

<b>DATE OF DETERMINATION</b>	4 September 2025
<b>DATE OF PANEL DECISION</b>	4 September 2025
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Brian Kirk, Sue Francis
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 27 August 2025.

#### **MATTER DETERMINED**

PPSSNH-686 – Hornsby – DA/668/2018/B at 3 Quarry Road & 4 Vineys Road, Dural, 2158 – S4.56  
Modification to Seniors housing development (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 briefings listed at item 8 in Schedule 1.

#### **APPLICATION FOR MODIFICATION OF CONSENT**

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

The application seeks to modify the timeframe for satisfying deferred commencement conditions 1 and 2, which require an Integrated Bushfire and Vegetation Management Plan and a Tree Protection Plan to be submitted.

The Panel believes the proposed modification has been properly assessed against relevant planning controls. The original timeframe requirement and the reasons for the proposed change are extensively canvassed in the Assessment Report and the Panel concurs with Council and the Applicant that the lapsing dates are incorrect and invalid.

Accordingly, the Panel agrees the lapse date for both the consent and deferred commencement conditions should be amended to be 14 May 2026, in line with section 4.53(6)(b).

#### **CONDITIONS**

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


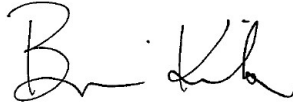

#### **CONSIDERATION OF COMMUNITY VIEWS**

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

- Traffic
- Water pressure adequacy
- Bush Fire risk

- Uncharacteristic development in a rural setting

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-686 – Hornsby – DA/668/2018/B
2	PROPOSED DEVELOPMENT	S4.56 modification to amend the timeframe on deferred commencement conditions.
3	STREET ADDRESS	3 Quarry Road & 4 Vineys Road, Dural, 2158
4	APPLICANT/OWNER	Applicant: Living Choice Australia Pty Ltd. Owner: Dural Gardens Land Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 (Building Sustainability Index) 2004</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: Nil</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: 25 August 2025</li> <li>Council Statement of Modification (S4.56): 25 August 2025</li> <li>Written submissions during public exhibition: 4</li> <li>Total number of unique submissions received by way of objection: 4</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing to discuss council's recommendation: 3 September 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis</li> <li><u>Council assessment staff</u>: Caroline Maeshian, Katherine Vickery, Cassandra Williams</li> <li><u>Applicant representative</u>: Nadine Page</li> <li><u>Planning Panels Team</u>: Lillian Charlesworth, Anaise Nagy</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report