

DATE OF DETERMINATION	08 June 2017
PANEL MEMBERS	Sheridan Dudley (Chair), Bruce McDonald, Nicole Gurran and Rhonda Tyne
APOLOGY	David Niven
DECLARATIONS OF INTEREST	Councillor Frank Carbone and Councillor Ninos Khoshaba have declared conflict of interest since the briefing meeting and have not taken part in consideration of this application.

Public meeting held at Fairfield City Council on Thursday 8 June 2017 opened at 10.45 am and closed at 12.00 pm.

MATTER DETERMINED

2016SYW050 - LGA – Fairfield– DA – 117.1/2016, 13 Booralla Road, Edensor Park, the proposal is for the demolition, remediation (if required), other preparatory site works as required, and the erection of a part two-storey, part three-storey Residential Aged Care Facility comprising two distinct sections, (each of which will be constructed in a separate stage), which together will contain 279 beds, associated basement parking and related facilities. Landscaping, drainage, signage and other related works are also proposed. The construction of the Residential Aged Care Facility will be undertaken in two stages. The proposal also involves the subdivision of the land into two lots and the dedication and construction of a public road.

PANEL CONSIDERATION AND DECISION

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.

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

1. The proposed development will add to the supply of residential aged care facilities within the Sydney South West District and the Fairfield local government area within an established residential housing area and that in turn will assist to address a growing demand for such facilities. Further the provision of the missing link in the planned alignment of Sweethaven Road as a public road will improve local traffic movements.
2. The Panel has considered the Applicant's request to vary the development standards contained in Clause 40(4)(a), 40(4)(b) and 40(4)(c) of the Seniors Housing SEPP and considers that compliance with the standards are unreasonable and unnecessary in the circumstances of this case as the proposed variations are minor, will not generate unacceptable impacts on adjoining or nearby residential allotments, remains consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that planned in 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.
4. The proposed development adequately satisfies the applicable provisions and objectives of Fairfield LEP 2013 and Fairfield City Wide DCP 2013.
5. The proposed development is considered to be of appropriate scale and form adequately consistent with the existing residential 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 the amenity of adjoining and nearby residential premises.
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 development application was approved subject to the conditions in the Council Assessment Report with amendments to the conditions as agreed at the meeting.

PANEL MEMBERS	
	
Sheridan Dudley	Nicole Gurran
	
Bruce McDonald	Rhonda Tyne

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW050 - LGA – Fairfield– DA – 117.1/2016
2	PROPOSED DEVELOPMENT	The proposal is for the demolition, remediation (if required), other preparatory site works as required, and the erection of a part two-storey, part three-storey Residential Aged Care Facility comprising two distinct sections, (each of which will be constructed in a separate stage), which together will contain 279 beds, associated basement parking and related facilities. Landscaping, drainage, signage and other related works are also proposed. The construction of the Residential Aged Care Facility will be undertaken in two stages. The proposal also involves the subdivision of the land into two lots and the dedication and construction of a public road.

3	STREET ADDRESS	13 Booralla Road, Edensor Park
4	APPLICANT/OWNER	Melaleuca Ventures Pty/Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General Development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Fairfield Local Environmental Plan (LEP) 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Fairfield City Wide Development Control Plan (DCP) 2013 • Section 94 Community Facilities Plan Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report with recommended conditions, Site, Architectural, Landscape and Subdivision Plans, Statement of Environmental Effects, Acoustic Report, Traffic and Parking Assessment Report, Stage 2 Environmental Site Assessment (Land Contamination), Compliance with the requirements of Housing for Seniors or People with a disability SEPP 2004, Compliance with the requirements of State Environmental Planning Policy No. 64 – Advertising and Signage, Submissions from the public. • Written submissions during public exhibition: 6 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Steve Talevski ○ On behalf of the applicant – Simon Thorne, Dan Brindle and Michael Kresner ○ On behalf of the applicant to answer questions – Josh

		<p>Andrew, Laurie Kresner and Craig McLaren</p> <ul style="list-style-type: none"> ○ On behalf of the council – Karl Berzins
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 8 June 2017 • Final briefing meeting to discuss Council’s recommendation – 8 June 2017, 10.00 am to 10.35 am • Determination meeting – 8 June 2017 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sheridan Dudley, (Chair), Bruce McDonald, Nicole Gurran and Rhonda Tyne ○ <u>Council assessment staff</u>: Karl Berzins and Sunnee Cullen
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Included with Council Assessment Report