

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Hornsby Shire Council** on **Thursday 14 July 2016 at 11.00 am**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell, David White and Michael Smart

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2016SYW002 – Hornsby Shire Council, DA/1613/2015. Stage 2 Construction Seniors Living Development, 40-50 Pennant Hills Road & 1-17 Frith Avenue, Normanhurst.

Date of determination: 14 July 2016

Panel Decision: Approval.

The Panel unanimously 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 Panel Decision:

1. The proposed development will add to the supply and choice of aged persons housing within the North Metropolitan Subregion and Hornsby local government area consistently with the concept plan earlier approved for use of the site for seniors living.
2. The Panel has considered the Applicants request to vary the standard contained in Cl. 41 SEPP Housing for Seniors or People with a Disability (Senior Living) relating to the provision of accessible car parking spaces and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation will facilitate parking provision responding to and satisfying the demands of this particular development. It is considered the development remains consistent with the standard and the applicable R2 zoning of the subject site.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP (Housing for Seniors and People with a Disability) 2004 SEPP (Infrastructure) 2007 SEPP 65 – Design Quality Apartment Development and its associated Apartment Design Guide.
4. The proposal adequately satisfies the applicable provisions and objectives of the Hornsby LEP 2013 and the Hornsby DCP 2013. The Panel notes that in accordance with the Ministerial Direction issued under Section 94E of the Act the proposed development is exempt from a requirement to make a monetary Section 94 contribution as the application is a not for profit provider of rental housing to tenants.
5. The proposed development is considered to be of appropriate scale and form adequately consistent with the character of the locality in which it is placed and consistent, in this regard with the previously approved concept plan.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises or the operation of the local road system.
7. In consideration of conclusions 1-6 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 the conditions in the Council assessment report with the following amendments:

Condition 4 - Amendment of Plans

- a) To comply with Councils requirement in terms of residential amenity, the approved plans are to be amended as follows:
 - i) The Building D respite centre roof top garden balustrade is to be in translucent glass.
 - ii) The breezeways of Building A and Building C to include design for fitting of awnings/screens/louvres or similar for protection of the breezeways (as required).

Condition 19C - Footpath (Stage 1)

A concrete footpath must be designed across the full frontage of 9-19 Firth Av and Jasmin Av in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- b) The land adjoining the footpath to be fully turfed.
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Condition 20 - Footpath (Stage 2)

A concrete footpath must be designed across the full frontage of the Stage 2 portion in Jasmin Road in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- b) Pouring of the concrete footpath to the full frontage of the subject site.
- c) The land adjoining the footpath to be fully turfed.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Condition 21 - Footpath (Stage 3)

A concrete footpath must be designed across the full frontage of the subject site in Pennant Hills Rd and the remainder of Jasmin Road (end of Stage 2) in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- b) Pouring of the concrete footpath to the full frontage of the subject site.

- c) The land adjoining the footpath to be fully turfed.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Condition 41 - Works Within Tree Protection Zones

During the relevant construction stage, trees Numbered 8, 10, 26, 35, 41, 46, 47, 49, 62, 69, 71, 73, 74, 76, 86, 103 and 143 are to be protected as follows:

- a) Root Pruning
All Root pruning must be recorded and undertaken as specified in Australian Standard AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5. Add Project Arborist.
- b) Pavements/Concrete Slabs
 - i) Pavement(s) construction must be built on existing grade excavation limited to 150mm.
 - ii) All imported material must be distributed by hand.
- c) Excavation
Any necessary excavation must be undertaken by sensitive methods such as pneumatic or by hand as prescribe in AS 4970-2007 Sections 4.5.5.
- d) Changing of Grade
Existing grade must be retained within the TPZ of all trees being retained.
- e) Installing Services
 - i) The installation of all services which enter or transects a designated TPZ must utilise sensitive methods of installation such as directional drilling or in manually excavated trenches.
 - ii) The process must be monitored by the project arborist to assess the likely impacts of boring and bore pits on retained trees.
 - iii) For manual excavation of trenches the project arborist must advise on roots to be retained and must monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.
- f) Installation of Scaffolding
Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 section 4.5.6.

Condition 55b - External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of*

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Outdoor Lighting.

- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Occupation Certificate.

Condition 57C Subclause iii - Maintain Canopy Cover

- a) An additional ten (10) trees to offset the loss of trees removed under this consent must be undertaken. The replacement planting must be species characteristic of Blue Gum High Forest (BGHF) such as *Syncarpia glomulifera* (Turpentine), *Allocasuarina torulosa* (Forest Oak), *Backhousia myrtifolia* (Grey Myrtle) or *Glochidion ferdinandi* var. *ferdinandi* (Cheese Tree).
- b) The planting details submitted in the supplied landscape planting plan (LA03 – Revision B) prepared by Taylor Brammer dated 16/10/15 (Document Number – D06848435) must be complied with.
- c) Location and Size of Plantings
- i) Replacement trees must be located to the south of Building B (Jasmine Road frontage) and setback 4 metres or greater from the approved development.
 - ii) The pot size of the replacement tree(s) must be a minimum 25 litres and replacement tree(s) must be maintained until they reach the height of 3 metres.
 - iii) The replacement trees must reach a mature height greater than 15 metre.
 - iv) All tree stock must meet the specifications outlined in '*Specifying Trees*' (Ross Clark, NATSPEC Books).
 - v) Planting methods must meet professional (best practice) industry standards
- d) The suitably qualified person holding a Certificate III in Horticulture must submit to the principal certifying authority a statement confirming all landscaping requirements has been completed in accordance with approved landscape plans and conditions of consent.

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 Paul Mitchell
 David White	 Michael Smart	

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SCHEDULE 1

1	JRPP Reference – 2016SYW002, LGA – Hornsby Shire Council, DA/1613/2015
2	Proposed development: Stage 2 Construction Seniors Living Development.
3	Street address: 40-50 Pennant Hills Road & 1-17 Frith Avenue, Normanhurst.
4	Applicant/Owner: The Uniting Church in Australia Property Trust
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Hornsby Local Environmental Plan 2013 ○ State Environmental Planning Policy No. 65 – Design Quality Apartment Development ○ SEPP BASIX ○ State Environmental Planning Policy (Infrastructure) 2007 ○ SREP 20 – Hawkesbury-Nepean Rivers ○ Hornsby Section 94 Contribution Plan • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hornsby Development Control Plan • 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, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council assessment report, Recommended conditions of consent, Location plan, Demolition plan, Staging Plans, Floor Plans, Roof Plan, Elevations, Shadow Impact Diagrams, Materials & Finishes, SEPP 65 Statement, ADG Table and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Adrian Ciano, Mel Krzus, Diane Jones, Ian Thompson and David Ryan on behalf of the applicant.
8	Meetings and site inspections by the Panel: 14 July 2016 – Site Inspection and Final Briefing meeting.
9	Council recommendation: Approval