

# **MINUTES OF HORNSBY SHIRE LOCAL PLANNING PANEL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY

on Wednesday 28 March 2018

at 6:30pm



## **PRESENT**

Chairperson - Garry Fielding

Expert Panel Member - Linda McClure

Expert Panel Member - Juliet Grant

Community Member - John Filocamo

Community Member - Jerome Cox

## **STAFF PRESENT**

Group Manager, Planning Division - James Farrington

Manager Development Assessments – Rod Pickles

Team Coordinator – Philip Vergison

Senior Town Planner - Caroline Maeshian

*The Meeting commenced at 6.30pm.*

## **AUDIO RECORDING OF COUNCIL MEETING**

Statement by the Chairman:

*"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting in accordance with the requirements of Schedule 4B of the Environmental Planning and Assessment Act 1979.*

*The recordings of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."*

## **DECLARATIONS OF INTEREST**

There were no declarations of Pecuniary Interest.

## **DISCLOSURE OF PECUNIARY INTEREST**

The Panel Chair tabled the disclosure of pecuniary interest forms in accordance with the Panels Operational Procedures.

## **ADDRESSES TO THE PANEL**

The following members of the public addressed the Panel on items on the agenda:

**IHAP1/18** - Development Application - Shop Top Housing Comprising 15 Residential Units and two Commercial tenancies - 16 Kita Road, Berowra Heights

J Primrose

Mohammed Eldardeiry

Robert Ledger

**IHAP2/18** - Development Application - Alterations and additions and conversion of an existing building to a boarding house - 767 Pacific Highway, Mount Kuring-gai

Garth Hunt

Emma Neate

**IHAP3/18** - Development application - alterations and additions to a dwelling house - No.7 Koorringal Avenue Thornleigh

Nick Blackwell

Elizabeth Corderoy

J Primrose

Evelyn Wang

Brad Delapierre

**IHAP4/18** - Development Application - Torrens title subdivision one allotment into two

**NIL**

**IN ACCORDANCE WITH CLAUSE 3.3(5.b) OF SCHEDULE 1 OF THE OPERATIONAL PROCEDURES DIRECTIONS ISSUED 23 FEBRUARY 2018.**

The Panel Chair closed the public meeting at 7:15pm for deliberation, voting and determination.

## **BUSINESS PAPER**

### **(IHAP) PLANNING DIVISION**

#### **1 IHAP1/18 Development Application - Shop Top Housing Comprising 15 Residential Units and Two Commercial Tenancies - 16 Kita Road, Berowra Heights**

**(DA/216/2017)**

### **RECOMMENDATION**

THAT the Hornsby Shire Council Planning Local Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and approve Development Application No. DA/216/2017 for demolition of existing structures and construction of a shop top housing development including 15 residential units and two commercial tenancies at Lot 101 DP 1043150, No. 16 Kita Road, Berowra Heights subject to the conditions of consent detailed in Schedule 1 of IHAP Report No. IHAP1/18.

### **PANELS DETERMINATION**

Recommendation adopted, subject to amended conditions set out below.

### **STATEMENT OF REASONS**

The reasons for the decision of the Panel were:

- The proposal results in appropriate scale of development and satisfactorily complies with the relevant provisions SEPP65.
- The Panel is of the opinion that the request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to vary to the maximum building height is well founded. The Panel is of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental Planning grounds to justify the variation to the development standard.

### **Conditions**

The development application was approved subject to the conditions of consent detailed in Schedule 1 of IHAP Report No. IHAP1/18 with the following amendments:

Delete Condition 1 and move to 6A to read:

- 6A. A detailed assessment of the site by a chartered structural engineer is to be undertaken for the design of the basement excavation, ground vibration, excavation support, design parameters for support systems and anchor design, groundwater and foundation design, to maintain the structural integrity of adjoining buildings.

