



# **DETERMINATION BUSINESS PAPER**

## **LOCAL PLANNING PANEL MEETING**

**Wednesday 26 March 2025  
at 4:00 PM**



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### ITEMS

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**4 DA/1036/2024 - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING - 15 SUMMERWOOD WAY, BEECROFT**

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**DA No:** DA/1036/2024 (PAN-468461 - Lodged on 17 September 2024)

**Description:** Alteration and additions to a semi-detached dwelling

**Property:** Lot 19 DP 285152, No. 15 Summerwood Way, Beecroft

**Applicant:** Mrs Qijing Hu

**Owner:** Mr Charles Luk & Mrs Qijing Hu

**Estimated Value:** \$99,000

**Ward:** C Ward

**Clause 4.6 Request:** Nominate the relevant LEP/SEPP Clause to be varied and zoning

**Submissions:** One

**LPP Criteria:** Council staff

**Author:** Deborah Dickerson, DJD Planning

**COI Declaration:** No Council staff involved in the assessment of this application have declared a Conflict of Interest.

**RECOMMENDATION**

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1036/2024 for alterations and additions to a semi-detached dwelling at Lot 19 DP 285152, No. 15 Summerwood Way, Beecroft subject to the conditions of consent in Attachment 2 of LPP Report No. LPP9/25.

## EXECUTIVE SUMMARY

- The application proposes alteration and additions to a semi-detached dwelling.
- The development involves land owned by Council staff and is required to be determined by the Hornsby Local Planning Panel. In accordance with Council's adopted Policy '*Conflict of Interest Policy for Proposed Council Development and Applications Involving Council Staff or Councillors*' an independent assessment of the development application has been undertaken by DJD Planning Pty Ltd.
- A total of one submission has been received in respect of the application.
- The assessment report by DJD Planning is attached to this report for the Hornsby Local Planning Panel's consideration. The independent consultant's report recommends that the application be approved.

## ASSESSMENT

In accordance with the referral criteria and procedural requirements for Local Planning Panels, the assessment of the development application has been referred to an independent town planning consultant as the development is located on land owned by a Council staff member. The report by Landmark Planning is held at Attachment 1 of this report.

## CONCLUSION

The application proposes alteration and additions to a semi-detached dwelling.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received one submission during the public notification period. The matters raised have been addressed in the independent assessment report.

Council has referred the application to an independent town planner to carry out an assessment of the application. The assessment concludes that the application should be approved.

It is recommended that the Hornsby Local Planning Panel approve the modification in accordance with the recommendations in the report prepared by DJD Planning and the conditions of consent held at Attachment 2 of this report.

*Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.*







CASSANDRA WILLIAMS  
Major Development Manager - Development  
Assessments

ROD PICKLES  
Manager - Development Assessments  
Planning and Compliance Division

Planning and Compliance Division

**ITEM 4**

**Attachments:**

1.   Architectural Plans
2.   Draft Conditions of Consent
3.   Consultant's Report

File Reference: DA/1036/2024

Document Number: D09080470

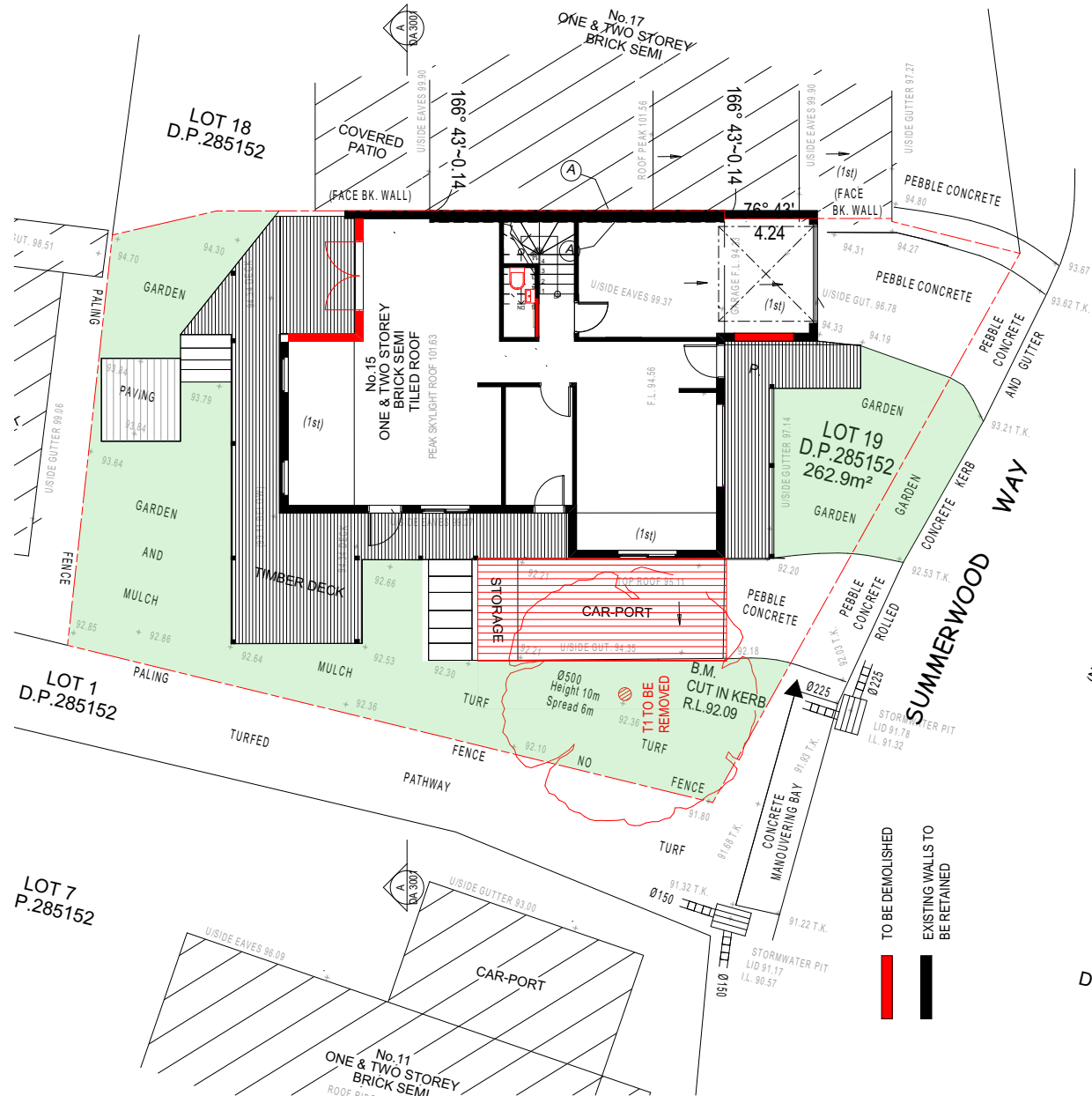
ATTACHMENT 1 - ITEM 4

ALTERNATION AND ADDITION OF EXISTING DWELLING  
 15 Summerwood Way  
 Hornsby NSW, Australia  
 KIRIN KING INTERNATIONAL PTY LTD  
 Drawing Title  
**SITE**

EXISTING SITE PLAN  
 Scale  
 1:100 (Site Plan)

Date of Issue  
 24/2/2025  
 Drawing Number  
 DA 1001  
 Revision  
 E

DEVELOPMENT APPLICATION

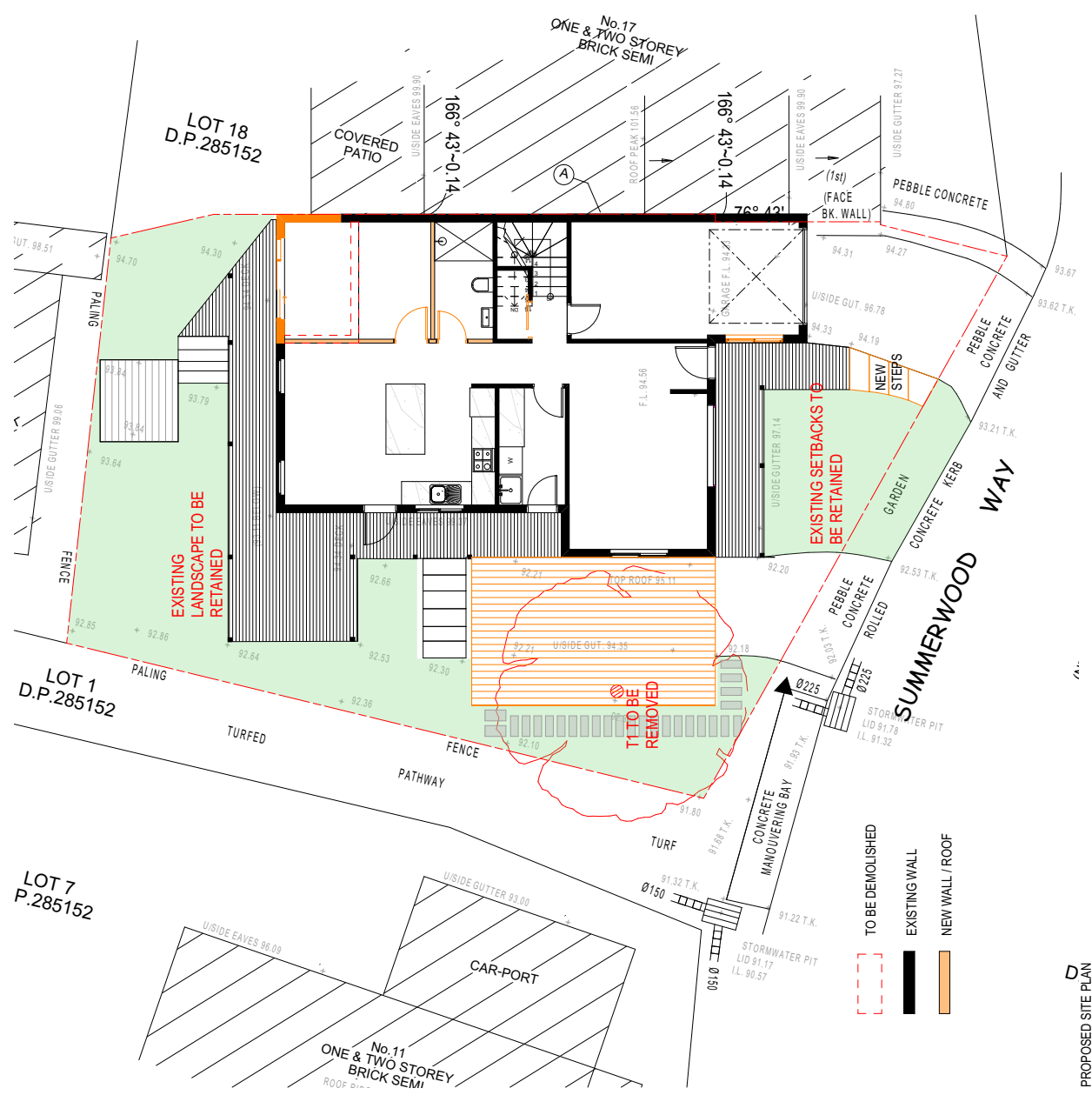


**ATTACHMENT 1 - ITEM 4**

ALTERNATION AND ADDITION OF EXISTING DWELLING  
 15 Summerwood Way  
 Hornsby NSW, Australia  
 KIRIN KING INTERNATIONAL PTY LTD  
 Drawing Title  
**SITE**

