

Record of kick-off Briefing Meeting

PANEL REFERENCE & DA NUMBER	PPSHCC-80 – DA/202/2016/A
APPLICANT / OWNER	Janelle Pirone / Arcare Pty Ltd
APPLICATION TYPE	S4.55(2) Modification Application
REGIONALLY SIGNIFICANT CRITERIA	<p>The original application, PPS-2016HCC014, was referred to the Panel as it satisfied the regional development criteria, being general development over \$20 million.</p> <p>The subject modification application is referred to the Panel in accordance with section 123BA of the Environmental Planning and Assessment Regulation, 2000.</p>
KEY SEPP/LEP	<p>Seniors Housing SEPP</p> <p>SEPP (Infrastructure) 2007</p> <p>SEPP No. 55 – Remediation of Land</p> <p>SEPP – Coastal Protection</p> <p>SEPP (Koala Habitat Protection) 2021</p> <p>Lake Macquarie LEP 2014</p>
CIV	\$19,786,040.00 (excluding GST)
SCHEDULED MEETING DATE	14 July 2021
CONFLICTS	Jason Pauling declared a Col and left the meeting

ATTENDEES

PANEL	<p>Alison McCabe, Panel Chair</p> <p>Sandra Hutton</p> <p>Juliet Grant</p> <p>Jason Pauling</p>
COUNCIL OFFICER	<p>Liz Lambert, Manager, Development Assessment and Certification</p> <p>Amy Regado, Chief Development Planner</p> <p>Fiona Stewart, Development Planner</p>
CASE MANAGER	Alexandra Hafner and Leanne Harris
PROJECT OFFICER	Angela Kenna and Lisa Foley

OTHER ATTENDEES

DPIE STAFF	Jane Gibbs, Director, Planning Panels Secretariat
-------------------	---

ISSUES DISCUSSED

- S4.55 modification – permissibility under original DA provided by clause 7.12 LMLEP 2014 (ceased 10 October 2016) allowed for development of land for purposes of Seniors Housing in certain locations. Approved development prohibited in RU4 zone.
- New vehicular access arrangements – three street crossovers. Carparking relocated from front setback to basement parking is supported
- Interface with adjoining developments and acoustic impacts to neighbours to east.
- Streetscape presentation.
- Existing stormwater easement – covered drainage pipe on western side
- Rear/southern boundary to South Creek – 20m riparian zone.
- FFL's proposed at RL8.3 – 500mm above the 1% AEP providing the required freeboard. Reduced from approved development.
- Acoustic privacy to adjoining seniors housing development from use of driveway, particularly by service vehicles.
- Visual privacy with overlooking into rear POS of western adjoining residential developments.
- FFL of upper level lower than approved however private balconies to rooms added under modifications.
- 8.5m height control applicable to site with no increase in overall height or notable reduction in landscaped area.
- Not bushfire prone land.
- Setbacks increasing although maintaining agreed riparian buffer. Similar massing and footprint.
- cl.4.6 assessment not required as proposal is a s4.55(2) modification.
- Pre-DA advice issued by Council.
- Communal facilities provided in accordance with SEPP requirements.
- Original DA not expressly assessed under the SEPP although guided the development as no prescriptive standards contained within LMDCP.

KEY ISSUES FOR COUNCIL TO CONSIDER

1. REQUESTS FOR INFORMATION

- Detailed qualitative and quantitative analysis of s4.55 modification application required to better understand the degree of difference. This will require a detailed set of architectural plans illustrating degree and full extent of change from the plans originally approved.
- Shadow diagrams insufficient and need to demonstrate degree of change.
- Justification for loss of additional 5 trees.
- Reasons for the previous panel's decision, including any imposed conditions and if conditions amended/deleted.
- Existing use consideration – if relevant.
- Benchmark appropriateness against SEPP.
- PMF levels to be confirmed given recent legislative changes regarding flood planning provisions.
- Draft SEPPs and LEPs to be reported upon.

2. REFERRALS REQUIRED

External

- NRAR, TfNSW (advisory) and Ausgrid

Internal

- Development Engineering, Landscaping, Flora/Fauna, Traffic, Creeks/Watercourses, Assets, CPTED, Senior/Disabled, Environmental Management (noise and health).

3. KEY ISSUES FOR PUBLIC EXHIBITION

- Exhibition to 27 adjoining properties occurred between 17 June to 8 July 2021.
- Two submissions received. Issues raised:
 - o 30 Jonathan St: increased traffic and safety concerns, light and glare.
 - o Resident of Lymington Village Seniors Living: trees and high fencing proposed along eastern boundary.
- Two submissions received under assessment of original DA. Issues raised:
 - o Visual bulk and scale of development
 - o Visual privacy impacts
 - o Potential solar access impacts
 - o Construction noise and dust
 - o Operational noise and glare

4. OTHER

- N/A

RFI SUBMISSION DATE – August

PANEL BRIEFING DATE – 15 September

PANEL DETERMINATION DATE – October