

MINUTES OF LOCAL PLANNING PANEL MEETING

Held via TELECONFERENCE
on Wednesday 28 June 2023
at 4:00pm



PRESENT

Chairperson - Garry Fielding

Expert Panel Member - Elizabeth Kinkade

Expert Panel Member - Anthony Hudson

Community Member - Amanda Anderson

STAFF PRESENT

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

A/Major Development Manager - Matthew Miles

Senior Town Planner - Tim Buwalda

Town Planner - Elvin Keung

Town Planner - Amelia Xu

THE 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

DECLARATIONS OF INTEREST

NIL

ADDRESSES TO THE PANEL

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

1 LPP21/23 DA/188/2023 - Construction of a Secondary Dwelling - 3 The Boulevard, Cheltenham

Tim Earnshaw

Against

Jennifer Zhen Li (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 5pm.

PUBLIC MEETING ITEMS

1 LPP21/23 DA/188/2023 - Construction of a Secondary Dwelling - 3 The Boulevard, Cheltenham

(DA/188/2023)

RECOMMENDATION

THAT Development Application No. DA/188/2023 for construction of a secondary dwelling at Lot 2 DP 576233, No. 3 The Boulevard, Cheltenham be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP 21/23.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including impacts to the health of the existing Cook Pine located on the adjoining property as a result of the development.

The panel notes that the side boundary building setback has been increased by 1 metre to a total of 3 metres to further protect the Cook Pine tree on the adjoining property.

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

Condition 1A. Amendment of Plans:

The approved plans must be amended as follows:

- a) The stormwater plan must be amended to relocate the rainwater tank and stormwater infrastructure to the north-eastern elevation of the secondary dwelling between the two windows as indicated in red on the approved plans.
- b) The landscape plan must be amended to delete 1 x *Tristaniaopsis laurina* and 3x *Syzygium austral* 'Pinnacle' trees located in the north-eastern corner of the site to protect the existing Cook Pine as indicated red in the approved plans.

The amended plans must be submitted with the application for a Construction Certificate.

Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development in order to offer further protection for the Cook Pine tree on the adjoining property.

Condition 10. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with Plan No. SW01 & SW02 Rev B Stormwater Plan prepared by GEBA Consulting dated 11.05.2023 (subject to any amendments as resulting from compliance with Condition 1A) and the following requirements:

- a) Connected to the existing internal drainage system.

Reason: To ensure appropriate provision for management and disposal of stormwater.

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 incorporating the increased setbacks from the rear and side boundaries will not have an unacceptable impact on the adjoining Cook Pine and will 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.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Elizabeth Kinkade, Anthony Hudson, Amanda Anderson

AGAINST: NIL

NON-PUBLIC MEETING ITEMS

2 LPP18/23 DA/245/2023 - Construction of a Dwelling House - 45A Orana Avenue, Hornsby

(DA/245/2023)

RECOMMENDATION

THAT Council 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/245/2023 for construction of a dwelling house, attached garage and associated landscaping and ancillary works at Lot 2 DP 1275032, No. 45A Orana Avenue, Hornsby subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP18/23.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions including management of stormwater run-off, risk of landslide, damage to adjoining properties during construction, privacy impacts and construction noise.

The Panel considered the Clause 4.6 submission and is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Hornsby Local Environmental Plan 2013. Also, in accordance with Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Height of buildings' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

The reasons for this decision are:

- The Panel has considered the Clause 4.6 written request from the applicant to contravene Clause 4.3 Height of buildings development standard applying to the site that seeks to justify the contravention of the development standards by demonstrating:
 - That compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, and
 - That there are sufficient environmental planning grounds to justify contravening the development standards.
- In respect of Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that:
 - The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the

zone in which the development is proposed to be carried out, and

- 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.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Elizabeth Kinkade, Anthon Hudson, Amanda Anderson

AGAINST: NIL

3 LPP4/23 DA/38/2023 - Second floor addition and internal alterations to a dwelling - 66 Calabash Point, Berowra Waters

(DA/38/2023)

RECOMMENDATION

THAT Development Application No. DA/38/2023 for a second floor addition and internal alterations to a dwelling at Lot 21 DP 499759, No. 66 Calabash Point, Berowra Waters be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP4/23.

PANEL'S CONSIDERATION AND DETERMINATION

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 considered the roof design of the proposal and recommends that any future application or Section 8.2 Review should simplify the roof form to a low pitched skillion roof form and reduce the bulk and scale of the roof form.

The Panel resolved to adopt the officer's recommendation and refuse the proposed development subject to the reasons contained in Schedule 1 of the report.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Elizabeth Kinkade, Anthony Hudson, Amanda Anderson

AGAINST: NIL

4 LPP20/23 DA/1170/2022 - Construction of a Dwelling House - 33 Evans Road, Hornsby Heights

(DA/1170/2022)

RECOMMENDATION

THAT Council 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/1170/2022 for the construction of a dwelling house at Lot 42 DP 236494, No. 33 Evans Road, Hornsby Heights subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP22.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions including height, bulk and scale, privacy impacts, excavation/ earthworks, tree removal and stormwater run-off.

The Panel considered the Clause 4.6 submission and is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Hornsby Local Environmental Plan 2013. Also, in accordance with Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Height of buildings' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

Condition 48 be amended to modify the wording of the privacy screen condition as marked up in red on the approved plans to specify that the screen only applies to the shorter northern elevation. The panel notes that a privacy screen along the longer eastern elevation is not warranted as the surrounding trees serve as a privacy screening and a permanent screening device would detract from views over the surrounding tree setting.

Condition 48 to read as follows:

48. Installation of Privacy Devices

To establish and maintain a reasonable level of privacy for the adjoining premises No. 4 Mullion Close:

- a) The balustrading to the lower and upper floor level decks on the northern elevation where shown in red on the approved plans, must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the balustrading to a minimum height of 1 metre above finished floor level.
- b) The privacy screens proposed within the architectural plans must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screens

The reasons for this decision are:

- The Panel has considered the Clause 4.6 written requests from the applicant to contravene Clause 4.3 Height of buildings development standard applying to the site that seeks to justify the contravention of the development standards by demonstrating:
 - That compliance with the development standards is unreasonable or unnecessary in the circumstances of the case.

- That there are sufficient environmental planning grounds to justify contravening the development standards.
- In respect of Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that:
 - The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).
 - The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
- 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.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Elizabeth Kinkade, Anthony Hudson, Amanda Anderson

AGAINST: NIL

5 LPP22/23 Reporting Development Applications for Determination by the Hornsby Local Planning Panel over 180 Days

(F2013/00295-004)

RECOMMENDATION

THAT the contents of LPP Report No. LPP22/23 be received and noted.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel resolved to receive and note the report.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Elizabeth Kinkade, Anthony Hudson, Amanda Anderson

AGAINST: NIL

THE MEETING concluded at 5pm.



Chairperson