

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Hornsby Shire Council Chambers on 8 October 2015 at 6.00 pm

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

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2014SYW164 – Hornsby – DA/1448/2014 [Lot 8, 9 and 15 DP 204624 (Nos. 10-12) Belair Close and 18X Water Street Hornsby] as described in Schedule 1.

Date of determination: 8 October 2015.

Decision: The panel determined to approve the development application as described in Schedule 1 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 unanimously agreed to approve the development application for the following reasons:

1. The proposed development will add to the supply and choice of housing within the Metropolitan North Subregion and the Hornsby local government area in a location near to the metropolitan transport facilities, amenities and services provided by Hornsby Town Centre.
2. The proposed development, subject to the conditions applied, adequately satisfies the relevant State Environmental Planning Policies including SEPP 32 – Urban Consolidation, SEPP 55 – Remediation of Land and SEPP 65 Design Quality of Residential Flat Development. In regard to SEPP 65 the Panel notes a number of departures from the associated Residential Flat Design Code but considers these are satisfactory having regard to the orientation of the site and considers they will not have significant impact on adjoining or on site residential amenity.
3. The proposal adequately satisfies the provisions and objectives of Hornsby LEP 2013. It is considered that the minor exceedance of the height permitted under Clause 4.3 is acceptable in this case as the provisions of Clause 5.6 have been satisfied. The proposal adequately satisfies the provisions and objectives of Hornsby DCP 2013. Here too the Panel notes a number of departures from those controls that are considered acceptable in this case.
4. The site development treatment and the landscape treatment adopted for the proposal will effectively integrate the proposed development into the planned character of the high density residential precinct in which it is located.
5. The proposed development will have no significant adverse impacts on the natural or built environments including impacts on the amenity of adjoining or nearby residential premises or the operation of local road network, noting the Council engineers have assessed the proposal and consider that it is acceptable with regard to traffic volumes and the proposal complies with Council car parking requirements.
6. In consideration of conclusions 1 – 5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal, subject to the conditions imposed, is in the public interest.

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Conditions:

The Panel agreed to approve the application subject to the conditions outlined in the Council Assessment report and as amended:

Amendments to the unit mix:

As indicated by Council,. The proposed unit mix was amended to be as follows:

11 x 1 – br; 29 x 2 – br; and 5 x 3 – br

AMENDMENTS TO THE CONDITIONS

A new condition added:

Condition No. 1A.

The approved Landscape Plan LP01/C prepared by Black Beetle dated 9/09/2015 must be amended to include soft landscaping (such as turf or ground cover) over the on-site detention tank. The soft landscaping must include a soil depth of 300mm and must not prohibit access to the tank, when required.

The following conditions amended:

Condition No. 3 : Removal of Existing Trees

- a) This development consent only permits the removal of trees specified on page 9 of 37, Sub-section 6.1 contained in the numbered 4, 5, 6, 7 30, 32, 33, 35, 36, 37, 38, 39, 40 as identified in Tree Location Plan (Appendix 2 pg 22) of the *Aboriginal Impact Report* prepared by *TreeHaven Environments* dated 8 October 2014 and attached to this development consent.
- b) The removal of any other trees requires separate approval in accordance with the Tree & Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).
- c) The existing vegetation within the areas marked in red (hatched) in the approved Landscape Plan LP01/C prepared by Black Beetle dated 9/09/2015 must be retained. This vegetation is to be protected by a temporary fencing in accordance with AS 4970-2009 throughout the process of all building works on the site.
- d) The proposed raised timber pedestrian pathway along the western boundary of the site must be redesigned to retain this vegetation.

Condition No. 6 : Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021*, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$ 51,870.80
Open Space and Recreation	\$ 526,917.60
Community Facilities	\$ 73,448.85
Plan Preparation and Administration	\$ 2,198.15
TOTAL	\$ 654,435.40

being for 11 x 1 bed, 29 x 2 bed and 5 x 3 bed units including a credit for 2 existing dwellings and one vacant lot.

- b) The value of this contribution is current as at 8 October 2015. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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$$\text{\$C}_{\text{PY}} = \frac{\text{\$C}_{\text{DC}} \times \text{CPI}_{\text{PY}}}{\text{CPI}_{\text{DC}}}$$

Where:

$\text{\$C}_{\text{PY}}$ is the amount of the contribution at the date of Payment

$\text{\$C}_{\text{DC}}$ is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

c) The monetary contributions shall be paid to Council:

- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
- (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.






It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Condition No. 31: Fencing of Bushland

The applicant is to ensure that a 1.8m high cyclone mesh fence shall be erected, prior to any on-site construction works along the northern boundary of the site to protect the native trees occurring outside the site. This fence must be removed prior to the occupation of the building.

Panel members:

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

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2014SYW164 – Hornsby – DA/1448/2014
2	Proposed development: Demolition of existing structures and construction of two 5-storey residential flat buildings comprising 44 apartments and basement car park accommodating 61 spaces
3	Street address: Lot 8, 9 and 15 DP 204624 (Nos. 10-12) Belair Close and 18X Water Street Hornsby
4	Applicant/Owner: RJK Architects Pty Ltd
5	Type of Regional development: Capital Investment Value is over \$5 million, Council Interest
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Hornsby Local Environmental Plan 2013 • <i>State Environmental Planning Policy No. 32 – Urban Consolidation</i> • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> • <i>State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development</i> • <i>State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development (Amendment No 3)</i> • <i>State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004</i> • <i>State Environmental Planning Policy - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> • Hornsby Development Control Plan 2013 • <i>Hornsby Section 94 Contributions Plan 2012-2021</i> • 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 (EPA) or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 29 September 2015 Written submissions during public exhibition: 4 Submissions Verbal submissions at the panel meeting: Against - Prashant Kompella, In support Mr Mick Gallagher
8	Meetings and site inspections by the panel: Site Inspection, Final Briefing Meeting and Determination Meeting – 8 October 2015
9	Council recommendation: Approved subject to conditions