### **3. Amendment of Plans**

- a) To comply with Councils requirement in terms of amenity, the approved plans are to be amended as follows:
  - i) The first floor windows at the north west elevation are to include cantilever aluminium louvers to provide summer shade and winter sun to the first floor windows;

- ii) The section of roof over the terrace areas of Units 12, 13, 14 and 15 are to be amended to allow winter sun and summer shade to the terrace and living room windows of Units 12, 14 and 15 and to the terrace of Unit 13.
  - iii) Private open space with a minimum depth of 2.4m is to be added to the second floor of Unit 2 at the eastern elevation in the form of a recessed balcony and the eastern bedroom redesigned, in compliance with the ADG criteria.
  - iv) The design of adaptable housing Units Nos. 13, 14 and 15 is to be revised to Universal Design Housing in accordance with the Liveable Housing Guidelines (2012) silver level design features.
- b) These amended plans must be submitted with the application for the Construction Certificate.
- Condition 2 to be amended to read as follows:

## 2. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Plan No.	Plan Title	Drawn by	Dated
0000 Rev B	Title Sheet	Architecture Design Studio	5/06/2017
1001 Rev B	Site Plan	Architecture Design Studio	23/01/2018
1101 Rev B	Basement Level	Architecture Design Studio	23/01/018
1201 Rev B	Ground Floor	Architecture Design Studio	23/01/2018
1301 Rev B	First Floor	Architecture Design Studio	23/01/2018
1302 Rev B	Second Floor	Architecture Design Studio	23/01/2018
1501 Rev B	Elevations 1	Architecture Design Studio	23/01/2018
1502 Rev B	Elevations 2	Architecture Design Studio	23/01/2018
1601 Rev B	Section 01	Architecture Design Studio	5/06/2017
1602 Rev B	Ramp Section	Architecture Design Studio	5/06/2017
Pn_0633	Finishes Schedule	Architecture Design Studio	Undated

000 Issue C	Coversheet	Site Image Landscape Architects	16.11.2017
101 Issue E	Landscape Plan Ground Floor	Site Image Landscape Architects	16.11.2017
102 Issue D	Landscape Plan Level 1	Site Image Landscape Architects	16.11.2017
501 Issue B	Landscape Details	Site Image Landscape Architects	17.01.2017

Document Title	Prepared by	Dated
BASIX Certificate No. 79294M_02	Positive Eco	4 Oct 2017
Access Report	Code Performance	21 Feb 2017
Environmental Noise Impact Assessment	Acoustic Noise & Vibration Solutions P/L	15 May 2017
Preliminary Site Investigation	Australian Geotechnical	12-01-17
Detailed Site Investigation	Australian Geotechnical	30-01-17
Traffic and Parking Assessment Report	Terraffic Pty Ltd	23 Feb 2017
SEPP 65 Design Verification	Architecture Design Studio	Feb 2017
Waste Management Plan (D07218580)	Architecture Design Studio	Undated
Arboricultural Assessment Report	Tree and Landscape Consultants	30 Jan 2018

- The following additional conditions requiring tree protection measures:

### **3A. Appointment of a Project Arborist**

A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.

Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.

### **25A. Trees to be Protected**

Trees 1,2,6,7,8,9,10 & 11 must be retained and protected.

### **25B. Installation of Tree Protection**

- a) Tree protection fencing for the trees to be retained in the road reserve must have protection measures for the ground, canopy installed in accordance with the relevant requirements of Australian Standard AS 4970-2009 - "*Protection of Trees on Development Sites*".

- b) Tree protection fencing must be erected around trees numbered 1,2,6,7,8,9,10 & 11 in accordance with section 4.5.2 of the Australian Standard AS4970-2009 by wrapping 2 layers of hessian or carpet underfelt around the trunk and branches for a minimum of 2 m or as lower branches permit, then wire or rope secures 75x50x2000 mm hardwood battens together around the trunk to enable pedestrian access along the public walkway.
- c) Ground protection to enable site movement if required near to trees 1,2,6,7,8,9,10 & 11 is to be achieved in accordance with section 4.5.3 of the Australian Standard AS4970-2009 within its prescribed Tree Protection Zone (TPZ-See Table 2) is to include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards where appropriate. These measures may be applied to root zones beyond the TPZ where required. Any modification to the TPZ to enable site access is to be certified by the project Arborist.
- d) Any scaffolding required for construction within the prescribed TPZs of trees 1,2,6,7,8,9,10 & 11 is to be installed in accordance with section 4.5.6 of the Australian Standard AS4970-2009.

