

MINUTES OF LOCAL PLANNING PANEL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 22 August 2018

at 6:30pm



PRESENT

Chairperson – Garry Fielding (Chair)

Expert Panel Member – Linda McClure

Expert Panel Member – Juliet Grant

Community Member – Barbra Wynn (Item 2)

Community Member - Jerome Cox (Item 3)

Community Member – Brian Scarsbrick (Item 4)

Staff Present

Group Manager, Planning – James Farrington

Manager Development Assessments – Rod Pickles

Senior Town Planner – Caroline Maeshian

Senior Town Planner – Matthew Miles

Town Planner – Jasmin Blazevic

Consultant Town Planner – Kerry Nash

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 INTEREST

Barbra Wynn made a public submission during the public notification period objecting to the development proposal DA/398/2018 - Item 1 LPP27/18 . Accordingly, Ms Wynn took no part in the Panel's consideration and determination of this DA.

ADDRESSES TO THE PANEL

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

1 LPP27/18 Construction of Two Dwellings on Proposed Lots 2 and 3 - 88 Malton Road, Beecroft

Councillor Robert Browne (on behalf of Judy Hines)- Against

Louise Wong – Against

Kelly Irwin – Against

Robyn Smith – Against

Patricia Brown – Against

Stuart Brown – Against

Jan Primrose – Against

John Inshaw – Against

Ross Walker - Against

Graham McKee - For

2 LPP30/18 Torrens Title Subdivision of One Lot into Two and Demolition of A Deck - 101 - 103 Wongala Crescent, Pennant Hills

Mike Stow - Against

Marcia Horvai – Against

Ross Walker - Against

Graham McKee - For

3 LPP32/18 Section 8.2 Review - Two Residential Flat Buildings Comprising 29 Units and A Basement Car Park – 29 & 31A Balmoral Street and 5 Park Lane, Waitara

Adam Byrnes – Applicants Planner – For

4 LPP28/18 Subdivision of Three Allotments into Two - 1 George Street Brooklyn

Jan Primrose – Against

Boro Seizov – Applicant’s Civil Engineer - For

Craig Schulman – Applicant’s Town Planner - For

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 8:25pm for deliberation, voting and determination.

GENERAL BUSINESS

LOCAL PLANNING PANEL

- 1 LPP27/18 Development Application - Construction of two dwellings on proposed lots 2 and 3 - 88 Malton Road, Beecroft**

(DA/398/2018)

OFFICERS RECOMMENDATION

THAT Development Application No. DA/398/2018 for the erection of two detached dwellings on proposed Lots 2 and 3 at Lot 41, DP 714483, No. 88 Malton Road, Beecroft, be refused for the reasons detailed in Schedule 1 of Report No. LPP27/18.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors at the meeting including owners consent, consistency of plans, access, building height, bushfire, building scale, privacy and impact on trees.

The Panel resolved to adopt the officers recommendation and refuse consent to the proposed development for the reasons outlined in Schedule 1 and as amended as follows:

1. 5 f) be amended to read - The height and visual prominence of the two dwellings is not compatible with heritage values for the Beecroft-Cheltenham Heritage Conservation Area set out in Part 9.3.6 of the HDCP.
2. 7 h) to be included to read – Inadequate engineering information in respect to the driveway ramp off the right of way to enable efficient and safe manoeuvring of vehicles in and out of the double garage of Lot 3 to exit the site in a forward direction.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Juliet Grant, Linda McClure.

AGAINST: NIL

- 2 LPP30/18 Development Application - Torrens title subdivision of one lot into two and demolition of a deck - 101 - 103 Wongala Crescent, Pennant Hills**

(DA/1202/2017)

OFFICERS RECOMMENDATION

THAT Development Application No. DA/1202/2017 for Torrens title subdivision of one lot into two and demolition of a deck at Lot 15 DP 10463, Nos.101 - 103 Wongala Crescent, Pennant Hills be refused for the reasons detailed in Schedule 1 of Report No.LPP30/18.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors at the meeting including impact on trees, traffic safety, width of the proposed lot, drainage and flooding impacts.

