

DATE OF DETERMINATION	Wednesday 13 December 2017
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Louise Camenzuli, Michael Smart, David White
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 13 December 2017, opened at 12.30pm and closed at 2.10pm.

MATTER DETERMINED

2017SNH015 – Hornsby – DA213/2015/B at 94-98 George Street Hornsby (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 96 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 unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The amendment to the height is minor and has no material adverse impact.
- The amount of communal open space on the ground and the roof continues to exceed that required by the DCP and the ADG.
- The amended application is substantially the same as that approved.





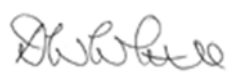
The Panel considered the objectors' concerns voiced at the public meeting. The main concerns were:

- Overshadowing and overlooking of an apartment in the adjoining Avanti building.
- Lack of adequate notice of the meeting.
- The yellow colour of the proposed fin wall.

With regard to the concern about overshadowing, the Panel is satisfied that the modification does not result in any material change in overshadowing. With regard to overlooking, any overlooking from the roof that might have existed in the original application, has now been reduced by the addition of a condition requiring the southern planter box on the roof to be widened. With regard to adequate notice, the Panel notes that the amendment application was exhibited eleven months ago and the objectors had made submissions to it. With regard to the objection to colour, the Panel notes that the amendment does not change the colour and that colours are controlled in Hornsby only in heritage and conservation areas, and that this application is not located in either of these.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the addition of a condition requiring the width of the roof planter box on the southern boundary be increased from 1m to 1.5m.

PANEL MEMBERS	
 John Roseth (Chair)	 Sue Francis
 Louise Camenzuli	 Michael Smart
 David White	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH015 – Hornsby – DA213/2015/B
2	PROPOSED DEVELOPMENT	Section 96 (2) modification of an approved part 13 and part 14 storey mixed use development comprising 76 units and three levels of commercial floor space with basement car parking.
3	STREET ADDRESS	94-98 George Street Hornsby
4	APPLICANT/OWNER	Applicant: DMPS Owner: L & C's Foundation Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
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 of Residential Apartment Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Sydney Regional Environmental Plan No.20 Hawkesbury-Neapan River (Deemed SEPP) Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hornsby Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 29 November 2017 Written submissions during public exhibition: 7 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Object – Satyendra Satyadasan, Craig Schwartz On behalf of the applicant – Tony Owen
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing meeting: 14 June 2017 Final briefing meeting to discuss council's recommendation, 13 December 2017 at 12.10pm. Attendees: <ul style="list-style-type: none"> Panel members: John Roseth (Chair), Sue Francis, Louise Camenzuli, Michael Smart, David White Council assessment staff: Caroline Maeshian, Rodney Pickles
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report