

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	12 July 2017
PANEL MEMBERS	Deborah Dearing (Chair), Sue Francis, John Roseth, Annelise Tuor
APOLOGIES	Paul Stein, Steve Kennedy
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 12 July 2017, opened at 11:50 am and closed at 2:10 pm.

MATTER DETERMINED

2017SNH004 – Northern Beaches – N0611/16 at 23, 25 and 27 Warriewood Road Warriewood (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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.

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*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The proposal addresses the need for residential aged care facilities in the Northern Beaches.

The proposal will result in a large building, however, the scale of the development is compatible with the surrounding built form. The Panel notes that there is no negative impact on traffic in the local streets.

In regard to the clause 4.6 variation, the Panel accepts the justification for the minor exceedance of height as the request is well founded.

In regards to the Section 94 contribution, the Panel is of the view that the contributions seem excessive given that the average age of residents of the proposal is likely to be >85 years and that facilities and services for the residents will largely be provided on site.

CONDITIONS

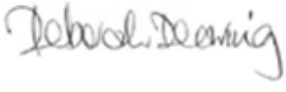
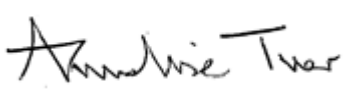
The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition B37 to be deleted

- Condition B43 to be deleted
- Condition C6 to be amended to reflect a cash contribution of \$5,349,924.08 (not \$5,223,526.20) as per correspondence between council and applicant prior the meeting, and confirmed by applicant at meeting.
- Condition C6a to be amended to read as follows:
The monetary contribution will be adjusted at the time of payment in accordance with the latest Consumer Price Index as published quarterly by the Australian Bureau of Statistics as outlined in Council's Warriewood Valley Section 94 Contributions Plan (Amendment 16 Revision 2). The monetary contribution is to be paid prior to the issue of the first Occupation Certificate.
- Condition C7 – amended to read as follows:
An amended schedule of colours and finishes is to be provided to demonstrate the replacement of the use of "light render" with a darker tone render, equivalent to or darker than Dulux GR12 "Dieskau". The roof is to be of a tone equivalent to or darker than Colorbond "Woodland Grey" or "Monument".
- Condition C22b – deleted
- Condition C22c – deleted
- Condition C22e amended to read as follows:
The maximum height of the 3 pergolas on the first floor communal roof deck shall not exceed 10.5m above existing ground;
- Condition C22f to be amended to read as follows:
The fencing along Warriewood Road shall be set back 0.5m from the boundary and shall be a maximum height of 1m above the street footpath. There shall be no fencing between the two driveway areas on Warriewood Road.

The fencing along Macpherson Street shall be set back 0.5m from the boundary and shall be a maximum height of 1.0m above the footpath, with the exception of the southwest corner of the site where the fence shall be a maximum of 1.5m in height.

All boundary fencing shall be screened by landscaping between the fence and the street.
- Condition C22h – to be amended to read as follows:
Consistency with the increased setbacks shown on the Sketch Plans dated 19 June 2017, which demonstrate an increased setback to the northern façade on all three levels of the development, the relocation of the substation easement and the incorporation of 7 small canopy trees between the northern façade of the aged care facility and the Lorikeet Grove boundary.

PANEL MEMBERS	
 Deborah Dearing (Chair)	 Sue Francis
 John Roseth	 Annelise Tuor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH004 – Northern Beaches – N0611/16
2	PROPOSED DEVELOPMENT	Construction of a residential aged care facility containing 130 sole occupancy high care rooms, subdivision and associated civil works, and the extension of a public road.
3	STREET ADDRESS	23, 25 and 27 Warriewood Road Warriewood
4	APPLICANT/OWNER	J & G Knowles & Associates Pty Ltd C/ Urbis Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ Water Management Act 2000 ○ Roads Act 1993 ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Warriewood Valley Strategic Review Report 2012 ○ Warriewood Valley Strategic Review Addendum Report 2014 ○ Pittwater Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: ○ Pittwater 21 Development Control Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 28 June 2017 • Written submissions during public exhibition: four • Verbal submissions at the public meeting: ○ On behalf of the applicant: Alaine Roff
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing meeting: 22 March 2017 • Final briefing meeting to discuss council's recommendation, 12 July 2017 at 10:30 am. Attendees: ○ <u>Panel members</u>: Deborah Dearing (Chair), Sue Francis, John Roseth, Annelise Tuor ○ <u>Council assessment staff</u>: Rebecca Englung
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report