

DATE OF DETERMINATION	19 June 2023
DATE OF PANEL DECISION	15 June 2023
DATE OF PANEL MEETING	14 June 2023
PANEL MEMBERS	Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Mark McCrindle
APOLOGIES	Sue Weatherly
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 14 June 2023, opened at 3.35pm and closed at 3.43pm.

MATTER DETERMINED

PPSSNH-390 - DA/484/2011/N - No.392 Galston Road, Galston, Section 4.56 - Modification to roadworks and internal driveway (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 listed at item 8 in Schedule 1.

Development application

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

The Panel's decision was unanimous.

REASONS FOR DECISION

The Modification was approved for the reasons below and in Council's Assessment Report.

The application seeks to modify development application DA/484/2011 which included conditions imposed by Roads Traffic Authority (now Transport For NSW) that required Left in/Left out access only to both Galston Road and Mid Dural Road and construction of a central medium to prevent vehicles turning right into the property.

The Panel notes DA/484/2011 has been subject to numerous amendments in recent years, most of which have been minor and targeted to a specific aspect of the development. However, in February 2022, modification DA/484/2011/J was refused by the Sydney North Planning Panel. Modification 'J' sought to redesign the intersection and staging requirements of the intersection with Galston Road, amend the internal design of the approved community centre and erect new signage on site. Modification 'J' was refused as the concurrence of Transport for NSW (TfNSW) was not obtained for the design of the intersection with Galston Road.

The current modification application 'N' seeks to address TNSW reasons for refusal of modification 'J' by providing an amended road design and amended access arrangements and on 20th April 2023, Transport for New South Wales (TfNSW) reviewed the proposed modifications under Section 138 of the Roads Act 1993 and provided concurrence to the application.

The Panel concurs with Council that the modification application has been properly considered in accordance with relevant planning controls, will provide a development outcome that would result in a



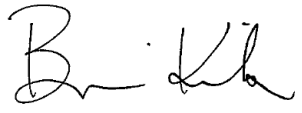

positive outcome for the community and it would be in the community interest that the modification be approved.

CONDITIONS

The modification application was approved subject to the conditions submitted with Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 19 written submissions made during the public exhibition of the proposal and heard from one community member who wished to address the public meeting. Issues of concern included inadequate consultation, traffic and vehicle access arrangements and bus stop location. The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report, by Applicant and Council responses during the public meeting and in the conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	 Mark McCrindle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-390 - DA/484/2011/N – Hornsby
2	PROPOSED DEVELOPMENT	Section 4.56 - Modification to roadworks and internal driveway
3	STREET ADDRESS	No. 392 Galston Road, Galston
4	APPLICANT/OWNER	Applicant - Vigor Master Pty Ltd Owner - 392 Galston Investment Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Modification Application under Section 4.56
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Transport and Infrastructure 2021 Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hornsby Development Control Plan 2013 Planning agreements: Nil

		<ul style="list-style-type: none"> • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Coastal zone management plan: Nil • Other relevant plans: 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"> • Assessment Report • Schedule of Conditions • Statement of Environmental Effects prepared by Vigor Master • Architectural Plans prepared by Vigor Master (as Amended) • Civil Plans prepared by Mepstead & Associates • Copy of Transport for NSW correspondence dated 19 April 2023 • Written submissions during public exhibition: 19 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Members of the community – Ted Shade Chair on behalf of the residents of Marston Living on ○ Council Assessment Officers – Matthew Miles, Rodney Pickles, Cassandra Williams ○ On behalf of the applicant – Ivy Wang
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 14 June 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Mark McCrindle ○ <u>Council assessment staff</u>: Matthew Miles, Rodney Pickles, Cassandra Williams
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report