

DATE OF DEFERRAL	Wednesday 30 October 2019
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, Felicity Findlay, Ross Walker OAM
APOLOGIES	David White
DECLARATIONS OF INTEREST	Felicity Findlay declared that she knows several of the registered speakers through attendance at other council meetings. This does not preclude her from participating on the panel.

Public meeting held at Hornsby Council Chambers, 296 Peats Ferry Road Hornsby, on 30 October 2019, opened at 3.30pm and closed at 8.13pm.

MATTER DEFERRED

2018SNH014 – Hornsby – DA201/2018 at 187-203 Peats Ferry Road and 2-6 Dural Street, Hornsby, a mixed use development (as described in Schedule 1)

REASONS FOR DEFERRAL

The majority of the Panel agreed to defer the determination of the matter until the further information outlined below is provided by the applicant.

The majority of the Panel did not think there was sufficient environmental justification to grant the variation to height. The base Floor Space Ratio (FSR) for the site is 3:1 and whilst the Hornsby Local Environmental Plan 2014 allows greater FSR if shop top housing and at least 1:1 commercial Gross Floor Area (GFA) is provided, the extent of additional GFA and the increase in height sought is considered unreasonable.

The Panel was also concerned with vehicle access and movement of commercial vehicles around the site and turning into Peats Ferry Road.

Accordingly, the following information is requested:

1. Amended plans which comply with the height development standard as per Hornsby Local Environmental Plan;
2. Amended plans which comply with the setback from the northern boundary to the Hornsby Park;
3. Further detailed analysis and a peer review of the traffic management in particular commercial vehicles into the site and through the local roads and turning into and out of Dural Street;
4. Details of a covenant on title to maintain the child care use in the Heritage item Norwood;
5. Written confirmation that the applicant is willing to dedicate the road widening to Council.

When this information has been received and a supplementary report provided by Council, the Panel will hold another public determination meeting.

The decision to defer the matter was not unanimous. 4:1 in favour, against the decision to defer was John Roseth. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.






John Roseth would have approved the application. He accepts the written clause 4.6 submission to vary the height standard on the grounds that the preservation of three heritage items and the steep slope of the site justify the variation of the height of building standard. He notes that the additional height has no material adverse impact on the surroundings.

John Roseth is strengthened in his view by the fact that the assessment planner has found the height variation acceptable, the Design Excellence Panel had endorsed the proposal and the Hornsby Development Control Plan 2013 nominates towers of 20 and 12 storeys for this site.

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included but not limited to:

- Excess height
- Traffic issues
- Premature to the Hornsby town centre study
- Retention of childcare centre
- Bushfire risk
- Retention of heritage items
- overshadowing

The Panel considers that some of the concerns raised by the community have validity in this case and the deferral is to address, in part, these issues.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	 Felicity Findlay
 Ross Walker OAM	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH014 – Hornsby – DA201/2018
2	PROPOSED DEVELOPMENT	Demolition of existing structures, site remediation, vegetation removal, relocation of a heritage building, retention of heritage facades, construction of a shop-top housing development comprising retail and commercial floorspace including provision for a centre-based child care facility, 231 apartments in two towers and basement parking for 362 cars.
3	STREET ADDRESS	187-203 Peats Ferry Road & 2-6 Dural Street, Hornsby
4	APPLICANT OWNER	Jacobs Australia Pty Ltd Dural Nominees Pty Ltd, Habitat Australasia Pty Ltd, Liot Pty Ltd and May Harlow Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 19 – Bushland in Urban Areas 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 (Building Sustainability Index – BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 – 1997) Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hornsby Development Control Plan 2013 Hornsby Section 7.11 Development Contributions Plan 2014-2024 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: c192(1)(b) – AS2601 – Demolition of Structures 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: 16 October 2019 Clause 4.6 Variation Request (Height of Building): 16 October 2019 Late submissions (received via Council): 23 October 2019 Council memo briefing note and revised conditions: 30 October 2019 Written submissions during public exhibition: 130 Verbal submissions at the public meeting 30 October 2019: <ul style="list-style-type: none"> In support – Murrays Byrnes, Steve Russell

		<ul style="list-style-type: none"> ○ In objection – Cllr Emma Heyde, Cllr Vince Del Gallego, Cllr Joseph Nicita, Jan Primrose on behalf of Protecting Your Suburban Community, Clare Glendenning on behalf of Strata Committee for 10-14 Dural Street Hornsby, Carole Ford on behalf of Friends of Berowra Valley, Dr Jacqui Goddard on behalf of Residents Infrastructure and Planning Alliance, Elizabeth Roberts on behalf of the Hornsby Shire Historical Society, Marita Ridley on behalf of Hornsby Westsite Action Group, Nerida Powers on behalf of Mount Colah Residents Action Group, Rhona Williams, Karen Brading, Maree Nicholson, Nicole Allan, Catherine Gordon, Jim Stafford, Dorothy Babb, Isabelle Adamthwaite, Betsy Williams, Rob Hibbard, Stephen Diserens, Kim Mullins, Rachel Guest, Paul-Andrew Thierry, Bob Sendt ○ Council assessment officer – Kendal McKay, James Farrington ○ On behalf of the applicant – Karl May, Paul Rapport, Greg McGeoch
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing: 7 November 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), John Roseth, Sue Francis, David White, Ross Walker ○ <u>Council assessment staff</u>: Matthew Miles ● Site inspection: 5 December 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Ross Walker, David White ○ <u>Council assessment staff</u>: Matthew Miles ● Final briefing to discuss council's recommendation, 30 October 2019 at 3pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Ross Walker, Felicity Findlay ○ <u>Council assessment staff</u>: Matthew Miles, Kendal McKay, James Farrington, Rodney Pickles.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report