions.

In making the decision, the Panel also considered the following material:

1. Council's Assessment Report on the application received on 8 July 2014.
2. Draft Conditions of Consent.
3. SEPP 65 Recommendations.
4. Applicant's Legal Advice.
5. IP Strategic Planning Referral
6. Copies of all submissions.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 15 July 2014:

1. Submissions addressing the Panel against the application: None
2. Submissions addressing the Panel in favour of the application:
 - Mark Dixon – Director – Eleebana Shores Retirement Living Pty Ltd
 - Gavin Maberly-Smith – Coast plan Group Pty Ltd (Project Planning Consultant)
 - John Streeter (Project Architect) – EJE Architecture

The Panel has carefully considered the material referred to in Section B.

C. Findings on material questions of fact

(a) Environmental planning instruments. The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the environmental planning instruments referred to in Section B. The Panel notes while the proposed development exceeds the height under clause 29 of LEP 2004, it is satisfied that appropriate consideration has been given to the requirements under this clause.

The Panel was advised by Council staff at the meeting that appropriate consideration was given to the provisions of SEPP 55 (Remediation of Land) during the assessment of the application.

The panel did not reach the same conclusion as Council staff about compliance with the height limit in the LEP, although was satisfied that matters to be considered in exceeding the height limit had been addressed and considered.

(b) Development control plan. The Panel has considered the Lake Macquarie Development Control Plan 1 referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) Likely environmental impacts on the natural environment, built environment, social and economic impacts. In relation to the likely environmental impacts on the natural, built environment, social and economic impacts of the development, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts on the natural, built environment, social and economic impacts of the development in the Council's Assessment Report.


The Panel had regard to the positive social and economic aspects of the proposal, particularly given an undersupply of serviced aged housing in the area. It was noted that the development and other development in the area had changed the nature of, and likely anticipated nature of, development within the zoned land and that Council was undertaking a strategic review of the area. Whilst that review was noted, the Panel agreed with and adopted the analysis in Council's assessment report relating to current and future character, context and appropriateness of the development with regard to built form, streetscape and boundaries.

(d) Suitability of site. Based on a consideration of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(e) Public Interest. Based on a consideration of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest and notes that public interest issues have been adequately considered.

D. Why the decision was made

In light of the Panel's findings in Section C, the Panel unanimously decided to grant consent to the development application, subject to the recommended conditions specified in Council's Assessment Report and incorporating the Panel's amendments (shown as track changes in Appendix A).



JRPP member (chair)
Garry Fielding



JRPP member
Jason Perica



JRPP member
Kara Krasen



JRPP member
Sandra Hutton