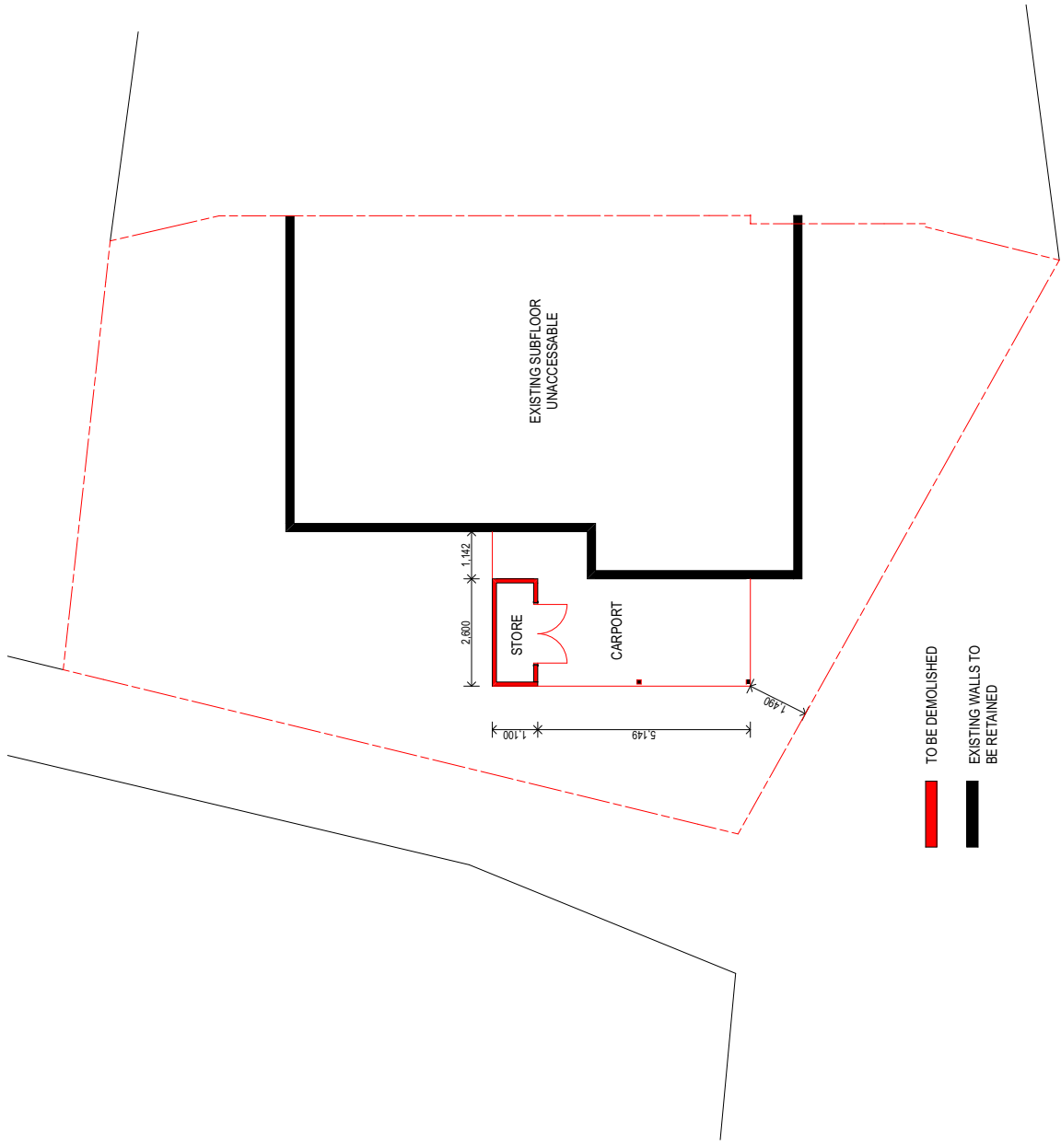
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 Scale  
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 Date of Issue  
 24/2/2025  
 Drawing Number  
**DA 1002**  
 Revision  
 E

DEVELOPMENT APPLICATION



- TO BE DEMOLISHED
- EXISTING WALL
- NEW WALL / ROOF

D  
 PROPOSED SITE PLAN  
 SCALE 1:100



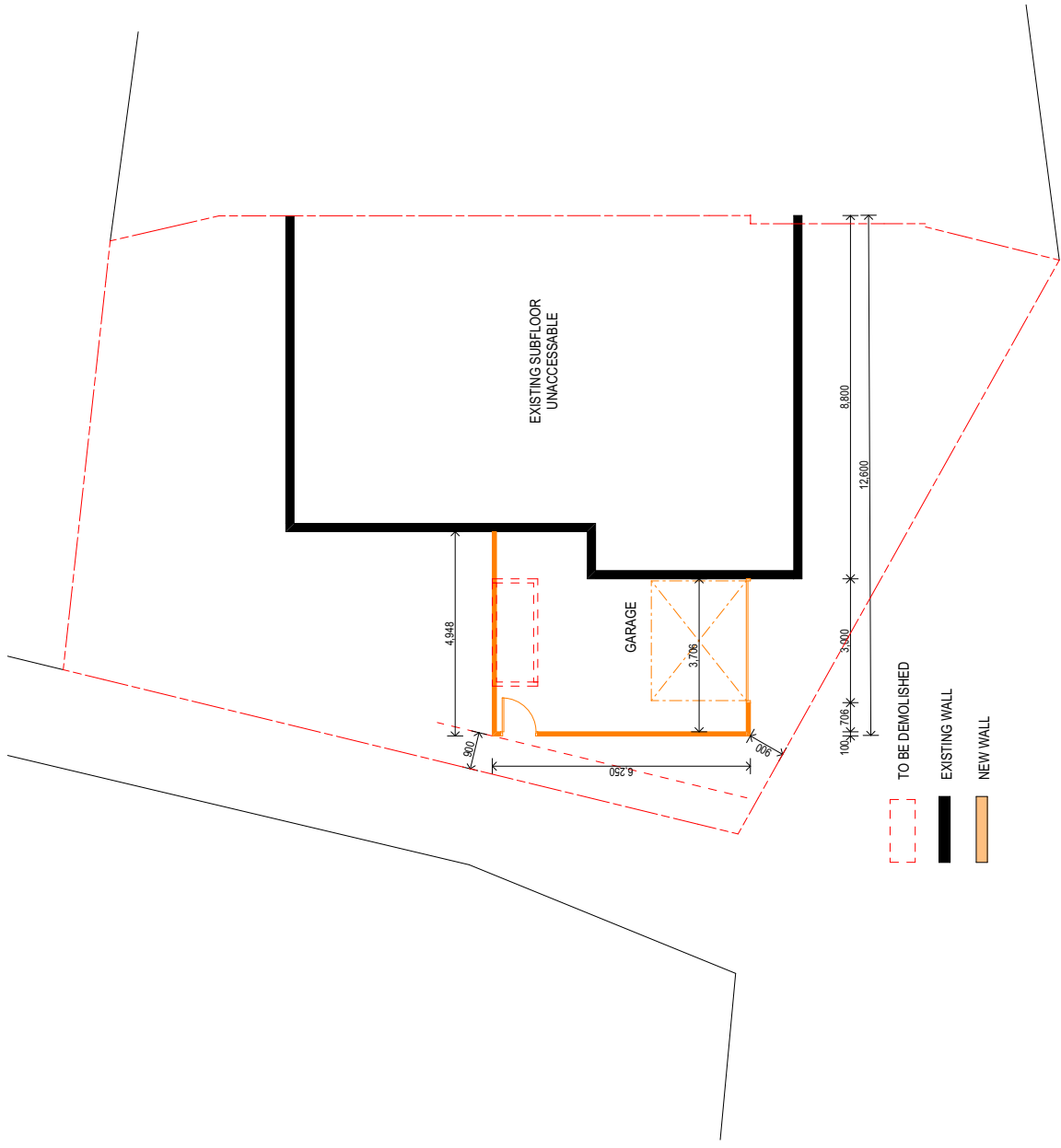
█ TO BE DEMOLISHED  
█ EXISTING WALLS TO BE RETAINED

EXISTING LOWER LEVEL PLAN  
SCALE 1:100

ALTERNATION AND ADDITION OF  
 EXISTING DWELLING  
 16 Summerwood Way  
 Berracott NSW Australia  
**KIRIN KING INTERNATIONAL PTY LTD**  
 Drawing Title  
**FLOOR PLANS**  
 EXISTING LOWER FLOOR  
 PLAN/DEMOLITION PLAN  
 Scale  
 1:100 (Site Plan Use)  
 Date of Issue  
 24/2/2025  
 Drawing Number  
**DA 2001**  
 Reason  
 E  
**DEVELOPMENT APPLICATION**

# ATTACHMENT 1 - ITEM 4





ALTERNATION AND ADDITION OF  
EXISTING DWELLING  
16 Summerwood Way  
Bassett NSW Australia

KIRIN KING INTERNATIONAL PTY LTD  
Drawing Title  
FLOOR PLANS

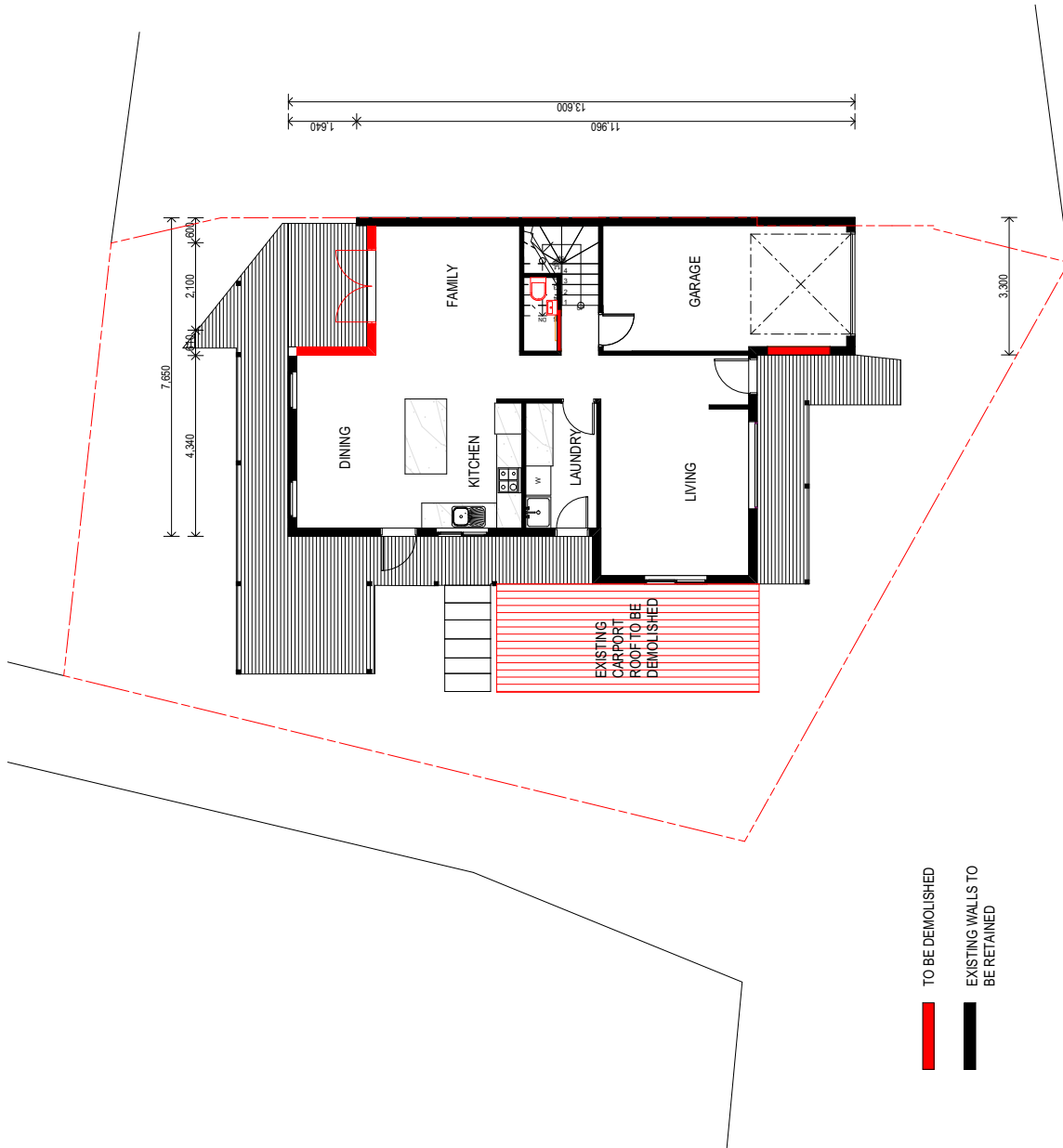
PROPOSED LOWER FLOOR PLAN  
Scale  
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Date of Issue  
24/2/2025  
Drawing Number  
DA 2002  
Revision  
E

