

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	22 October 2025
DATE OF PANEL DECISION	22 October 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Weatherley, Mark McCrindle
APOLOGIES	Sue Francis
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 16 October 2025.

MATTER DETERMINED

PPSSNH-623 – Hornsby – DA/254/2025 at 1, 3, 5, 7, 9, 11, 15 & 17 Barrett Avenue, Thornleigh NSW 2120 – Construction of 48 senior independent living units and associated civil works (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 (2) of the Hornsby Local Environmental Plan 2013 (LEP) and section 108(2) of the Housing SEPP, that seeks to contravene;

- a) cl. 4.5 of the LEP and Section 108(2)(c) of the Housing SEPP with regard to the density and scale of independent living unit buildings when expressed as a floor space ratio (FSR);

The Panel is satisfied that:

- a) the applicant's written request has demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The proposal exceeds the FSR non-discretionary development standard by 11.55% and accordingly the Applicant submitted a written Clause 4.6 request. The written request and issues are extensively canvassed in Council's Assessment Report and the Panel concurs with Council that the request and its environmental planning grounds adequately demonstrate that the bulk and scale of the development would be appropriate.

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 floor space ratio; and approve the application for the reasons below and in Council's comprehensive Assessment Report.

The development application (DA/254/2025) is Crown Development and the site comprises eight individual lots, has street frontages to Barrett Avenue and Sinclair Avenue and an area of 5,731.58m². The Panel notes the site is located in the R2 Low Density Residential pursuant to Clause 2.2 of the Hornsby Local

Environmental Plan 2013 ('LEP 2013'). While demolition and subdivision are permissible with consent in the R2 zone, the proposed Seniors Living is prohibited. However, Seniors Living is permissible in the R2 zone under the Housing SEPP, which overrides the HLEP and therefore the proposal is permissible with consent.

The Panel also notes proposed seniors living is required to be located within 400m of a bus stop accessed via a suitable access path and the development proposes the relocation of two bus stops to meet the 400m requirements and the relocation of the bus stops has been approved by the Hornsby Local Traffic Committee.

The Panel further notes the bulk and scale of the proposal is compatible with the existing prevailing character of the surrounding residential area. In relation to overshadowing of adjoining properties, the proposed development would not have adverse impacts to adjoining properties and generally comply with the HDCP controls for sunlight access.

In summary, the Panel concurs with Council that the proposal has been properly assessed against relevant planning controls and warrants support.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report, although seeking the following amendment to condition no.6, should the Crown applicant agree:

- **Services and Fire Hydrant Enclosure**

Prior to the issue of the first Construction Certificate, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.


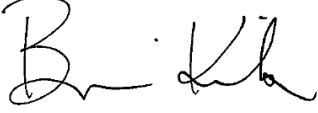

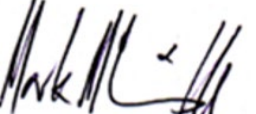
(Reason: To ensure essential services are appropriately screened)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and notes issues of concern included:

- Overshadowing
- Privacy impacts to adjoining properties
- Tree removal
- Fill, bulk and scale
- Rear and side setbacks
- Access to services
- Noise and dust increase during construction
- Land subsidence during construction

The Panel considers that concerns raised by the community have been adequately addressed in Council's assessment report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Weatherley	 Mark McCrindle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-623 – Hornsby – DA/254/2025
2	PROPOSED DEVELOPMENT	Demolition of existing structures, Torrens title subdivision of 8 lots into 2 lots, construction of seniors living development comprising 3x 2-storey buildings containing 48 independent living units and civil works.
3	STREET ADDRESS	1, 3, 5, 7, 9, 11, 15 & 17 Barrett Avenue, Thornleigh NSW 2120
4	APPLICANT/OWNER	Applicant: Sean Carty / Link Wentworth Housing Ltd. Owner: Link Wentworth Housing Ltd., Homes NSW
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Housing) 2021 Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hornsby Development Control Plan 2024 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 15 October 2025 Council briefing report: 11 June 2025 Clause 4.6 variations: <ul style="list-style-type: none"> Floor space ratio (FSR): 26 February 2025, as uploaded to Planning Portal on 19 March 2025. Floor space ratio (FSR): 29 July 2025, as uploaded to Planning Portal on 31 July 2025. Written submissions during public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary briefing: 18 June 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Tim Buwalda, Cassandra Williams <u>Applicant representatives</u>: Sean Carty, Amber Greenhalgh, Jason O'Keefe, Rodney Pickles, Jillian Sneyd, Nicolas Grimes, Anton Van Heerdan, Catherine Tat, Carolyn Howell <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Final briefing to discuss council's recommendation: 22 October 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Weatherley, Mark McCrindle

		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Tim Buwalda, Rodney Pickles, Cassandra Williams○ <u>Applicant representatives:</u> Jillian Sneyd, Amber Greenhalgh, Carolyn Howell, Tsering Lama, Jason O’Keefe, Anton Van Heerdan○ <u>Department staff:</u> Lillian Charlesworth
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as uploaded to the Planning Portal by Council on 15 October 2025.