

DATE OF DETERMINATION	24 May 2017
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, Cllr John Gilbert and Justin Hamilton
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Ms Kara Krason declared a non-pecuniary conflict of interest as she formerly worked with a relative of an adjoining objector, and did not participate in the matter.</p> <p>Ms Susan Budd was involved in the original decision for deferral but since became aware of a potentially perceived non-pecuniary Conflict of Interest, as an employee of the applicant firm (not related to the DA) was a friend of a partner, which may give rise to a perception of a Conflict of Interest.</p>

Public meeting held at Lake Macquarie City Council on Thursday 9 February 2017 opened at 2.30pm and closed at 4.45 pm. Electronic determination consideration from 15-24 May 2017, with a decision made on 24 May 2017.

MATTER DETERMINED

2015HCC020 – Lake Macquarie City Council DA/1043/2015, Residential Care Facility, Lot 2 DP 788892, 158 Macquarie Road, Cardiff.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at Item 6; the material listed at Item 7 and the matters observed at site inspections listed at Item 8 in Schedule 1.

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*.

The decision was unanimous.

REASONS FOR THE DECISION



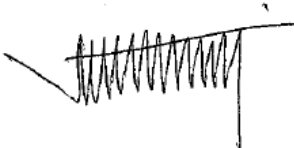
The Panel generally agreed with conclusions and balance of the environmental assessment within the Council staff report. The proposal will have social benefits, with some economic benefits, and the development was suited to the site, with environmental impacts able to be appropriately managed and/or mitigated by the conditions of consent. Further reasons included:

1. The Panel agreed with the Council staff that the proposal complied with the Council staff analysis and opinion that the proposal complies with Clause 40 of SEPP (Seniors Housing and People with a Disability) 2004. Despite this, if it was held a variation was legally necessary, the Panel noted there were sufficient environmental planning grounds to justify the variation as outlined in the applicant's submission (although also noting the applicant's reasons to support the variation request were technically sought through a Clause 4.6 Variation Request of the LEP rather than SEPP 1).
2. The supplementary report has adequately addressed the matters identified in the reasons for deferral arising from the Panel meeting of 9 February 2017.
3. The proposal will provided for Seniors Housing, which will benefit the wider area.
4. The proposal is permissible and consistent with the zone objectives.
5. The proposal complies with the building height and is below the allowable Floor Space Ratio.
6. The specific nature of the site, including its size, site proportions, surrounding infrastructure, nature of adjoining development and proposed design measures, resulted in a development that suited the site

and did not cause any significant impacts on neighbouring land, with impacts appropriately managed or mitigated through conditions of consent.

CONDITIONS

Conditions as recommended in the attachment to the Council staff assessment report of 11 May 2017.

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Justin Hamilton	<i>Approved via email on 24/05/2017</i> Councillor John Gilbert

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015HCC020 – Lake Macquarie City Council DA/1043/2015
2	PROPOSED DEVELOPMENT	Residential Care Facility
3	STREET ADDRESS	Lot 2 DP 788892, 159 Macquarie Road, Cardiff.
4	APPLICANT/OWNER	Hammondcare
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ol style="list-style-type: none"> 1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 2. State Environmental Planning Policy No. 44 – Koala Habitat Protection 3. State Environmental Planning Policy No. 64 – Advertising and Signage 4. State Environmental Planning Policy (Infrastructure) 2007 5. Lake Macquarie Local Environmental Plan 2014 <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> • Lake Macquarie Development Control Plan 2014 <p>Planning agreements: Nil</p> <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report and Proposed Conditions (original and supplementary)</p> <p>Plans of Development</p> <p>Written submissions during public exhibition: 10</p> <p>Written submissions since the public meeting: 4</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Object – Mr Jeff Askew, Ms Penny Murray, Dr, Brett Phillips • On behalf of the applicant – Mr Andrew Chivers, Mr Richard Abbott, Mr Ken McPhail
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>09 February 2017 - Site Inspection</p> <p>09 February 2017 - Final briefing meeting</p> <p>09 February 2017 – Public Meeting</p> <p>24 May 2017 – Determination (Electronic)</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with Council report of 11 May 2017