

DATE OF DETERMINATION	15 July 2024
DATE OF PANEL DECISION	15 July 2024
DATE OF PANEL MEETING	10 July 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Weatherly
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	Mark McCrindle declared a conflict.

Papers circulated electronically on 2 July 2024.

MATTER DETERMINED

PPSSNH-429 - DAM/668/2018/A – Hornsby

Lot 2A DP 158064 & Lot 1 DP 230172, Nos. 3 Quarry Road and 4 Vineys Road, Dural

S4.56 - Modifications to approved seniors living development including the addition of staging

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 and the matters listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The modification application was approved for the reasons below and set out in Council's comprehensive Assessment Report.

The application seeks approval for design modifications to an approved seniors living development, specifically modifications to some of the design elements of the approved Independent Living Unit's (ILU's) including associated landscape and civil works and the addition of staging to the consent outlined as follows:

- Stage 1: Demolition of any structures and required civil works including the addition of emergency access roads between Quarry Road and Vineys Road along the western boundary.
- Stage 2A: Construction of Buildings A, B, D and E and associated landscape works.
- Stage 2B: Construction of Buildings C, F and G and associated landscape works.
- Stage 3: Construction of Residential Aged Care Facility and associated landscape works

The proposed modification would not alter the approved RACF component of the development fronting Vineys Road.

The Panel concurs with Council that the development as modified would be substantially the same development for which consent was originally granted. The design changes proposed are generally minor and would not significantly intensify the development.

The Panel concurs with Council that the modification application has been properly assessed against relevant planning controls.



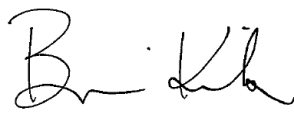
Overall, the Panel concurs with Council that the proposed changes improve the efficiency, operation, constructability, economic feasibility and overall design of the seniors living development and key issues which arose during assessment have been satisfactorily resolved. The Panel believes it is in the community interest that the modification be approved.

CONDITIONS

The Panel discussed the conditions extensively with Applicant and Council and an amendment was added to Condition 112 (i) (vii) to clarify truck movements in the basement and driveway and Condition 112 (i) (iv) was deleted. The modification application was approved subject to the conditions detailed in Council's email of 10th July.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 5 submissions in objection. Issues of concern included: traffic, parking, emergency services access, amount of cut and fill, height and building footprint. The Panel considers concerns raised by the community have been adequately addressed in Council's Assessment Report and in the conditions as amended.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Weatherly
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-429 - DAM/668/2018/A – Hornsby
2	PROPOSED DEVELOPMENT	S4.56 - Modifications to approved seniors living development including the addition of staging
3	STREET ADDRESS	Lot 2A DP 158064 & Lot 1 DP 230172, Nos. 3 Quarry Road and 4 Vineys Road, Dural
4	APPLICANT/OWNER	Applicant - Leigh Buckton, Living Choice Australia Owner - Dural Gardens Land Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Modification Application under Section 4.56
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: Hornsby Development Control Plan 2013 Planning agreements: Nil

		<ul style="list-style-type: none"> Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Coastal zone management plan: Nil Other relevant plans: 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 with draft conditions of consent. Statement of Environmental Effects - S4.56 SEE RFI Response (1) (Dec 2023) Applicant's response to RFI (2) (March 2024) Amended Architectural Plans (March 2024) o Amended Site Plan (June 2024) o Amended Architectural Floor Plans (June 2024) Amended Architectural Comparison Plans (March 2024) Staging Plan (March 2024) BASIX Certificate BASIX Assessor Certificate Civil Engineering Plans/Drawings Amended Civil Driveway Section 1 (Dec 2023) Civil Driveway Section 2 (Dec 2023) Civil Engineering Letter and Plans (March 2024) Amended Landscape Plans (June 2024) Traffic Statement Amended Traffic Swept Paths (Dec 2023) Supporting Bushfire Letter (March 2024) Amended Bushfire Response (April 24) Amended Waste Management Plan (Rev I) Amended Arborist Report (Dec 2023) Ecology Report Acoustic Engineer Statement Access Repor Written submissions during public exhibition: 5 submissions
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> 22 November 2023 – Preliminary briefing <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran <u>Council assessment staff</u>: Cassandra Williams, Madeleine Bayman, James Farrington, Matthew Brown, Rod Pickles <u>Applicant</u>: Shaheer Gobran, Leigh Buckton, David Waghorn, Jonathan Joseph 10 July 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Weatherly <u>Council assessment staff</u>: Cassandra Williams, Madeleine Bayman, James Farrington, Matthew Brown, Rod Pickles <u>Applicant</u>: Shaheer Gobran, Leigh Buckton, David Waghorn, Jonathan Joseph
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report