

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING
PANEL

DATE OF DETERMINATION	21 June 2018
PANEL MEMBERS	Jason Perica (Chair), Louise Camenzuli and Cr Nick Jones
APOLOGY	Michael Leavey, Kara Krason and Justin Hamilton
DECLARATIONS OF INTEREST	Nil

Public meeting held at Lake Macquarie City Council on 21 June 2018, opened at 2.00pm and closed at 3.10pm.

MATTER DETERMINED

2017HCC042 – Lake Macquarie City Council - DA/1950/2017, 120 Redhead Road, Redhead (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 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 sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the assessment of environmental considerations within the Council staff assessment report.

The proposed extension of the residential aged care facility would provide both social and economic benefits to the local and wider community.

The Panel considered the applicant's written variation request to the maximum Height of Buildings development standard for the site, within Clause 40(4)(c) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, relating to a one storey height limit to the rear of the site. The Panel considered that there were sufficient environmental planning grounds to support the proposed variation, and the proposal was considered consistent with the zone objectives and consistent with the objectives of the standard. Regard was given to the sound site planning, generous setbacks and appropriate relationship and scale transition to surrounding development. The Panel formed the view the proposal and the applicant's written request satisfactorily addressed required matters within Clause 4.6 of *Lake Macquarie Local Environmental Plan 2014* ("the LEP"), and it was considered compliance with the height standard was unnecessary and unreasonable in this case.

The Panel also considered the applicant's written variation request to the maximum Height of Buildings development standard for the site within Clause 4.3 of the LEP. It was technically possible such a variation request was not needed, due to compliance with the height control

within *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, albeit to different measurement criteria. However, in the event that a variation request was needed, the Panel formed the view the proposal and the applicant's written request satisfactorily addressed required matters within Clause 4.6 of the LEP, and it was considered compliance with the LEP height standard was unnecessary and unreasonable in this case.

The proposed site planning was considered sound, while environmental planning impacts were appropriately regulated and mitigated by recommended conditions of consent. In this regard, the Panel considered the applicant's request for various variations to conditions. The Panel generally agreed with the recommendations of the Council officers in relation to the requested variations. Two variations were discussed at some length:

Firstly, in terms of the front footpath, the Panel agreed with the original staff condition and noted the pedestrian linkages to the surrounding area was important for residents within the site, as well as visitors and staff. The additional cost of the full length of the footpath as required by the proposed condition of consent was not likely to be significant (particularly given the scale of the development), was for a proper planning purpose, reasonably linked to the proposal (as it was likely to be used by visitors to the site from the surrounding area and staff) and was reasonable in the circumstances.




Secondly, in terms of provision of a community bus, one is currently being provided and the service is intended to be continued. The applicant's objections to this condition were technical in nature, rather than substantive. The Panel was of the view that the provision of a community bus service was part of the proposal (being referenced within associated justifying documentation) and was an important part of the existing and future on-site community (which is growing), and should be retained.

In terms of considering community views, the Panel heard from one objector who raised several issues, primarily concerning the management of the premises and parking. In respect of those matters and the matters raised in written objections, the Panel generally agreed with the Council staff assessment of the matters raised.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, as amended by conditions of consent within documents dated 15 June 2018 and subsequently 20 June 2018, with the following change:

- Condition 33, relating to the provision of a community bus, within the conditions attached to the report to the Panel meeting of 21 June 2018 be retained (not deleted).

PANEL MEMBERS	
 Jason Perica (Chair)	 Cr Nick Jones
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC042 – Lake Macquarie City Council - DA/1950/2017
2	PROPOSED DEVELOPMENT	Seniors Housing - Aged Care Facility
3	STREET ADDRESS	120 Redhead Road, Redhead
4	APPLICANT/OWNER	The Whiddon Group / Crown Land – Frank Whiddon Nominnes Pty Ltd as Reserve Trust Manager
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over - \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy 71 – Coastal Protection • Lake Macquarie Local Environmental Plan 2014 • Lake Macquarie Development Control Plan 2014 • Provisions of the Environmental Planning and Assessment Regulation 2000 • 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 • Submissions made in accordance with the Environmental Planning and Assessment Act 1979 and 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 – 7 June 2018, with updated memos and information dates 15 and 20 June 2018 (relating to conditions) • Written submissions during public exhibition: 7 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Shirley Bell ○ On behalf of the applicant – Marion Lourens (Town Planner), Rebecca Plumsted (Project Architect), Regan Stathers (Executive General Manager) and Michael Kondilios (Project Manager)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 21 June 2018 • Final briefing meeting to discuss council's recommendation, 21 June 2018 from 1.30pm to 2.00 pm. Attendees: <ul style="list-style-type: none"> • <u>Panel members</u>: Jason Perica (Chair), Louise Camenzuli and Cr Nick Jones • <u>Council assessment staff</u>: Chris Dwyer and Jasmine Beverley
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report and subsequent documents
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