

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Electronic Meeting held between 16 May and 14 June 2016

Panel Members: Garry Fielding (Panel Chair), Jason Perica, Kara Krason, Sandra Hutton, Barry Johnston

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2016HCC003 – Lake Macquarie Council – DA/2125/2015 [87-89 Toronto Road, Booragul] as described in Schedule 1.

Date of determination: 14 June 2016

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.

Reasons for the panel decision:

The Panel unanimously approved the application for the following reasons:

1. The Panel was satisfied that Council's assessment report adequately reported on existing use rights for the relevant part and that the merits assessment of that component inclusive of its context & character is agreed and supported. [As a separate note, not relevant nor an impediment to the determination, the Panel encourages Council to include aligning the zoning boundary in separate and future administrative LEP amendments for the facility moving forward];
2. The Panel agreed that the extensions are minor in the context of the land use and its intensity in terms of additional beds. Furthermore, whilst there is additional building footprint and building mass over the existing carpark and open parts of the wider site area, the Panel agrees that those extensions are driven by improved safety and amenity for the facility and agrees with Council's overall assessment that the additional footprint and its location, mass, height and form, integrated into the landscaping, is appropriate and acceptable, and will result in an overall improved amenity for users and occupants of an existing, well established facility, and one not at odds with the overall existing context and character of the site. The development supports achievement of aims of SEPP Seniors Living.
3. The Panel is satisfied that appropriate conditions have been applied to assist in managing potential impacts including but not limited to acoustic, landscaping and construction management.

Conditions: The development application was approved subject to the conditions in the Assessment Report and as amended below:

- Condition 28 amended to read:
The sections of loading dock and driveway that are proposed to be covered by a roof shall be graded and drained to a collection sump for the control of any spillages or cleaning waste generated. Wastes shall be directed to the sewer in accordance with the requirements of the Hunter Water Corporation. Details shall be provided to the Principal Certifying Authority prior to the issue of the first Construction Certificate.
- Deletion of part of Condition 32, being subsection Sydney Trains, Point 2.

Panel members:



Garry Fielding (Chair)



Kara Krason



Jason Perica



Sandra Hutton



Barry Johnston

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SCHEDULE 1	
1	JRPP Reference – LGA – Council Reference: 2016HCC003 – Lake Macquarie Council – DA/2125/2015
2	Proposed development: Alterations and Additions to an aged care facility
3	Street address: 87-89 Toronto Road, Booragul
4	Applicant/Owner: Anglican Care
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 ○ Lake Macquarie Local Environmental Plan 2014 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Rural Fires Act 1997 ○ Mine Subsidence Compensation Act 1961 • Draft environmental planning instruments: None • Development control plans: <ul style="list-style-type: none"> ○ Lake Macquarie Development Control Plan 2014 ○ Lake Macquarie Development Contributions Plan (Citywide- Glendale) • Planning agreements: None • Regulations: None • 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> and EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated 15 May 2015 Written submissions during public exhibition: None
8	Meetings and site inspections by the panel: Electronic Meeting 16 May – 14 June 2016
9	Council recommendation: Approval
10	Draft conditions: Approval