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Supplementary Development Assessment Report

Council Ref: DA/201/2018

Panel Ref: 2018SNH014 DA

Amended Proposal for 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 floor space including provision for a centre-based child care facility, 200 apartments in two towers and basement parking for 311 cars

187-203 Peats Ferry Road & 2-6 Dural Street, Hornsby

Prepared for: Hornsby Shire Council & Sydney North Planning Panel
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Abbreviations

CIV	capital investment value
Council	Hornsby Shire Council
DA	development application
DCP	development control plan
DEP	Design Excellence Panel
DFP	DFP Planning Pty Limited
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
FSR	floor space ratio
GFA	gross floor area
HRV	heavy rigid vehicle
LEP	local environmental plan
LGA	local government area
REP	regional environmental plan
RL	reduced level
RMS	NSW Roads and Maritime Services
SEE	Statement of Environmental Effects
SEPP	state environmental planning policy

Executive Summary

1.1 Application Description

Panel Reference	2018SNH014 DA
DA Number	DA/201/2018
Local Government Area	Hornsby Shire Council
Proposed Development	Amended proposal for 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, 200 apartments in two towers and basement parking for 311 cars.
Street Address	187-203 Peats Ferry Road & 2-6 Dural Street, Hornsby
Applicant	Jacobs Australia Pty Ltd
Owners	Dural Nominees Pty Ltd, Habitat Australasia Pty Ltd, Liot Pty Ltd and May Harlow Pty Ltd
Number of Submissions	Twenty (20) to amended proposal
Regionally Significant Development Criteria (s4.5(b) of the Act)	General development with a CIV of over \$30 million
List of All Relevant s4.15(1)(a) Matters addressed in this report	<ul style="list-style-type: none">• <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i>• <i>State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004</i>• <i>Hornsby Local Environmental Plan 2013</i>• <i>Hornsby Development Control Plan 2013</i>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none">1. Conditions of Consent2. Proposed Architectural Plans3. Proposed Landscape Plans4. Public Submissions
Recommendation	Approval

1.2 Summary

1. The development application (DA) was reported to the Sydney North Planning Panel (the Panel) for determination on 30 October 2019 at which time the Panel deferred determination of the DA to enable the Applicant to submit amended plans to address height and setback non-compliances and additional information relating to traffic management, the ongoing use of the Heritage Item 'Norwood' for a child care use and confirmation of the Applicant's willingness to dedicate land identified for road widening.
2. The Applicant has submitted amended plans which entail a mixed-use building comprising basement car parking for 311 cars (reduced from 362 cars), above which is a 1-3 storey podium for non-residential uses and two residential towers with heights above ground level of 62.2m and 38.3m (reduced from 77.5m and 45.9m). The towers will contain a total of 200 residential apartments (reduced from 231 apartments). In addition, the Applicant has submitted the additional information requested by the Panel.
3. The amended proposal is permissible with consent in the B4 Mixed Use Zone pursuant to Hornsby LEP 2013, is consistent with the objectives of that zone, complies with the floor space ratio (FSR) and height of buildings development standards and is consistent with other relevant provisions of the LEP.

