

<b>DATE OF DEFERRAL</b>	15 October 2020
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ross Walker
<b>APOLOGIES</b>	David White
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 1 October 2020.

#### **MATTER DEFERRED**

2019SNH016 – Hornsby – DA65/2019 at 22-32 Park Avenue Waitara for a residential flat building (as described in Schedule 1)

#### **REASONS FOR DEFERRAL**

The proposed development on this site flows from a prior Development Application (DA) under which demolition of existing buildings was approved in 2016 and a further DA in 2017 submitted an original design plan for Council's consideration. After consultation with Council, the Applicant withdrew the 2017 DA.

A new proposal was lodged in February 2019 and considered by Council's Design Excellence Panel in March 2019. Subsequently, the applicant made substantial changes to the design and submitted amended plans in December 2019.

This current proposal involves construction of five 6 storey residential flat buildings comprising 181 units with basement parking for 219 vehicles and consolidation of nine allotments into one lot.

The current proposal was further considered by Council's Design Excellence Panel and was also comprehensively assessed by Council. As a result, Council has recommended extensive reasons for refusal listed in Schedule 1 of Council's Assessment Report.

With regard to the Clause 4.6 Variation to Height request, the Panel concurs with Council that the request is inadequate and accordingly the Panel could not approve the proposal in its current form.

The Panel considered refusing the application. However, based upon the Panel's review of the plans, documentation and Applicant and Council responses at the briefing on 15 October 2020, the Panel was of the view that with substantial design changes the proposal may be acceptable.

The Panel requests the Applicant and the Council meet, as a matter of urgency, to discuss all reasons for refusal listed in the Assessment Report. The Panel appreciates that resolution of these matters will require substantial changes to the building design and layout but believes such an outcome is achievable and should be pursued as soon as possible.

In addition to addressing Council's reasons for refusal, the amended design should ensure the proposal:



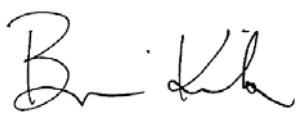

- Complies with the height standard;
- Very substantially increases the amount and configuration of the communal open spaces to provide opportunities for a range of recreational activities with good solar access, landscaping and demonstrated accessibility for residents;
- Resolves the flood / stormwater issue;
- Clearly identifies all areas of private open space;

- Meets the urban design standards of both the Apartment Design Guide and Hornsby Development Control Plan 2013, both quantitatively and qualitatively, with particular reference to setbacks, solar access, articulation (façade presentation), privacy (separation distances), landscaping and deep soil areas for trees; and
- Amends the design to have regard to the future character of the Precinct and the development's street presentation should respect its highly visible presence when viewed from the public domain and adjacent park.

The Panel resolved to defer the determination of the matter to allow the Applicant to urgently resolve the above concerns and submit amended plans and information.

Once Council receives the amended plans and information, a Supplementary Assessment Report will be prepared and the Panel will reconsider the proposal at the earliest possible opportunity.

The decision to defer was unanimous.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Ross Walker (OAM)

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SNH016 – Hornsby – DA65/2019
2	PROPOSED DEVELOPMENT	Construction of 5 x 6 storey residential flat buildings comprising 181 units with basement car parking for 219 vehicles and consolidation of 9 allotments into 1 lot.
3	STREET ADDRESS	Lot 1 and Lot 2 DP 1007710, Lot 11 DP 6852, Lot 31 and 32 DP 856384, Lot 1 and 2 DP 507307, Lot B and C DP 324923, No.22-32 Park Avenue, Waitara
4	APPLICANT/OWNER	Statewide Planning Pty Ltd / Waitara Linx Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No. 55 Remediation of Land</li> <li>State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No. 2 - 1997)</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Apartment Design Guide</li> <li>Hornsby Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Hornsby Development Control Plan 2013</li> <li>Hornsby Section 7.11 Development Contributions Plan 2020-2030</li> </ul> </li> <li>Planning agreements: Nil</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 style="list-style-type: none"> <li>Council assessment report: 30 September 2020</li> <li>Clause 4.6 Variation Request – Height of Buildings</li> <li>Applicant response: 15 October 2020</li> <li>Written submissions during public exhibition: 5</li> <li>Total unique submissions received by way of objection: 5</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li><b>Briefing: 5 June 2019</b> <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Sue Francis, David White, Ross Walker</li> <li><u>Council assessment staff</u>: Matthew Miles, Rodney Pickles</li> </ul> </li> <li><b>Site inspection: 5 June 2019</b></li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, David White, Ross Walker</li> <li>○ <u>Council assessment staff</u>: Matthew Miles, Rodney Pickles</li> <li>• <b>Final briefing to discuss council's recommendation</b>: 13 October 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, David White, Ross Walker</li> <li>○ <u>Council assessment staff</u>: Matthew Miles, Rodney Pickles</li> </ul> </li> <li>• <b>Applicant Briefing</b>: 15 October 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, David White, Ross Walker</li> <li>○ <u>Applicant representatives</u>: Charlie Demian, Aleksandar Jelcic , Christopher Demian</li> <li>○ <u>Council Assessment Staff</u>: Matthew Miles, Cassandra Williams</li> </ul> </li> </ul> <p><u>Note</u>: Applicant briefing was requested to provide the Panel to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report