DEVELOPMENT APPLICATION

PROPOSED LOWER LEVEL PLAN  
SCALE 1:100

# ATTACHMENT 1 - ITEM 4



ALTERNATION AND ADDITION OF  
 EXISTING DWELLING  
 15 Summerwood Way  
 BROADBENT NSW Australia

**KIRIN KING INTERNATIONAL PTY LTD**  
 Drawing Title  
**FLOOR PLANS**  
 EXISTING GROUND FLOOR  
 PLAN/DEMOLITION PLAN

Scale  
 1:100 (Site Plan Use)

Date of Issue  
 24/2/2025

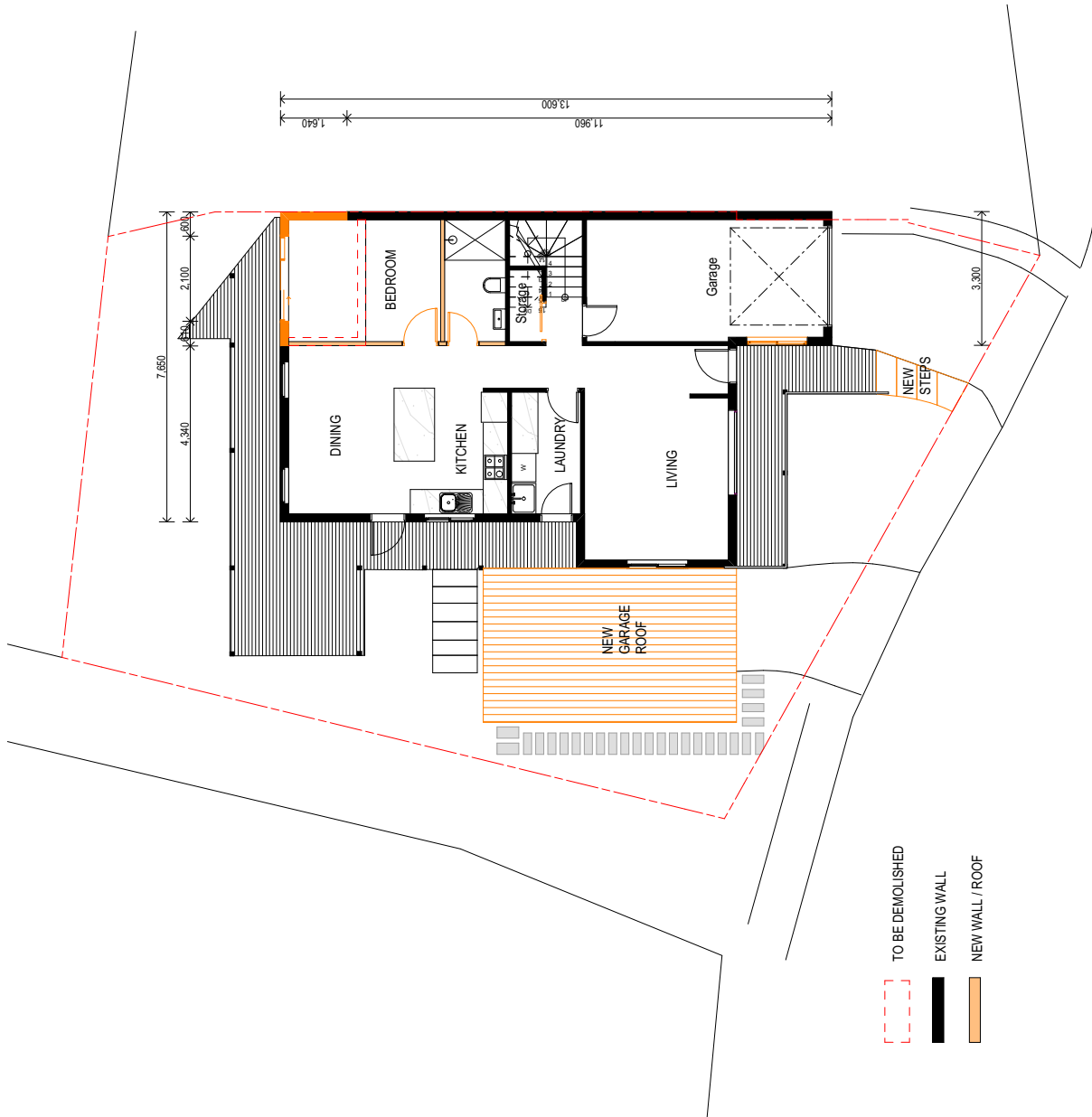
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Revision  
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**DEVELOPMENT APPLICATION**

EXISTING GROUND FLOOR PLAN  
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# ATTACHMENT 1 - ITEM 4



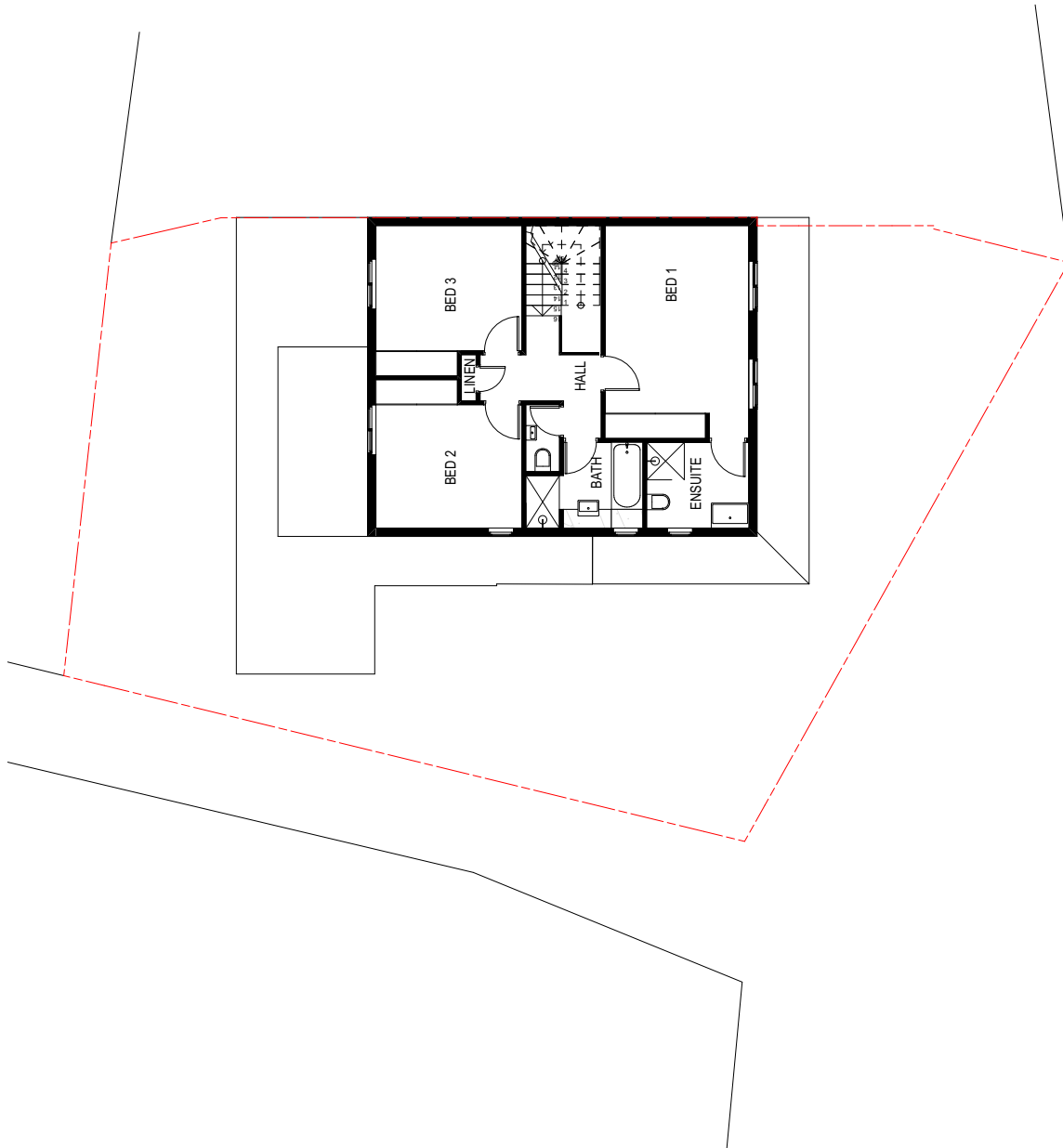
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15 Summerwood Way  
Borocot, NSW, Australia  
**KIRIN KING INTERNATIONAL PTY LTD**  
DRAWING TITLE  
**FLOOR PLANS**

PROPOSED GROUND FLOOR PLAN  
Scale  
1:100 (Site Plan Use)  
Date of Issue  
24/2/2025  
Drawing Number  
DA 2004  
Revision  
E

DEVELOPMENT APPLICATION

PROPOSED GROUND FLOOR PLAN  
SCALE 1:100

# ATTACHMENT 1 - ITEM 4



ALTERNATION AND ADDITION OF  
EXISTING DWELLING  
16 Summerwood Way  
Bassett NSW Australia

KIRIN KING INTERNATIONAL PTY LTD  
DRAWING TITLE  
FLOOR PLANS

EXISTING FIRST FLOOR PLAN  
Scale  
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Date of Issue  
24/2/2025

