

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	6 April 2022
<b>DATE OF PANEL DECISION</b>	6 April 2022
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ross Walker and David White
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 1 April 2022.

#### MATTER DETERMINED

PPSSNH-283 – Hornsby – DA/484/2011/K, 392 Galston Road, Galston, Section 4.56 Modification to Villas 26 to 46 to change villa layouts, amend internal driveway areas and amend community centre design (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.

#### MODIFICATION APPLICATION

The Panel determined to approve the application for modification of consent pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

#### REASONS FOR THE DECISION

The Panel resolved to approve the modification application for the reasons set out below and in Council's Assessment Report.

DA/484/2011 has previously been subject to numerous modifications, most of which have been minor and targeted to a specific aspect of the development.

The site currently contains dwellings and infrastructure, which has been constructed under Stage 1 of the development consent. Stages 2 and 3 have not yet been commenced, and as such the bulk of the site remains a construction site.

This application seeks:

- Modification to Villas 26 to 46 comprising of a redesign of the individual dwellings associated with Stage 2 of the development;
- Minor changes to road design to suit new villa layout;
- Changes to the landscape design, especially adjacent to the eastern side boundary to suit the new villa design; and
- Changes to the community centre (which were originally proposed under the previously refused modification application DA/484/2011/J).

The proposed modifications are minor in nature and of minimal environmental impact - subject to the amended conditions of consent.

After consultation between the Panel, Council and Applicant, the landscaping condition has been amended to provide long-lasting and dense screen plants in lieu of the originally proposed wattles, which while fast growing, do not provide dense screening and are often short lived.






The Panel concurs with Council that the modification can be approved, subject to conditions, as the proposed modifications are substantially the same as the originally approved DA/484/2011 and the site compatibility certificate issued for the site.

The proposed modifications would also have an acceptable impact on the natural and built environment and would not cause the development to become non-compliant with any of the relevant planning controls.

#### **CONDITIONS**

The modification application was approved subject to modified conditions 3, 4A, 27B and 61B as recommended in Council's Assessment Report.

**CONSIDERATION OF COMMUNITY VIEWS**In coming to its decision, the Panel noted no written submissions were made during the public exhibition and therefore no issues of concern were raised.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-283 – Hornsby – DA/484/2011/K
2	PROPOSED DEVELOPMENT	Section 4.56 Modification to Villas 26 to 46 to change villa layouts, amend internal driveway areas and amend community centre design
3	STREET ADDRESS	392 Galston Road, Galston
4	APPLICANT/OWNER	Vigor Master / 392 Galston Investment Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments:</li> <li>• Hornsby Local Environmental Plan 2013</li> <li>• State Environmental Planning Policy No. 55 Remediation of Land</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Hornsby Development Control Plan 2013</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></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: 1 April 2022</li> <li>• Statement of Environmental Effects prepared by Vigor Master.</li> <li>• Architectural Plans prepared by Vigor Master (as Amended).</li> <li>• Written submissions during public exhibition - 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Kick of briefing – 14 December 2021</li> <li>• Briefing – 16 February 2022</li> <li>• Final briefing to discuss council's recommendation: 6 April 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, David White and Ross Walker</li> <li>○ <u>Council assessment staff</u>: Benjamin Jones, Cassandra Williams and Rodney Pickles</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report