

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	8 November 2017
<b>PANEL MEMBERS</b>	Deborah Dearing (Chair), Sue Francis, Julie Savet Ward, Annelise Tuor and Steve Kennedy
<b>APOLOGIES</b>	John Roseth and Paul Stein
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christies Conference Centre, 100 Walker Street, north Sydney on 8 November 2017, opened at 10.05 AM and closed at 11:40 AM.

#### MATTER DETERMINED

2017SNH034 – Northern Beaches - N0123/17 - 184 Garden Street, Warriewood - Demolition of an existing residential care facility and construction of a new 156-bed residential aged care facility (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 Panel resolves that the applicant's request under Clause 4.6 to vary the height of the development under Pittwater LEP 2014 Clause 4.3 is well founded.

The reasons for the decision of the Panel were:

- The proposal upgrades an existing residential aged care facility.
- The design is well articulated and provides spacious setbacks to the boundaries.
- The Panel reviewed the potential noise impacts on the neighbouring properties, particularly 14 Banksia Parade and is of the view that potential noise impacts will be addressed by the amended Acoustic Report and the conditions of consent.




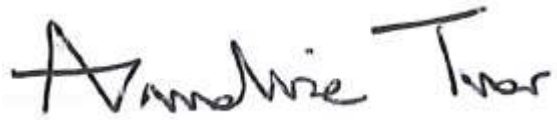
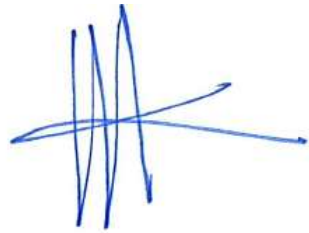
The Panel notes that the Section 94 contribution is high and inconsistent with other similar contributions for similar developments within this local government area, but is aware that Council is currently addressing this inconsistency.

#### CONDITIONS

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

- The prescribed conditions shall be amended to include only those prescribed by the Act and those not prescribed shall be relocated accordingly.
- Condition B35 shall read "No more than 48 staff shall be on duty at any one time."

- Condition B41 shall read “Use of the loading area for deliveries and garbage collection must not occur between the hours of 7pm and 7am”.
- Condition C9 shall read:  
 “The approved Acoustic Report referenced in this consent is to be amended to specifically detail the measures proposed to all plant and operating equipment to ensure that the noise levels associated with the operation of the proposed development is consistent with the Protection of the Environment Operations Act 1997 and the NSW EPA Industrial Noise Policy.  
 The staff courtyard is to be enclosed by a masonry wall of minimum 2.1m height setback 3.5m from the site’s western boundary. The actual height shall be as recommended by the amended Acoustic Report, to minimise impacts upon adjoining properties to the west associated with the use of the courtyard, and the 24 hour use of the staff room (assuming both the window and door are open and the staff room is at maximum occupancy during the night). The recommendations of the amended Acoustic Report are to be included in the plans presented to obtain any Construction Certificate.”
- Condition C25 shall read:  
 “The approved Landscape Plans as referenced in this consent are to be amended to demonstrate an additional 4 locally native canopy trees within the front setback to Garden Street and two additional small local native canopy trees are to be provided between the staff courtyard wall and the western boundary.”
- Add the following as Condition D21:  
 “All works conducted on site must be undertaken in accordance with the requirements of the NSW Environment Protection Authority to ensure noise and vibration minimises any adverse effects on adjoining land.”

PANEL MEMBERS	
 Deborah Dearing(Chair)	 Sue Francis
 Julie Savet Ward	 Annelise Tuor
 Steve Kennedy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH034 – Northern Beaches - N0123/17
2	PROPOSED DEVELOPMENT	Demolition of an existing residential care facility and construction of a new 156-bed residential aged care facility.
3	STREET ADDRESS	184 Garden Street, Warriewood.
4	APPLICANT/OWNER	Opal Aged Care / Opal Specialist Aged Care
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>Environmental Planning and Assessment Regulation 2000</li> <li>Roads Act 1993</li> <li>Rural Fires Act 1997</li> <li>State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004</li> <li>State Environmental Planning Policy No.55 – Remediation of Land</li> <li>Pittwater Local Environmental Plan 2014</li> <li>Warriewood Valley Strategic Review Report 2012</li> <li>Warriewood Valley Strategic Review Addendum Report 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Pittwater 21 Development Control Plan</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant]</li> <li>Coastal zone management plan: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 25 October 2017</li> <li>Written submissions during public exhibition: 4</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Nil</li> <li>Object – Nil</li> <li>On behalf of the applicant – Melanie Gholami, David Percival</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meeting 12 July 2017</li> <li>Final briefing meeting to discuss council's recommendation, 8 November 2017, 9.40am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Deborah Dearing (Chair), Sue Francis, Julie Savet Ward, Annelise Tuor and Steve Kennedy</li> <li><u>Council assessment staff</u>: Rebecca Englund, Robert Platt and Matthew Edmonds</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report