

DATE OF DETERMINATION	20 August 2026
DATE OF PANEL DECISION	20 August 2026
DATE OF PANEL MEETING	19 August 2026
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Sue Weatherley
APOLOGIES	Mark McCrindle
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 19 August 2026, opened at 10:30 am and closed at 11:31 am.

Papers circulated electronically on 4 August 2026.

MATTER DETERMINED

PPSSNH-739 – Hornsby – DA/1086/2025 at 19-23 Forbes Street, Hornsby NSW 2077 – Demolition of existing structures and construction of a 7-storey low and mid-rise (LMR) affordable housing residential flat building comprising 69 units (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 the meeting listed at item 8 in Schedule 1.

Application to vary a development standard:

Following consideration of the written requests prepared by the Applicant, made under clause 4.6 of the *Hornsby Local Environmental Plan 2013* (LEP) with regard to the maximum height of building and permissible floor space ratio (FSR).

The Panel is **NOT** satisfied that:

- the Applicant's written request to exceed the maximum permissible building height and FSR has demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

Development Application

The Panel determined to refuse 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 Panel determined to refuse the Clause 4.6 variation request to permissible building height and FSR, and refuse the application for the reasons outlined in the Council Briefing Reports uploaded by Council to the NSW Planning Portal on 7 July 2026 and 3 August 2026, respectively.

The Panel notes that during the Public Determination Meeting on 19 August 2026, the Applicant referred to amended plans and requested the Panel defer determination of the application to enable formal submission of the amended plans, Council's assessment of those plans, and a further review of the amended application by the Panel.

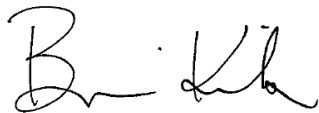
While the Panel considered deferral of the matter to enable the formal submission of amended plans prepared to address the Statement of Facts and Contentions (SoFAC) together with Council's assessment of the amended application, the Panel notes there is insufficient time available before court hearings scheduled for early September 2026 to satisfactorily complete the assessment and deliberation process. Accordingly, the Panel resolved to refuse the application.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel during the Public Determination Meeting held 19 August 2026. The Panel notes that issues of concern included:

- Inconsistent with current streetscape and local character
- Excessive bulk and scale within R3 zoning
- Visual impact to neighbouring properties
- Potential of setting precedent of high-density development within area
- Impact to heritage character and visual integrity of area
- Amenity impacts to adjoining properties
- Acoustic and privacy impacts
- Overshadowing. Solar access and view loss
- Contravention of current planning controls
- Validity of clause 4.6 variations sought
- Non-compliance with the Housing SEPP (2021) and Apartment Design Guide
- Traffic generation
- Excessive tree removal
- Environmental impacts due to proximity to creek
- Construction management plan and safety considerations
- Adequacy of stormwater and flood mitigation measures
- Dilapidation and Geotechnical Report accuracy

The Panel considers that concerns raised by the community have been adequately addressed in the Council Briefing Reports and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Sue Weatherley

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-739 – Hornsby – DA/1086/2025
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 7-storey low and mid-rise (LMR) affordable housing residential flat building comprising 69 units.
3	STREET ADDRESS	19-23 Forbes Street, Hornsby NSW 2077
4	APPLICANT/OWNER	Applicant: Warren Turner Owner: Mr. Warren Turner, Mr. Matthew Turner, Ms. Ella Turner
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Housing) 2021 - Hornsby Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: - Hornsby Development Control Plan 2013 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - 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	- Council Briefing Report [1]: 7 July 2026 - Council Briefing Report [2]: 3 August 2026 - Clause 4.6 Variation Request Report (Floor Space Ratio): September 2025 - Clause 4.6 Variation Request Report (Height Building): September 2025 - Clause 4.6 Variation Request Report (Height Building): June 2026 - Written submissions received during public exhibition: 74 - Written submissions received during court process: 8 - Verbal submissions at the public meeting: - Jennifer Howie, Foo Weng Koh (Alex), Glenn McCall, Kathy Wallace, Kwok Lai, Ashley Newman, Chay Flack, Constance Peng - Council assessment officer – Katrina Maxwell - On behalf of the applicant – Warren Turner,
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Public Determination Meeting to discuss Council’s final recommendation and to defer: 19 August 2026 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Sue Weatherley <u>Council representatives</u>: Katrina Maxwell, Rodney Pickles, Cassandra Williams, Caroline Maeshian <u>Applicant representatives</u>: Warren Turner, Matthew Turner, Anthony Betros, Andrew Nicolle <u>Department staff</u>: Nicole McNamara, Anaise Nagy

9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Uploaded to the NSW Planning Portal by Council on 18 August 2026