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4. The amended proposal is also consistent with the Design Quality Principles of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) and generally consistent with the design criteria of the Apartment Design Guide (ADG).
5. An amended BASIX Certificate has been submitted demonstrating that the amended proposal satisfies the requirements of *State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004* (SEPP BASIX).
6. The amended proposal continues to comply with the relevant provisions of *State Environmental Planning Policy No. 19 – Bushland in Urban Areas* (SEPP 19), *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure), *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (SEPP Vegetation) and *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 – 1997)* (SREP 20).
7. The amended proposal continues to be capable of complying with the higher order requirements of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (SEPP Education), although insufficient information has been provided to fully assess all operational aspects of the child care facility. Accordingly, consent cannot be granted to that use at this time and a condition of consent requiring a further development application for the occupation of that part of the building continues to be recommended.
8. The amended proposal is considered to be generally consistent with Hornsby Development Control Plan 2013 (the DCP) noting that the northern side setbacks now fully comply with the DCP, as requested by the Panel.
9. The revised traffic modelling has been independently reviewed and is considered to be fit for purpose. This modelling demonstrates that although the proposed development will result in a reduction in the level of service and slight increases in queuing at several intersections on Peats Ferry Road, the overall impact of the proposal on the road network will be minimal compared to a future scenario without the proposed development.
10. Thirty (30) public submissions were received in respect of the amended proposal with those submissions generally objecting to the proposal with the key concerns relating to traffic, parking, height, infrastructure capacity, heritage and character. These matters were discussed in the original Assessment Report and a further discussion is provided in this report. On balance, it is considered that the amended proposal is worthy of approval as it accords with the prevailing development controls and the impacts are manageable via conditions of consent and planned infrastructure upgrades.
11. It is recommended that the DA be approved subject to conditions as the amended proposal satisfactorily responds to the development controls for this part of the Hornsby West Side town centre and minimises significant adverse environmental impacts.

1.3 Recommendation

*THAT the Sydney North Planning Panel grant Consent to Development Application No. DA/201/2018 for 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, 200 apartments in two towers and basement parking for 311 cars at 187-203 Peats Ferry Road & 2-6 Dural Street, Hornsby, being Lots C, D & E DP 367580, Lots A & B DP 384707, Lots 1, 2, 3 & 9 Sec 1 DP 1880, Lots A & B DP 337147 and Lot 1 DP 951409, pursuant to Section 4.16(1)(a) and 4.16(4)(b) of the Environmental Planning and Assessment Act, 1979 subject to the conditions of consent detailed at **Appendix 1** to this report.*

1 Background and Amended Plans

On 30 October 2019, the DA was reported to the Panel and the DA was deferred pending receipt of the following information:

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 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; and*
5. *Written confirmation that the applicant is willing to dedicate the road widening to Council.*

In November 2019, the Applicant submitted amended plans (see **Appendix 2**) and supporting material with the key amendments being as follows:

- The height of the residential towers has been reduced such that the proposal now fully complies with the LEP;
- The northern side setbacks have been increased to comply with the DCP; and
- The vehicular access, loading and car parking arrangements have been modified.

These amended plans were supplemented in March 2020 by an amended basement car parking layout and additional information relating to traffic impacts.

Table 1 summarises the key development statistics of the original and amended proposals.

Table 1 Development Statistics of Original and Amended Proposals		
	Original Proposal	Amended Proposal
Site Area	4,601m ²	No change
Residential Apartments:	231 Total	200 Total
- Studio	- 19 (8.2%)	- 17 (8.5%)
- 1 bedroom	- 51 (22.1%)	- 44 (22%)
- 2 bedroom	- 135 (58.5%)	- 118 (59%)
- 3 bedroom	- 26 (11.2%)	- 21 (10.5%)
Residential Floor Space (FSR)	20,768m ² (4.51:1)	17,908m ² (3.89:1)
Retail Floor Space (FSR)	3,406m ² (0.74:1)	No change to GFA although GLFA has reduced by 330m ²
Commercial (Non-retail) Floor Space (FSR)	2,127m ² (0.46:1)	No change
Child Care Floor Space (FSR)	464m ² (96m ² within 'Norwood') (0.1:1)	No change
Total GFA (FSR)	26,765m ² (5.81:1)	23,905m ² (5.2:1)
Residential Parking	188 car spaces (incl. 33 visitor) 2 car wash bays 96 bicycle parking spaces	162 car spaces (incl. 28 visitor) 2 car wash bays 96 bicycle parking spaces 6 motorcycle parking spaces
Non-Residential Parking	172 car spaces 16 motorcycle parking spaces 16 bicycle parking spaces	147 car spaces (incl. 10 service) 4 motorcycle parking spaces 24 bicycle parking spaces
Car Share	2 car spaces	No change
Total Car Parking	362 car spaces	311 car spaces

