

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 24 October 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), John Roseth, Cedric Spencer, Sam Ngai
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a non-pecuniary interest as City Plan Heritage undertook the heritage assessment on behalf of the applicant.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 24 October 2018, opened at 12.00pm and closed at 1.18pm.

#### MATTER DETERMINED

2017SNH050 – Ku-ring-gai – DA0014/17 at 12-16 Trafalgar Avenue Roseville (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel notes that the recommendation of the assessment report to refuse the application is for three reasons; however, those reasons are really one, namely the impact of the proposal on the heritage significance of adjacent heritage items and of the Clanville Heritage Conservation Area in which the proposal is located. The Panel notes also that, while the assessment report finds that this impact is unacceptable, the report includes without prejudice draft conditions, which, if applied, would render that impact less unacceptable. The Panel further notes that, with one exception, the applicant accepts the changes required by the draft conditions, thus lessening the difference between the parties.

The reason for which the assessment report rejects the applicant's cl 4.6 request to vary the development standards in cl 26 of the SEPP Housing for Seniors and for People with a Disability (the SEPP) is the proposal's adverse heritage impact. In the Panel's opinion the cl 4.6 request is well founded, as the Panel accepts that the variation of the distance to the shopping centre is minor and that a residential care facility has existed for many years on this site.



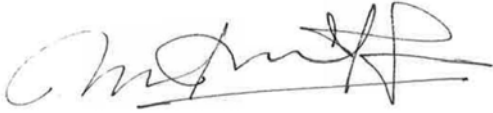

The Panel considers the impact of this proposal on the heritage significance of the Conservation area and nearby heritage items acceptable. It notes that the proposal complies with the height limit of 9.5m for the area, that it is considerably below the density of 1:1 and that it surpasses the landscape area requirement of the SEPP. The setbacks from the boundaries and the street are adequate. While the Panel has considered the views of objectors, it does not agree that the heritage impact would justify refusal.

The Panel considers that there is no need to delete Bedroom 33 as would be required by the draft conditions. The set back from the side boundary is adequate and the deletion of Bedroom 33 on the upper floor would have a negative impact on the rhythm of buildings facing the street.

## CONDITIONS

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

- Sub-condition (i) of the Deferred Commencement Condition (requiring the deletion of Bedroom 33) is deleted.
- The remaining parts of the Deferred Commencement Condition are retained as an operational condition.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Cedric Spencer	 Sam Ngai

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH050 – Ku-ring-gia – DA0014/17
2	PROPOSED DEVELOPMENT	Demolition of existing structures and staged construction of a residential aged care facility, comprising 101 beds, basement car parking and associated landscaping works - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3	STREET ADDRESS	12, 14 and 16 Trafalgar Avenue, Roseville
4	APPLICANT/OWNER	KOPWA Ltd C/O Smyth Planning
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No.55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004 (Deemed SEPP)</li> <li>○ Ku-ring-gai Local Environmental Plan (Local Centres) 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Ku-ring-gai Local Centres Development Control Plan 2012</li> <li>○ Ku-ring-gai Contributions Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000</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: 11 September 2018</li> <li>• Written submissions during public exhibition: 17</li> <li>• Verbal submissions at the public meeting 24 October 2018: <ul style="list-style-type: none"> <li>○ In objection – Ian Smith</li> <li>○ Council assessment officer - [names of speakers]</li> <li>○ On behalf of the applicant – Meg Levy, Tony Engel, Sue Longstaff, Paul Smith, Lisa-Maree Carrigan, Kerime Danis, Anika Hoffman, Mary Knaggs</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspections: 11 April 2018, 24 October 2018</li> <li>• Briefings: 9 August 2018, 11 April 2018</li> <li>• Final briefing to discuss council's recommendation, 24 October 2018, 11.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), John Roseth, Cedric Spencer, Sam Ngai</li> <li>○ <u>Council assessment staff</u>: Jonathan Goodwill, Corrie Swanepoel, Kate Higgins, Brian O'Connell, Geoff Bird</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report