

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Hornsby Shire Council** on **Wednesday 2 December 2015 at 2.30 pm**

Panel Members: Bruce McDonald (Acting Chair), Bruce Clarke, Stuart McDonald, David White and Michael Smart.

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW141 – Hornsby Shire Council, DA/1180/2010/D, Section 96(2) application to modify an approved mixed use development comprising a church and a ten storey residential flat building with 80 units by increasing the number of units to 89, increase the gross floor area and amendments to the basement levels, Lots 3 and 4 DP 4023, Nos. 2-4 College Crescent, Lots 1 and 2 DP 4023 Nos. 1-3 Pretoria Parade and Pretoria Lane, Hornsby.

Date of determination: 2 December 2015

Decision:

The panel unanimously 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 matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The Panel is satisfied that the development to which consent as modified relates is substantially the same development as the development for which consent was originally granted.
2. The proposed development continues to adequately satisfy the relevant State Environmental Planning Policies including SEPP 65 Design Quality of Residential Development and associated Apartment Design Code, SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007 and SEPP 32 Urban Consolidation (Redevelopment of Urban Land).
3. The proposal adequately satisfies the provisions and objectives of Hornsby LEP 2013 and Hornsby DCP 2013. In this regard the Panel notes HELP 2013 has replaced HSLEP 1994 which applied when the original assessment was carried out.
4. The proposed development amendments will have no more significant adverse impacts on the natural or built environments including the amenity of nearby established dwellings, the function of the adjacent school, the quality of the nearby heritage Conservation area and heritage listed trees in Pretoria Avenue or the performance of the local road network than would the development for which consent was originally granted.
5. In consideration of the conclusions 1-4 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Conditions: The development application was approved subject to recommended conditions in the Council Assessment Report with an additional condition relating to **Sign Installation** and an amendment to Condition 11A.

New Condition to read as follows:





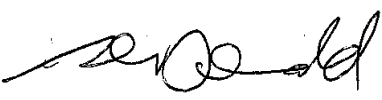
A "No Parking" sign is to be installed along the Pretoria Parade frontage of the site (southern side of the road) from the driveway to the western (rail corridor) boundary of the site. Details of installation of the regulatory sign are to be submitted for written approval from Hornsby Shire Council and the Local Traffic Committee under Section 138 of the Roads Act 1993, prior to the issue of the Occupation Certificate.

Condition 11A – Certification of Traffic Engineer to read as follows:

Prior to the issue of a Construction Certificate a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules and aisle widths in the basement comply with AS 2890.1, and the loading areas and garbage collection areas within the forecourt (ground level) comply with AS 2890.2 and the approved Development Consent plans and conditions.

Panel members:

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 Bruce McDonald	 Bruce Clarke	 David White
 Michael Smart	 Stuart McDonald	

SCHEDULE 1

1	JRPP Reference – 2014SYW141, LGA – Hornsby Shire Council, DA/1180/2010/D
2	Proposed development: Section 96(2) application to modify an approved mixed use development comprising a church and a ten storey residential flat building with 80 units by increasing the number of units to 89, increase the gross floor area and amendments to the basement levels.
3	Street address: Lots 3 and 4 DP 4023, Nos. 2-4 College Crescent, Lots 1 and 2 DP 4023 Nos. 1-3 Pretoria Parade and Pretoria Lane, Hornsby.
4	Applicant/Owner: Mario Khaicy/Baptist Church Trustees, Baptist Union of NSW/Baptist Church of NSW Property Trust/Mr. S Najeed/Hornsby Shire Council.
5	Type of Regional development: Section 96(2) modification to a development approved by the JRPP.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development ○ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32) ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Hornsby Local Environmental Plan 2013 – R4 High Density Residential Zone • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hornsby Development Control Plan 2013 • Planning agreements: Hornsby Shire Council Section 94 Contributions Plan 2012 - 2021 • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report with reasons for approval, Locality plan, Survey plan, Architectural plans, Landscape plan, Shadow diagrams, Photomontage and Notice of determination. Written submissions prior to panel meeting: <ul style="list-style-type: none"> • Kathy Wallace. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Stewart Hill on behalf of the applicant
8	Meetings and site inspections by the panel: 2 December 2015 – Final Briefing Meeting.
9	Council recommendation: Approval subject to conditions.
10	Reasons: Attached to council assessment report