

DATE OF DETERMINATION	12 September 2017
PANEL MEMBERS	Morris Iemma (Chair), Bruce McDonald, Nicole Gurran, Peter Smith and Jane Fielding
APOLOGY	None
DECLARATIONS OF INTEREST	None

Public meeting held at Campsie Office, 137 Beamish Street, Campsie, on Tuesday 12 September 2017 opened at 11.20 am and closed at 1.30 pm.

MATTER DETERMINED

Panel Ref – 2016SYE103 - LGA – Canterbury-Bankstown, DA-77/2016, Address – 12-18 Leigh Avenue and 34 Skinner Avenue, Riverwood, Description - Demolition of existing structures and carpark and construction of a four storey 24 bed residential aged care facility under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

PANEL CONSIDERATION AND DECISION

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

While the Panel supports the proposed development subject to amendment of Condition 35, the majority (B McDonald, N Gurran, P Smith and J Fielding) deferred the development application until additional information is received by Council from the applicant with respect to Section 94E exemption under the Ministerial Direction relating to the imposition of contributions requirements to social housing providers. If Council remains not satisfied with the exempt status of the applicant the Panel will seek confirmation from the Department of Planning & Environment. This matter will be determined electronically.

Mr Iemma would approve the application as he agrees with the reasons stated under, however he considers that the proposal qualifies for exemption of Section 94A contributions and would determine the matter subject to the deletion of the condition requiring such payment and additionally deletion of the condition requiring lot consolidation.

REASONS FOR PANEL SUPPORT OF THE PROPOSAL:

1. The proposed development will add to the supply and choice of residential aged care facilities and accommodate within the Sydney South District and the Canterbury Bankstown local government area which are integrated with the existing facility operating on the adjoining site. The development will assist to address a growing demand for such facilities.
2. The Panel has considered the Applicant's request to vary the development standards contained in Clause 40(4)(a) and Clause 40(4)(b) of SEPP (Housing for Seniors or People with a Disability) relating to maximum height and number of storey and considers that compliance with the standards are unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impacts on nearby

premises, remain consistent with the objectives of the standards and will not result in development inconsistent in form and scale with that prevailing in this locality.

3. The proposed development, subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP (Housing for Seniors or People with a Disability) 2004, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
4. The proposal adequately satisfies the applicable provisions and objectives of Canterbury LEP 2012 and Canterbury DCP 2012.
5. The proposed development is considered to be of appropriate scale and form adequately integrated into the diverse building form and character of the locality in which it is placed.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including use of nearby industrial premises, the use of or the appearance from the adjoining parkland, the amenity of nearby residential premises or the operation of the local road system.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The Panel considered that amendment is required to Condition 35 as follows:

Condition 35 – Consolidation of Lots

The site is to be consolidated into one allotment. The plan of consolidation must be lodged and registered with the Land and Property Information NSW prior to the release of the Construction Certificate. Alternatively prior to the issue of the Occupation Certificate a form of agreement is required to be reached between the two owners with corresponding legal instruments placed on the two titles, to ensure that neither owner can alter or remove the structure without the consent of the other.

PANEL MEMBERS	
 Morris Iemma (Chair)	 Bruce McDonald
 Nicole Gurran	 Peter Smith
 Jane Fielding	