2 Response to Reasons for Deferral

2.1 Building Height

1. *Amended plans which comply with the height development standard as per Hornsby Local Environmental Plan*

The amended proposal has reduced the building height by incorporating the following amendments:

- Removal of two residential floor levels from each tower;
- Reduction in the floor-to-floor of all residential levels from 3.1m to 3m, whilst maintaining a minimum floor-to-ceiling height of 2.7m;
- Reduction in the Ground Floor retail floor-to-ceiling from 4.5m to 3.3m;
- Reduction in the Level 2 commercial floor-to-ceiling from 3.5m to 3.3m;
- Removal of the rooftop communal facilities from Building B and expansion of the communal open space on Building A to provide a total of 1,181m² of communal open space in conjunction with the Level 3 podium communal open space (see amended Landscape Plan at **Appendix 3**); and
- Relocation of the rooftop plant from Building B to the basement.

This results in the following changes to the overall height of the two towers:

- Tower A has been reduced from 45.9m to 38.3m (measured vertically from natural level at RL 177.5m to the top of the roof over the communal facilities at RL 215.8m) which complies with the 38.5m height of buildings development standard applicable to that part of the Site;
- Tower B has been reduced from 77.5m to 62.2m (measured vertically from natural level at RL 181.6m to the top of the parapet on the western elevation at RL 243.8m) which complies with the 62.5m height of buildings development standard applicable to that part of the Site;
- No change is proposed to the height of the relocated 'Norwood' cottage which will be 7.7m in height, complying with the 8.5m height limit applicable to that part of the Site.

Accordingly, the proposal now fully complies with the height of buildings development standard pursuant to the LEP.

2.2 Setbacks

2. *Amended plans which comply with the setback from the northern boundary to the Hornsby Park*

The minor encroachments into the 3m northern side setback have been removed with minor adjustments to the internal floor areas of some apartments and reorientation of some balconies.

Accordingly, the proposal now fully complies with the above-podium 3m setback to the northern side boundary to Hornsby Park.

2.3 Traffic Management

3. *Further detailed analysis and 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*

An amended Traffic Impact Assessment (TIA) and supplementary information has been prepared by Jacobs and has been peer reviewed by McLaren Traffic Engineering (MTE). The following paragraphs provide an outline of the additional assessment and proposed design amendments to address the matters raised in the peer review.

2 Response to Reasons for Deferral

Swept Path Assessment

This assessment includes updated turning path assessments for a 12.5m-long heavy rigid vehicle (HRV) to and from the development which indicate that:

- A HRV turning left or right from Peats Ferry Road into Dural Street would result in either a minor encroachment (overhang) of the southern footway on Dural Street or a minor encroachment into the oncoming (i.e. eastbound) traffic lane. The TIA recommends that the southern kerb be realigned by up to 1.5m to accommodate these swept paths.
- A HRV turning right from Dural Street into Peats Ferry Road can do so without crossing the centre line in Peats Ferry Road although a vehicle turning left into Peats Ferry Road would be required to traverse the westbound traffic lane in Dural Street to avoid oncoming vehicles in the southbound traffic lane of Peats Ferry Road.

Council's Traffic Engineers have indicated that the kerb alignments at the intersection Peats Ferry Road and of Dural Street were constructed in 2014 in conjunction with the introduction of a 40km/h High Pedestrian Activity Area zone to improve pedestrian amenity, following extensive consultation with the community. Accordingly, any change to the current kerb alignments is not supported.

Given that the turning templates used for swept path analysis are conservative, it is a low speed environment and the encroachments are minor, a HRV is likely to be able to turn left or right into Dural Street without crossing the centre line or overhanging the footpath, noting that Council's 10.5m waste collection vehicles currently undertake these manoeuvres (NB: right-in movements to Dural Street are currently restricted in peak hours and no change is proposed to this arrangement).

