

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Ku-ring-gai Council** on **Wednesday 7 October 2015 at 3.00 pm**

Panel Members: Bruce McDonald (Acting Chair), Bruce Clarke, Bob McCotter, Cr Elaine Malicki and Cr Cheryl Szatow

Apologies: None

Declarations of Interest:

Bob McCotter declared the following nonpecuniary interest:

1. I am a resident and ratepayer of Ku-ring-gai Council, but that does not affect my impartiality in either of these matters.
2. In about 1997 I was a director and shareholder of a company that employed Dr David Robertson, the principal ecological advisor to the proponent for both applications. Dr Robertson left our employ about 15 years ago and I left, including selling all shares, about 13 years ago. I thus have no material interest that could influence my decision in these matters.

Determination and Statement of Reasons

2013SYW023 – Ku-ring-gai Council, DA 0453/12, Sydney Adventist Hospital – Construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement car parking, landscaping and storm water works and subdivision. DA0453/12 lodged pursuant to the Minister of Planning Major Project Approval No. 07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital), 185 Fox Valley Road, Wahroonga

Date of determination: 7 October 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel for the following reasons determined to approve the application subject to the recommended conditions of consent as amended by the Panel's decision.

1. The proposed development will provide additional student and key worker accommodation in the immediate vicinity of the existing Seventh Day Adventist Hospital and education Centre as planned under the Project Approval Concept Plan applying to the site.
2. The proposed development, subject to the conditions imposed is generally consistent with the terms of Project Approval No. 07-0166 Concept Approval granted by the Minister for Planning under Part 3A of the Act.
3. The proposal adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Rural Fires Act 1997, SEPP 65 Design Quality of Residential Flat Buildings SEPP (Infrastructure) 2007 and SEPP 55 Remediation of Land.
4. Subject to the conditions imposed the proposed development will have no further impacts on the natural or built environments than those considered acceptable under the Concept Plan Approval, including sustainability of natural bushland species, the amenity of nearby residential premises and the performance of the local road network. In this regard the Panel notes the intersection signaling works that are to be carried out in conjunction with the proposed development as requirements of the Concept Plan approval.
5. In considering of conclusions 1-4 above the Panel considers approval of the proposed development is in the public interest.

Conditions: The development application was approved subject to the conditions recommended in the Council supplementary report with amendments to the following conditions:

Conditions to be amended

The deferred commencement arrangement is to be deleted as operational consent is given and is to be issued. The deferred commencement condition is to be appropriately amended, including deletion of the last sentence and is to be

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incorporated into the conditions of consent.

Condition 2 – review and amend if need to ensure the deep soil/landscape corridor can be secured.

Condition 12 – delete the work 'certificate'.

Condition 19 – replace last sentence to become initial sentence.

Conditions 30, 74, 78 & 99 – are to be consolidated into a single condition written to remove any inconsistencies among specified times and specified permitted noise levels.

Condition 41 – delete reference to RTA and replace with RMS.

Add a further condition requiring the preparation of and approval by the appropriate Council Officer of a construction management plan.

Panel members:

 Bruce McDonald (Chair)	 Bruce Clarke	 Bob McCotter
<p>Approved by email</p> Elaine Malicki	<p>Approved by email</p> Cheryl Szatow	

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SCHEDULE 1

1	JRPP Reference – 2013SYW023, LGA – Ku-ring-gai Council, DA/0453/12
2	Proposed development: Sydney Adventist Hospital – Construct 2 residential buildings (4 and 6 storeys) for student accommodation containing 126 studios, construct 2 residential buildings (4 and 6 storeys) for key worker accommodation containing 35 x 1 bedroom and 25 x 2 bedroom units (60 units), basement car parking, landscaping and storm water works and subdivision. DA0453/12 lodged pursuant to the Minister of Planning Major Project Approval No. 07_0166 MOD 4, Concept Plan for Wahroonga Estate (Precinct C: Central Hospital).
3	Street address: 185 Fox Valley Road, Wahroonga
4	Applicant/Owner: Applicant – Seventh-Day Adventist Church (Spd) Limited, Owner: Australasian Conference Association Limited.
5	Type of Regional development: The development application has a capital investment value of greater than \$20 million.
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings ○ State Environmental Planning Policy (Infrastructure) 2007 ○ SREP (Sydney Harbour Catchment) 2005 ○ SEPP (BASIX) 2004 ○ Wahroonga Estate Concept Approval – Major Project No. 07_0166 ○ Ku-ring-gai Contributions Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Nil • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ 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. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	<p>Material considered by the panel:</p> <p>At the meeting on 16 June 2015 the Panel deferred making determination for the application to allow the applicant to respond to the following issues raised by the Panel:</p> <ol style="list-style-type: none"> 1. Advice in regard to the design and land requirements required by the RMS for intersection and road improvements. That advice is to define the impact of those works on the subject site. 2. Consultation with Council so as to provide clarification as to the disputed location of the cycle network and compliance in that regard with the Concept Plan. 3. Amendment of the proposed subdivision to provide a minimum distance of 6 metres from the proposed allotment boundary to the eastern wall of the proposed buildings. <p>This information was to be provided to Council by 16 July 2015.</p> <p>The Panel required that a further assessment report be presented addressing the above matters. Should the assessment recommend refusal of the proposed development the Panel requires without prejudice draft conditions of consent to be included to enable a final decision to be made in the event the Panel determine to approve the proposal.</p> <p>The Panel considered its further consideration of this application should include advice from RMS regarding required road works design and the extent of land that will require to be excised from the subject site.</p> <p>The Panel was to reconvene following Council Officer's consideration or assessment of the further material requested of the applicant. The Panel further determine its consideration should include advice from the RMS.</p> <p>Council supplementary report, Applicant letter responding to JRPP deferral, RMS advice regarding proposed</p>

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	<p>modifications to existing traffic signals, RMS traffic signals plans, Applicant's consulting traffic engineer letter regarding length of left turn lane for intersection upgrade, Architectural plan detailing kerb setbacks, Subdivision plan, Plan of eastern boundary alignment, Mod 4 approved indicative floor plan, Estate access diagram, Assessment report considered by JRPP at the meeting on 16 June 2015, JRPP decision (deferral) at the meeting on 16 June 2015 and written submissions.</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Wayne Gersbach • Steven Sorros
8	<p>Meetings and site inspections by the panel:</p> <p>4 April 2013 – Briefing Meeting;</p> <p>16 June 2015 - - Site Inspection & Final Briefing meeting.</p> <p>7 October 2015 – Final Briefing Meeting.</p>
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report