

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	13 October 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ross Walker and David White
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 28 September 2021.

MATTER DETERMINED

PPSSNH-205 – Hornsby - DA/484/2011/I, Lot 1 DP 654433, Lot C DP 38865, No. 392 Galston Road & No. 5 Mid-Dural Road, Galston, Section 4.56 modification to amend conditions of consent relating to staging of dwelling construction, road works and Sydney Water requirements (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 modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR THE DECISION

The Panel reviewed the documentation, discussed the modification with Council and the Applicant and concurs with Council that the proposed modification is substantially the same as the original development as approved.

Additionally, the modification complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013 and it does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.

The modification application has satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, approval of the proposed development would be in the public interest.

CONDITIONS

The modification application was approved subject to amended conditions 61D, 61E and Condition 79, in Council's email dated 12 October 2021, which read as follows:

Condition 61D. Occupation Certificate for Stage 1A

Prior to issuing an Occupation Certificate for Stage 1A (temporary community centre and dwellings 3 -10) conditions of consent 44, 44B, 44C, 45(a), 46, 47, 55, 61, 61E must be satisfied. The remaining conditions in stage 1 must be satisfied prior to the Occupation Certificate for Stage 1B.

Note: The Stage 1A works are shown on Site Plan - Stages 1a & 1b (drawing MODI-01), prepared by Vigor Master dated 16/09/2021.

Condition 61E. On-Site Detention System Certification






Prior to the issue of an occupation certificate for each stage of the development, a certificate from a qualified engineer shall be provided to the Principal Certifying Authority certifying that the on-site detention system has been constructed generally in accordance with Appendix 12 - Civil Engineering Concept Design Report dated 2 July, 2010 by Meinhardt Infrastructure and Environment Pty Ltd, having regard to the storage volume, discharge rate and safety requirements relevant to the particular stage of the development.

TfNSW Condition 79.

The design and construction of the interim Stage 1 and 2 left-in/left-out vehicular access on Galston Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@rms.nsw.gov.au. Detailed design plans of the proposed Stage 1 and 2 interim gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 1 written submission made during public exhibition concerning landscaping and loss of privacy. The Panel considers the concerns raised have been adequately addressed in Council's Assessment Report, by Applicant and Assessor during the meeting and by the conditions.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-205 – Hornsby - DA/484/2011/I, Lot 1 DP 654433
2	PROPOSED DEVELOPMENT	Section 4.56 modification to amend conditions of consent relating to staging of dwelling construction, road works and Sydney Water requirements
3	STREET ADDRESS	Lot 1 DP 654433, Lot C DP 38865, No. 392 Galston Road & No. 5 Mid-Dural Road, Galston
4	APPLICANT/OWNER	Applicant - Vigor Master Pty Ltd Owner - 392 Galston Investment Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	SEPP criteria now repealed - Section 4.56 application

6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing for Seniors or People with A Disability) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Koala Habitat Protection) 2019 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: Nil Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 24 September 2021 Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 13 October 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, David White and Ross Walker <u>Council assessment staff</u>: Rodney Pickles and Benjamin Jones <u>Applicant representative</u>: Ivy Wang and Michael
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report