

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	23 November 2017
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, Lindsay Fletcher, Cllr John Gilbert, Sandra Hutton
APOLOGIES	Kara Krason
DECLARATIONS OF INTEREST	None

Public meeting held at Lake Macquarie City Council, 126-138 Main Road, Speer Point on 23 November 2017 opened at 4:00 pm and closed at 4.30pm.

MATTER DETERMINED

2017HCC019 – Aged Care Facility - Lake Macquarie – DA/1132/2017 at 87 Toronto Road, Booragul (AS DESCRIBED IN SCHEDULE 1)

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

The Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report. The design was well considered and suited to the site, while the use provided wider public benefits to an ageing population on a site with reasonably good access to transport and services.

The Panel had regard to the applicant's objection under *State Environmental Planning Policy No. 1 (Development Standards)*, "SEPP 1", regarding the non-compliance with the maximum height limit within *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*. Given the location, setbacks, public domain, topography and relatively localised height non-compliance(s), as well as the overall design merits of the proposal, the Panel was satisfied regarding the proposed height. The Panel formed the view the applicant's written request satisfactorily addressed required matters within SEPP 1 and it was considered compliance with the height limit was unnecessary and unreasonable in this case.

Draft updated conditions were tabled by Council staff at the meeting (deleting a s94 contribution due to a s94E Direction and adding in terms of approval from Subsidence Advisory NSW). An additional memo was also tabled addressing various draft SEPPs and their relevance to the proposal.




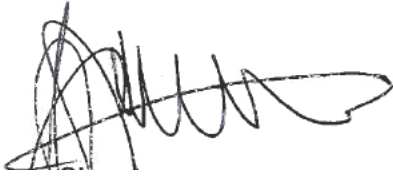

CONDITIONS

The development application was approved subject to Amended Draft Conditions of Consent dated 23 November 2017 (tabled at the JRPP meeting by Council staff), with the following additional condition:

3A – Screening of the Eastern end of the Basement Carpark

The proposed building shall include fixed screening to the basement/ground level carpark at the eastern end, between the masonry elements (e.g. vertical metal blades or similar), designed to complement the design of the building above and still allow natural ventilation to the carpark, while providing a visual screen to the carpark behind. Details are to be provided and be to the written satisfaction of Council prior to the issue of a Construction Certificate.

Reason: to address a perceived visual impact from the basement/ground level carpark upon the streetscape.

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Lindsay Fletcher	 John Gilbert
 Sandra Hutton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC019 – Lake Macquarie – DA/1132/2017
2	PROPOSED DEVELOPMENT	Residential Aged Care Facility
3	STREET ADDRESS	87 Toronto Road, Booragul
4	APPLICANT/OWNER	DeWitt Consulting – Anglican Care
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"> ○ State Environmental Planning Policy (Seniors Housing and People with a Disability) 2004 ○ State Environmental Planning Policy No 1 – Development Standards ○ Lake Macquarie Local Environment Plan 2014 • External Referrals <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 – Sydney Trains / Ausgrid ○ Mine Subsidence Compensation Act – Mine Subsidence Advisory ○ Rural Fires Act – NSW RFS • Draft environmental planning instruments: Various draft SEPP amendments • Development control plans: <ul style="list-style-type: none"> ○ Lake Macquarie Development Control Plan 2014 • Provisions of the Environmental Planning and Assessment Regulation 2000 • Coastal zone management plan • 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 • 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 and attachments as listed: 9 November 2017 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Gerard Bowen, Brendan Fisher, Mark Maund, David Huntley, Kate Hopoi
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 23 November 2017 • Final briefing meeting to discuss council's recommendation, 23 November 2017 at Attendees: 3:15 pm <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Lindsay Fletcher, John Gilbert, Sandra Hutton ○ <u>Council assessment staff</u>: Carlos Ferguson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report