

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	20 December 2024
<b>DATE OF PANEL DECISION</b>	20 December 2024
<b>DATE OF PANEL MEETING</b>	18 December 2024
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Brian Kirk, Nicole Gurran and Sue Weatherley
<b>APOLOGIES</b>	Mark McCrindle
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 5 December 2024.

**MATTER DETERMINED**

PPSSNH-533 – Hornsby – DA/394/2015/F at 35 Pacific Highway, Wahroonga – Section 4.55(2) - Modification of the consent in relation to independent living units Buildings A and B (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 for modification of consent**

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons below and in Council's Assessment Report.

The application proposes a modification to an approved seniors living development including amendments to Independent Living Units within Buildings A and B associated with Stage 3, resulting in a reconfigured basement, increase in floor to ceiling heights, changes to apartment layouts and number of bedrooms, minor increase in GFA, changes to communal facilities and changes to roof elements.

The Panel notes the proposal results in additional heights of 530mm on Building A and 500mm on Building B and while the building heights do not comply with the Hornsby LEP, the application is seeking consent under provisions of the Housing SEPP which prevails over the HLEP. Additionally, the increased heights would not have adverse environmental impacts on surrounding properties in terms of view loss, privacy or overshadowing.

In summary the Panel believes the modification application has been properly assessed in accordance with relevant planning controls. The Panel concurs with Council that the proposal would result in substantially the same development, as that for which consent was originally granted and the proposed modifications would not have any impact with respect to the suitability of the site.


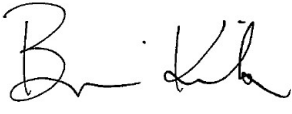


The proposal is consistent with the Housing SEPP, would increase housing supply for seniors in Hornsby Shire and would result in a positive impact for the community. Consequently, approval would be in the public interest.

**CONDITIONS**

The Development Application was approved subject to the conditions in Council's Assessment Report.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Nicole Gurran	 Sue Weatherley

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-533 – Hornsby – DA/394/2015/
2	PROPOSED DEVELOPMENT	Section 4.55(2) application- Modification to Independent Living Units - Buildings A and B - Stage 3 of the seniors living development and deletion of conditions 81 to 85
3	STREET ADDRESS	Lot 100 DP 1259619, No. 35 Pacific Highway, Wahroonga
4	APPLICANT OWNER	Catholic Healthcare Limited Catholic Healthcare Limited
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
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 (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</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 2024</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 3 December 2024</li> <li>• Written submissions during public exhibition: nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Council and Applicant Briefing: 6 November 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran</li> <li>○ <u>Council assessment staff</u>: Charley Wells, Cassandra Williams</li> <li>○ <u>Department representatives</u>: Adam Iskander</li> <li>○ <u>Applicant representatives</u>: Daniel Jukic, Mahmoud Chatila, Peter Paltoo, Harrison Morgan and Nial McAteer</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 18 December 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran and Sue Weatherley</li> <li>○ <u>Council assessment staff</u>: Charley Wells, Cassandra Williams, Rodney Pickles</li> <li>○ <u>Department representatives</u>: Lillian Charlesworth, Jade Buckman</li> <li>○ <u>Applicant representatives</u>: None</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report