The Panel resolved to adopt the officers recommendation and refuse consent to the proposed development for the reasons outlined in Schedule 1 and as amended as follows:

1. Deleting reasons 1, 2 a), 2 b), 4 c) and 5 d)
2. Amend reasons 5 b) - The proposed lot size does not have adequate regard to the site constraints to accommodate a future dwelling in accordance with the HDCP on the proposed lot.
3. Amend reason 7 - The proposed subdivision is unsatisfactory in respect to Section 4.15(c) of the *Environmental Planning and Assessment Act 1979* as the site is within a bushfire prone area and is unsuitable for the proposed development and would require an Asset Protection Zone for bushfire mitigation involving tree clearing inconsistent with the objectives of the zone to protect and maintain areas of bushland that have ecological value.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Juliet Grant, Linda McClure, Barbra Wynn.

AGAINST: NIL

3 LPP32/18 Section 8.2 Review - Two residential flat buildings comprising 29 units and a basement car park - 29 & 31A Balmoral Street and 5 Park Lane, Waitara

(DA/1549/2016)

OFFICERS RECOMMENDATION

THAT the Section 8.2 Review of Development Application No. DA/1549/2016 for demolition of existing structures and erection of two, 4 - 5 storey residential flat buildings comprising 29 units and a basement car park at Lot 211 and Lot 212 DP 868605 and Lot 202 DP 1097256, Nos. 29 & 31A Balmoral Street and No. 5 Park Lane, Waitara, be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP/32/18.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel resolved to adopt the officers' recommendation and, pursuant to Section 8.4 of the EP&A Act 1979, confirm the Council's decision of 13 December 2017 to refuse consent to the proposed development for the reasons outlined in Schedule 1 and as amended as follows:

1. Delete reason 2.
2. Amend reason 4 to read as follows –

The proposed development is unsatisfactory in respect to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal does not achieve design excellence in accordance with the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide* as follows:

- a) The communal open space areas do not enhance residential amenity and provide adequate opportunities for landscaping per Objective 3D-1.
- b) Unit No. 6 does not achieve a minimum 15m² of courtyard area.
- c) The deep soil zones do not satisfy the minimum dimension requirement and is inadequate per Objective 3E-1.
- d) Minimum bedroom sizes are not achieved per Objective 4D-3.

- e) The proposal does not include a shadow analysis from potential overshadowing of an adjoining development built in isolation at No.31 Balmoral Street and No.33A and 33 Balmoral Street which could further reduce the number of units that achieve 2 hours of solar access between 9am and 3pm 22nd June.
- f) The shadow diagrams are incorrect as they do not take into account the existing building to the west of the development which could reduce available sunlight to units and private open space areas.

VOTING OF THE PANEL MEMBERS

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

AGAINST: Nil

4 LPP28/18 Development Application - Subdivision of Three Allotments into Two - 1 George Street Brooklyn

(DA/897/2017)

OFFICERS RECOMMENDATION

THAT Development Application No. DA/897/2017 for Torrens title subdivision of three allotments into two at Lots 1, 2 and 3 Section C DP 2746, No. 1 George Street, Brooklyn be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP28/18.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objector at the meeting including bushfire

The Panel considered representations by the Applicants consultants but was not satisfied with the adequacy of the Clause 4.6 submission and that the engineering advice appropriately addressed the potential flooding impacts on the property. Accordingly the Panel resolved to adopt the officers recommendation and refuse consent to the proposed development for the reasons outlined in Schedule 1 and as amended as follows:

1. Delete reason 6

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Juliet Grant, Linda McClure, Brian Scarsbrick.

AGAINST: Nil

PANEL'S PUBLIC ANNOUNCEMENT OF DECISIONS

The Panel returned to the Council Chamber at 9:35pm where the Chair announced the Panel's decisions regarding the development applications.

The Panel's meeting concluded at 9:40pm



Chairperson