



MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY VIA ZOOM
on Wednesday 28 September 2022
at 4:00pm



Hornsby Shire Council – Minutes of Local Planning Panel meeting of 28 September 2022

PRESENT

Chairperson - Jacqueline Townsend

Expert Panel Member - Linda McClure

Expert Panel Member - Juliet Grant

Community Member - David White

STAFF PRESENT

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Senior Town Planner - Ben Jones

Town Planner - Thomas Dales

The public meeting commenced at 4.00pm.

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."

APOLOGIES / LEAVE OF ABSENCE

NIL

ADDRESSES TO THE PANEL

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

LOCAL PLANNING PANEL

1 LPP52/22 DA/628/2022 - Demolition of the existing dwelling and Torrens Title subdivision of 1 lot into 2 and construction of a dwelling on each lot - 82 Boronia Place, Cheltenham

| | |
|--------------|---------|
| Simon Ng | Against |
| Gemma Reeves | Against |
| Linda Gerke | Against |
| Nico Roux | Against |
| Collien Roux | Against |

2 LPP54/22 DA/1287/2021 - Alterations and additions to a dwelling house - 4 Bridge Street, Brooklyn

| | |
|------------------------|---------|
| James Donnelly | Against |
| Jayne Donnelly | Against |
| Cindy Corkery | Against |
| Rob Corkery | Against |
| Miriam Moloney | Against |
| Ian Cameron (owner) | For |
| Sylvia Cameron (owner) | 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 5:00pm.

PUBLIC MEETING ITEMS

- 1 LPP52/22 DA/628/2022 - Demolition of the existing dwelling and Torrens title subdivision of 1 lot into 2 and construction of a dwelling on each lot - 82 Boronia Place, Cheltenham**

(DA/628/2022)

RECOMMENDATION

THAT Development Application No. DA/628/2022 for the demolition of the existing dwelling and Torrens title subdivision of one lot into two and the construction of a two storey dwelling house on each lot at Lot 12 DP 16855, No. 82 Boronia Place Cheltenham be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP52/22.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including lot size, stormwater/ overland flow, out of character with HCA, removal of trees, biodiversity impacts, privacy and amenity impacts.

The Panel considered the Clause 4.6 submission and is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 of the Hornsby Local Environmental Plan 2013.

The Panel resolved to adopt the officer's recommendation and refuse the proposed development for the following reasons:

1. The written request to contravene the 'minimum lot size' development standard has not adequately addressed the matters required under Clause 4.6 of Hornsby Local Environmental Plan 2013
2. The proposed development is unsatisfactory in respect to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* with regard to the Hornsby Local Environmental Plan 2013 as follows:
 - 2.1 The proposal would result in an undersized allotment and is unacceptable with respect to Clause 4.1 'Minimum Subdivision Lot Size' of the Hornsby Local Environmental Plan 2013.
 - 2.2 The proposal significantly reduces the capacity for a 'garden setting' to be created on the subject site, would be out of character with the Heritage Conservation Area and is unacceptable with respect to Clause 5.10 'Heritage Conservation' of the Hornsby Local Environmental Plan 2013.
 - 2.3 The proposal does not respond to the site conditions as it detrimentally impacts on the natural landscape features of the site including the escarpment.
 - 2.4 The proposed development is contrary to the zone objectives of the R2 Low Density Residential Zone of the Hornsby Local Environmental Plan 2013.
3. The proposed development is unsatisfactory in respect to Section 4.15(1)(a)(i) of the

Environmental Planning and Assessment Act 1979 with regard to State Environmental Planning Policy (Biodiversity and Conservation) 2021 as five trees would be removed to facilitate the development.

4. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the desired outcome and the prescriptive measures of Hornsby Development Control Plan 2013 as follows:
 - 4.1 The proposal does not comply with the 'Tree and Vegetation Preservation' prescriptive measures within Parts 1B.6.1(a) (i) and (j) of the Hornsby Development Control Plan 2013 as five trees would be removed to facilitate the development and trees proposed to be retained would be detrimentally impacted by the development.
 - 4.2 The proposal does not comply with the 'Stormwater Management' prescriptive measures within Part 1C.1.2(c) of the Hornsby Development Control Plan 2013 as the gradient of the proposed inter-allotment drainage system cannot be supported by Council and inconsistencies exist between the location of the stormwater easement on the Subdivision Plan and the Stormwater Plans.
 - 4.3 The proposal does not comply with the 'Landscaping' prescriptive measures within Parts 1C.2.9(a) and (b) of the Hornsby Development Control Plan 2013 as the undersized lots are not capable of providing for appropriate replacement canopy trees.
 - 4.4 The proposal does not comply with the 'Privacy' prescriptive measures within Parts 3.1.6(a), (b), (c) and (d) of the Hornsby Development Control Plan 2013 as use of the east-facing alfresco, courtyard and family room of the dwelling on Lot 1 and the terrace and living room of the dwelling on Lot 2 would result in overlooking into adjacent properties.
 - 4.5 The proposal does not comply with the 'Residential Land Subdivision' desired outcomes under Parts 6.1.1(a) and (b) and the prescriptive measures within Parts 6.2.1(a) and (c) of the Hornsby Development Control Plan 2013 as the proposed Lots would be undersized and do not adequately address the site constraints including the rock escarpment and the heritage values of the Beecroft-Cheltenham Heritage Conservation Area.
 - 4.6 The proposal does not comply with the 'Heritage' prescriptive measure within Parts 9.3.1(a) and (d); 9.3.3(a); and 9.3.5(a) and (b) of the Hornsby Development Control Plan 2013 as the proposed development would be out of character with the values of the Heritage Conservation Area with regard to garden setting and lot size.
5. In accordance with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, it is considered that the site is not suitable for the proposed development.
6. In accordance with Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development would not be in the public interest and would result in undesirable environmental impacts.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Linda McClure Juliet Grant, David White

AGAINST: NIL

2 LPP54/22 DA/1287/2021 - Alterations and Additions to a Dwelling House - 4 Bridge Street, Brooklyn

(DA/1287/2021)

RECOMMENDATION

THAT Development Application No. DA/1287/2021 for alterations and additions to a dwelling house at Lot C DP 346888, No. 4 Bridge Street, Brooklyn be approved, subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP54/22.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including bulk and scale, insufficient parking, visual impact, view loss and view sharing, sunlight access/ overshadowing, setbacks, excavation and construction impacts, tree removal, accuracy of survey, privacy and amenity impacts.

