

<b>DATE OF DETERMINATION</b>	29 November 2017
<b>PANEL MEMBERS</b>	Deborah Dearing (Chair), John Roseth, Sue Francis, David White and Michael Smart
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney on 29 November 2017, opened at 10.30am and closed at 12:40pm.

#### **MATTER DETERMINED**

2017SNH005 – Hornsby City – DA/1540/2016 at 705-717 Old Northern Road, Dural (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 refuse 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 considered the reasons for refusal in the planning assessment report and concluded that of those reasons only one was determinative, namely reason 1.2, which refers to the lack of compatibility with the surrounding area. This is particularly true of the eastern elevation, where the proposal adjoins land which is rural in character.

While the Panel accepts that a seniors' housing development cannot have the appearance of a rural residential property, this particular design includes a building whose length exceeds 100m, appears to be two to three storeys high and therefore looks entirely alien in its setting. The Panel has considered the applicant's submission that the eastern façade is well articulated; however, in the Panel's opinion what is needed is not just articulation but major indentation which is able to break the building visually into two or three parts (even if there is a physical connection between the parts). The Panel accepts that the single building serves the functional needs of the application and that a re-design may result in a loss of beds; however, in this case, where a major urban use faces a rural area, functionality should be subservient to desired character.

The Panel notes that the application is not accompanied by a cl 4.6 report for varying the development standards of cl 26 of SEPP (Seniors Housing). This would, however, not justify refusal of the application as the applicant could be requested to provide it. Following assessment by the council, if the justification were well founded, the requirements of cl 26 could be varied.

<b>PANEL MEMBERS</b>	
 Deborah Dearing (Chair)	 Sue Francis
 John Roseth	 David White
 Mick Smart	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH005 – Hornsby City – DA/1540/2016
2	PROPOSED DEVELOPMENT	Construction of a Seniors Living Residential Care Facility
3	STREET ADDRESS	705-717 Old Northern Road, Dural
4	APPLICANT/OWNER	Boston Blyth Fleming Pty Ltd / D J Thompson Pty Ltd
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>○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>○ State Environmental Planning Policy No. 55 Remediation of Land</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (Deemed SEPP)</li> <li>○ Hornsby Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Hornsby Development Control Plan 2013</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: 16 November 2017</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Ross Flemming, Doug Thompson</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing meeting 8 March 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 29 November 2017, 2.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Deborah Dearing (Chair), John Roseth, Sue Francis, David White and Michael Smart</li> <li>○ <u>Council assessment staff</u>: Garry Mahony, James Farrington</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report