

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Ku-ring-gai Council on Thursday 21 August 2014 at 10:00 AM

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell, Christiane Berlioz and Elaine Malicki

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2014SYW060 – Ku-ring-gai Council – MOD0066/14 [at 3-9 Woonona Avenue and 2-12 Neringah Avenue, Wahroonga] as described in Schedule 1.

Date of determination: 21 August 2014

Decision:

The panel determined to approve the development application as described in Schedule A pursuant to section 96(2) 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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel approves the application to modify the development consent previously granted in regard to this development subject to the amended conditions contained in the Council assessment report, with condition 47 amended to add a sentence "In the event that the facility changes to a for-profit status, the operator must notify Council immediately."


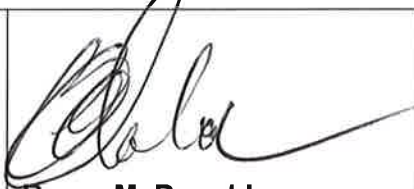



Reasons for approval:

1. The Panel has concluded the development as modified is substantially the same as that approved.
2. The modified development will allow more effective operation of the facility and improve amenity for dementia care patients.
3. The modified development will not have greater impact on the built environment including the nearby heritage item or on the natural environment than would the approved development.
4. The modified development will not have greater impact on local traffic and parking conditions in the locality than would the approved development.

Conditions:

A sentence to be added to Condition 47: "In the event that the facility changes to a for-profit status, the operator must notify Council immediately."

Panel members:

		
Mary-Lynne Taylor (Chair)	Bruce McDonald	Paul Mitchell
		
Christiane Berlioz	Elaine Malicki	

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	2014SYW060 – Ku-ring-gai Council – MOD0066/14
2	Proposed development: Hammond aged care facility - demolition of five structures and construction of a 3-4 storey dementia care facility comprising 54 bedrooms and basement car park
3	Street address: 3-9 Woonona Avenue and 2-12 Neringah Avenue, Wahroonga
4	Applicant/Owner: HammondCare
5	Type of Regional development: Clause 21 State Environmental Planning Policy (State and Regional Development) 2011
6	Relevant mandatory considerations <ul style="list-style-type: none"> • S96(2) of the EP&A Act • KPSO • DKLEP 2013 • SEPP 55 • SREP 20 (Hawkesbury Nepean River) • DCP 43 – Car Parking • DCP 47 – Water Management • 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 Dated 6 August 2014 Written submissions during public exhibition: 1 Objection Verbal submissions at the panel meeting: None
8	Meetings and site inspections by the panel: Briefing meeting on 25 July 2014, Site inspection on 21 August 2014, Final Briefing Meeting on 21 August 2014
9	Council recommendation: approval
10	Draft conditions: Attached as Schedule 2

SCHEDULE 2

1. Approved architectural plans and documentation

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
Site Plan DA005 Issue N	Jackson Teece	28/06/2012
Lower Ground Floor Plan DA110 Issue O	Jackson Teece	28/06/2012
Ground Floor Plan DA111 Issue O	Jackson Teece	28/06/2012
First Floor Plan DA112 Issue N	Jackson Teece	28/06/2012
Second Floor Plan DA113 Issue O	Jackson Teece	28/06/2012
Roof Plan DA114 Issue H	Jackson Teece	28/06/2012
Typical Resident Room DA170 Issue D	Jackson Teece	28/06/2012
Proposed Elevations DA300 Issue O	Jackson Teece	28/06/2012
Proposed Elevations 2 DA350 Issue L	Jackson Teece	28/06/2012
Proposed Sections 1 DA400 Issue N	Jackson Teece	28/06/2012
Proposed Sections 2 DA401 Issue D	Jackson Teece	28/06/2012
LA04 Issue A	TaylorBrammer	21/12/2011
LA05 Issue A	TaylorBrammer	21/12/2011
LA06 Issue A	TaylorBrammer	21/12/2011
LA07 Issue A	TaylorBrammer	21/12/2011
LA08 Issue A	TaylorBrammer	21/12/2011
LA09 Issue A	TaylorBrammer	21/12/2011
LH9471 DA-C000 Revision 3	Cardno	13/02/2012
LH9471 DA-C001 Revision 3	Cardno	13/02/2012
LH9471 DA-C002 Revision 4	Cardno	29/06/2012
LH9471 DA-C003 Revision 3	Cardno	13/02/2012
LH9471 DA-C004 Revision 3	Cardno	13/02/2012
LH9471 DA-C005 Revision 3	Cardno	13/02/2012

Document(s)	Prepared by
Neringah Dementia Care Facility - Finishes Board	Jackson Teece

Except where amended by that work shown on the S.96 plans for MOD00 endorsed with Council's stamp, as listed below, and except where amended by other conditions of this

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consent:

s.96 plan no.	Drawn by	Dated
Demolition Plan DA04 Issue J	Jackson Teece	28/06/2012