The Panel resolved to adopt the officer's report recommendation and approve the proposed development, subject to the conditions contained in Schedule 1 of the report and the following amendments:

Amend condition No. 1 to read:

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:

Approved Plans

| Plan No. | Plan Title | Drawn by | Dated | Council Reference |
|-------------------|------------------------------|-----------------|--------------|--------------------------|
| Notes – 2 | Finishes Detail | TZ Design | Undated | |
| 259-01 Revision P | Ground Floor Plan - Existing | TZ Design | 08.03.17 | |
| 259-02 Revision P | Ground Floor Plan - Proposed | TZ Design | 08.03.17 | |
| 259-03 Revision P | Roof Plan - Proposed | TZ Design | 08.03.17 | |

| | | | | |
|-------------------|-----------------------------|-------------------------------|----------|--|
| 259-04 Revision P | Site Plan | TZ Design | 08.03.17 | |
| 259-05 Revision R | Elevations | TZ Design | 08.03.17 | |
| 259-06 Revision R | Elevations | TZ Design | 08.03.17 | |
| 259-07 Revision Q | Sections | TZ Design | 08.03.17 | |
| 259-08 Revision Q | Sections | TZ Design | 08.03.17 | |
| 259-09 Revision P | Site Plan - Detail | TZ Design | 08.03.17 | |
| 259-10 Revision P | Landscape Plan | TZ Design | 08.03.17 | |
| SW03 | Stormwater Plan and Details | Prime Engineering Consultants | 11.11.21 | |

Supporting Documentation

| Document Title | Prepared by | Dated | Council Reference |
|------------------------------------|--|--------------|--------------------------|
| BASIX Certificate No. A292167_02 | TZ Design | 28.09.21 | D08501899 |
| Arboricultural Impact Assessment | Chad Shakeshaft | 15.10.20 | D08307492 |
| Geotechnical Assessment | AssetGeoEnviro | 12.10.21 | D08307477 |
| Geotechnical Assessment - Addendum | AssetGeoEnviro | 23.08.21 | D08491645 |
| Bush Fire Assessment Report | Australian Bush Fire Consulting Services | 14.10.21 | D08307494 |
| Waste Management Plan | Building Approval Solutions | - | D08307491 |

Amend condition No. 2 to read:

2. Amendment of Plans

- a) To comply with Council's requirement in terms of reducing the visual impact of the prominent western building wing and ensuring a reasonable level of privacy is established and maintained, the approved plans are to be amended as follows:
 - i) The finishes detail plan (Notes -2, TZ Design) and approved plans are to be amended to indicate the building finishes as recessive grey/green tones to reduce the visual impact of the structures and compliment the natural surrounding bushland and escarpment. Whites and light greys are not permitted. The revised colour palette is to be submitted for review and written approval by Council and the written approval is to be provided to the Principal Certifying Authority prior to the issue of any construction certificate.
 - ii) All north facing balustrades as indicated in red on the approved Plan No. 259-05 Rev P Elevation, dated 08.03.17, prepared by TZ Design are to be translucent to reduce privacy impacts to the adjoining No. 2 Bridge Street (Lot B DP 346888). If a translucent material is not preferred, balustrading can be finished with a screen having no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen. All balustrades requiring privacy devices must have the translucent/

privacy screen treatment installed from the finished floor level to the top of the handrail.

- b) To reduce the overall visual impact of the development and offset the loss of vegetation, the approved Landscape Plan is to be amended to include the planting of 2x yellow bloodwood trees (*Corymbia eximia*) within the red polygon area to the north of the proposed western building extension.
- c) These amended plans must be submitted with the application for the Construction Certificate.

Amend condition No. 40 to read:

40. Replacement Tree Requirements

- a) The trees approved for removal under this consent, must be offset through replacement planting of a minimum of 4 trees.
- b) All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>
- c) The location and size of tree replacement planting must comply with the following:
 - i) A minimum of 2 of the replacement trees must be yellow bloodwood trees (*Corymbia eximia*) to be planted within the red polygon area to the north of the proposed western building extension.
 - ii) The remainder of the replacement trees must be located in either the front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
 - iii) The pot size of the replacement trees must be a minimum 45 litres.
 - iv) All replacement trees must be a minimum of 3 metres in height at time of planting.
 - v) All replacement trees must have the potential to reach a mature height greater than 10 metres.

The reasons for this decision are:

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy, subject to the recommended conditions of consent.
- The visual impact of the proposed development from the public domain will be minimised by the recommended conditions of consent in relation to the colour palette and revised landscape plan.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Linda McClure Juliet Grant

AGAINST: David White

NON-PUBLIC MEETING ITEMS

3 LPP57/22 Reporting Development Applications for Determination by the Hornsby Local Planning Panel over 180 Days

(F2013/00295-003)

RECOMMENDATION

THAT the contents of LPP Report No. LPP57/22 be received and noted.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel resolved to receive and note the report.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Linda McClure Juliet Grant, David White

AGAINST: NIL

The Panel's meeting concluded at 6:13pm.



Chairperson