

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Francis Greenway Centre** on **Tuesday 16 December 2014 at 10.30 am**

Panel Members: Bruce McDonald (Acting Chair), Stuart McDonald, Lindsay Fletcher Cr Gus Balloot and Tony Hadchiti

**Apologies:** None

**Declarations of Interest:** None

### Determination and Statement of Reasons

**2014SYW073 – Liverpool Council**, DA183/2014, Construction of 132 bed residential aged care facility with basement car park, landscaped gardens and associated signage, Lot 50 DP 1126740, 9 Melaleuca Place, Prestons

**Date of determination:** 16 December 2014

**Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Having considered the Applicant's request to vary the development standard contained in Clause 26(2)(b) of the SEPP (Housing for Seniors or People with a Disability) the Panel considers that compliance with the standard is unnecessary in the circumstances of the proposal and there are sufficient environmental planning grounds to justify the requested variation.

The Panel considers that the purpose of the standard is to require occupants of accommodation provided under the SEPP to have easily accessible access to personal services and facilities they require. Given the premises will be used to accommodate persons requiring high care who would be unable to independently access such facilities the Panel considers the standard has no justification in this case.

Having considered the Applicant's request to vary the development standard contained in Clause 40(4)(c) of SEPP (Housing for Seniors or People with a Disability) 2004 the Panel considers that compliance with the standard is unnecessary in the circumstances as the proposed variation sought is minor and there are sufficient environmental planning grounds to justify the variation and as the proposed development is consistent with the objectives of the SEPP.

**Reasons for the panel decision:**

1. The proposed development will add to the availability of high aged care service and facilities within the Southwest Metropolitan Subregion and the City of Liverpool.
2. The proposed development and related service is consistent with the objectives of SEPP (Housing for Senior or People with a Disability) 2004 and associated Urban Design Guidelines for Infill Development and complies with other relevant SEPPs including SEPP 55 Remediation of Land.
3. While not expressly permitted within the R2 Low Density Residential zone under Liverpool LEP2008 in which the site is place the proposal is not inconsistent with the objectives of that zone.
4. The proposed development amendments will have no significant additional adverse impacts on the natural environment or the built environment including the amenity of adjacent or nearby residential occupations or the performance of the local road network.
5. In consideration of conclusions 1-4 above the Panel considers the proposal is in the public interest.

**Conditions:** The development application was approved subject to the revised conditions recommended in the Council Assessment Report with amendments to Condition 80 and Condition 90.

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Condition 80 and Condition 90 to read as follows:

Condition 80 – the developer shall provide by new construction and/or adjustment to the existing footpaths, a continuous accessible concrete sealed footpath(s) 1.2 m width to the satisfaction of Council along the frontage of the site and to the two nearest bus stops on each side of Kurrajong Road (North and South).

Condition 90 – The occupation of accommodation approved in this consent shall be limited to the following persons:

- (a) Seniors or people who have a disability (high care residents only) as defined by the relevant Commonwealth aged care act that applied on the date of lodgement of this development application.

### Panel members:

		
<b>Bruce McDonald (Chair)</b>	<b>Stuart McDonald</b>	<b>Lindsay Fletcher</b>
		
<b>Gus Balloot</b>	<b>Tony Hadchiti</b>	

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## SCHEDULE 1

1	<b>JRPP Reference – 2014SYW073, LGA – Liverpool Council, DA/183/2014</b>
2	<b>Proposed development:</b> Construction of 132 bed residential aged care facility with basement car park, landscaped gardens and associated signage.
3	<b>Street address:</b> Lot 50 DP 1126740, 9 Melaleuca Place, Prestons
4	<b>Applicant/Owner:</b> Melaleuca Ventures Pty Ltd (Applicant and Land Owner)
5	<b>Type of Regional development:</b> Capital investment value over \$20 million
6	<p><b>Relevant mandatory considerations</b></p> <p>Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• State Environmental Planning Policy No. 1 – Development Standards</li> <li>• Liverpool Local Environmental Plan 2008</li> </ul> <p>Draft environmental planning instruments: Nil</p> <ul style="list-style-type: none"> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Liverpool Development Control Plan 2008</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>◦ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<p><b>Material considered by the panel:</b></p> <p>The development application was considered by the Panel on 28 November 2014 when the Panel resolved to defer consideration of the application. The Panel required a further report addressing issues relating to Section 94 contributions, as raised in submissions made by BBC Consulting Planners (BBC) on behalf of the applicant.</p> <p>Original Council Assessment Report with recommended conditions, Supplementary report with revised conditions, Architectural plans, Clause 4.6 variation to development standards, written submissions and submission received from Ms Debi Buttigieg on 15 December 2014.</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• Vinod Chand</li> <li>• Michael Corigliano</li> <li>• Michael Kresner - Advantaged Care.</li> </ul>
8	<p><b>Meetings and site inspections by the panel:</b></p> <p>23 October 2014 – Briefing meeting;  28 November 2014 – Site inspection and Final briefing meeting;  16 December 2014 – Final briefing meeting.</p>
9	<b>Council recommendation:</b> Approval
10	<b>Conditions:</b> Attached to council assessment report