DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday 1 May 2019
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor, Marcus Sainsbury
APOLOGIES	None
DECLARATIONS OF INTEREST	Steve Kennedy declared a conflict as he is currently working with the architects on another non-related development application.

Public meeting held at Northern Beaches Council Chambers, 725 Pittwater Road Dee Why on 1 May 2019, opened at 2.05pm and closed at 4.30pm.

MATTER DETERMINED
2019SNH002 – Northern Beaches – DADA2018/175 – 58 Laitoki Road Terrey Hills – 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 meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to refuse 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 unanimously refused the application.

The Panel notes that the applicant has lodged an appeal in respect of this application and that the Court has granted leave to the applicant to rely on amended plans. The hearing date is set for 20 May 2019. The amended plans were given to council on 26 April and therefore the council has not been able to assess them. The Panel is therefore unable to make a determination in respect of the amended plans.

Moreover, the Panel cannot approve the original plans, even if we were so minded, because the proposal does not comply with cl 26 of the SEPP (HODP), being more than 400 m removed from a bus stop or a shopping centre, and the applicant has not provided a written submission under cl 4.6 of the LEP to vary the distance. Consequently, the Panel refuses the application for the reasons set out in the Council's Assessment Report. In addition, the Panel has real concerns about the residents' safety in the event of bush fire.

The Panel has considered the applicant's request that it should defer the determination of the application pending an assessment of the amended plans. The Panel considers that a deferral would serve no useful purpose, given the exhibition and assessment of the plans and a further public meeting could not be achieved before 20 May 2019, which is 19 days from the date of this meeting.

In relation to the SOFAC dated 7th March for the current appeal, the Panel accepts the contentions as, matters on which the appeal should be defended but would add a further matter being bushfire risk management and satisfaction of Clause 27 (2) of the SEPP.

CONDITIONS
Not applicable.

CONSIDERATION OF COMMUNITY VIEWS
In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Bushfire risk
- Accessibility
- Character, bulk and scale
- Suitability of the site
- Site Compatibility Certificate

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and additional issues outlined above.

PANEL MEMBERS	
Peter Debnam (Chair)	John Roseth
Annelise Tuor	Marcus Sainsbury
Sue Francis	

SCHEDULE 1		
1	**PANEL REF – LGA – DA NO.**	2019SNH002 – Northern Beaches - DA2018/1752
2	**PROPOSED DEVELOPMENT**	Demolition works and Construction of a Seniors Housing Development, comprising a Residential Care Facility and Independent Living Units, community and strata title subdivision.
3	**STREET ADDRESS**	Lot 368, DP 752017, No. 58 Laitoki Road, Terrey Hills
4	**APPLICANT/OWNER**	Tolucy Pty Ltd (Applicant) Barbara Enid Harris Anthony Brian Harris (Owners)
5	**TYPE OF REGIONAL DEVELOPMENT**	General development over $30 million
6	**RELEVANT MANDATORY CONSIDERATIONS**	• Environmental planning instruments: o State Environmental Planning Policy (State and Regional Development 2011 o State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development; o State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; o State Environmental Planning Policy No. 55 – Remediation of Land o State Environmental Planning Policy (Infrastructure) 2007; o State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; o State Environmental Planning Policy No 44 – Koala Habitat; o Warringah Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: o Warringah Development Control Plan 2011 • Planning agreements: Nil • Provisions of the *Environmental Planning and Assessment Regulation 2000*: Nil • 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 *Environmental Planning and Assessment Act 1979* or regulations • The public interest, including the principles of ecologically sustainable development
7	**MATERIAL CONSIDERED BY THE PANEL**	• Council assessment report: 18 April 2019 • Clause 4.6 variation request • Written submissions during public exhibition: 175 • Verbal submissions at the public meeting: o In objection – Bob Whyte, Ian White o On behalf of the applicant – Graham McKee, Andrew Minto, Michael Quinn, Lara Calder
8	**MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL**	• Site inspection: 30 January 2019 • Briefing: 30 January 2019 • Final briefing to discuss council's recommendation, 1 May 2019 at 1.45pm. Attendees: o Panel members: Peter Debnam (Chair), Sue Francis, John Roseth, Annelise Tuor, Marcus Sainsbury o Council assessment staff: Lashta Haidari, Steve Findlay, Peter Robinson, Lea Lennon
9	**COUNCIL RECOMMENDATION**	Refusal
10	**DRAFT CONDITIONS**	Attached to the council assessment report