

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 13 September 2017
<b>PANEL MEMBERS</b>	John Roseth (Acting Chair), Sue Francis, Julie Savet Ward, Michael Smart, David White
<b>APOLOGIES</b>	Deborah Dearing
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 13 September 2017, opened at 10:30am and closed at 11:45am.

#### MATTER DETERMINED

2016SYW214 – Hornsby – DA1114/2016 at 41-47 Shepherds Drive Cherrybrook (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 the matters observed at site inspections listed at item 8 in Schedule 1.

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*.

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

The decision was 4:1 in favour, against the decision was Julie Savet Ward.

#### REASONS FOR THE DECISION

The reasons for the decision of the majority of the Panel were:

- The expansion of the shopping centre will cater for the shopping needs of the future population expansion of the area.
- The requirement to upgrade the intersection of Kenburn Avenue and Shepherds Drive to traffic lights will deal with existing traffic problems as well as respond to additional traffic generated by the expanded shopping centre.

Julie Savet Ward voted to refuse the application, under section 79(c) of the Environmental Planning and Assessment Act 1979, on the grounds of the likely impact on the natural environment. She notes the planned removal of 119 trees, 52 of which are categorised as high retention value and 33 of which are characteristic of the Blue Gum High Forest or Sydney Turpentine Ironbark Forest.






#### CONDITIONS

The development application was approved subject to the conditions recommended in the Council Assessment Report with the following amendments:

- Condition 62a) is amended as follows:  
Hours of Operation  
The hours of operation of the premise are restricted to those times listed below:  
a) Shopping Centre Hours

7 am to 10 pm on all days of the week except where otherwise stated in any other development consent.

- Condition 64 is changed by requiring maintenance of trees, not “into the future” but “until the trees reach a height of 3 metres”.

PANEL MEMBERS	
 John Roseth (Acting Chair)	 Sue Francis
 Julie Savet Ward	 Michael Smart
 David White	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW214 – Hornsby – DA1114/2016
2	PROPOSED DEVELOPMENT	Demolition of a child care centre, alterations to Cherrybrook Village Shopping Centre comprising expansion of the retail floor space, addition of a first floor level to include offices, medical centre and gymnasium, extension to the car park to include 628 parking spaces with an additional vehicular entry in three stages.
3	STREET ADDRESS	41-47 Shepherds Drive Cherrybrook
4	APPLICANT/OWNER	Mirvac Real Estate BNY Trust Company of Australia Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No.55 – Remediation of Land</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean (No.2 1997) (Deemed SEPP)</li> <li>Hornsby Local Environmental Plan 2013</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> <li>Hornsby Shire Council Section 93 Development Contributions Plan 2014-2024</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 28 August 2017</li> <li>Written submissions during public exhibition: 3</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant: Jessica Ford, Rod Moynahan, Andrew Paterson</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meeting: 8 March 2017</li> <li>Final briefing meeting to discuss council's recommendation, 13 September 2017 at 9:50 am. Attendees: <ul style="list-style-type: none"> <li>Panel members: John Roseth (Acting Chair), Sue Francis, Julie Savet Ward, Michael Smart, David White</li> <li>Council assessment staff: Aditi Coomar, Debra Clysdale, Lawrence Nagy, Bernard Choongo, Arif Ahmed</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report