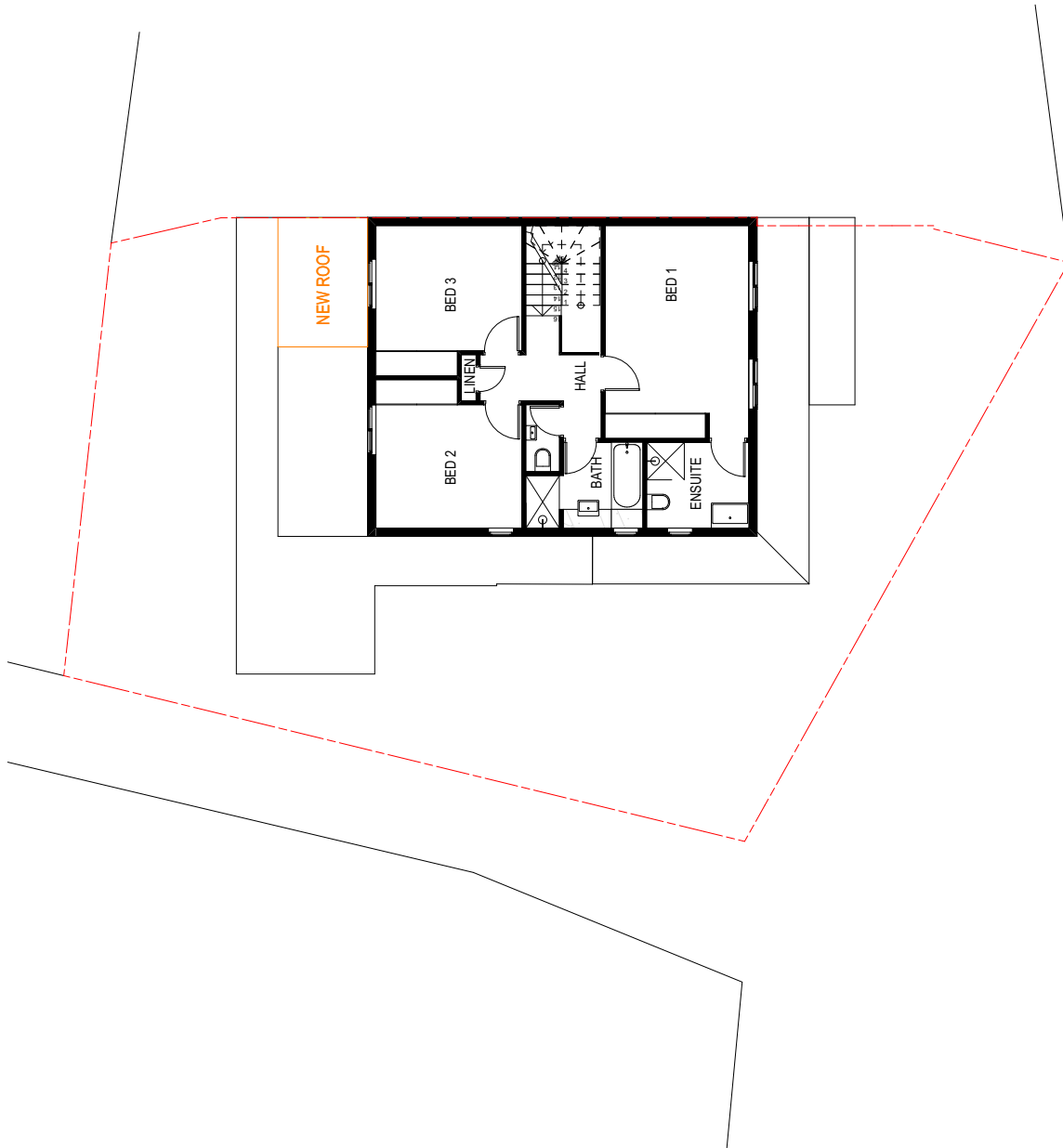
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Revision  
E

DEVELOPMENT APPLICATION

EXISTING FIRST FLOOR PLAN  
SCALE 1:100

# ATTACHMENT 1 - ITEM 4



ALTERNATION AND ADDITION OF  
EXISTING DWELLING  
16 Summerwood Way  
Boracoti NSW Australia

KIRIN KING INTERNATIONAL PTY LTD  
DRAWING TITLE  
FLOOR PLANS

PROPOSED FIRST FLOOR PLAN

Scale  
1:100 (with notes)

Date of Issue  
24/2/2025

Drawing Number  
DA 2006

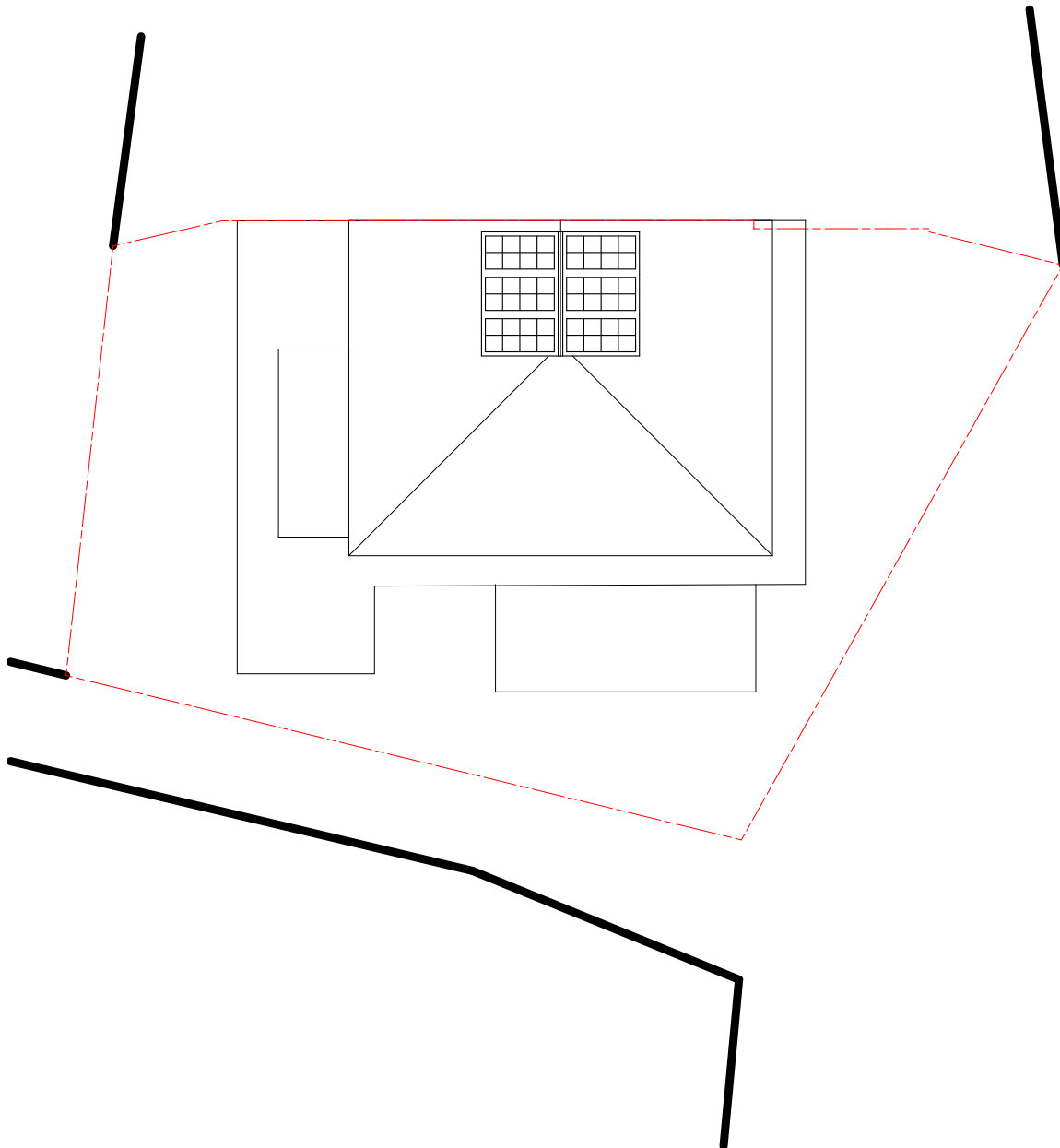
Revision  
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DEVELOPMENT APPLICATION

PROPOSED FIRST FLOOR PLAN  
SCALE 1:100

# ATTACHMENT 1 - ITEM 4



ALTERNATION AND ADDITION OF  
EXISTING DWELLING  
16 Summerwood Way  
Borocott NSW Australia

KIRIN KING INTERNATIONAL PTY LTD  
Drawing Title  
FLOOR PLANS

EXISTING ROOF PLAN  
Scale  
1:100 (Site Plan Use)

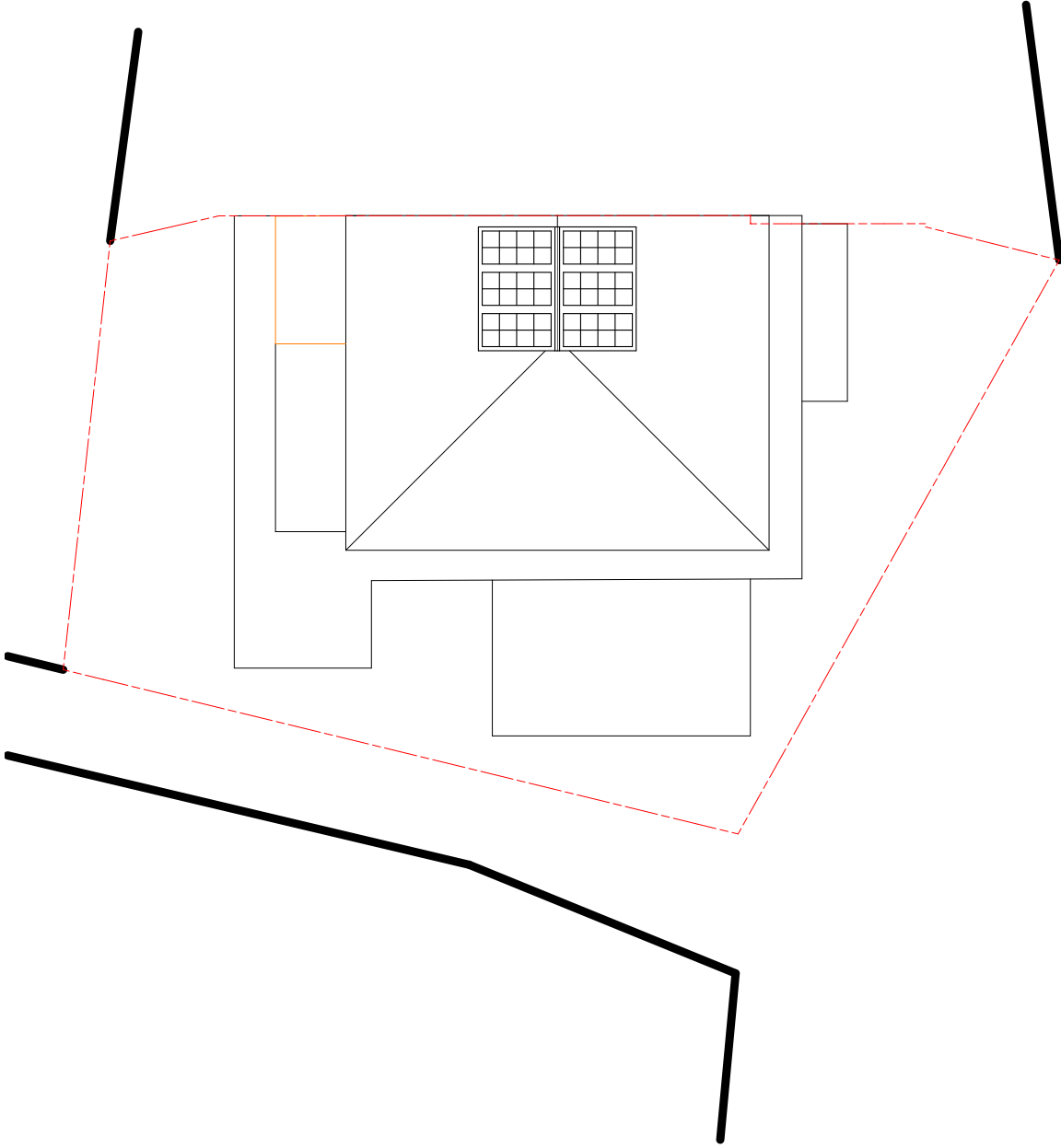
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24/2/2025  
Drawing Number  
DA 2007  
Revision  
E

