

# DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday 10 October 2018
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, David White, Ross Walker
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Hornsby Shire Council Chambers, 296 Peats Ferry Road Hornsby on 10 October 2018, opened at 3pm and closed at 3.06pm.

#### MATTER DETERMINED

2018SNH051 – Hornsby – DA142/2018 at 12 Edgeworth David Avenue 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 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

### **REASONS FOR THE DECISION**

The Panel accepts the recommendation of the planning assessment report on the grounds that the proposal improves the facilities available to the Hornsby Girls High School without material impact on the surroundings. The Panel notes that there are no objectors to the application.

The Panel resolves to delete Condition 3 of the draft conditions, which requires a monetary contribution under section 7.12 of the Environmental Planning and Assessment Act 1979. While section 7.12 does not require a nexus between the contribution and the services provided, the Panel notes that in this case there are no additional students in the school resulting from the proposed development. In addition, this being a Crown application, a consent authority can impose a condition only with the agreement of the Minister or the applicant. The applicant has not agreed to proposed Condition 3.

## CONDITIONS

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

• Condition 3 Section 7.12 Development Contributions to be deleted.

PANEL MEMBERS		
Peter Debnam (Chair)	fue fri Sue Francis	
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John Roseth	David White	
Ross Walker		

SCHEDULE 1			
1	PANEL REF – LGA – DA NO.	2018SNH051 – Hornsby – DA142/2018	
2	PROPOSED DEVELOPMENT	Demolition of an existing building and the construction of a new creative arts building.	
3	STREET ADDRESS	12 Edgeworth David Avenue, Hornsby	
4	APPLICANT	Crawford Architects	
	OWNER	Minister for Education and Training	
5	TYPE OF REGIONAL DEVELOPMENT	Crown development referred under section 4.33 of the EP&A Act	
6	RELEVANT MANDATORY CONSIDERATIONS	<ul> <li>Environmental planning instruments:         <ul> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (No2 – 1977)</li> <li>Hornsby Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans:         <ul> <li>Hornsby Development Control Plan 2013</li> </ul> </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> <li>Council assessment report: 26 September 2018</li> <li>Written submissions during public exhibition: nil</li> <li>Verbal submissions at the public meeting:         <ul> <li>Council assessment officer – Rodney Pickles</li> <li>On behalf of the applicant – Michael Beckwith</li> </ul> </li> </ul>	
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul> <li>Final briefing to discuss council's recommendation, 10 October 2018, 2.40pm. Attendees:         <ul> <li><u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, David White, Ross Walker</li> <li><u>Council assessment staff</u>: Madeleine Brown, Rodney Pickles</li> </ul> </li> </ul>	
9	COUNCIL RECOMMENDATION	Approval	
10	DRAFT CONDITIONS	Attached to the council assessment report	