

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Hornsby Shire Council** on **Wednesday 2 December 2015 at 2.30 pm**

Panel Members: Bruce McDonald (Acting Chair), Bruce Clarke, Stuart McDonald, David White and Michael Smart.

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW074 – Hornsby Shire Council, DA/394/2015, Demolition of existing buildings and construction of a new residential care facility building for 122 residents, 5 independent living unit buildings varying in height from 3 to 5 storeys containing 168 dwellings and 259 car parking spaces, community facilities, café and associated works, Lot 3, DP 1122662, No. 28 McAuley Place, Wahroonga.

Date of determination: 2 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 of housing for seniors and people with a disability within the North Metropolitan Subregion and the Hornsby local government area in a location with ready transport access to the services and amenities available within Hornsby Town Centre.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Housing for Seniors and People with a Disability), SEPP 65 (Design Quality of Residential Flat Development) and its associated Residential Flat Design Code, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
3. The proposal adequately satisfies the applicable provisions and objectives of Hornsby LEP 2013. In this regard the Panel notes that a number of provisions contained in the Seniors Housing SEPP prevail over those contained in the HELP.
4. The proposed development is considered to be of appropriate scale and form for this locality noting that the site and adjoining premises have been used for many years as aged and disability care centre.
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the remnant bushland species and heritage valued on site trees, overland flow patterns, the amenity of nearby residential premises, 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.

Conditions: The development application was approved subject to recommended conditions in the Council Assessment Report with minor amendments to Condition 3A, Condition 3B and Condition 26A as follows:

3A. Retention of Trees 20, 21 and 93

Tree Nos 20, 21 and 93 are to be retained if the approved development is able to comply with the Australian Standard AS 4970 – Protection of Trees on Construction Sites in relation to those trees. If the approved setback of the building means that the development can not comply with AS4970 in relation to Trees 20, 21 and 93 then they are approved to be removed. The project arborist is to provide certification on the ability to comply with AS4970 prior to the issuance of a construction certificate.

3B. Relocation of Trees

That all efforts be made to satisfactorily relocate Tree Nos 17 and 67 to a more suitable location on the site in





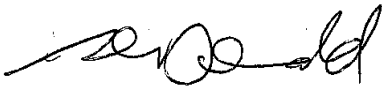
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conjunction with Council's Tree Management Team.

26A. Sandstone wall with foundation stones

The building foundation stones currently located on a low sandstone wall in a garden area close to the current entry to the site shall be protected and removed using appropriate techniques to allow for storage prior to construction commencing. The heritage elements shall be restored and reinstated in an appropriate prominent location within the property. The location of the foundation stones are to be identified on the construction certificate plans.

Panel members:

 Bruce McDonald	 Bruce Clarke	 David White
 Michael Smart	 Stuart McDonald	

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SCHEDULE 1

1	JRPP Reference – 2015SYW074, LGA – Hornsby Shire Council, DA/394/2015
2	Proposed development: Demolition of existing buildings and construction of a new residential care facility building for 122 residents, 5 independent living unit buildings varying in height from 3 to 5 storeys containing 168 dwellings and 259 car parking spaces, community facilities, café and associated works.
3	Street address: Lot 3, DP 1122662, No. 28 McAuley Place, Wahroonga.
4	Applicant/Owner: Catholic Healthcare Limited.
5	Type of Regional development: CIV over \$20 million.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development ○ Sydney Regional Environmental Plan (Infrastructure) 2007 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River ○ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 ○ Threatened Species Conservation Act 1995 ○ Hornsby Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hornsby Development Control Plan 2013 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report with approval, Locality plan, Site plan, Landscape plan, Floor plans, Elevations, Sections, Stormwater flooding plans, Shadow plans, Photomontage from McAuley Place and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Phil Burge on behalf of Grange Owners Corporation • Mike Robinson • Michael Lockwood on behalf of the applicant • Dan Brindle
8	Meetings and site inspections by the panel: 2 December 2015 – Final Briefing Meeting.
9	Council recommendation: Approval subject to conditions.
10	Reasons: Attached to council assessment report