In addition, Council's Engineers have advised that it would be safe for a HRV turning left or right into Dural Street from Peats Ferry Road to temporarily slow to enable another vehicle to exit Dural Street before commencing the turn.

However, it would not be safe for a HRV turning left into Peats Ferry Road from Dural Street as it would have to enter the opposing westbound traffic lane in Dural Street to prevent crossing the centre line in Peats Ferry Road.

Accordingly, Council's Engineers are of the view that no physical changes to the road environment are required for this intersection as medium rigid vehicles can be accommodated without any encroachments and, at low speeds, HRVs can also be accommodated for movements left-in and right-in to Dural from Peats Ferry and right-out into Peats Ferry Road from Dural Street. However, a 'No Left-Turn, vehicles over 8.8m' sign must be installed to restrict HRVs turning left into Peats Ferry Road and a recommended condition of consent requires this.

Furthermore, Council's Engineers are not supportive of HRVs using local streets comprising Frederick Street and William Street as this would result in adverse amenity impacts on residents and HRVs would require encroachment onto traffic devices (i.e. roundabouts) causing a long-term maintenance burden upon Council.

Accordingly, a condition of consent is recommended requiring installation of signage in the loading bay and opposite on Dural Street, requiring all vehicles greater than 6m long (i.e. medium and heavy rigid vehicles) to turn left-out into Dural Street and then exit via Peats Ferry Road. A condition is also recommended requiring that the Site not be serviced by any vehicle exceeding 12.5m in length.

Furthermore, a condition is recommended requiring that the Developer prepare a parking restrictions signage plan to be referred to the Hornsby Local Traffic Committee in respect of any for changes that may be required to the kerbside parking arrangements on the southern side of Dural Street.

2 Response to Reasons for Deferral

Amended Access, Car Parking and Loading Layout

The amended plans include modifications to the layout of the vehicular access and basement car parking as follows:

- The vehicular access to the basement from Dural Street now includes directionally separated curved ramps which enable vehicles exiting the Site do so perpendicular to the footpath on a relatively level platform, thereby increasing sightlines and improving pedestrian safety;
- Separation of the entry and exit lanes enables space for a pedestrian refuge within the footpath to further increase pedestrian safety;
- The loading dock has been slightly reconfigured to accommodate the new driveway arrangements although the entry and exit to the loading dock and operational characteristics of the docks and waste rooms remains relatively unaltered;
- All basement car parking levels have been reconfigured to provide for one-way circulation with the central combined ramps removed in favour of separate, one-way up and down ramps around the perimeter of the basement levels;
- Primarily as a consequence of the reduction in the number of residential apartments and partially as a consequence of the basement circulation amendments and minor reduction in retail GLFA, the number of car parking spaces for the development has been reduced from 362 car parking spaces to 311 car parking spaces. This number of car parking spaces complies with the minimum requirements of Council's DCP in total terms (see **Section 3.1.4**).

These amendments responding to the criticisms in the MTE review, are considered to provide improvements to the operation of the basement car parking and provision for service vehicles and are deemed acceptable to MTE and to Council.

Traffic Modelling

The traffic modelling for the proposed development has been updated using SIDRA 8, the latest version of that modelling software, which is considered to be more accurate modelling software than the previous version. MTE has advised that the revised modelling is acceptable to inform the assessment of development impacts.

The following summarises the revised assessment of traffic impacts based on the revised modelling:

- The proposed development will generate 223 additional vehicle trips per hours (vtp/h) in the AM peak and an additional 275 vtp/h in the PM peak;
- There are two intersections currently operating at a Level of Service (LOS) less than LOS D as follows:
 - Peats Ferry Road and George Street PM Peak – LOS F; and
 - Pacific Highway and Edgeworth David Avenue PM Peak – LOS F.
- Accounting for minor improvements to the network planned by Council, the traffic modelling demonstrates that the proposed development will result in:
 - Peats Ferry Road and William Street moving from LOS A to LOS B in the AM Peak with a minor increase to delay;
 - Peats Ferry Road and George Street remaining at LOS F in the PM Peak and moving from LOS D to LOS F in the AM Peak;
 - Pacific Highway and Edgeworth David Avenue remaining at LOS F in the PM Peak;
 - All other intersections operating with a LOS of C or better.