DEVELOPMENT APPLICATION



EXISTING ROOF PLAN  
SCALE 1:100

# ATTACHMENT 1 - ITEM 4



PROPOSED ROOF PLAN  
SCALE 1:100

ALTERNATION AND ADDITION OF  
EXISTING DWELLING  
16 Summerwood Way  
Boracoti NSW Australia

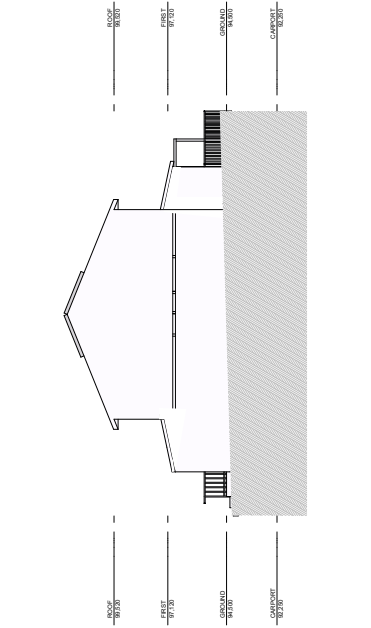
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DRAWING TITLE  
FLOOR PLANS

PROPOSED ROOF PLAN  
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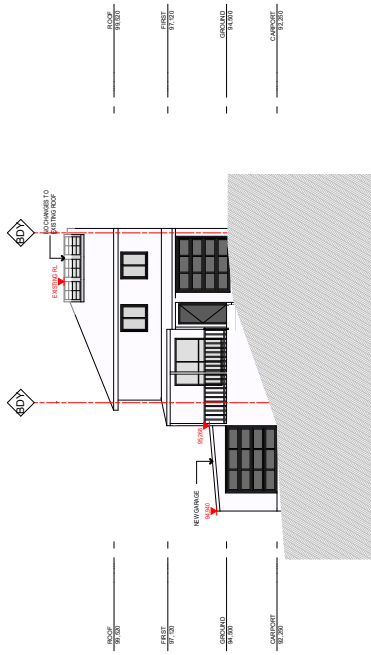
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24/2/2025  
Drawing Number  
DA 2008  
Revision  
E

DEVELOPMENT APPLICATION

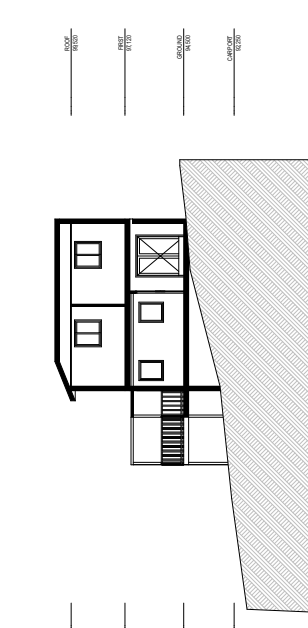
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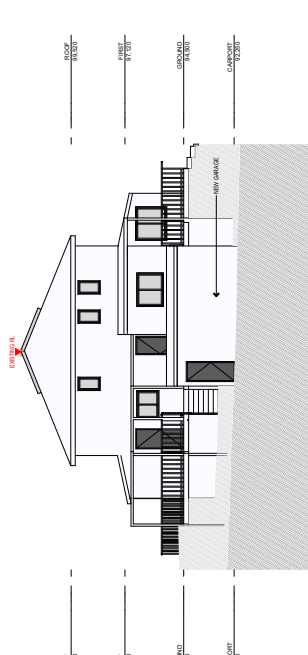
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NORTH ELEVATION  
SCALE 1:200



SOUTH ELEVATION  
SCALE 1:200



SECTION A  
SCALE 1:200



WEST ELEVATION  
SCALE 1:200

ALTERNATION AND ADDITION OF  
EXISTING DWELLING  
15 Summerwood Way  
BROOKLYN NSW Australia

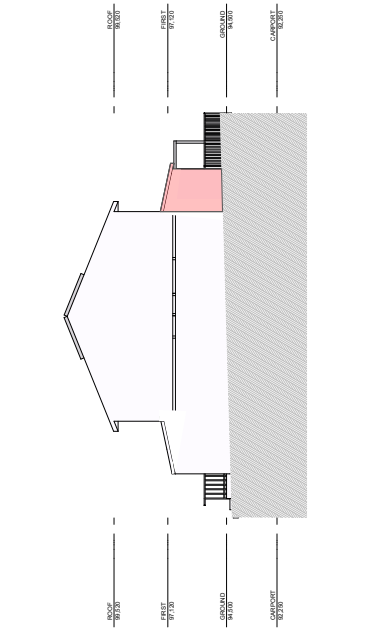
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24/2/2025  
Drawing Number  
DA 3001  
Revision  
E

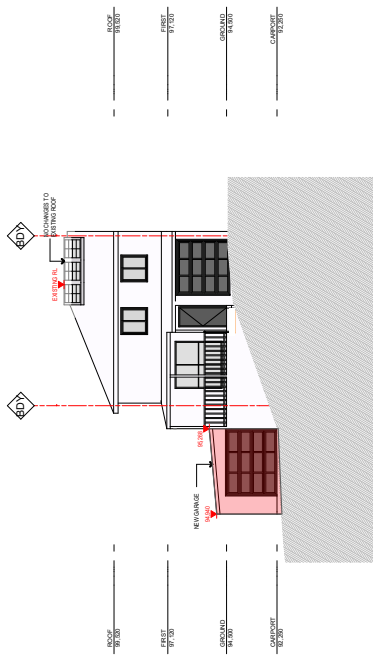
DEVELOPMENT APPLICATION

# ATTACHMENT 1 - ITEM 4

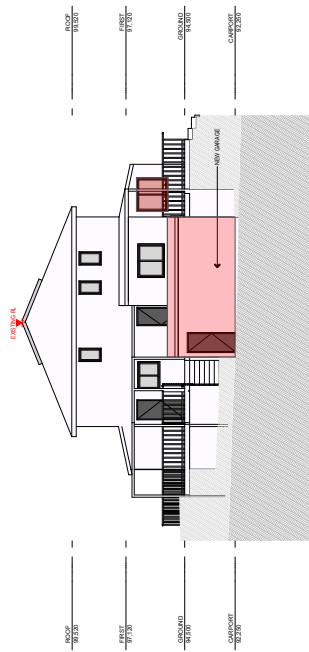




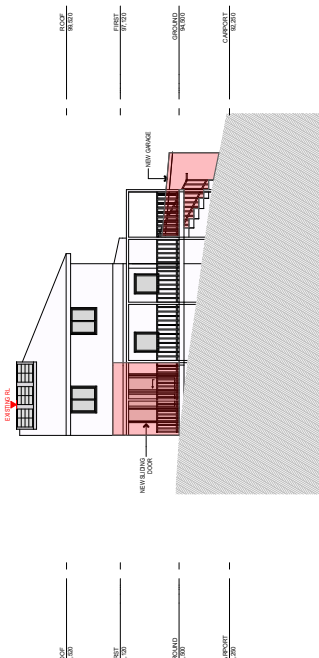
EAST ELEVATION  
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NORTH ELEVATION  
SCALE 1:200



SOUTH ELEVATION  
SCALE 1:200



WEST ELEVATION  
SCALE 1:200

EXISTING  
 ALTERATIONS & ADDITIONS

ALTERNATION AND ADDITION OF  
 EXISTING DWELLING  
 15 Summerwood Way  
 BROADBENT NSW AUSTRALIA  
**KIRIN KING INTERNATIONAL PTY LTD**  
 Drawing Title  
**COMPLIANCE**  
 ALTERNATION AND ADDITION  
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 Date of Issue 24/2/2025  
 Drawing Number DA 4001  
 Revision E  
**DEVELOPMENT APPLICATION**

# ATTACHMENT 1 - ITEM 4

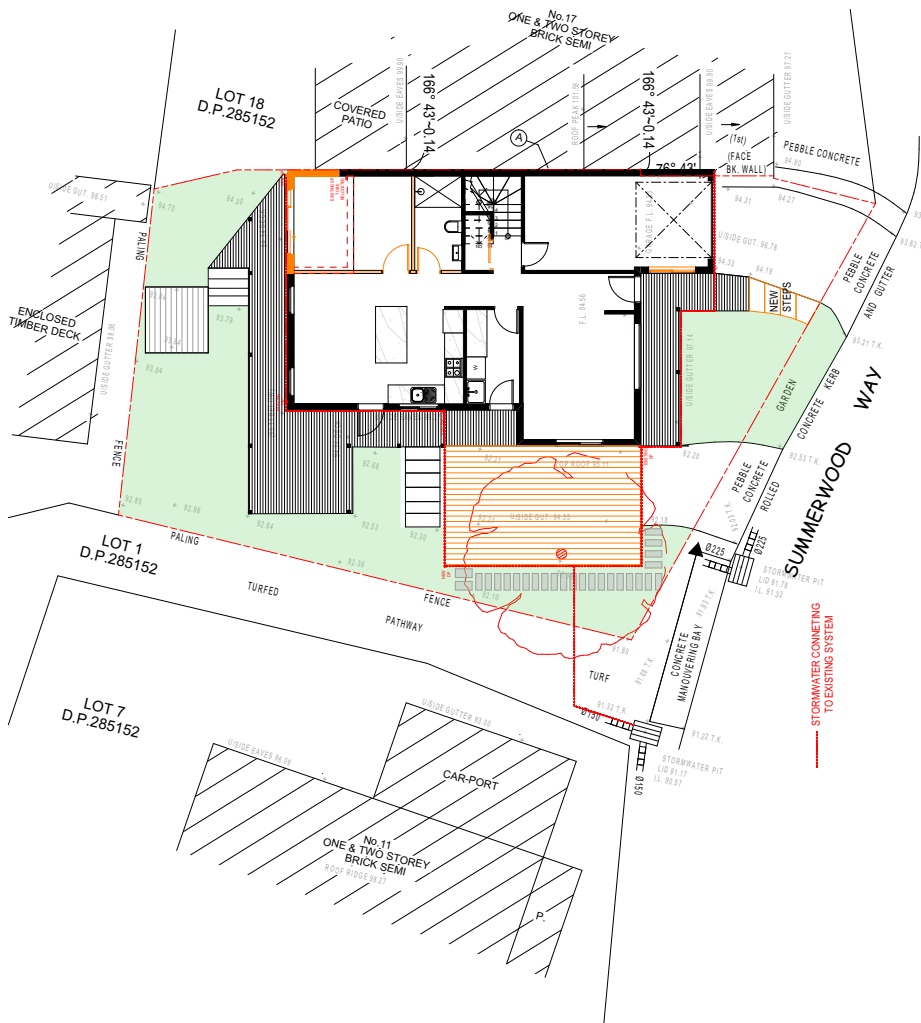
# ATTACHMENT 1 - ITEM 4

ALTERNATION AND ADDITION OF  
EXISTING DWELLING  
16 Summerwood Way  
Boracoti NSW Australia

