

DATE OF DETERMINATION	5 November 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Cr Peter Harle.
APOLOGIES	Nicole Gurran and Cr Wendy Waller (who attended the briefing only)
DECLARATIONS OF INTEREST	Nil

Public meeting held at Liverpool City Council Library on 5 November 2018, opened at 4.00pm and closed at 6.50pm.

MATTER DETERMINED

PANEL REF – 2017SSW033 - LGA – Liverpool – DA290/2017 AT (Lot 1-7 in DP 28819, Lot 139-141 in DP 26304 and Lot 1 in DP 57781) 11-15 Lang Road, 76-80 Marsh Parade & 536-542 Hume Highway, Casula (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 the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the application as described in Schedule 1 subject to the recommended conditions pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE DECISION

1. The proposed development will provide additional high care residential aged care facilities and service within the City of Liverpool and the Sydney Western City District in a location proximate to the Liverpool Town Centre which in turn has the capacity to deliver the specialised services that will be required by persons of the age and capacity that are to be accommodated.
2. The Panel has considered the Applicants request to vary the development standards contained in the following provisions of SEPP (Housing for Seniors or People with a Disability)
 - Cl. 26- relating to accessibility
 - CL 40(4)(a)-(b) relating to building height and number of stories
 - Clause 48(c) relating to landscaped area

Clause 26 : The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the age and physical condition of those to be accommodated render them unlikely to have the capacity to independently utilise public bus services, the proposal provides for an extensive range of services on site addressing the day to day and specialist needs of the occupants and door to door transport

to specific off site needs is to be provided by the facility when required by occupants. While the occupants will not be utilising the bus service due to their disability, the premises are still well located near services

Clause 40(4)(a)-(b) The Panel considers compliance with the standard is unreasonable and unnecessary as the development responds to the slope of the site in order to reduce the level changes throughout the site given the aged persons accommodation proposed and given that building setbacks have been adopted that will avoid unacceptable privacy impacts or overshadowing impacts on nearby premises. The Panel notes that no objection was received from any adjoining owner on the issue of height, and that design features including the vegetated trellis structure will mitigate the appearance from the neighbouring property on Marsh Parade.

Clause 48(c) The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the development as designed presents appropriately to all street frontages and integrates with the surrounding residential context. Given the aged care nature of the development limited on site specific open space recreation area is required and further amenity and recreation opportunity has been provided by the provision of in house amenities specifically directed to aged person's needs.

Further the Panel considers that each of the above variations remain consistent with the objectives of SEPP (Housing for Seniors or People with a Disability) and the objectives of each of the standards

- 3 The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 - Remediation of Land, and Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment
- 4 The proposal adequately satisfies the applicable objectives and provisions of Liverpool Local Environmental Plan 2008 and Liverpool DCP 2008.
- 5 The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby buildings or the utility of the local road system.
- 6 The proposed development is considered to be of acceptable form and scale consistent with the planned residential context and character of the locality within which the site is placed.
- 7 The Panel received and accepted the legal advice from Marsdens Law Group which concluded that the distance requirement in clause 26 of the Seniors Living SEPP is a development standard which can be varied by a properly made CI 4.6 objection.
- 8 In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

- 9 Notably, the concern of the neighbouring property in Lang Road concerning fencing is addressed at condition 105 as recommended by Council staff requiring agreement of that neighbour to the fencing detail.

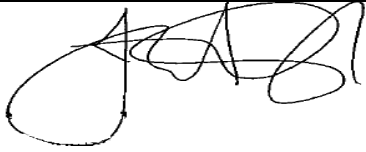
CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

Condition 114 is to be amended to alter 114(a) to read “(a) People who have a disability so as to require high care”, while deleting (b) and retaining (c).

Condition 144 is to be amended to require only 33 carspaces.

The decision was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Peter Brennan
 Bruce McDonald	 Peter Harle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PANEL REF – 2017SSW033 - LGA – Liverpool – DA290/2017
2	PROPOSED DEVELOPMENT	Construction and operation of a Residential Aged Care Facility development pursuant to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3	STREET ADDRESS	(Lot 1-7 in DP 28819, Lot 139-141 in DP 26304 and Lot 1 in DP 57781) 11-15 Lang Road, 76-80 Marsh Parade & 536-542 Hume Highway, Casula
4	APPLICANT/OWNER	Applicant – Catholic Healthcare Ltd Owner - Catholic Healthcare Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20million

6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: Nil • Development control plans: ○ Liverpool Development Control Plan 2008. ○ Part 1 – General Controls for all Development • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: 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: Consideration of the provisions of the Buildings Code of Australia • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: November 2018 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Tony Chung, Lisa Maree Carrigan, Tim Rogers, Marian Higgins and Mark Ardouin
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site Inspection – 5 November 2017 • Final briefing meeting to discuss council’s recommendation, 5 November 2018, 3.00pm to 3.30pm. • Attendees: ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Peter

		Brennan, Cr Peter Harle and Cr Wendy Waller ○ <u>Council assessment staff</u> : Lina Kakish, George Nehme, and Boris Santana
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report