2 Response to Reasons for Deferral

- When a background traffic growth of 2% to 2031 is added (which is generally the standard cumulative growth factor derived from first principles), traffic modelling of future conditions demonstrates that the intersections of Peats Ferry Road at Coronation Street, William Street and George Street and the Highway / Edgeworth David Avenue intersection all operate with high delays and LOS F without the proposed development;
- With the proposed development, all of these intersections will remain at LOS F with the only significant difference being the pedestrian crossing at Peats Ferry Road and Coronation Street moving from LOS B to LOS F in the AM Peak (noting it is already LOS F in the PM Peak). However, Jacobs and MTE have indicated that the assumed 2% level of background traffic is higher than the network capacity, does not reflect RMS historical traffic data and is unlikely to occur unless significant regional increases in road capacity are created.

Accordingly, the revised modelling indicates that the proposed development will result in minimal change to the operation of key intersections assuming the traffic network improvements currently envisaged are implemented by Council (subject to receipt of development contributions). This is consistent with the previous findings and recommendation for approval to the Panel.

Furthermore, the review by MTE indicates that there is minimal change to queuing lengths at key intersections on Peats Ferry Road as summarised in the table below.

Intersection	AM Peak		PM Peak	
	Without the Development	With the Development	Without the Development	With the Development
George Street	Extends north back to William Street	Extends north back to Station Street	Extends north back to William Street	Extends north back to William Street
William Street (northbound)	Extends south past High Street	Extends south to George Street	Extends south to George Street	Extends south to George Street
William Street (southbound)	n/a	n/a	Extends north to Station Street	Extends north to Station Street
Station Street	Extends north, almost to Dural Street	Extends north to Dural Street	Extends north 20m past Dural Street	Extends north 50m past Dural Street
Coronation Street	Extends south past Dural Street	Extends south past Dural Street	Extends south past Dural Street	Extends south past Dural Street

NB: Key differences are shaded.

The revised traffic modelling also compares the weekend peak traffic (Saturday) with the weekday peaks and shows that whilst the weekend peak is spread over a longer period of the day, overall traffic levels are slightly lower than the weekday PM Peak. Accordingly, the impact due to additional traffic from the proposed development will not cause significant disruption to the road network during the Saturday peak period.

2.4 Ongoing Child Care Use of Norwood

- Details of a covenant on title to maintain the child care use in the Heritage item Norwood*

The Applicant has provided written confirmation of a willingness to accept a condition of development consent requiring a covenant on the Title of the land.

To ensure that there is no occupation of any part of the approved development occurs without a restriction on Title, **Appendix 1** to this report contains a recommended condition as follows:

A covenant pursuant to s88D or s88E of the Conveyancing Act 1919 shall be created on the consolidated lot required by this consent, requiring the ongoing use of the Heritage Building known as 'Norwood' and associated areas of the site, for a centre-based child care facility. This covenant shall be created prior to the issue of any occupation certificate.

2 Response to Reasons for Deferral

The covenant may be modified or varied upon creation of a lot in a Stratum or Strata scheme whereby that Stratum or Strata lot shall comprise the land identified as a 'child care centre' on the Lower Ground Floor Level (as shown on approved plan DA-110-007 Issue P, dated 20 March 2020, prepared by Turner Architects) as well as the car spaces identified for that use by the child care centre on Basement Level 1 (as shown on approved plan DA-110-006 Issue P, dated 20 March 2020, prepared by Turner Architects).

This is considered sufficient to satisfy this reason for deferral.

