

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Ku-ring-gai Council** on **Wednesday 3 June 2015 at 3.30 pm**

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

Apologies: Mary-Lynne Taylor

Declarations of Interest: None

Determination and Statement of Reasons

2013SYW094-DA0327/13, Ku-ring-gai Council, Demolition of three dwellings at 742, 746 and 746A Pacific Highway. Construction of a 4 storey hospital with 64 beds. Boundary adjustment between 746 and 748 Pacific Highway. Consolidation of 742, 746 and 746A Pacific Highway into a single allotment, 742, 746, 746A and 748 Pacific Highway, Gordon.

Date of determination: 3 June 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 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.

Reasons for the panel decision:

1. The Panel has considered the Applicant's request to vary the development standards contained Clause 4.3 (Height of Buildings) Ku-ring-gai LEP (Local Centres) 2012 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation is minor, will not add additional impacts to the amenity of adjoining premises and the development remains consistent with the objectives of the applicable R4 (High Density Residential) Zone and with the anticipated scale and form of development in the locality.
2. The proposed facility will provide a specialized health facility that will add to the supply of services within the Northwest Metropolitan Subregion and the Ku-ring-gai local government area.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Infrastructure) 2007 and SEPP 55 Remediation of Land.
4. The proposal adequately satisfies the provisions and objectives of the SEPP Infrastructure 2007 being the planning instrument that permits the use.
5. The form and character of the development now proposed for the proposal are consistent with the planned high density residential development in the locality.
6. The proposed development will have no significant adverse impacts on the natural or built environments including the amenity of established dwellings, Heritage items in the vicinity or the local road network.
7. Premises 744 Pacific Highway have been demonstrated as being capable of independent development.
8. In consideration of the points in 1-7 above the Panel considers the proposed development is a suitable use of the site and approval is in the public interest.

Decision: The development application was approved subject to the conditions in the Council Supplementary Report including the changes to Condition 33 in relation to Section 94 Contribution specified in the memorandum dated 1 June 2015 prepared by the Director of Development & Regulation.

Panel members:

 Bruce McDonald	 Stuart McDonald	
 Elaine Malicki	 Cheryl Szatow	

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SCHEDULE 1

1	JRPP Reference – 2013SYW094, LGA – Ku-ring-gai Council, DA/0327/13
2	Proposed development: Ku-ring-gai Council, Demolition of three dwellings at 742, 746 and 746A Pacific Highway. Construction of a 4 storey hospital with 64 beds. Boundary adjustment between 746 and 748 Pacific Highway. Consolidation of 742, 746 and 746A Pacific Highway into a single allotment.
3	Street address: 742, 746, 746A and 748 Pacific Highway, Gordon.
4	Applicant/Owner: Applicant – The Lawson Clinic Pty Ltd
5	Type of Regional development: The proposed hospital has a CIV of over \$5 million and falls into the category of 'private infrastructure and community facility'.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Regional Environmental Policy (Sydney Harbour Catchment) 2005 ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Ku-ring-gai LEP (Local Centres) 2012 ○ Ku-ring-gai LEP Local Centres DCP ○ Development Contributions Plan 2010 • 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 supplementary report with draft conditions of consent, Revised clause 4.6 variation request, Planning consultant letter responding to JRPP deferral, Architectural plans, Landscape plans, Stormwater plans, Assessment reports considered by JRPP at its meetings on 11 September 2014 and on 8 April 2015, JRPP record of deferral, written submissions and memorandum dated 1 June 2015 prepared by the Director of Development & Regulation in relation to Section 94 Contribution. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Michael Kocsard • Joo Hong • David Ryan • Jonathan Levy
8	Meetings and site inspections by the panel: A supplementary assessment report was considered by the Panel at its meeting on 8 April 2015 where it was resolved to defer the determination pending the submission of additional information by the applicant. The Panel asked the applicant to address the following: <ol style="list-style-type: none"> a) Reduction of the height non-compliance to the greatest extent practicable by adjusting the Western lift bay and stairwell; b) Add an additional 6 car parking spaces underneath the building' c) Add additional landscaping to the rear of 744 Pacific Highway on 748 Pacific Highway by reducing the internal driveway width and investigate additional landscaping opportunities across the whole of the site; d) Provide details of all fencing; e) Reconcile inconsistencies with the plans. <p>Original Council assessment report was considered by the Panel at its meeting on 11 September 2014 where the Panel deferred the application for the following issues can be attended to:</p> <ol style="list-style-type: none"> 1. As a threshold issue, whether or not development of 244 Pacific Hwy is practical, or the site is isolated. If

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	<p>the former applies, concept plans are to be provided showing potential development with and without a right of way. In the case of a right of way, legal advice is to be provided demonstrating that such a right of way will remain available over the long term. If the latter case applies and the property is found to be isolated, appropriate evidence of attempts to acquire the property is to be provided. Any valuation of the property must be based on the correct zoning and permissible development.</p> <ol style="list-style-type: none"> 2. The need for increased setbacks at the northern and western sides of the main building are to be examined, taking into account the neighbouring heritage item to the north and the visual impact on R2 properties to the west. 3. Measures to mitigate the effects of the long western elevation of the main building. 4. Measures to address or otherwise comply with the excessive height at the northern and southern ends of the main building, taking into account its location at a zone interface. 5. Measures to mitigate the perceived excessive height of retaining walls for driveways to the south of the main building. 6. Demonstration that access to the area of open space to the south is practical and safe. 7. Demonstration of compliance with the parking requirements of Council or RMS or proper justification for any variations thereto. 8. Provision of a completely consistent set of amended plans. 9. Address the non-complying stormwater drainage issues as per the council officer's report. 10. A building design that better adjusts to the significant north/south gradient of the site, that does not result in unused underbuilding void and reduces the impact on interface properties to the west, potentially by stepping the building into differing levels. <p>The panel concluded by emphasising the need for the above issues to be addressed properly prior to the re-submission of amended plans for final determination.</p> <p>6 February 2014 - Briefing Meeting; 11 September 2014 - Site Inspection & Final Briefing meeting; 8 April 2015 – Final Briefing Meeting; 3 June 2015 – Final Briefing Meeting.</p>
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report