

MINUTES OF LOCAL PLANNING PANEL MEETING

Held at COUNCIL CHAMBERS, HORNSBY

on Thursday 24 May 2018

at 6:30pm



PRESENT

Chairperson - Jacqueline Townsend

Expert Panel Member - Garry Fielding

Expert Panel Member – Juliet Grant

Community Member – John Filocamo (Items 1 and 3)

Community Member - Jerome Cox (Item 2)

STAFF PRESENT

Group Manager, Planning Division - James Farrington

Manager Development Assessments – Rod Pickles

Team Coordinator – Phil Vergison

Town Planner – Jasmin Blazevic

Town Planner – Ben Jones

The Meeting commenced at 6.30pm.

AUDIO RECORDING OF LOCAL PLANNING PANEL 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, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings of the non-confidential parts 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. No other persons are permitted to record the meeting, unless specifically authorised by Council to do so."

DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of Pecuniary Interest.

ADDRESSES TO THE PANEL

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

LPP14/18 Development Application - Alterations and Additions to a Dwelling House - 8 Fallon Drive, Dural

Roy Fogarty – Against

Jan Primrose – Against

Anne Palmer – Against

Robert Walker – Against

Adam Ruspandini - For Owner/Applicant

LPP16/18 Development Application - Alterations and Additions to a Dwelling House and Change of Use to a 28 Place Child Care Centre - 34 Malsbury Road, Normanhurst

Jan Primrose – Against

Kathy and Gerrard Branson – Against

Stuart Wilmott – Against

Ron Marks – Against

Trevor Nielsen – Against

Mahi Ratnapala – Against

Ms Lu - Owner

Lance Doyle - Planning Consultant for the Applicant

LPP17/18 Development Application - Construction of a Dwelling House, Driveway and Swimming Pool - No. 65D Malton Road, Beecroft

Ross Walker – Against

Robyn Smith – Against

Kimberley Tietgen – Against

Trish Brown – Against

Nicholas Tedesco - Architect for the Applicant

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 8:03pm for deliberation, voting and determination.

LOCAL PLANNING PANEL

1 LPP14/18 Development Application - Alterations and Additions to a Dwelling House - 8 Fallon Drive, Dural

(DA/11/2017)

RECOMMENDATION

THAT Development Application No. DA/11/2017 for alterations and additions to a dwelling house at Lot 8538, DP 746020, No. 8 Fallon Drive, Dural be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP14/18.

PANEL'S DETERMINATION

Recommendation adopted, subject to amended conditions set out below.

15. Bushfire Management

The alterations and additions to the dwelling house must be constructed to level 1 construction standards in accordance with *Planning for Bush Fire Protection 2006*.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

15A. Tree Protection Zone - Ground Protection

- a) All tree protection zones for the trees to be retained must have a layer of wood-chip mulch installed prior to works commencing.
- b) The wood-chip mulch must be maintained throughout the period of construction at a depth of between 150mm and 300mm, using material that complies with the relevant requirements of Australian Standard AS 4454 – “*Composts, Soil Conditioners and Mulches*”.

15B. 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.

18A. Appointment of a Project Arborist

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

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

18B. Trees to be Protected

Trees 1 - 22 must be retained and protected.

18C. Removal of Trees

- a) This development consent does not permit the removal of any trees.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).

18D. Tree Pruning

- b) This development consent does not permit the pruning of any trees.

Note: The pruning of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2013 (HDCP).

19. Installation of Tree Protection Measures

Tree protection measures such as fencing, trunk and canopy must be implemented for all retained trees in accordance with Section 4 clauses 4.3-4.6 as prescribed in the Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites".

20. Protection of Trees

To protect the Turpentine trees that are growing within and below the sandstone retaining wall along the rear, southern boundary of the subject premises, the delivery and/or removal of building equipment and materials from the Kenneth Place property boundary is strictly prohibited.

20A. Works Near Trees

- a) No consent is granted for any works within the Structural Root Zone of trees numbered 1 to 22.
- b) To maintain tree health and condition, the appointed project arborist must monitor and record any and all necessary remedial actions required for trees numbered 1 to 22 on the approved plans.
- c) The maintenance and monitoring of all tree protection measures must be recorded by the appointed project arborist during the period of construction for submission with the application for the occupation certificate.

d) Deck/House Foundation/Footings

To minimise soil compaction within the Tree Protection Zones of trees to be retained numbered 1 to 22 on the approved plans, the foundations/footings must provide a 100mm clearance above soil and be of sensitive construction techniques such as screw pilings or piers, cantilevered or suspended slab design.

