



**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 18 December 2019
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), John Roseth, Ross Walker, David White
<b>APOLOGIES</b>	Sue Francis
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Hornsby Council Chambers, 296 Peats Ferry Road Hornsby, on 11 September 2019, opened at 1.15pm and closed at 4.16pm.

**MATTER DETERMINED**

2019SNH026 – Hornsby – DA1227/2018 at Nos. 6-12 Mount Pleasant Avenue and Nos. 91-93 Pennant Hills Road, Normanhurst for construction of an early learning child care facility (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.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

**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**

The proposal provides for an education facility for young children on a site already used for educational purposes.

The proposal complies with all planning requirements.

The Panel acknowledges that there is clearly strong public objection to the proposal. The objection is based on the perceived impact on traffic and parking in Mount Pleasant Avenue and Osborn Road. In the event, the Panel accepted the expert opinion of the applicant's traffic engineers, endorsed by the council's engineer, that the impact on traffic of the proposed Early Learning Centre did not justify the refusal of the application.

**CONDITIONS**

The development application was approved subject to the conditions in the council assessment report and memo received 11 December 2019, with the following amendments:

- A new Condition 19A is added to read as follows:  
*The operational Traffic management Plan for the Early Learning Centre shall be integrated with the Traffic Management Plan for the Loreto School and be submitted to council for approval prior to the Construction Certificate.*
- Condition 43(b) amended to read as follows:





*An application is to be made to the council for submission to the Local Traffic Committee to install No Parking signs along the western side of Osborn Street as identified by Ason Group reference 0731106v5. If the Local Traffic Committee approves the increase of parking restriction by an additional 25m during pick up and drop off times, the signs shall be installed.*

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered 65 written submissions made during the first public exhibition and 48 submissions during the second exhibition of the amended application. Fifteen people spoke at the first public meeting on 11 September 2019 and 15 at the second public meeting on 18 December 2019. The issues of concern were the proposal's impact on traffic and parking. All objectors agreed that the existing school has an adverse impact on the surrounding streets, Osborn Street and Mount Pleasant Avenue. While the Panel accepts that the existing school causes problems to surrounding residents, it must be guided by the expert opinion of the applicant's traffic experts and the council's engineer, who advised that the impact on traffic and parking of the proposed Early Learning Centre was acceptable and did not warrant the refusal of the application.

As a result of the strong community objection, the Panel imposed an additional condition, condition 19A (see above) requiring the integration of the Early Learning Centre Traffic Management Plan with the Traffic Management Plan for Loreto School.

Additionally, the Panel believes that the majority of resident concerns regarding traffic and parking are matters which must be addressed in the State Significant Development Loreto Master Plan.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Ross Walker OAM	 David White

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SNH026 – Hornsby – DA315/2019
2	PROPOSED DEVELOPMENT	Demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places, an increase in the school student cap from 1150 to 1230 students and site amalgamation.
3	STREET ADDRESS	Nos. 6-12 Mount Pleasant Avenue and Nos. 91-93 Pennant Hills Road, Normanhurst
4	APPLICANT/OWNER	Loreto Convent Property Association
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 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 No. 44 Koala Habitat Protection</li> <li>○ State Environmental Planning Policy No. 55 Remediation of Land</li> <li>○ State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>○ Rural Fire Act 1997</li> <li>○ Child Care Planning Guideline 2017</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> </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: 28 August 2019</li> <li>• Council supplementary report: 6 December 2019</li> <li>• Council memo: 11 December 2019</li> <li>• Written submissions during public exhibition: 65</li> <li>• Submissions made at public meeting 11 September 2019: <ul style="list-style-type: none"> <li>○ David Wilkins, Michael Wensley</li> </ul> </li> <li>• Verbal submissions at the public meeting 11 Sept 2019: <ul style="list-style-type: none"> <li>○ In objection – Phil Tucker, Lindsay Spooner, Marian Webb, Colin Watson, Frank Hutchinson, David Wilks, Michael Wensley, Victoria Wensley, Nenad Miletick, Suzanne Shields, Susan Cornish, Brian Cornish, Elke Wagener, Brian Swanepoel, Jan Cowell</li> <li>○ Council assessment officer – Rodney Pickles</li> <li>○ On behalf of the applicant – Marina Ugonotti, Michael Rowe</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Verbal submissions at the public meeting 18 December 2019: <ul style="list-style-type: none"> <li>○ In objection – Susan Cornish, David Wilkins, Suzanne Shields, Frank Hutchinson, Elke Wagener, Frieda Oslington, Philip Tucker, Marian Wbb, Helen Nancarrow, Michael Wensley, Victoria Wensley, Allan Williams, Jan Cowell, Matthew Gee, Jarrod Plumber, Matthew Gee.</li> <li>○ Council assessment officer – Rodney Pickles</li> <li>○ On behalf of the applicant – Michael Rowe, Andrew Johnson, Marina Ugonotti</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection: 5 June 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Ross Walker, David White</li> <li>○ <u>Council assessment staff</u>: Matthew Miles, Alan Yang, Rodney Pickles</li> </ul> </li> <li>• Briefing: 5 June 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, Ross Walker, David White</li> <li>○ <u>Council assessment staff</u>: Matthew Miles, Alan Yang, Rodney Pickles</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 11 September 2019 at 3.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, David White, Ross Walker</li> <li>○ <u>Council assessment staff</u>: Cassandra Williams, Matthew Miles, Alan Yang, Rodney Pickles</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 18 December 2019 at 12.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), John Roseth, David White, Ross Walker</li> <li>○ <u>Council assessment staff</u>: Cassandra Williams, Alan Yang, Rodney Pickles</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report