

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	19 September 2022
DATE OF PANEL DECISION	19 September 2022
DATE OF PANEL MEETING	14 September 2022
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, Mark McCrindle, Sue Weatherly
APOLOGIES	None
DECLARATIONS OF INTEREST	Brian Kirk declared a conflict of interest as a relative is an owner in the complex.

The Panel were briefed by Council and the applicant by teleconference on 14 September 2022, opened at 11:30am and closed at 11:52am.

Papers circulated electronically on 9 September 2022.

MATTER DETERMINED

PPSSNH-262 – Hornsby Shire Council – DA/1024/2021 at 284 Castle Hill Road, 411-415 Old Northern Road and 417-419 Old Northern Road, Castle Hill for Seniors housing development including demolition, remediation, site excavation and earthworks, removal of trees and vegetation, construction of 3 x three storey residential flat buildings, 13 single storey detached and semi-detached dwellings, 1 x two storey administrative building and a single storey community building with self-serve café (a total of 66 dwellings are proposed), upgrades to the existing road network, carparking, associated infrastructure to support the development and landscaping (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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Hornsby Local Environmental Plan 2013 (LEP), that has demonstrated that:

- a) compliance with cl. 40(4)(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant’s written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and
- c) the concurrence of the Secretary has been obtained.

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 determined to uphold the Clause 4.6 variation to Section 40(4)(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and approve the application for the reasons outlined below and in Council's Assessment Report.

In relation to the height of buildings, while the DA exceeds (by one storey) the two-storey limit under the SEPP, the Panel concurs with Council that the written request adequately demonstrates the objectives of the development standard are achieved notwithstanding non-compliance. The objective of the development standard is to avoid any abrupt change in the scale of development in the streetscape and in this case, building 8, 9A and 9B have an apparent height of 1 to 2 storeys when viewed from the public domain of Old Northern Road and Castle Hill Road.

The Panel notes the current proposal flows from extensive consultation between the Applicant, Council, local community and external agencies. The current design also includes amendments flowing from the review of the proposal by Council's Design Excellence Panel.

In summary, the Panel concurs with Council that the proposal would create modern seniors housing stock to cater for market demand in a manner that has minimal impact on the surrounding built environment. The proposal is suitable for the site and is also consistent with relevant planning controls. Consequently, the Panel believes approval of the proposal is in the public interest.





CONDITIONS

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

- Delete Condition 1 b) "*Such information must be submitted within 36 months of the date of this notice.*" as the condition is considered unnecessary; and
- Delete the words "*assuming all pipelines are blocked*" in the last line of Condition 25 b) as the requirement is considered unnecessarily onerous.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition. The Panel notes issues of concern included - privacy impacts, emissions reduction, traffic impacts and concurrent construction projects to Oakhill Cottage. The Panel considers that concerns raised in the submission have been adequately addressed in Council's Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Sue Weatherley	 Mark McCrindle

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-262 – Hornsby Shire Council – DA/1024/2021
2	PROPOSED DEVELOPMENT	Seniors housing development including demolition, remediation, site excavation and earthworks, removal of trees and vegetation, construction of 3 x three storey residential flat buildings, 13 single storey detached and semi-detached dwellings, 1 x two storey administrative building and a single storey community building with self-serve café (a total of 66 dwellings are proposed), upgrades to the existing road network, carparking, associated infrastructure to support the development and landscaping
3	STREET ADDRESS	284 Castle Hill Road, 411-415 Old Northern Road and 417-419 Old Northern Road, Castle Hill
4	APPLICANT/OWNER	Mr Joe Baynie - DFP Planning / Anglican Community Services
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Hornsby Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hornsby Development Control Plan 2013 (HDCP) • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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: 9 September 2022 • Clause 4.6 variation requested to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Section 40(4)(b) • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 19 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward ○ <u>Council assessment staff</u>: Ben Jones, Caroline Maeshian, Cassandra Williams. • Council Briefing: 23 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Ross Walker, David White ○ <u>Council assessment staff</u>: Ben Jones, Cassandra Williams, Rodney Pickles ○ <u>Applicant</u>: David Kettle, Ashlee Burbidge, Richard Abbott, Trevor Williams, Connie Argyou, Joe Baynie, Steve Kennedy • Final briefing to discuss council’s recommendation: 14 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Mark McCrindle, Sue Weatherley ○ <u>Council assessment staff</u>: Ben Jones, Rod Pickles ○ <u>Applicant representatives</u>: David Kettle, Richard Abbott
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report