

DATE OF DETERMINATION	12 June 2020
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, Felicity Findlay, Ross Walker
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held via teleconference on 10 June 2020, opened at 1.05pm and closed at 3.05pm.

MATTER DETERMINED

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)

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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

On 30th October 2019, the Panel deferred the development application to enable the Applicant to submit amended plans to address height and setback non-compliances and additional information relating to traffic management, the ongoing childcare use of the heritage building “Norwood” and confirmation of the Applicant’s willingness to dedicate land identified for road widening.

The Applicant submitted amended plans for 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 contain a total of 200 residential apartments (reduced from 231 apartments). The amended proposal now fully complies with the height of buildings development standard in the Hornsby Local Environmental Plan 2013 (LEP).

Additionally having removed encroachments into the northern setback, the amended proposal now fully complies with the above podium 3m setback to the boundary to Hornsby Park.

The amended proposal, which is permissible with consent in the B4 Mixed Use Zone pursuant to the LEP, is consistent with the objectives of that zone, complies with the floor space ratio and height of buildings development standards and is consistent with other relevant provisions of the LEP. The amended proposal is also consistent with numerical controls in the Hornsby Development Control Plan 2013 (DCP).

The amended plans also include modifications to the layout of the vehicular access and basement car parking and provide improvements to the operation of the basement car parking and provision for service vehicles.

The revised traffic modelling has been independently reviewed and is considered fit for purpose. The traffic 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.

In relation to securing the ongoing childcare use of the heritage building “Norwood” and associated areas of the site the Applicant provided written confirmation of a willingness to accept a condition of consent requiring a covenant on the title of the land. The Applicant also provided written confirmation of a willingness to accept a condition of consent securing the dedication of the 2m by 2m splay at the corner of Peats Ferry Road for the purposes of widening a public road.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the addition of the following amendment:

- New Condition 2(a)(ii) - Plans D110-030 and any other relevant plans relating to Building B are to be amended to include door access from the central internal corridor, at its southern end, to allow access for residents in Building B to the communal open space on Level 3 and into Building A.





CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. Issues of concern included:

- Height & Overshadowing
- Traffic & Parking
- Infrastructure & Strategic Planning
- Heritage
- Flora & Fauna
- Noise
- Construction Impacts
- Bushfire

Concerns raised by the community were adequately addressed in the Assessment Report and by the Applicant and Council during the public meeting.

It is worth noting that many of the concerns raised were of a strategic nature rather than the site's specific development controls.

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

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, 200 apartments in two towers and basement parking for 311 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 ○ In objection – Clr Emma Heyde, Clr Vince Del Gallego, Clr 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 <ul style="list-style-type: none"> ● Verbal submissions at the public teleconference meeting 10 June 2020: <ul style="list-style-type: none"> ○ In support – ○ In objection – 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, Robin Buchanan on behalf of the Powerful Owl Coalition, John Inshaw on behalf of Galston Areas Residents Association, Clr Joe Nicita, Clr Emma Heyde, Sap Pacetta, Justine Smillie, Rhonda Williams, Betsy Williams, Gordon Griffiths, Patricia Brown, Fenella Walter, Rachel Guest ○ Council assessment officer – Kendal McKay, James Farrington ○ On behalf of the applicant – Karl May, Myall Stevens
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. ● Final briefing to discuss council's recommendation, 10 June 2020 at 12.30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, 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