

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

**Meeting held at 4.00 pm on Wednesday 15 April 2015 at Hornsby Council**

**Panel Members:**

Mary-Lynne Taylor (Chair), Stuart McDonald, Bruce McDonald, David White, Michael Smart

**Apologies:** Nil

**Declarations of Interest:** Nil

### Determination and Statement of Reasons

**2014SYW135 – Hornsby – DA/1089/2014 – [Lot 2 and 3 DP 3150, Nos 117-119 Pacific Highway] as described in Schedule 1.**

**Date of determination:** 15 April 2015

**Decision:**

The panel determined to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Reasons for the panel decision:**

The Panel approves the application for the following reasons:

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings Hornsby LEP2013 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed building is consistent with the height and scale of adjoining buildings and the planned scale of the locality and the development remains consistent with the objectives of the applicable R4 High Density Residential zone.
2. The proposed facility will add to the supply and choice of housing and within the Northern Metropolitan Subregion and the Hornsby local government area in a location with ready access to metropolitan transport services and the amenity and services offered by Hornsby Town Centre and will add to the commercial capacity of the Centre
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including: SEPP (Infrastructure) 2007, SEPP 55 Remediation of Land, SEPP 65 Design Quality of Residential Flat Development. The Panel notes that there are several areas where compliance with the provisions of the Residential Flat Design Code associated with SEPP65 are not met but considers this is reasonable in the circumstances of this case given the constraints applying to this isolated site.
4. The proposal adequately satisfies the provisions and objectives of Hornsby LEP 2013. The Panel notes that there a number of provisions of Hornsby DCP that are not met but considers this is reasonable in the circumstance of this case given the constraints applying to this isolated site.
5. The scale, architectural treatment and landscape treatment adopted for the proposal are consistent with the character of anticipated residential development in the locality and will present a unified frontage presentation to Pacific Highway
6. The proposed development amendments will not, subject to the conditions imposed, have any unacceptable adverse impacts on the natural or built environments including the amenity of nearby established dwellings or the performance of the local road network.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

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### Conditions:

The Panel approves the development subject to the conditions of consent outlined within the Council Assessment Report and including the following amendments:

### Deferred Commencement Condition

The approved plans should be amended as follows:




- In order to reduce any negative visual impact on the residents of the adjoining southern development at Nos. 107-115 Pacific Highway, architectural treatment in the form of openings and/or variation to materials and finishes must be provided along the entire length of the wall on the southern side of Tower B;
- Appropriate landscaping should be provided within the 3.5m wide setback on the southern side of Tower B, at ground level;
- In order to allow solar access and natural ventilation to the balconies of adjoining units within the property at Nos.121-133 Pacific Highway, Unit Nos. 109 – 409 and Unit Nos. 506- 606 of Tower A should be converted to one bedroom units. This would be achieved by deleting the bedrooms with zero setback to the northern boundary. The terrace (adjoining Unit 702), located above these units would be reduced in area;
- The roof of the three townhouse style units (G08, G09 and G10) should be landscaped with pebbles/hardscape materials and planter boxes.

All details must be submitted to Council for approval.

Additionally, the Panel also proposed the following amendment to Condition No. 11:

- Condition **No. 11** (Dilapidation Report) must be amended to include Wanderers Way.

### Panel members:

		
<b>Mary-Lynne Taylor (Chair)</b>	<b>Stuart McDonald</b>	<b>Bruce McDonald</b>

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## SCHEDULE 1

1	<b>2014SYW135 – Hornsby – DA/1089/2014</b>
2	<b>Proposed development:</b> The development involves demolition of existing structures and construction of two nine-storey high residential towers accommodating 106 units with 495 sqm of ground floor commercial space and 136 car spaces within 2.5 levels of basement car park and accessed off Wanderers Way.
3	<b>Street address:</b> Lot 2 and 3 DP 3150, Nos 117-119 Pacific Highway
4	<b>Applicant/Owner:</b> Applicant: Jianbin Deng, Lenlan Hornsby Pty Ltd, PO Box 3051 Turramurra NSW 2074
5	<b>Type of Regional development:</b> Capital investment value > \$20M
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River</li> <li>• Hornsby Local Environmental Plan 2013</li> <li>• Hornsby Development Control Plan 2013</li> <li>• Hornsby Section 94 Development Contributions Plan 2012 - 2021</li> <li>• Draft State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</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 Environmental Planning Assessment Act 1979 or Environmental Planning Assessment Regulation 2000.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report dated: 1 April 2015 Written submissions during public exhibition: 6 public submissions Verbal submissions at the panel meeting: Against: Ms Kathy Wallace, Mr David Kerr (on behalf of Bright & Duggan Owners Corp), Dr Melanie Schwecke & Mr James Irwin; Applicant: Mr Kirk Osborne (from DFP Planning)
8	<b>Meetings and site inspections by the panel:</b> 1 Preliminary Briefing, 1 Site Visit, 1 Final Briefing Meeting and 1 Public Meeting – 15 April 2015
9	<b>Council recommendation:</b> Approve
10	<b>Draft conditions:</b> As attached to assessment report