

DATE OF DETERMINATION	18 December 2020
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Nadia Saleh, Bilal Hayek
APOLOGIES	None
DECLARATIONS OF INTEREST	None

MATTER DETERMINED

PPSSH-12 – CANTERBURY-BANKSTOWN – DA-594/2019

34 SKINNER AVENUE RIVERWOOD 2210

Excavation and site preparation works, construction of a residential aged care facility, basement car park and landscaping works (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the to vary the height development standards in Clause 40(4)(a) and Clause 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Cl. 4.3 CLEP 2012, that has demonstrated that:

- compliance with Cl. 40(4)(a)&(b) Seniors SEPP and Cl. 4.3 CLEP 2012 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the SEPP and CLEP; and
- the development is in the public interest because it is consistent with Cl. 40 of the Seniors SEPP and Cl. 4.3 CLEP 2012 and the objectives for development in the R3 Medium Density zone; and
- the concurrence of the Secretary has been assumed

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Cl 74 - Prior to the issue of an Occupation Certificate, a form of agreement is required






to be reached between the two owners of lot 1 DP775862 and lot 17 DP 13607 with corresponding legal instruments placed on the two titles, to ensure that neither owner can alter the use or remove the residential aged care facility that is subject to this consent, without the consent of the other and require that the properties cannot be sold individually (other than to each other).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic and parking

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	 Nadia Saleh
 Bilal El-Hayek	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-12 – CANTERBURY-BANKSTOWN – DA-594/2019
2	PROPOSED DEVELOPMENT	Demolition of existing structures and carpark and construction of a 3-4 storey 34-bed residential aged care facility under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3	STREET ADDRESS	12-18 Leigh Avenue and 34 Skinner Avenue, Riverwood
4	APPLICANT/OWNER	Applicant: Leigh Placed Aged Care Owners: Leigh Place Retirement Housing Pty Ltd also known as Leigh Place Aged Care (34 Skinner Avenue) and Canterbury Bankstown Council (12-18 Leigh Avenue)
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Council interest
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) State Environmental Planning Policy No. 55 – Contaminated Land (SEPP 55) Canterbury Local Environmental Plan 2012 (CLEP 2012) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canterbury Development Control Plan 2012 (CDCP 2012) Canterbury Development Contributions Plan 2013 (Contributions Plan 2013) 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 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: 2 November 2020 <ul style="list-style-type: none"> Cl. 40(4)(a) Seniors SEPP - maximum building height Cl. 40(4)(b) Seniors SEPP - maximum building height adjacent to site boundary Cl.4.3 CLEP 2012 – height of buildings Written submissions during public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 February 2020 <ul style="list-style-type: none"> <u>Panel members:</u> Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Nadia Saleh, Bilal El-Hayek <u>Council assessment staff:</u> Ruth O'Brien, Mine Koccek, George Gouvatsos Final briefing to discuss council's recommendation: 25 November 2020

		<ul style="list-style-type: none">○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Nadia Saleh, Bilal El-Hayek○ <u>Council assessment staff</u>: Mine Kocak
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report