2.5 Road Widening

5. *Written confirmation that the applicant is willing to dedicate the road widening to Council*

The Applicant has provided written confirmation of a willingness to accept a condition of development consent requiring the dedication of the 2m x 2m splay at the corner of Peats Ferry Road for the purposes of a public road.

A new condition of consent in this regard is included in the recommended conditions of consent at Appendix 1 to this report and this is considered sufficient to satisfy this reason for deferral.

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3.1 Statutory Controls

The following subsections assess the amended proposal against the relevant provisions of applicable SEPPs, the LEP and the DCP and should be read in conjunction with the Environmental Planning Assessment in Section 5 of DFP's original Development Assessment Report dated October 2019.

3.1.1 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

In accordance with SEPP 65 and the EP&A Regulation, the Applicant has submitted a supplementary Design Verification Statement for the amended design, prepared by a qualified Architect.

DFP's Development Assessment Report dated October 2019 concluded that the proposed development was consistent with the Design Quality Principles and that assessment remains largely unaltered, noting that the amended proposal now fully complies with the height of building development standard under the LEP, increases the northern side setbacks and therefore, provides for a built form and density which is consistent with the underlying planning controls applicable to the Site.

The assessment within DFP's Development Assessment Report dated October 2019 of the original proposal against the Design Criteria and Design Guidance in the Apartment Design Guidelines (ADG) also remains largely unaltered although it is acknowledged that the modifications to the tower forms do warrant additional assessment as follows:

- Communal open space - The amended proposal has deleted the rooftop communal open space on Tower B although this has been offset in part by an increase in the area at the rooftop of Tower A and the proposal includes a total of approximately 1,181m² (25.7% of site area) of communal open space on the podium and roof top of Building A which complies with the ADG requirement for 25% of the site area;
- Car Parking - The amended proposal has reduced the quantum of off-street car parking commensurate with the reduction residential apartments. The amended proposal provides 162 residential car parking spaces which complies with the minimum requirement for 161 spaces under the ADG (which adopts the RMS Guide);
- Solar Access and Natural Ventilation – The amended proposal complies with the ADG requirements in these regards with 88% of apartments receiving 2 hours of direct sunlight to living rooms and adjoining private open space (POS), 10.5% of apartments receiving no direct sunlight to living rooms and POS and 67% of apartments achieving natural cross ventilation; and
- Apartment Size, Layouts and Private Open Space – There has been minor changes to the internal layout and size of some apartments and their outdoor private open space as a result of the changes to the northern side setbacks although all apartments continue to comply with the minimum size and dimensions required by the ADG.

3.1.2 State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004

In accordance with cl50 of the EP&A Regulation, the DA must be accompanied by a BASIX Certificate for the proposed development for which consent is sought.

An amended BASIX Certificate has been submitted demonstrating compliance with the requirements of SEPP BASIX.

3.1.3 Hornsby Local Environmental Plan 2013

Permissibility

The amended proposal results in no change to the land uses for which consent is sought which comprises shop top housing and commercial premises, and a centre based child care facility, all of which are permissible with development consent, noting that all residential apartments are above a lower level comprising commercial land uses.

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The amended proposal remains consistent with objectives of the B4 Zone as it comprises a mixture of compatible land uses in a highly accessible location and includes various measures such as bicycle parking, end of trip facilities, car share parking and public domain improvements to maximise public transport patronage and encourage walking and cycling.

Height of Buildings

As discussed at **Section 2.1**, the amended proposal fully complies with the height of buildings development standards that apply to the Site.

FSR

With respect to FSR, the amended proposal results in a reduction in residential apartment GFA of 2,860m² and the amended overall FSR is now 5.2:1 (reduced from 5.81:1), which complies with cl4.4(2D) of the LEP as the proposal is for shop top housing and continues to provide for 5,997m² of non-residential GFA which constitutes an FSR of 1.3:1.

Land identified for Acquisition

As discussed at **Section 2.5**, the Applicant has offered to accept a condition of development consent requiring dedication of the land in the north-eastern corner of the Site, which is identified in the LEP for acquisition for public road.