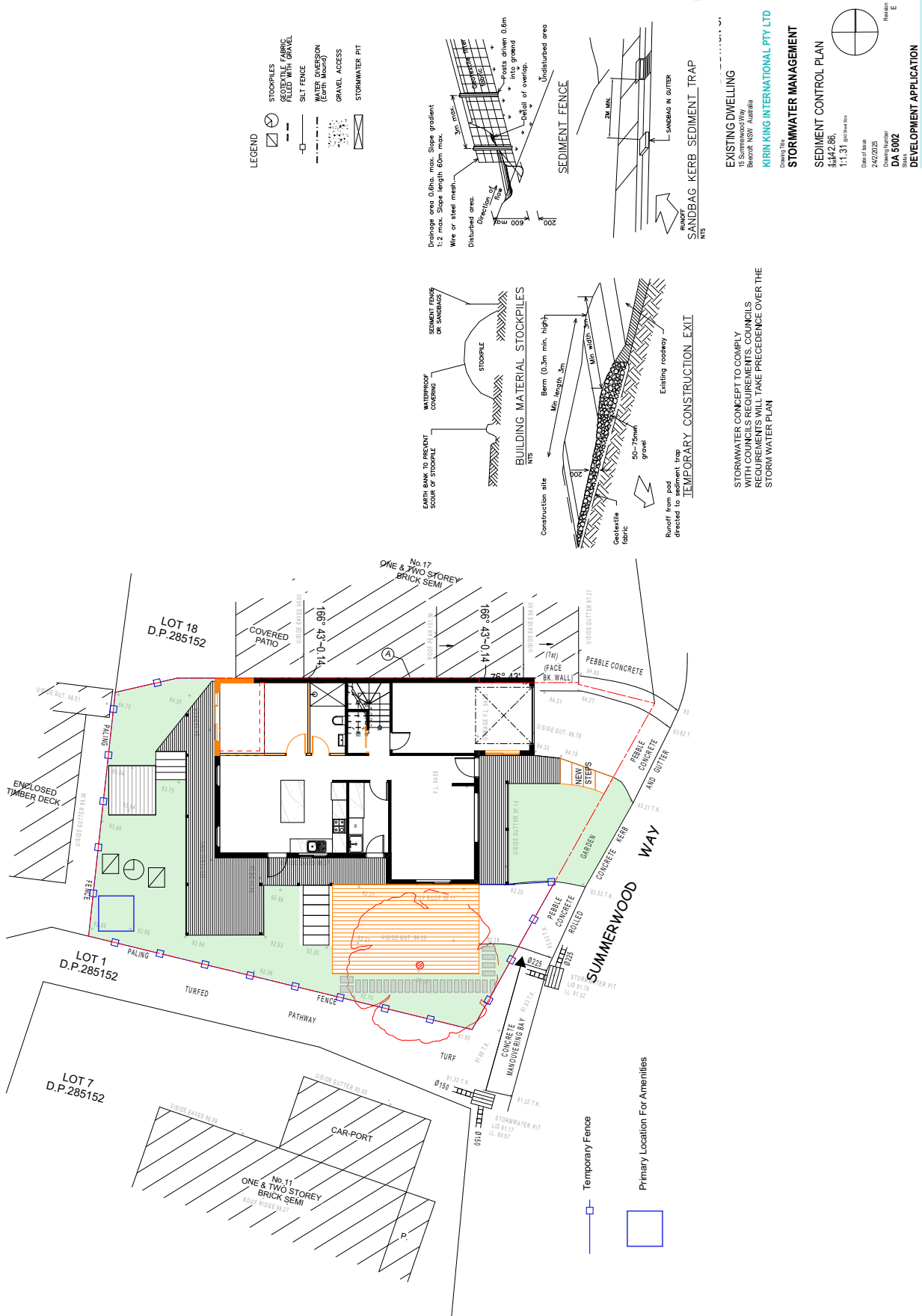
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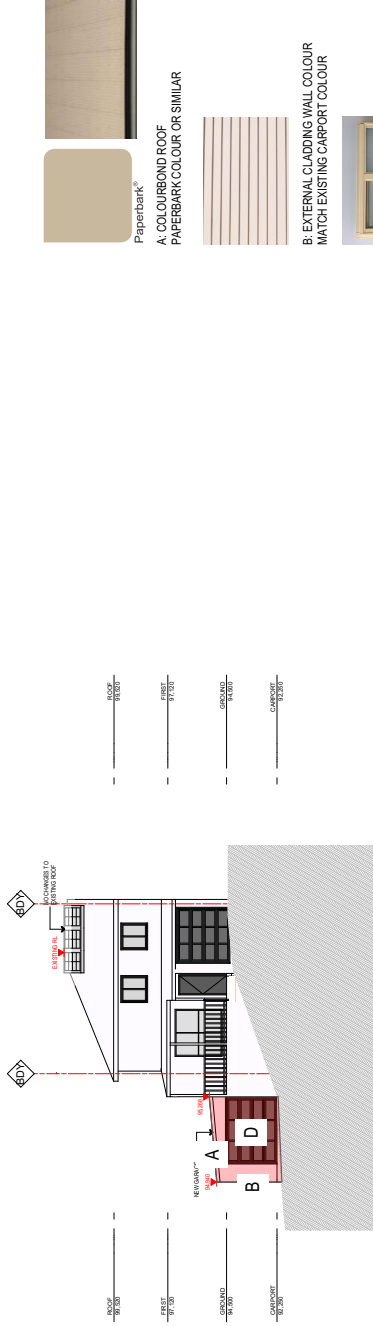
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Revision: E

DEVELOPMENT APPLICATION

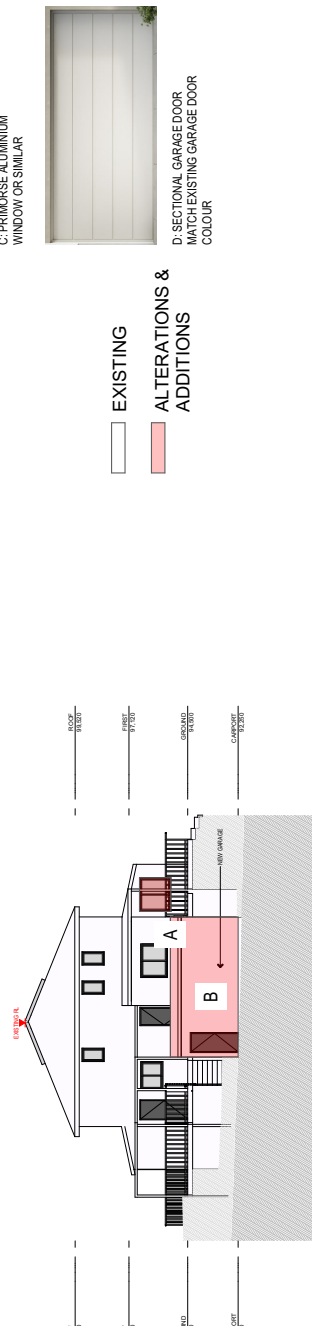


# ATTACHMENT 1 - ITEM 4

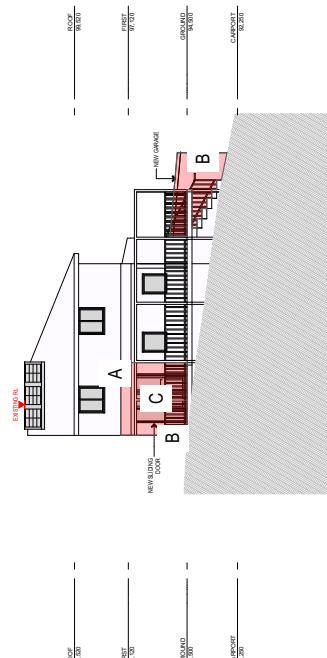




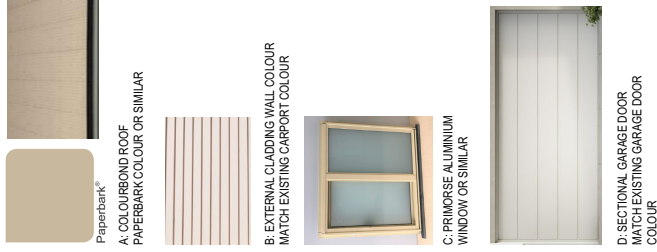
EAST ELEVATION  
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SOUTH ELEVATION  
SCALE 1:200



WEST ELEVATION  
SCALE 1:200



EXISTING  
ALTERATIONS & ADDITIONS

**ALTERNATION AND ADDITION OF EXISTING DWELLING**  
15 Summerwood Way  
Boracoti NSW Australia

**KIRIN KING INTERNATIONAL PTY LTD**  
Drawing Title  
**EXTERNAL FINISHES**

**FINISHES SCHEDULE**  
Scale: 1:200 (80% Final Size)  
Date of Issue: 24/2/2025  
Drawing Number: DA 6001  
Revision: E

**DEVELOPMENT APPLICATION**

# ATTACHMENT 1 - ITEM 4

## DRAFT CONDITIONS OF CONSENT

### GENERAL CONDITIONS

Condition

#### 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
DA 1001 Rev E	Existing Site Plan	Kirin King International	24.02.2025	
DA 1002 Rev E	Proposed Site Plan	Kirin King International	24.02.2025	
DA 2001 Rev E	Existing Lower Floor Plan/ Demolition Plan	Kirin King International	24.02.2025	
DA 2002 Rev E	Proposed Lower Floor Plan	Kirin King International	24.02.2025	
DA 2003 Rev E	Existing Ground Floor Plan/ Demolition Plan	Kirin King International	24.02.2025	
DA 2004 Rev E	Proposed Ground Floor Plan	Kirin King International	24.02.2025	
DA 2006 Rev E	Proposed First Floor Plan	Kirin King International	24.02.2025	
DA 4001 Rev E	Compliance	Kirin King International	24.02.2025	

##### Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
BASIX Certificate A1785425	Kirin King International	27.02.2025	D09077728
Arboricultural Impact Assessment	Horticultural Management Services	2.06.2024	D08966788
Waste Management Plan	Unknown	Undated	D08966798
Concept Stormwater Plan (DA 5001 Rev E)	Kirin King International	24.02.2025	D09077727
Sediment Control Plan (DA 5002 Rev E)	Kirin King International	24.02.2025	D09077727
Finishes Schedule (DA 6001 Rev E)	Kirin King International	24.02.2025	D09077727

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.*

# ATTACHMENT 2 - ITEM 4

**2. Construction Certificate**

1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
2. The Construction Certificate plans must be consistent with the Development Consent plans.

*Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation*

**3. No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

*Reason: To protect vegetation on the site.*

## BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition
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**4. Building Code of Australia**

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the National Construction Code - Building Code of Australia. All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.

*Reason: Prescribed condition - EP&A Regulation section 69(1).*

**5. Contract of Insurance (Residential Building Work)**

Where residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.

*Reason: Prescribed condition EP&A Regulation section 69(2).*

**6. Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifier for the development to which the work relates (not being Council) has given Council written notice of the following information:

1. In the case of work for which a principal contractor is required to be appointed:
  - a) The name and licence number of the principal contractor; and
  - b) The name of the insurer by which the work is insured under Part 6 of that Act.