### **25C. Tree Removal**

Trees 3,4,5 & 12 be removed in accordance with Work Cover NSW 2007, Code of Practice Tree Work, and replaced with an alternate tree plantings within the property boundary as part of final landscape works.

### **25C. Tree Protection Certification**

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

### **31A. Works Near Trees**

- a) No consent is granted for any works within the Structural Root Zone of trees 1,2,6,7,8,9,10 & 11
- b) To maintain tree health and condition, the appointed project arborist must monitor and record any and all necessary remedial actions required for trees 1,2,6,7,8,9,10 & 11.
- c) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the occupation certificate.

### **31B. Works within Tree Protection Zones**

- a) Root Pruning  
Any root pruning must be undertaken in accordance with the relevant requirements of Australian Standard AS 4970-2009 "*Protection of Trees on Development Sites*" - Sections 3.3.4, 4.5.4 and 4.5.5.
- b) Excavation  
Any and all necessary excavations within the Tree Protection Zone of trees numbered 1,2,6,7,8,9,10 & 11 must be undertaken using construction techniques as prescribed

in the Australian Standard AS 4970-2009 – “Protection of Trees on Development Sites” Section 4.5.5.

c) Changing of Grade

All grades within the Tree Protection Zone of trees 1,2,6,7,8,9,10 & 11 on the approved Site Plan must remain unaltered.

d) Installing Services

To minimise the environmental impacts of the development within the Tree Protection Zone (TPZ) of trees numbered 1,2,6,7,8,9,10 & 11 on the approved Site Plan.

- i) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as directional drilling or manual excavation.
- ii) The installation of any underground services must be inspected by the project arborist to monitor the likely impacts of the development on retained trees.
- iii) For manual excavation of trenches the project arborist must advise on roots to be retained and must monitor the works.

*Note: Manual excavation may include the use of pneumatic and hydraulic tools. Refer to Clause 4.5.3. of Australian Standard AS 4970-2009 – “Protection of Trees on Development Sites”.*

**44A. Landscaping**

Landscaping works to be completed in accordance with the Landscape Plan prepared by Site Image Landscape Architects.

**44B Replacement Trees**

Replacement tree species to be planted, must be super advanced specimens with stem gradually tapering, with crown symmetrical and roots established and proportional to the crown but not pot bound in at least a 25 litre volume bag, having been propagated to the standards of Specifying Trees a Guide to assessment of tree quality

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Juliet Grant, John Filocamo

AGAINST: NIL

The decision of the Panel was unanimous.

**2 IHAP2/18 Development Application - Alterations and Additions and Conversion Of An Existing Building To A Boarding House - 767 Pacific Highway, Mount Kuring-gai**

**(DA/645/2017)**

**RECOMMENDATION**

THAT Development Application No. DA/645/2017 for alterations and additions and conversion of an



existing building to a boarding house, comprising four bedrooms to accommodate seven lodgers at Pt Lot A DP 367447, No. 767 Pacific Highway, Mount Kuring-gai be approved subject to the conditions of consent detailed in Schedule 1 of IHAP Report No. IHAP2/18.

## PANELS DETERMINATION

Recommendation adopted, subject to amended conditions below.

## STATEMENT OF REASONS

The reasons for the decision of the Panel were:

- The proposed boarding house complies with the *State Environmental Planning Policy (Affordable rental Housing) 2009* and provides more housing choice of affordable rental housing close to public transport.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts.
- The Panel considers the design of the development is compatible with the character of the local area

## CONDITIONS

The development application was approved subject to the conditions of consent detailed in Schedule 1 of IHAP Report No. IHAP2/18 18 with the following amendments:

Condition 1 to be amended to read as follows:

### 1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

<b><i>Plan No.</i></b>	<b><i>Plan Title</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
1138-1A	Site Plan	Thorsette Pty Ltd	June 2017
1138-3B	Proposed Floor Plan	Thorsette Pty Ltd	September 2017
1138-4A	North and East Elevations	Thorsette Pty Ltd	June 2017
1138-5A	South and West Elevations	Thorsette Pty Ltd	June 2017

<b><i>Document Title</i></b>	<b><i>Prepared by</i></b>	<b><i>Dated</i></b>
Bushfire Hazard Assessment Report	Building Code & Bushfire Hazard Solutions Pty Ltd	14 June 2017
Draft Plan of Management Boarding House	Ian Glendinning Planning Pty Ltd	September 2017

Existing Floor Plan (Reference No. 1138-2A)	Thorsette Pty Ltd	June 2017
Proposed Floor Plan with Furniture (Reference No. 1138-SK-3A)	Thorsette Pty Ltd	September 2017
Bushfire Safety Authority – Ref: D17/2722 DA17081508725 KV	NSW Rural Fire Service	29 August 2017
BCA Compliance	BCA Vision	7 March 2017
Statement of Environmental Effects	Ian Glendinning Pty Ltd	June 2017
Basix Certificate - Certificate No. A278387	Archidoc Pty Ltd	13 April 2017

Condition 3 be amended to read:

3. Amendment of Documentation

- a) The Plan of Management prepared by Ian Glendinning Planning Pty Ltd and dated September 2017, is to be amended to include the following:
  - i) The off-site manager must be contactable 24 hours a day, seven days a week.
  - ii) The contact details of any off-site manager must be included in the Plan of Management.
- b) The amended Plan of Management must be submitted with the application for the Construction Certificate.

Condition 32 be amended to read:

32. The use of the premises must be managed in accordance with the amended Plan of Management as approved under condition 3 of this development consent.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Juliet Grant, John Filocamo

AGAINST: NIL

The decision of the Panel was unanimous.

**3 IHAP3/18 Development Application - Alterations and Additions To A Dwelling**

**RECOMMENDATION**

THAT Development Application No. DA/1124/2017 for alterations and additions at Lot 61, DP 213986, No.7 Koorringal Avenue Thornleigh be deferred until additional information has been received

**PANELS DETERMINATION**

Determination of the application be deferred subject to the provision of additional information.

**STATEMENT OF REASONS**

The reasons for the decision of the Panel were:

- Based on the information submitted by the applicant, the Panel was unable to accurately determine the maximum building height.
- To the address the issue of window 14. The panel requires amended plans to be submitted showing the minimum sill height of 1.5 metres above finished floor level of window 14 which serves first floor level, bedroom 5.
- Council officers to redraft conditions to reflect the revised tree preservation requirements of the Hornsby DCP.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Juliet Grant, Jerome Cox

AGAINST: NIL

The decision of the Panel was unanimous.

**4 IHAP4/18 Development Application - Torrens Title Subdivision One Allotment into Two**

(DA/103/2017)

**RECOMMENDATION**

THAT the Hornsby Shire Council Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013 and approve Development Application No. DA/103/2017 for the Torrens title subdivision of one allotment into two lots at No. 110 Dartford Road Thornleigh (Lot 2 DP1160459) subject to the conditions of consent detailed in Schedule 1 of IHAP Report No. IHAP4/18

**PANELS DETERMINATION**

Recommendation adopted

**STATEMENT OF REASONS**

The reasons for the decision of the Panel were:

- There are no visual or physical impacts associated with the proposed subdivision as there will be no change to the built form as a result of this proposed subdivision.
- The Panel is of the opinion that the request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to vary to the minimum allotment size is well founded. The Panel is of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation to the development standard.

### **CONDITIONS**

The development application was approved subject to the conditions of consent detailed in Schedule 1 of IHAP Report No. IHAP4/18.

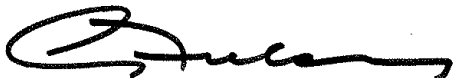
### **VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Juliet Grant, Jerome Cox

AGAINST: NIL

The decision of the Panel was unanimous.

The Panel's deliberation concluded at 9:07pm



CHAIRMAN