

DATE OF DETERMINATION	Wednesday 29 November 2017
PANEL MEMBERS	John Roseth (Acting Chair), Sue Francis, Clare Brown, Michael Smart, David White
APOLOGIES	None
DECLARATIONS OF INTEREST	Deborah Dearing, having been a member of Vasey previously, declared a non-pecuniary conflict of interest and did not participate.

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 29 November 2017, opened at 10.35am and closed at 11.45am.

MATTER DETERMINED

2017SNH030 – Hornsby – DA227/2017 at 18 Waitara Avenue Waitara (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 approve 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 reasons for the decision of the Panel were:

- The proposal meets an important social need for seniors living.
- The proposal fits into the desired future character of the area.
- The clause 4.6 variation of the distance to public transport is justified by the minor nature of the variation of the maximum distance on a route that is almost level.

CONDITIONS

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

- **Condition 3: to be amended to read as follows:**

Restriction on Occupation – Housing for Seniors or People with a Disability

Prior to issue of any occupation certificate:

A restriction as to user must be created under s88B of the Conveyancing Act, 1919 and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

a) Seniors (55+ age) or people with a disability;

b) People who live within the same household as seniors or people with a disability;

c) Staff employed to assist the administration and provision of services to housing provided under SEPP (Housing for Seniors or People with a Disability) 2004.

Note: The restriction must nominate Council as the authority to release, vary or modify the restriction.

- **Condition 4b) to be amended to read as follows:**

The maximum height of the building is permitted to be RL216.30 (AHD) to the lift overrun and RL 213.30 (AHD) to top of roof.

Remove reference "The following information (referred to in conditions 5 – 17) is to be submitted with a future development application for building works on the site associated with this consent."

- Condition 5 to be amended to read as follows:

Compliance with Apartment Design Guidelines

Any future development application for residential building works is to demonstrate compliance with the requirements of the Apartment Design Guidelines, including, but not limited to, solar access and natural ventilation to apartments and solar access to communal open space.

- Condition 6 to be amended to read as follows:

Communal Open Space

Communal open space should have a minimum area equal to 25% of the site. A minimum of 50% direct sunlight is required to be provided the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). The concept envelope will require amendment to achieve this request. Communal open space shall not be provided on the top roof level to meet the above requirements. Details to be provided with the relevant development application for building work.

- Condition 7 to be amended to read as follows:

Geotechnical Report

A geotechnical Investigation Report is to be submitted to Council with the first development application.

- Condition 8 to be amended to read as follows:

Contamination

A detailed investigation of the proposed development site must be prepared by a suitably qualified environmental consultant for any land contamination and submitted with the first Development Application. Such an investigation must be undertaken in accordance with NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines.

Should you require further information regarding this request, please contact Hornsby Shire Council's Environment Health & Protection Team on 9847 6829.

- Condition 9 to be amended to read as follows:

Remedial Action Plan

A Remedial Action Plan (RAP) must be prepared, prior to works commencing, by a suitably qualified environmental consultant and submitted to Council should the preliminary/detailed investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority's Contaminated Sites – Guidelines for the NSW Site Auditor Scheme.






- Condition 10 to be amended to read as follows:

Acoustics

Prior to the issue of the relevant development application for building works, an acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the predicted noise levels to be emitted from the noise of the vehicles, mechanical plants and the carpark and any proposed noise attenuation measures must be implemented so that background levels are not exceeded to comply with the EPA's

NSW Industrial Noise Policy (2000), Hornsby Shire Council Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000) and the DEC's Noise Guide for Local Government (2004).

- Conditions 11, 12, 13, 14 and 17 to be amended to reference the following:
"Details to be provided with relevant development application."
- Conditions 15 and 16 amended include the following reference:
"A future development application must provide..."

PANEL MEMBERS	
 Dr John Roseth (Acting Chair)	 Sue Francis
 Clare Brown	 David White
 Michael Smart	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH030 – Hornsby – DA227/2017
2	PROPOSED DEVELOPMENT	Concept Development Application for a twelve-storey seniors living development.
3	STREET ADDRESS	Lot 78 DP3250, No.18 Waitara Avenue Waitara
4	APPLICANT/OWNER	The Vasey Housing Association, NSW
5	TYPE OF REGIONAL DEVELOPMENT	General development 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 No. 55 - Remediation of Land State Environmental Planning Policy (Housing or Seniors and People with a Disability) 2004 State Environmental Planning Policy No.65 – Design Quality of Residential Flat Building Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean (No. 2 - 1997) (Deemed SEPP) Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hornsby Shire Council Section 94 Development Contributions Plan 2014-2024 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 13 September 2017 Council supplementary report: 14 November 2017 Written submissions during public exhibition: 12 Verbal submissions at the public meeting 27 September 2017: <ul style="list-style-type: none"> In objection: Richard Best, Barry Knopp on behalf of Lamb and Walters Strata Committee On behalf of the applicant – David Elkins, Elina Brownstein, Rob Battersby, Gabrielle Morrish, Keith Schollum Verbal submissions at the public meeting 29 November 2017: <ul style="list-style-type: none"> In objection: Richard Best On behalf of the applicant – Dan Brindle
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing meeting: 14 June 2017, 27 September 2017 Final briefing meeting to discuss council's recommendation, 29 November 2017 at 10.00am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: John Roseth (Acting Chair), Sue Francis, Clare Brown, Michael Smart, David White <u>Council assessment staff</u>: Gary Mahoney, James Farrington, Rodney Pickles
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report