2. In the case of work to be done by an owner-builder:
  - a) The name of the owner-builder; and
  - b) If the owner-builder is required to hold an owner-builder’s permit under that Act, the number of the owner-builder’s permit.

*Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being Council) has given Council written notification of the updated information.*

*Reason: Prescribed condition EP&A Regulation section 71(2) and (3).*

**7. Sydney Water Building Plan Approval**

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

*Note: Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.*

*Reason: To ensure the development complies with the requirements of Sydney Water.*

**8. Stormwater Drainage – Dwellings**

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 the following requirements:

1. Connected to the existing drainage system in Summerwood Way.

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

**BEFORE BUILDING WORK COMMENCES**

Condition
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**9. Site Sign**

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
  - a) The name, address, and telephone number of the Principal Certifier;
  - b) the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
  - c) Unauthorised entry to the work site is prohibited.
2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

*Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).*

**10. Protection of Adjoining Areas**

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

1. Could cause a danger, obstruction, or inconvenience to pedestrian or vehicular traffic.
2. Could cause damage to adjoining lands by falling objects; and/or
3. Involve the enclosure of a public place or part of a public place; and/or
4. Have been identified as requiring a temporary hoarding, fence, or awning within the Council approved Construction Management Plan (CMP).

*Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.*

*Reason: To ensure public safety and protection of adjoining land.*

**11. Toilet Facilities**

1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
2. Each toilet must:
  - a) Be a standard flushing toilet connected to a public sewer; or
  - b) Be a temporary chemical closet approved under the *Local Government Act 1993*; or
  - c) Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

*Reason: To ensure adequate toilet facilities are provided.*

**12. Erosion and Sediment Control Measures**

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

1. The publication *Managing Urban Stormwater: Soils and Construction 2004* (4th edition) - 'The Blue Book'.
2. Protection of the Environment Operations Act 1997; and
3. The approved plans

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

*Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this*



condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.

*Reason: To minimise impacts on the water quality of the downstream environment.*

### DURING BUILDING WORK

Condition
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#### 13. Hours of Work

1. All work on site (including remediation, demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.
2. No work is to be undertaken on Sundays or public holidays.

*Reason: To protect the amenity of neighbouring properties.*

#### 14. Removal of Trees

This development consent permits the removal of tree numbered T1 as identified in the Arboricultural Impact Assessment prepared by Horticultural Management Services dated 2/6/2024.

*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, 2024.*

*Reason: To identify only those trees permitted to be removed.*

#### 15. Erosion and Sediment Control

1. Works are not to result in the discharge of sediment and or run-off onto the adjoining properties or public land.
2. The person having the benefit of this consent must ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

*Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.*

*Reason: To minimise impacts on neighbouring properties and public land.*

#### 16. Council Property

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition and construction works, no building materials, waste, machinery, or related matter is to be stored on the road or footpath.

*Reason: To protect public land.*

#### 17. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil, and watercourses must not be altered unless otherwise nominated on the approved plans.

*Reason: To protect the natural features of the site.*

**18. Landfill Not Permitted**

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

*Reason: To minimise environmental impacts from landform modification.*

**19. Waste Management**

All work must be carried out in accordance with the approved waste management plan.

*Reason: To ensure the management of waste to protect the environment and local amenity during construction.*

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

Condition
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**20. Fulfilment of BASIX Commitments**

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

*Reason: Prescribed condition - EP&A Regulation section 75.*

**21. Replacement Tree Requirements**

1. The tree approved for removal under this consent, being tree numbered T1 must be offset through replacement planting of a minimum of 1 tree.
2. All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>.
3. The location and size of tree replacement planting must comply with the following:
  - a) All 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.
  - b) The pot size of the replacement trees must be a minimum 45 litres.
  - c) All replacement trees must be a minimum of 3 metres in height.
  - d) All replacement trees must have the potential to reach a mature height greater than 10 metres.

*Reason: To ensure replacement planting to maintain tree canopy.*

**22. Smoke Alarms – Dwelling Additions**

To warn the occupants of the development in the event of a fire, hard wired and interconnected smoke alarms (interconnected where there is a requirement for more than one smoke alarm) shall be provided to all building levels of the existing building and proposed additions in accordance with the requirements of the National Construction Code - Building Code of Australia and Australian Standard AS3786 Smoke Alarms.

*Reason: To provide fire protection for the occupants of the building.*

**23. Damage to Council Assets**

To protect public property and infrastructure, any damage caused to Council’s assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

*Reason: To ensure public infrastructure and property is maintained.*

**OCCUPATION AND ONGOING USE**

Condition
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**24. Establishment of Replacement Trees**

The replacement tree plantings must be maintained into the future to ensure the establishment and successful growth of the trees. This must include but not be limited to watering, weeding, replacement of failed trees and promoting the growth of the replacement trees through standard industry practices.

*Reason: To ensure replacement planting to maintain tree canopy.*

**DEMOLITION WORK**

**BEFORE DEMOLITION WORK COMMENCES**

Condition
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**25. Site Sign**

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
  - a) The name, address, and telephone number of the Principal Certifier.
  - b) the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
  - c) Unauthorised entry to the work site is prohibited.
2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

*Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).*

**26. Protection of Adjoining Areas**

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

1. Could cause a danger, obstruction, or inconvenience to pedestrian or vehicular traffic.
2. Could cause damage to adjoining lands by falling objects; and/or
3. Involve the enclosure of a public place or part of a public place; and/or

4. Have been identified as requiring a temporary hoarding, fence, or awning within the Council approved Construction Management Plan (CMP).

*Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.*

*Reason: To ensure public safety and protection of adjoining land.*

#### **27. Toilet Facilities**

1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
2. Each toilet must:
  - a) Be a standard flushing toilet connected to a public sewer; or
  - b) Be a temporary chemical closet approved under the *Local Government Act 1993*; or
  - c) Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

*Reason: To ensure adequate toilet facilities are provided.*

#### **28. Erosion and Sediment Control Measures**

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

1. The publication *Managing Urban Stormwater: Soils and Construction 2004* (4th edition) - 'The Blue Book'.
2. *Protection of the Environment Operations Act 1997*; and
3. The approved plans

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

*Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.*

*Reason: To minimise impacts on the water quality of the downstream environment.*

#### **29. Garbage Receptacle**

A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.

1. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

2. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
3. Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

*Reason: To maintain the site in a clean condition and protect local amenity.*

**DURING DEMOLITION WORK**

Condition
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**30. Hours of Work**

1. All work on site (including remediation, demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.
2. No work is to be undertaken on Sundays or public holidays.

*Reason: To protect the amenity of neighbouring properties.*

**31. Council Property**

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition and construction works, no building materials, waste, machinery, or related matter is to be stored on the road or footpath.

*Reason: To protect public land.*

**32. Disturbance of Existing Site**

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil, and watercourses must not be altered unless otherwise nominated on the approved plans.

*Reason: To protect the natural features of the site.*

**END OF CONDITIONS**

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<b>DA No:</b>	DA/1036/2024 (17/09/2024)
<b>Description:</b>	Alteration and additions to a semi-detached dwelling
<b>Property:</b>	15 Summerwood Way Beecroft Lot 19 DP 285152
<b>Applicant:</b>	Mrs Qijing Hu
<b>Owner:</b>	Charles Luk and Qijing Hu
<b>Estimated Cost:</b>	\$99,000
<b>Ward:</b>	Ward C
<b>Clause 4.6 Request:</b>	N/A
<b>Submissions:</b>	Nil
<b>LPP Criteria:</b>	Council staff
<b>Author:</b>	Deborah Dickerson DJD Planning Pty Ltd
<b>COI Declaration:</b>	No Council staff involved in the assessment of this application have declared a Conflict of Interest.

**RECOMMENDATION**

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application DA/1036/2024 for alteration and additions to a semi-detached dwelling at Lot 19 DP 285152, 15 Summerwood Way Beecroft subject to conditions of consent in Attachment 2 of LPP Report No. LPP9/25.

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## EXECUTIVE SUMMARY

- The application involves alterations and additions to a two storey semi-detached dwelling.
- The development involves land owned by a Council officer. In accordance with Council's adopted Policy '*Proposed Council Developments*' an independent assessment of the development application has been undertaken by Deborah Dickerson of DJD Planning Pty Ltd.
- Between 18 September 2024 and 16 October 2024, the development application was placed on public notification. 1 submission was received in respect of the application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as the owner of the land is a Council officer.
- It is recommended that the application be approved.

## BACKGROUND

### Site History

On 1 May 1990, Council approved Development Application No. DA/444/1989 for a cluster housing development comprised of 18 semi-detached dwellings, a communal driveway and open space on an 8742m<sup>2</sup> site at Sutherland Road Beecroft.

On 30 August 1993, Council approved Development Application No. DA/301/1993 for the Community Title Subdivision of the cluster housing that was constructed under BA/797/1992.

In January 1994 Neighbourhood Plan DP285152 was registered incorporating a 3,355m<sup>2</sup> neighbourhood lot (Lot 1) with a common driveway and open space areas, and 18 residential lots with a median site area 278m<sup>2</sup> around each of the semi-detached dwellings.

The subject site at 15 Summerwood Way (Lot 19) is a 3-bedroom semi-detached dwelling that adjoins a similar home at 17 Summerwood Way (Lot 18). See Figure 2 overleaf.

### Application History

On 17 September 2024, DA/1036/2024 for alterations and additions to a semi-detached dwelling at 15 Summerwood Way Beecroft was submitted to Council.

On 18 September 2024, the development application was placed on public notification for 28 days until the 16 October 2024. 1 submission was received in respect of the application.

On 28 October 2024, DJD Planning completed a preliminary assessment of the application and advised Council that it was unable to be supported in its current form. The primary concern related to the proposed modification to on-site carparking. In particular, the application proposed to convert the existing garage into a bedroom and provide a replacement carparking space on the existing driveway in front of the new bedroom. The proposed car parking space in the driveway was forward of the building line and unable to comply with the minimum dimensions and gradient required for carparking spaces in Australian Standards AS 2890.1.

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The applicant provided additional information and amended plans on 2 December 2024, 13 January 2025 and 24 February 2025. The current set of plans have deleted the conversion of the garage to a bedroom and instead provided a new bedroom on the ground floor at the rear of the dwelling.

