

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Ku-ring-gai Council** on **Friday 5 December 2014 at 3.30 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald, Cr Elaine Malicki and Cr Cheryl Sztatow

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2013SYW062-DA102/13, Ku-ring-gai Council, Demolish existing structures & construct a 98 bed residential aged care facility, basement parking and associated works, 238-240 Mona Vale Road, St Ives.

Date of determination: 5 December 2014

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 and the material presented at meetings (including the applicant's legal advice) and the matters observed at site inspections listed at item 8 in Schedule 1.

Standard Variation

Having considered the Applicants request to vary the development standard relating to building height contained in Cl 40(4) of SEPP (Housing for Seniors and People With a Disability) 2004 the Panel considers compliance with the standard is unnecessary in the circumstances of this proposal as there are sufficient environmental planning grounds to justify the variation given:






- the site is an isolated parcel and the development will be substantially separated from adjacent development
- the scale and design of the building creates a required transition between low density and higher density zones
- the objectives of the Clause and the purpose of the SEPP are met by the proposal

Reasons for the panel decision:

1. The proposed development will add to the supply of housing for seniors and people with a Disability within Ku-ring-gai.
2. The proposal satisfies the relevant State Environmental Planning Policies including SEPP (Housing for Seniors and People With A Disability (2004), SEPP Infrastructure (2007) and SEPP 55 -Remediation of Land.
3. The design responds to the traditional use of the site as a nursery and to the prominent location near to St. Ives Village Centre.
4. The proposal will have no significant impact on the built or natural environments
5. In consideration of conclusions 1-4 above the [Panel considers approval is in the public interest.

Decision: The development application was approved subject to the conditions in the Council Assessment Report.

Panel members:

 Mary-Lynne Taylor (Chair)	 Bruce McDonald	 Stuart McDonald
 Elaine Malicki	 Cheryl Sztatow	

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SCHEDULE 1

1	JRPP Reference – 2013SYW062, LGA – Ku-ring-gai Council, DA/102/13
2	Proposed development: Ku-ring-gai Council, Demolish existing structures & construct a 98 bed residential aged care facility, basement parking and associated works.
3	Street address: 238-240 Mona Vale Road, St Ives..
4	Applicant/Owner: Applicant – Midson Group Pty Ltd (Applicant), Dasmin Pty Limited (Owner).
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 55 – Remediation of Land Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy No. 1 – Development Standards Ku-ring-gai LEP (Local Centres) 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ku-ring-gai Local Centres Development Control Plan 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	Material considered by the panel: Council assessment report with conditions, written submissions, location sketch, zoning extract, architectural plans, fence elevations, sections/signage, ground floor concept plan, landscape concept plan, fencing plan, tree removal plan, fence detail, site works plan basement level, ground floor, storm water plan, sediment and erosion control plan, site works details sheet 1, 2, 3, 4, storm water management report, flood assessment report, arborist report, stage 1 and 2 environmental site assessment, noise assessment, BCA assessment, crime prevention through environment design, geotechnical report, access report, traffic and parking assessment report, heritage impact assessment and SEPP 1 objection. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Emmanuel Ghali on behalf of the applicant
8	Meetings and site inspections by the panel: 15 August 2013 - Briefing Meeting, 25 July 2014 – Update, 5 December 2014 - Site Inspection & Final Briefing meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report