

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Hornsby Shire Council** on **Wednesday 2 September 2015 at 3.00 pm**

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

**Apologies:** Michael Smart

**Declarations of Interest:** None

## Determination and Statement of Reasons

**2015SYW075 – Hornsby Shire Council, DA/371/2015**, Demolition of existing structures and concept proposal for a 25 storey mixed use development comprising 220 residential units, entertainment facility, retail and commercial floor space and 8 levels of basement car parking, Lots 18, 19, 20, 21 & 22, DP 13812, Lot 1, DP 114653, Lot 1, DP 1053591, Lot 1, DP 171959, Lot 1, DP 171958, Lot 1, DP 172708, Lot A, DP 325525, No. s 240-260 Peats Ferry Road, Hornsby.

**Date of determination:** 2 September 2015

### Decision:

The panel determined to refuse 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:

1. The proposed development is unsatisfactory in respect to the provisions of Section 5(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal, without resolution of the isolation of 23 to 29 Station Street site, would not result in the orderly and economic development of land in a manner that is consistent with the applicable local planning controls.
2. The proposed development is unsatisfactory in respect to the provisions of Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 as the proposal would exceed the maximum building height permitted on the land pursuant to Clause 4.3 of Hornsby Local Environmental Plan 2013.
3. The proposed development is unsatisfactory in respect to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal would be inconsistent with the design principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
4. The Panel considers the site is visually prominent, being within the Peats Ferry Road Precinct of the Hornsby West Side Conservation Area and located in a prominent heritage streetscape. As a result the Panel agrees with the assessment of Council's urban designer that there are unacceptable urban design impacts from this proposal:
  - Overwhelming bulk and scale
  - Inadequate setbacks
  - Inadequate separation distances from adjoining sites
  - Inappropriate public/private interface at ground level
  - Overshadowing of public spaces
5. The proposed development is unsatisfactory in respect to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as the applicant has not adequately demonstrated whether the proposed traffic generation, vehicle access and parking demand can be adequately managed and the Panel believes this is information that should be available for assessment at this stage.
6. The proposal, without the isolated site is inconsistent with the DCP and would frustrate the Council's proposal for vehicle and pedestrian improvements to Station Street and its streetscape.
7. The proposed development is not suitable for the site and approval would not be in the public interest.

**Decision: The development application was refused.**

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

### Panel members:



**Mary-Lynne Taylor**



**Bruce McDonald**



**Stuart McDonald**



**David White**

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

## SCHEDULE 1

1	<b>JRPP Reference – 2015SYW075, LGA – Hornsby Shire Council, DA/371/2015</b>
2	<b>Proposed development:</b> Demolition of existing structures and concept proposal for a 25 storey mixed use development comprising 220 residential units, entertainment facility, retail and commercial floor space and 8 levels of basement car parking.
3	<b>Street address:</b> Lots 18, 19, 20, 21 & 22, DP 13812, Lot 1, DP 114653, Lot 1, DP 1053591, Lot 1, DP 171959, Lot 1, DP 171958, Lot 1, DP 172708, Lot A, DP 325525, No. s 240-260 Peats Ferry Road, Hornsby.
4	<b>Applicant/Owner:</b> Ezzy Architects / P & L Properties Pty Ltd, Mr T Poulos and Estate Late Mr G Lorandos, Easty Pty Ltd, Gwynvill Properties Pty Ltd.
5	<b>Type of Regional development:</b> Capital Investment Value > \$20M
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ State Environmental Planning Policy (State and Regional Development)</li> <li>◦ State Environmental Planning Policy (Building and 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 Residential Flat Development</li> <li>◦ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River</li> <li>◦ Hornsby Local Environmental Plan 2013 – B4 Mixed Use Zone</li> <li>◦ Draft Hornsby Local Environmental Plan 2013 Amendment No. 5 – Design Excellence</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Hornsby Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Hornsby Section 94 Contributions Plan 2012 - 2021</li> <li>• Regulations: <ul style="list-style-type: none"> <li>◦ Environmental Planning and Assessment Regulation 2000</li> </ul> </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 EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report with reasons for refusal, Locality plan, Site plan, Architectural plans, Elevations, Urban Design Assessment prepared by GMU dated 3 August 2015 and written submissions.  Written submissions prior to panel meeting: <ul style="list-style-type: none"> <li>• Karla</li> </ul> Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>• Maureen Peatman</li> <li>• Peter Fryar</li> <li>• Ian Ezzy</li> <li>• John O'Grady</li> <li>• Kathryn Wallace</li> <li>• Matthew Benson</li> <li>• Martin Lord</li> <li>• Mr Wyld</li> </ul>
8	<b>Meetings and site inspections by the panel:</b> 2 September 2015 - Site Inspection and Final Briefing Meeting.
9	<b>Council recommendation:</b> Refusal
10	<b>Reasons:</b> Attached to council assessment report