

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Ku-ring-gai Council** on **Friday 4 December 2015 at 3.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, John Colvin, Cr Elaine Malicki and Cr Christiane Berlioz

**Apologies:** None

**Declarations of Interest:** None

## Determination and Statement of Reasons

2014SYW078 – Ku-ring-gai Council, DA0173/14, Consolidation four lots, demolition of all structures and the construction of two 5 storey residential flat buildings contain 79 residential units with 2 levels of basement parking for 108 vehicles, 1189 to 1197 Pacific Highway and 1 to 1A Womerah Street, Turramurra.

**Date of determination:** 04 December 2015

### Decision:

The panel unanimously 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 matters observed at site inspections listed at item 8 in Schedule 1.

### Reasons for the panel decision:

1. The proposed development will add to the supply and choice of housing within the North Metropolitan Subregion and the Ku ring gai local government area in a location with ready access to the services, amenities provided by Turramurra Local Centre.
2. The Panel has considered the applicant's request to vary the development standard contained in Clause 25L of the KPSO and considers that compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation will not result in buildings that are inconsistent with the scale and pattern of buildings planned for this locality and the development remains consistent with the underlying intent of the standard and the objectives of the KPSO.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including, SEPP 65 Design Quality of Residential Flat Development) and its associated Residential Flat Design Code, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
4. The proposal adequately satisfies the provisions and objectives of Ku-ring-gai Planning Scheme Ordinance and the relevant Development Control Plans. The Panel notes that the proposal is also generally consistent with the provisions and requirements of KLEP 2015 which was made after the current application was lodged.
5. The proposed development will have no unacceptable adverse impacts on the natural or built environments including the integrity of the local ecology and nearby residential premises, the integrity of the adjacent and nearby heritage items in the quality of the remnant forest community or the operation of the local road system.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Councillor Berlioz considered that there would be a measure of traffic impact in local streets and the operation of Mona Vale Road and Link Road intersection, but remains in support of the approval of this application.

**Conditions:** The development application was approved subject to the conditions recommended in the Council Assessment Report with amendments to Condition 7, Condition 22 and Condition 93a. as follows:

### 7. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

Address:

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- 3, 3A Womerah Street and 1187 Pacific Highway, Turramurra
- 12 and 14a Warrangi Street, Turramurra

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

**Reason:** To record the structural condition of likely affected properties before works commence.

### 22. Amendments to approved 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:

| <b><i>Plan no.</i></b> | <b><i>Title</i></b>                                         | <b><i>Drawn by</i></b> | <b><i>Dated</i></b> |
|------------------------|-------------------------------------------------------------|------------------------|---------------------|
| DA102 Revision C       | Ground floor plan and all other relevant plans and sections | PBD Architects         | 23/10/15            |
| DA107, Revision B      | Roof plan                                                   | PBD Architects         | June 2015           |

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

1. To achieve the landscape objectives, the private courtyards to Apartments AG06, BG01 and BG10 are to be in accordance with the landscape plans.
2. The stepping footpath leading from Womerah Street to the northern portion of the site is to be changed to a 1 metre wide continuous path terminating at the entrance of Building B. The remainder of the path leading to the communal area in northeast corner of the site is to remain as a stepping footpath.
3. The roof plan is to include annotations identifying the air conditioning condensers and the visual screens screening them from the public domain.
4. Retaining walls: All walls that retain soil/fill are to be constructed as separate elements to all walls of Buildings A and B that accommodate dwellings or internal common spaces. No wall of a unit is to have adjacent ground levels above the proposed internal floor level. This is to minimise the potential for moisture entering habitable rooms, service and storage areas of all ground floor units and thus avoid potentially costly future rectification works should a breach occur over time.
5. A 1.8m high lapped and capped acoustic fence is to be constructed on the boundary with 3 Womerah Street parallel to the driveway for an appropriate length.

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

**Note:** An amended architectural plan shall be submitted to the Certifying Authority.

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

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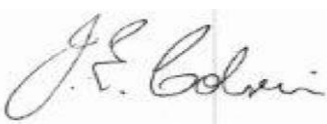


### 93a. Acoustic fence

Prior to the issue of an occupation certificate a 1.8m high lapped and capped acoustic fence is to be constructed on the boundary with 3 Womerah Street parallel to the driveway for an appropriate length at the expense of the applicant.

**Note:** This requirement is separate to other dividing fences that might be constructed in association with the development.

**Reason:** To minimise the impact of noise from the driveway on the occupants of the adjacent dwelling at 3 Womerah Street, Turramurra.

#### Panel members:

|                                                                                   |                                                                                    |                                                                                     |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  |   |  |
| Mary-Lynne Taylor                                                                 | Bruce McDonald                                                                     | John Colvin                                                                         |
|  |  |                                                                                     |
| Elaine Malicki                                                                    | Christiane Berlioz                                                                 |                                                                                     |

#### SCHEDULE 1

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 1 | <b>JRPP Reference – 2014SYW078, LGA – Ku-ring-gai Council, DA/0173/</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2 | <b>Proposed development:</b> Consolidation four lots, demolition of all structures and the construction of two 5 storey residential flat buildings contain 79 residential units with 2 levels of basement parking for 108 vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3 | <b>Street address:</b> 1189 to 1197 Pacific Highway and 1 to 1A Womerah Street, Turramurra.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4 | <b>Applicant/Owner:</b> Mr AD & Mrs NC Cameron C/-Ray White Turramurra, Mr DM Shanahan, Mrs SH Yiu, Mrs NA Burke                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5 | <b>Type of Regional development:</b> The proposed development has a capital investment value of greater than \$20 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6 | <b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ SEPP 1</li> <li>○ SEPP 55</li> <li>○ SEPP 65</li> <li>○ SREP 20 (Hawkesbury Nepean River)</li> <li>○ KPSO</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Development Contributions Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul> |

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| 7  | <b>Material considered by the panel:</b><br>Council assessment report with recommended conditions and written submissions.<br>Verbal submissions at the panel meeting: <ul style="list-style-type: none"><li>• Mr Chin</li><li>• Mr Kannangara</li></ul> |
| 8  | <b>Meetings and site inspections by the panel:</b><br>04 December 2015 – Site Inspection and Final Briefing meeting.                                                                                                                                     |
| 9  | <b>Council recommendation:</b> Approval                                                                                                                                                                                                                  |
| 10 | <b>Conditions:</b> Attached to council assessment report                                                                                                                                                                                                 |