

Record of Preliminary Briefing Sydney Western City Planning Panel

PANEL REFERENCE, DA NUMBER & ADDRESS	PPSSWC-376 – Liverpool – DA-1183/2016/C – 68-82 Stewart Avenue, Hammondville
APPLICANT / OWNER	Applicant: HammondCare Owner: HammondCare
APPLICATION TYPE	Modification to Development Consent DA-1183/2016 Under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, to Modification to buildings and associated open space in Stages 3 and 4 of the approved development.
REGIONALLY SIGNIFICANT CRITERIA	S4.55(2) Modification Application
CIV	\$ 56,224,823 (excluding GST)
BRIEFING DATE	29 January 2024

ATTENDEES

APPLICANT	Robert Allen, Katie Formston, Chris Forrester, Aaron Hogan, Don Wang
PANEL	Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karress Rhodes, Ned Mannoun
COUNCIL OFFICER	Nabil Alaeddine, Amanda Merchant
CASE MANAGER	Renah Givney
PLANNING PANELS SECRETARIAT	Sharon Edwards, Tim Mahoney

DA LODGED & DAYS SINCE LODGEMENT: 1 November 2023 (89 days)

TENTATIVE PANEL BRIEFING DATE: To be reassessed following the response to the RFIs

TENTATIVE PANEL DETERMINATION DATE: Late May/early June

Chair reviewed attendance and introduced Preliminary Briefing purpose and process.

Applicant

- Applicant provided overview of original approval and site context.
- Applicant provided overview of proposed modification:
 - modification involves Stages 3 and 4. Noted that Stages 1 and 2 have been constructed.
 - the purpose of the modification application is to amend the building and landscape design for the remaining Stages 3 & 4.
- Applicant believes that the proposal is 'substantially the same' given that the proposal is the proposed accommodation will be the same numerically, the impacts will be reduced and qualitatively the proposal provides for an improved design outcome, but still similar to the original.
- The applicant advised that the modification results in improved:
 - back of house operational and servicing functions
 - local character through varied bulk and scale, typology, materials and finishes
 - area of open space and landscaped areas through consolidation of building footprints
 - amenity for adjacent cottage by increasing the area of backyard.
 - wayfinding
 - sustainability outcomes
- The applicant confirmed that the proposed modification slightly reduces the approved number of parking spaces, which reflects the reduction in number of beds/houses.
- Applicant advised that due to the estimated CIV and recent changes if proposal were to be lodged as a new Development Application it would be State Significant Development requiring the issue of Secretary's Environmental Assessment Requirements (SEARs) and assessment and determination by the Department.

Council

- Council largely concurs with the applicant's overview of the proposal, assessment issues and agrees the proposal is 'substantially the same'.
- Council confirmed that notification has already commenced and that no submissions have been received to date.
- Council advised that the application needs to be considered by the Design Excellence Panel (DEP). Meeting scheduled for this Thursday 1st of February.
- Council advised that internal referrals have been undertaken and waiting on responses.
- Council anticipates that an RFI will be issued to the applicant following receipt of referral comments and consideration by the DEP.
- Council targeting the end of May for an assessment report to be provided to the Planning Panels Secretariat.

Panel

- Panel Chair noted the Applicant's contention that the proposed modification seeks a better outcome for the development.
- Panel Chair queried whether the proposed development is 'substantially the same' given the significant changes to the built form and, therefore, whether it can be

progressed as a S4.55(2) application. The Panel Chair noted that Council needs to report on the usual tests in that regard discussed by the Chief Judge of the Land & Environment Court in *Arrage v Inner West Council* [2019] NSWLEC 85 from [24] – [31].

- The Chair asked for the DEP to comment on whether it viewed the development to be substantially the same.
- The Panel Chair requested that Council, following consideration by the DEP, send a memo to the Planning Panels Secretariat updating the Panel and attaching a copy of the DEP's advice. If the DEP raises substantial issues with the proposed design changes an Assessment Briefing with the Panel can be arranged.

The panel targets determination of RSDAs within 250 days. The chair recommends that the applicant expedite any amendments or additional information in answer to Council feedback to avoid delays. The panel may determine the DA in the form it is presented at or prior to 250 days.

Note:

Council is yet to undertake its full application assessment, so this record is not a final list of the issues they will need to consider in order to draft their recommendation.

The application is yet to be considered by the Sydney Western City Planning Panel and therefore future comment will not be limited to the detail contained within.