Heritage

The proposed amendments do not give rise to any adverse impacts in heritage terms and in accordance with the previous deliberations of the Panel and public submissions, an amended condition of consent is proposed requiring appointment of a person (Heritage Architect) registered with the NSW Architects Registration Board, with at least 20 years' experience in heritage impact assessment and heritage conservation works, to oversee all remediation, demolition and construction of the approved development.

3.1.4 Hornsby Development Control Plan 2013

Building Height

Notwithstanding that the LEP height of buildings development standard prevails over the DCP, the amended proposal also now fully complies with the 12 storey and 20 storey height controls within the DCP, with Tower A having a height of 11 storeys above ground level in Dural Street (10 above podium) and Tower B having a height of 19 storeys above ground level in Peats Ferry Road (17 above podium).

Setbacks

As discussed in **Section 2.2**, the northern elevation of the amended proposal now fully complies with the 3m side setback above podium required by the DCP.

Housing Choice

Notwithstanding the reduction in residential apartments, the amended proposal continues to comply with the housing choice controls of the DCP with a minimum of 10% of each apartment type being provided.

Car Parking

A total of 311 car parking spaces are provided for in the amended proposal. This comprises:

- (a) 162 residential car parking spaces which complies with the minimum requirement for 161 spaces under the ADG (which adopts the RMS Guide);
- (b) 93 retail car parking spaces which complies with the minimum requirement for 93 spaces under Council's DCP;
- (c) 8 child care centre car parking spaces which complies with the minimum requirement for 8 spaces under Council's DCP;
- (d) 36 commercial car parking spaces which is less than the minimum requirement for 45 spaces under Council's DCP, although 10 service vehicle spaces are provided. This

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total quantum of parking (i.e. 46 spaces) is considered acceptable in this instance, noting the provisions of the LEP and DCP to promote public transport and more sustainable transport methods; and

- (e) 2 car share parking spaces which complies with the minimum requirement for 1 space under Council's DCP.

3.2 Submissions

The amended proposal was notified from 21 November to 5 December 2019 and 30 submissions were received. **Table 2** provides a summary of the key issues raised in these submissions relating to the amended proposal, noting that the Original Assessment Report also addresses these and various other matters.

Table 2 Summary of Submissions and Responses

Issue	Response
Height	See Section 2.1 .
Traffic	See Section 2.3 .
Infrastructure	Provision of infrastructure such as schools, hospitals and the like is addressed in the original Development Assessment Report, which indicated that this is a State Government responsibility and is provided on the basis of forecast future population. The future population of approximately 370 residents within the amended proposal is part of the population growth forecast by Council and the State Government since the rezoning of land in Hornsby West Side Precinct in 2014 and accordingly, the State Government will provide infrastructure in accordance with its own strategic planning practices.
Streetscape/Character	This matter was addressed in Section 4.3.1 of the original Development Assessment Report where it was concluded that the proposal was consistent with the desired future character set out in Council's DCP. The amended proposal is also consistent with this desired future character, noting that it has a reduced height which complies with the LEP and DCP provisions.
Heritage	This matter was addressed in Section 4.3.2 of the original Development Assessment Report where it was concluded that the proposal was acceptable with regard to heritage impacts. The amended recommended conditions of consent at Attachment 1 include revisions with respect to designation of a suitably qualified heritage professional to oversee the development and a requirement for a restriction on Title requiring an ongoing use for child care centre purposes.
Overshadowing	This matter was addressed in Section 4.3.4 of the original Development Assessment Report where it was concluded that the proposal was acceptable with regard to overshadowing, noting that the amended proposal reduces the height of buildings and accordingly, will result in less overshadowing of properties to the south of the Site.
Car Parking	The amended proposal provides a quantum of car parking which satisfies the minimum required by Council for residential and in total terms is considered satisfactory with regard to commercial spaces (see Section 3.1.4). Council does not support car parking in excess of the minimum requirements as to do so would be contrary to the provisions of the LEP and DCP to promote public transport and more sustainable transport methods and to reduce the overall impact of traffic on the surrounding road network.
Construction Impacts	This matter was addressed in Section 4.3.10 of the original Development Assessment Report where it was concluded that the proposed conditions of development consent are considered to be satisfactorily address these concerns.
Bushfire	This matter was addressed in Section 4.5.2 of the original Development Assessment Report where it was indicated that the NSW RFS have provided General Terms of Approval (GTAs) and a Bush Fire Safety Authority for the proposed development.
Strategic Planning	The proposal is consistent with the Greater Sydney Region Plan and the North District Plan and the LEP and DCP controls which were publicly exhibited prior to their introduction in 2014.
Noise	This matter was addressed in Section 4.3.3 of the original Development Assessment Report where it was concluded that the proposal is capable of complying with the relevant noise criteria subject to conditions of development consent.

