

DATE OF DETERMINATION	07 June 2024
DATE OF PANEL DECISION	07 June 2024
DATE OF PANEL MEETING	05 June 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Sue Weatherley, Mark McCrindle
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 24 May 2024.

MATTER DETERMINED

PPSSNH-425 - DA/885/2023 – Hornsby

Lot 12 DP 1151463, No. 1-3 Stevens Street, Pennant Hills Lot 13 DP 25833, No. 26 Yarrara Road, Pennant Hills

Demolition of dwelling houses and associated structures. Construction of educational establishment with teachers' accommodation and basement carparking on 1-3 Stevens Street, and a split-level community facility on 26 Yarrara Road.

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 development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The Panel determined to approve the DA for the reasons below and in Council's comprehensive Assessment Report.

The subject site is known as Lot 12 DP 1151463 and Lot 13 DP 25833 1-3 Stevens Street and 26 Yarrara Road Pennant Hills ('the site') and comprises a corner lot with two road frontages being Yarrara Road to the east and Stevens Street to the north.

Existing development on the site consists of two single storey dwelling houses, which have been converted to an educational establishment, and a single storey dwelling house. The dwelling house was previously approved and is used for professional consulting rooms. The educational establishment currently has approval for 15 students and accommodation for 5 employees while the DA envisages a maximum of 20 students and 3 staff on site at any one time.

The Panel notes the amended Plan of Management envisages the two facilities would not operate concurrently. During hours that the Educational establishment is in use, the Community Facility would not be in use and this arrangement is detailed in the conditions.

The site is in the R2 Low Density Residential Zone pursuant to Clause 2.2 of the Hornsby Local Environmental Plan 2013 ('HLEP'). The proposal is not consistent with the current definition of an

educational establishment and therefore relies on existing use rights while community facilities are permissible in the zone with consent.

The Panel notes the proposal would facilitate an increase in staff and student numbers to be accommodated on site and the provision of educational opportunities and community outreach programs.


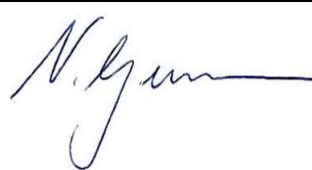
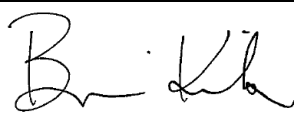


The Panel concurs with Council that the DA has been properly assessed pursuant to Section 4.15 of the EP&A Act, and its approval would be in the public interest as it provides educational and community facilities and would not result in any adverse impacts to the community.

CONDITIONS

The Panel discussed conditions with Council and the Applicant especially as they related to hours of operation, the location of air conditioning units, enclosure of fire hydrants and other services, Plan of Management, additional signage and translucent windows on the western side of the ground floor. The development application was approved subject to the amended conditions in Council's email of 5th June.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 7 submissions in objection and 2 submissions in support. Issues of concern included scale, community facility, traffic and transport, construction management, emergency services access, excavation work, noise impact, privacy, impact on flora and fauna Impact. The Panel considers concerns raised by the community have been adequately addressed in Council's Assessment Report and in the conditions as amended.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-425 - DA/885/2023 – Hornsby
2	PROPOSED DEVELOPMENT	Demolition of dwelling houses and associated structures. Construction of educational establishment with teachers' accommodation and basement carparking on 1-3 Stevens Street, and a split-level community facility on 26 Yarrara Road.
3	STREET ADDRESS	Lot 12 DP 1151463, No. 1-3 Stevens Street, Pennant Hills Lot 13 DP 25833, No. 26 Yarrara Road, Pennant Hills
4	APPLICANT/OWNER	Applicant - Lachlan Rodgers - The Planning Hub

		Owner - The Association for Educational Projects Ltd
5	TYPE OF REGIONAL DEVELOPMENT	A private community facility (educational establishment) having a capital investment value in excess of \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: Hornsby Development Control Plan 2013 Planning agreements: Nil 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"> Council assessment report with draft conditions of consent. Summary of public submissions Waste Management Plan Statement of Environmental Effects Landscape Plan Ecological Assessment Arborist Report Architectural Plans Access Report CIV report Plan of Management Survey Plan Section J Report Heritage Impact Statement Flora and Fauna Assessment Civil Engineering Plans BASIX Certificate Acoustic Report Written submissions during public exhibition: 7 submissions in objection, 2 submissions in support
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE	<ul style="list-style-type: none"> 18 October 2023 – Preliminary Briefing

	PANEL	<ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran ○ <u>Council assessment staff</u>: Katrina Maxwell, Cassandra Williams, Rod Pickles ○ <u>Applicant</u>: Lachlan Rodgers, Marybeth, Marybelle, Alex Torville ● 05 June 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Sue Weatherley, Mark McCrindle ○ <u>Council assessment staff</u>: Katrina Maxwell, Cassandra Williams, Rod Pickles ○ <u>Applicant</u>: Lachlan Rodgers, Marybeth, Marybel, Alex Torville, Daniel Walker, Rick Alloggia
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report