Note: To minimise soil compaction where the root zone is reactive clay, sensitive construction techniques such as localized pier and beam (bridged) screw pile footings or root and soil moisture control barriers may be appropriate.

e) Excavation

Any and all necessary excavations within the Tree Protection Zone of trees to be retained numbered 1 to 22 on the approved plans, must be undertaken as prescribed in Section 4 clause 4.5.4 in the Australian Standard AS 4970-2009 – "Protection of Trees on Development Sites".

f) Changing of Grade

All grades within the Tree Protection Zone of trees numbered 1 to 22 on the approved plans, must remain unaltered. OR Grade Changes are permissible outside the Structural Root Zone in the form of fill.

g) Installing Services

To minimise the environmental impacts of the development within the Tree Protection Zone (TPZ) of trees to be retained, numbered 1 to 22 on the approved plans:

- 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. Manual excavation may include the use of pneumatic and hydraulic tools as prescribed in the Australian Standard AS 4970-2009 – “*Protection of Trees on Development Sites*” Section 4 clause 4.5.5.

h) Installation of scaffolding

Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 Section 4 clause 4.5.6.

20B. Building materials and Site Waste

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

20C. Works near trees certification

- a) The project arborist must submit to the principal certifying authority on a monthly a certificate that the works have been carried out in compliance with the approved plans and specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

Note: Copies of monitoring documentation may be required by the PCA and/or Council.

27A. Final Certification Arborist

- a) The suitably qualified person holding a certificate III in Horticulture must submit to the principal certifying authority a Statement/or/Certification confirming all Tree Replacement Requirements have been completed in accordance with approved landscape plans and conditions of consent.
- b) The Project supervisor must submit to the principal certifying authority all relevant

certificates with the application for the occupation certificate stating compliance with all the conditions of this consent.

- c) The Project arborist must submit to the principal certifying authority a certificate which states all scheduled inspections have been undertaken and that all the completed works have been carried out in compliance with the approved plans and specifications for tree protection.
- d) The Project Arborist Certification must include all recorded information from scheduled inspections and statement of overall site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

Note: Copies of monitoring documentation may be required.

The reasons for this recommendation are:

- The proposed development is consistent with the objectives of the State Governments “A Metropolis of Three Cities” - the Greater Sydney Region Plan and “North District Plan”. The proposal would provide renewed housing stock to meet the demands of a changing demographic and household types.
- The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Garry Fielding, Juliet Grant, John Filocamo

AGAINST: NIL

2 LPP16/18 Development Application - Alterations and Additions to a Dwelling House and Change of Use to a 28 Place Child Care Centre - 34 Malsbury Road, Normanhurst

(DA/526/2017)

RECOMMENDATION

THAT Development Application No. DA/526/2016 for alterations and additions to a dwelling house and change of use to a 28 place child care centre at Lot 2 DP 516775, No. 34 Malsbury Road, Normanhurst be approved pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP16/18

PANEL'S DETERMINATION

The Panel has deferred determination for submission of:

1. A revised plan of management for the operation of the centre which reflects the amended number of children proposed and addresses the management of:
 - a) Entry and exit of vehicles onto the premises including staff vehicles
 - b) Delivery and pick up of children to ensure it occurs onsite and not on the street
 - c) Waste collection and deliveries to ensure they do not conflict with staff arrival times and drop off and pick up of children.
2. The revised plan of management to be referred to Councils Traffic committee for consideration along with the proposed traffic management works within Malsbury Road, road reserve
3. Details of the structural stability of the retaining wall adjacent to the northern boundary (No.32 Malsbury Road) and any necessary works required to support the proposed acoustic fencing.

The Panel acknowledges and shares the concerns raised by the speakers and resolved to defer the matter until receipt of the above submissions.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Garry Fielding, Juliet Grant, Jerome Cox

AGAINST: NIL

3 LPP17/18 Development Application - Construction of a Dwelling House, Driveway and Swimming Pool - No. 65D Malton Road, Beecroft

(DA/1344/2017)

RECOMMENDATION

THAT Development Application No. DA/1344/2017 for the construction of a dwelling house, driveway and swimming pool at Lot 2 DP 703067, No. 65D Malton Road Beecroft be refused, subject to the reasons of refusal detailed in Schedule 1 of the LPP Report No. LPP17/18.

PANEL'S DETERMINATION

Recommendation adopted.

The reasons for this recommendation are:

- The proposal fails to comply with the provisions of the Hornsby Local Environmental Plan 2013 (HLEP) and the Hornsby Development Control Plan 2013 (HDCP) with regard height of buildings, terrestrial Biodiversity, earthworks, stormwater management, vehicular access, bushfire and heritage.
- The request to vary the height of buildings development standard submitted under Clause 4.6 of the *HLEP* fails to demonstrate that there are sufficient environmental planning grounds to justify the contravention of the development standard.
- The application contains insufficient information with respect to Clause 1(i) of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* as consent from the owners of 65C Malton Road has not been provided for construction works within the right-of-carriageway.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Garry Fielding, Juliet Grant, John Filocamo

AGAINST: NIL

PANEL'S PUBLIC ANNOUNCEMENT OF DECISIONS

The Panel returned to the Council Chamber at 9:15pm where the Chair announced the Panel's decisions regarding the development applications.

The Panel's meeting concluded at 9:19pm



CHAIR