3 Supplementary Environmental Assessment

Table 2 Summary of Submissions and Responses

Issue	Response
Building Construction Standards	A consent authority is not able to impose conditions of development consent requiring certain builders to construct the approved development. However, it is a statutory requirement that any consent granted be subject to a condition requiring the development to be constructed in accordance with the BCA, which includes requirements relating to fire safety standards and building materials.
Sewerage and Water Quality of Berowra Creek	Upon granting of development consent to the proposed development, a further approval from Sydney Water will be required for water and sewer connections and those connections must be in accordance with any conditions imposed by Sydney Water, whose responsibility it is for the maintenance and monitoring of water and sewer infrastructure.
Widening of Peats Ferry Road	The widening of Peats Ferry Road across the site frontage and across the frontages of all other land fronting Peats Ferry Road is not identified in Council's LEP and is not therefore, something that can be imposed on this DA. The Applicant has made an offer to accept a condition of consent requiring dedication of the land in the north-eastern corner of the site that is identified for acquisition.

4 Conclusion

The amended application seeks approval for the 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, 200 apartments in two towers and basement parking for 311 cars at 187-203 Peats Ferry Road & 2-6 Dural Street, Hornsby.

The amended proposal is permissible with development consent in the B4 Mixed Use Zone under LEP 2013 and is consistent with the objectives of that zone. The amended proposal fully complies with the height of buildings development standard and the FSR development standard under LEP 2013 and is consistent with the other relevant provisions of the LEP.

The amended proposal is consistent with the Design Quality Principles of SEPP 65 and substantially consistent with the design criteria of the ADG with the minor non-compliance relating to internal building separation considered acceptable in this instance.

Subject to conditions of consent, the proposal complies with the relevant provisions of the other relevant State Environmental Planning Policies.

The revised traffic modelling has been independently reviewed and is considered to be fit for purpose. This modelling demonstrates that although the proposed development will result in a reduction in the level of service and slight increases in queuing at several intersections on Peats Ferry Road, the overall impact of the proposal on the road network will be minimal compared to a future scenario without the proposed development.

The public submissions in respect of the amended proposal have been assessed and it is considered that they do not raise any new or substantially different matters to those which were considered in the original Development Assessment Report prepared by DFP dated October 2019. Subject to conditions of consent, the proposal is satisfactory with regard to the matters raised in public submissions.

Accordingly, it is recommended:

*THAT the Sydney North Planning Panel grant Consent to Development Application No. DA/201/2018 for 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, 200 apartments in two towers and basement parking for 311 cars at 187-203 Peats Ferry Road & 2-6 Dural Street, Hornsby, being Lots C, D & E DP 367580, Lots A & B DP 384707, Lots 1, 2, 3 & 9 Sec 1 DP 1880, Lots A & B DP 337147 and Lot 1 DP 951409, pursuant to Section 4.16(1)(a), 4.16(3) and 4.16(4)(b) of the Environmental Planning and Assessment Act, 1979 subject to the conditions of consent detailed at **Appendix 1** to this report.*