

<b>DATE OF DETERMINATION</b>	2 December 2020
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Cheryl Szatow, Martin Smith
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by teleconference on 2 December 2020, opened at 1.30pm and closed at 2pm.

#### **MATTER DETERMINED**

PPSSNH-83 – Ku-ring-gai – DA0127/20 at 34 Curagul Road, North Turramurra for a 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

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 approved the application for the reasons outlined below and in Council's Assessment Report.

The site is currently occupied by an existing residential aged care facility providing 68 beds and known as Turramurra House Nursing Home. The facility has consent for a maximum of 70 beds. It is predominantly surrounded by seniors living developments, with the northern and eastern boundaries adjoining 'Huon Park', which has numerous two and three storey with attic self-care seniors' living units. Adjoining to the west is 'The Cotswolds', which also has numerous two and three storey self-care seniors' living units. Multi-dwelling housing (townhouse) developments are located to the south, on the opposite side of Curagul Road.

In April 2020, the current proposal was lodged with Council and it has been assessed pursuant to the existing use rights provisions of the Environmental Planning and Assessment Act 1979 and its accompanying Regulation, as the existing development has been in operation as a nursing home for 28 years and meets the criteria under Division 4.11 and the proposed development is currently not a permissible land use on the subject site because it is prohibited development under the KLEP 2015 and under SEPP Housing for Seniors or People with a Disability 2004.

Over the last six months, the Applicant worked with Council to amend the proposal in response to Council and community feedback and in October, amended plans and additional information were lodged with Council. The amendments included deletion of the lower level basement and enlargement of the upper level basement to compensate the lower areas deleted, a reduction in the length of the driveway located within the eastern side setback of the site and inclusion of additional landscape and planting areas.

The current application proposes the demolition of existing structures and construction of a new, 3 storey residential aged care facility containing 66 beds (with 20 beds on the ground floor level, 29 beds on the first

floor level and 17 beds on the second floor level), associated facilities and 1 level of basement parking for 24 vehicles. The facility is to operate 24 hours a day, 7 days a week and will employ a maximum of 26 staff across various shifts.

In the case of building height, the existing development is 13.11 metres and the proposal exceeds that by 1.06 metres. The highest point of the height breach is at the top of the plant screen enclosure while the majority of the development is below that of the existing facility. Accordingly, in the circumstances the Panel agrees with Council that the height breach is acceptable.

In the case of density and scale, the proposed FSR is 1.1:1 against the existing FSR of 0.6:1 however the FSR is only fractionally greater than the FSR of 1:1 allowable under the SEPP. The Panel concurs with Council that the proposed FSR is attributable to contemporary design standards and the needs of the facility and given resident occupancy is not increasing the FSR is acceptable.

In relation to landscaping, the SEPP requires 1,650 sq m while the proposed development includes landscaping of 1,375 sq m. However, the landscaping area is considered acceptable, as there is an increase over the existing facility and in available landscaped areas for residents. In addition, the proposed landscape design is considered to be a significant improvement to the existing development's contribution to the surrounding locality, particularly from Curagul Road.

In summary, the Panel concurs with Council that the site is suitable for the proposed development and the proposal will occupy a location that is characterised by a notable representation of seniors living developments. The proposal will replace an existing facility without creating greater demand on evacuation routes during times of bush fire emergency and the development will retain a housing option in the area for elderly residents who require an additional level of care.

The proposal was assessed on its planning merits and is considered acceptable subject to conditions. Having regard to the provisions of Section 4.15 and Division 4.11 – Existing Uses of the EP&A Act 1979 and the associated EP&A Regulation 2000, the Panel concurs with Council that the proposed development is satisfactory and is in the public interest.

## CONDITIONS

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

- Condition 45 amended to read as follows:

***Bush fire risk certification***

*Prior to the issue of any Construction Certificate, the Certifier is to be satisfied, based on the advice of an appropriately qualified bush fire consultant, that the Construction Certificate is in accordance with the requirements in the document prepared by the NSW Rural Fire Service and listed in Condition 1 of this consent.*

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

- Condition 102 amended to read as follows:

***Bush fire risk certification***

*Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied, based on the advice of an appropriately qualified bush fire consultant, that all requirements in the document prepared by the NSW Rural Fire Service as listed in Condition 1 of this consent have been complied with.*

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

- Condition 109 amended to read as follows:

***Compliance with bush fire requirements***



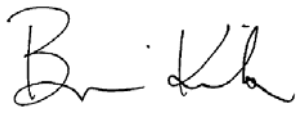

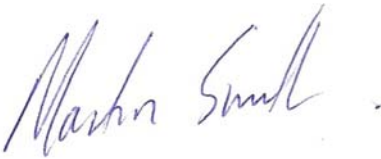
*All ongoing recommendations identified in the approved document prepared by the NSW Rural Fire Service, as listed in Condition 1 of this Consent Development must be complied with at all times, consistent with the advice of an appropriately qualified bush fire consultant.*

**Reason:** *To ensure the continual implementation of measures to manage bushfire risk.*

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the public meeting. Community concerns included bushfire evacuation risks, construction impacts, neighbouring amenity impacts, streetscape character and displacement of existing residents during construction and future residents transport.

The Panel considered that concerns raised by the community have been adequately addressed in Council's Assessment Report, Applicant and Council responses during the public meeting and in the conditions as amended. In relation to future residents' transport, the Panel noted the Applicant confirmed during the public meeting that a Community Bus would be available for residents use.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Cheryl Szatow
 Martin Smith	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-83 – Ku-ring-gai – DA0127/20
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 66 bed residential aged care facility with basement car parking, associated site works and signage.
3	STREET ADDRESS	34 Curagul Road, North Turramurra
4	APPLICANT/OWNER	Thompson Health Care Pty Ltd
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 (Vegetation in Non-Rural Areas) 2017</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>New Remediation of Land State Environmental Planning Policy (new Remediation of Land SEPP)</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (Deemed SEPP)</li> <li>Ku-ring-gai Local Environmental Plan 2015</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Ku-ring-gai Development Control Plan</li> <li>Ku-ring-gai Contributions Plan 2015</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 23 November 2020</li> <li>Written submissions during public exhibition: 18</li> <li>Number of unique submissions received by way of objection: 18</li> <li>Verbal submissions at the public meeting 2 December 2020: <ul style="list-style-type: none"> <li>Community members – Geoffrey Wolf, Brian Salter</li> <li>Council assessment officer – Shaun Garland</li> <li>On behalf of the applicant – Greg Boston</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 2 September 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Cheryl Szatow, Martin Smith</li> <li><u>Council assessment staff</u>: Stuart Ratcliffe, Adam Richardson</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 2 December 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Cheryl Szatow, Martin Smith</li> <li><u>Council assessment staff</u>: Stuart Ratcliffe, Shaun Garland</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report