Except where amended by that work shown on the S.96 plans for MOD0066/14 endorsed with Council's stamp, as listed below, and except where amended by other conditions of this consent:

s.96 plan no.	Drawn by	Dated
Demolition Plan S9603 – Issue E	Jackson Teece	16/04/14
Excavation Plan S9605 – Issue E	Jackson Teece	16/04/14
Site Plan S96001 – Issue E	Jackson Teece	16/04/14
Floor Plan Lower Ground S96100 Issue E	Jackson Teece	16/04/14
Floor Plan Ground S96101 Issue E	Jackson Teece	16/04/14
Floor Plan First Floor S96102 Issue E	Jackson Teece	16/04/14
Floor Plan Second Floor S96103 Issue E	Jackson Teece	16/04/14
Roof Plan S96154 Issue E	Jackson Teece	16/04/14
Elevations North and South S96300 Issue E	Jackson Teece	16/04/14
Elevations East and West S96301 Issue E	Jackson Teece	16/04/14
Sections S96400 Issue E	Jackson Teece	16/04/14
LA01 Rev P8	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA02 Rev P9	Taylor Brammer Landscape Architects Pty	07.07.2014

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LA03 Rev P6	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA04 Rev P5	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA05 Rev P5	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA06 Rev P6	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA08 Rev P3	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA09 Rev C	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
Siteworks Plan 131031 C01 Rev P3	TaylorThomson Whitting	03.06.14
Details Sheet 131031 C03 Rev P2	TaylorThomson Whitting	23.04.14

Reason: To ensure that the development is in accordance with the determination.

Condition 3 is amended to read as follows:

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3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
LA01 Rev P8	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA02 Rev P9	Taylor Brammer Landscape Architects Pty Ltd	07.07.2014
LA03 Rev P6	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA04 Rev P5	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA05 Rev P5	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA06 Rev P6	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA08 Rev P3	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014
LA09 Rev C	Taylor Brammer Landscape Architects Pty Ltd	14.04.2014

Reason: To ensure that the development is in accordance with the determination.

Condition 24 is amended to read as follows:

24. Amendments to stormwater plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved stormwater plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

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Plan no.	Drawn by	Dated
131031 C01 – Revision P3	TaylorThomsonWhittin	03/06/14
	g	

The above stormwater plan(s) shall be amended in the following ways:

- i) The plans shall note that the trenches within the specified distance of the trunks of the following trees shall be dug by hand and no roots greater than 30mm in diameter shall be injured or severed.

Species / Location	Radius From Trunk
Tree 1 – <i>Liquidambar styraciflua</i> (Liquidambar) / Woonona Avenue nature strip, northern side of driveway	4 metres

Reason: To protect existing trees.

Condition 25 is amended to read as follows:

25. Amendments to architectural plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved architectural plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
Demolition Plan 2010098	Jackson Teece Architect	16/04/14
S9603 Issue E		
Excavation Plan 2010098	Jackson Teece Architect	16/04/14
S9605 Issue E		
Site Plan 2010098 S96001	Jackson Teece Architect	16/04/14
Issue E		
Ground Floor Plan 2010098	Jackson Teece Architect	16/04/14

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S96101 Issue E

Lower Ground Floor Plan

Jackson Teece Architect

16/04/14

2010098 S96100 Issue E

The above plan(s) shall be amended in the following ways:

- Tree 10 – *Ginkgo biloba* (Maiden-hair Tree) shall be indicated on the Lower Ground Floor Plan listed above. All other plans shall include the retention of Tree 10 and all trees numbered to reflect the numbering indicated on the approved landscape plans.

Reason: To protect existing trees.

Condition 26 is amended to read as follows:

26. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
LA02 Revision P9	Taylor	14/04/14 & 07/07/14
LA03 Revision P6	Brammer	
LA09 Revision C		

The above landscape plan(s) shall be amended in the following ways:

- To enable the establishment of the planting above the basement extension a retaining wall is to be constructed parallel to the south eastern side of the building adjacent to rooms 4 to 6. The soil depth shall be a minimum of 600mm.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended are required by this condition.

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Note: An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

Reason: To ensure adequate landscaping of the site

Condition 31 is deleted

Condition 47 is amended to read as follows:

47. Section 94 Development Contributions – Wahroonga Local Centre

Were the proposed facility to be operated on a 'for profit basis', this development would be subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$375,454.45
Local recreation and cultural facilities;	\$64,251.93
Local social facilities	
Local Roads, Local Bus Facilities & Local	\$29,754.57
Drainage Facilities	
Total:	\$469,460.95

The whole of this contribution shall be **fully suspended** for so long as the dementia care facility the subject of this consent remains operated on a not-for-profit basis. In the event this facility becomes a 'for-profit' or a commercial operation, this contribution will become due and payable inclusive of full indexation to reflect changes in the consumer price index and housing price index from the date of calculation (March Quarter 2014) in accordance with Ku-ring-gai Contributions Plan 2010. These contributions will become due and payable at the elapse of one calendar month of the change of operation or ownership. Prior to payment, the new owner/operator is advised to contact Council directly to verify the current payable contributions.

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In the event that the facility changes to a for-profit status, the operator must notify Council immediately.

Ku-ring-gai Contributions Plan 2010 may be viewed online at www.kmc.nsw.gov.au and at the Council Chambers.