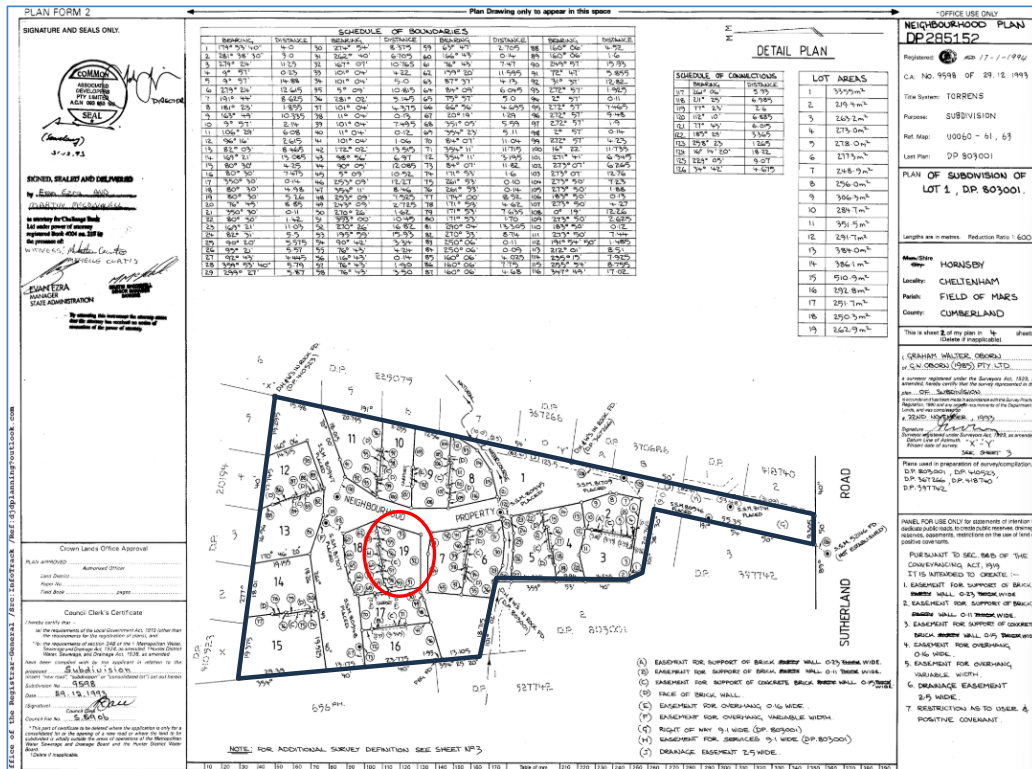


Figure 1 - Neighbourhood Plan DP285152, including subject site Lot 19 (15 Summerwood Way)

**SITE**

The site is legally described as Lot 19 in DP 285152, known as 15 Summerwood Way Beecroft. The area of the site is 262.9m<sup>2</sup> with a frontage 15.93m to a private road, a southern side boundary of 16.82m to a turfed communal pathway, and rear boundary 10.45m wide. The private road Summerwood Way has a variable width, comprising an accessway approximately 7.5m wide and carriageway 4 to 5m wide in the vicinity of the site.

The improvements on the site comprise a two-storey semi-detached 3-bedroom dwelling with an integrated single car garage and driveway in the north and single car carport and driveway in the south. The site is burdened by an Easement for Support along part of the northern boundary where the house abuts 17 Summerwood Way.

Lot 19 is not flood prone, however part of the Summerwood Way estate and private road to the south of the subject site is impacted by the 1% AEP event. The site is not bushfire prone.

A 12m high planted endemic tree (a turpentine) is setback 900mm to the south of the carport slab.



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The site does not contain a heritage listed item and is not in the vicinity of a heritage listed item. The subject property is in the Beecroft—Cheltenham Heritage Conservation Area (HCA) listed under Schedule 5 Part 2 of the Hornsby Local Environmental Plan 2013.



Figure 2 - Aerial Photo of the Site. Source: Spatial Services NSW Imagery Basemap Service

### PROPOSAL

The application proposes alterations and additions to an existing semi-detached dwelling.

- Extend the ground floor at the rear by 6m<sup>2</sup>, and establish a downstairs bedroom and bathroom
- Replace the single car carport with a 3.7m wide garage

Remove a 12m high planted endemic tree (Turpentine).

### ASSESSMENT

The development application has been assessed having regard to the Greater Sydney Region Plan - A Metropolis of Three Cities, the North District Plan and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

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## 1. STRATEGIC CONTEXT

### 1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for Northern District over the next 20 years.

The proposed development would be consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities and the North District Plan, by providing for housing in a manner protects the environmental and social values in the locality.

## 2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*".

### 2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP).

#### 2.1.1 Zoning of Land and Permissibility

The subject land is zoned R2 Low Density Residential under the HLEP. The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is defined as alterations to a 'semi-detached dwelling', defined as follows:

*'semi-detached dwelling' means a dwelling that is on its own lot of land and is attached to only one other dwelling*

A 'semi-detached dwelling' is permissible on the subject site by virtue of State Environmental Planning Policy (Housing) Amendment (Low and Mid Rise Housing) 2025 (Amending SEPP) gazetted on Friday 28 February 2025. Clause 166 permits development for the purposes of dual occupancies or semi-detached dwellings with development consent on land to which this chapter applies in Zone R2 Low

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Density Residential. The previous provisions within Chapter 3 Part 12 of the SEPP that permitted dual occupancies, or semi-detached dwellings, were omitted in this latest amending SEPP.

The minor alterations proposed to the dwelling at 15 Summerwood Way are not inconsistent with the zone objectives because the work provides for the housing needs of the community in a built form that is compatible with the established character of the area.

### 2.1.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5m. The proposal has a maximum height of 3.2m and complies with this provision.

### 2.1.3 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire.

The property is located within the Beecroft-Cheltenham Plateau Precinct of the Beecroft-Cheltenham Heritage Conservation Area (HCA) listed under Schedule 5 of the Hornsby Local Environmental Plan 2013 (HLEP).

The proposal seeks to undertake alterations and additions to a mid-1990s duplex development that was constructed outside the core building period protected by the HCA and in a location that has little to no visual connection to the significant characteristics of the HCA. The proposed works, materials and finishes complement and is sympathetic to the existing built form, materials and façade treatment of the duplex building. The new brickwork is to match the existing wall colour, the new garage door to match the existing garage door colour and aluminium framing to match existing window/door hardware. The new garage and rear extension and minor floor space additions that would have no discernible impact on the existing built form.

The proposal also seeks to remove a Juvenile Turpentine Tree. The Tree is located adjacent the existing carport (900mm from the carport slab and 3.4m from the outer wall of the existing dwelling) and within the footprint of the proposed enclosed garage.

Turpentine trees are contributory to the remnant forest tree communities creating the local landscape character and loss of any tree would have a degree of impact. Considering the juvenile age, future height, canopy spread, property impacts and requirements for pruning in close proximity to the existing dwelling, the proposal to remove and plant a new canopy tree indigenous to Hornsby Shire in a more suitable location would have an improved long term heritage outcome.

## 2.2 State Environmental Planning Policy (Housing) (2021)

### Chapter 6 Low and Mid Rise Housing

Chapter 6 of this Policy aims to encourage the development of low and mid rise housing in areas that are well located with regard to goods, services and public transport.

Clause 166 permits development for the purposes of dual occupancies or semi-detached dwellings with development consent on land to which this chapter applies in Zone R2 Low Density Residential. There

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are no other controls within Part 2 Dual occupancies and semi-detached dwellings, that apply to the proposed development.

### **2.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### **Chapter 2 Vegetation in Non-Rural Areas**

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.3 of the policy states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1.2.6 of the HDCP 2024 prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation. See discussion at 3.1.1 of this report.

#### **Chapter 6 Water catchments**

This part provides controls for development within a regulated catchment defined as including the Sydney Drinking Water Catchment, the Sydney Harbour Catchment, the Georges River Catchment, and the Hawkesbury-Nepean Catchment.

In deciding whether to grant consent to development on land in a regulated catchment, the consent authority must consider and be satisfied the development is satisfactory in relation to water quality and quantity, aquatic ecology, flooding, recreation and public access, and total catchment management.

Subject to the implementation of stormwater management measures, the proposal would have minimal impact on the Sydney Harbour Catchment and comply with the requirements of Part 6.2 of the SEPP.

### **2.4 State Environmental Planning Policy (Sustainable Buildings) 2022**

The application has been assessed against the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022. The proposal includes a BASIX Certificate for the proposed alterations and additions, which is satisfactory. A condition is recommended requiring the recommendations of the BASIX certificate be complied with.

### **2.5 State Environmental Planning Policy (Resilience and Hazards) 2021**

The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

#### **Chapter 4 Remediation of Land**

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

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An examination of Council's records and aerial photography has determined that the site has been historically used for residential purposes. It is not likely that the site has experienced any significant contamination, and further assessment under chapter 4 of the Resilience and Hazards SEPP is not required.

## 2.6 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

## 2.7 Hornsby Development Control Plan 2024

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2024 (HDCP).

The semi-detached dwelling at 15 Summerwood Way is part of a cluster housing development of 18 homes on small lots that is governed by Neighbourhood Plan 285152. The following table sets out the proposal's compliance with Part 3.1 Dwelling Houses that includes prescriptive controls for dwelling houses on small residential lots.

HDCP - Part 3.1 Dwelling Houses			
Control	Proposal	Requirement	Complies
Site Area	262.9m <sup>2</sup>	N/A	N/A
Building Height – proposed addition	3.2m	8.5m	Yes
No. storeys	unchanged	max. 2 + attic	Yes
Site Coverage	53%	60%	Yes
Floor Area (85% of lot size)	194m <sup>2</sup>	223.5m <sup>2</sup>	Yes
Setbacks			
- Front	900mm	6m	No
- Side(north)			

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Ground floor	0m	900mm	No
First floor	unchanged	1.5m	NA
- Side(south)			
Ground floor	900m	900mm	Yes
First floor	unchanged	1.5m	NA
- Rear			
Ground floor	4.2m	3m	Yes
First floor	unchanged	8m	NA
Landscaped Area (15% of lot size)	76.2m <sup>2</sup>	45.99m <sup>2</sup>	Yes
Private Open Space			
- minimum area	24m <sup>2</sup>	24m <sup>2</sup>	Yes
- minimum dimension	3m	3m	Yes
Car Parking	2 spaces	2 spaces	Yes

As detailed in the above table, there are several non-compliances with the HDCP controls for Dwelling Houses which are discussed below, including a brief discussion on compliance with relevant performance requirements.

#### 2.7.1 Setbacks

The desired outcomes of Part 3.1.2 Setbacks of the *HDCP* are to encourage “setbacks that are compatible with adjacent development and complement the streetscape” and “setbacks that allow for canopy trees to be retained and planted along the front and rear property boundaries.”

The prescriptive measure set out in Table 3.1.2-a prescribes a minimum front boundary setback of 6m to local roads. The permissible encroachments into the front setback at prescriptive measure (h) and (i) explicitly exclude garages, and furthermore the design controls at 3.1.8(e) requires garages to be setback 1 metre from the front façade of the home.

The application proposes to replace a 2.6m wide carport with a 3.7m wide garage at the eastern property frontage to Summerwood Way. The proposed garage has a variable setback to the private road of 0.9m to 2.8m and is forward of the building line. This does not comply with the prescriptive measures in the *HDCP* for Dwelling Houses.

However, a low-rise multi-unit housing development consisting of a cluster of villas would typically be assessed against the provisions of 3.2 Medium Density Housing of the *HDCP*. This part of the *DCP* does not solely apply to land zoned R3, but also to clusters of villas and townhouses. Importantly, the medium density controls differentiate between the setback required to a public road (6 metres) and the setback required to an internal common driveway.

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Clause 3.2.6 Landscaping, Clause 3.2.8 Privacy and Clause 3.2.12 Vehicle Access and Parking of the medium density controls requires common driveways to be flanked by landscaped verges at least 2 metres wide, and that villas/townhouses be separated by at least 4m of landscaping and that the total internal separation of villas/townhouses be guided by privacy standards typically requiring 6-12m.

Considering the above, the proposal to develop a new single car garage to the south of the semi-detached dwelling is supported, because:

- It reflects the current landscaped setback alignment between the dwelling and the carriageway,
- The separation between the proposed garage and existing dwelling at 11 Summerwood Way ranges from 4.7m to 6.6m, achieving an adequate landscaped setback between buildings,
- The separation between the new garage and the dwellings to the east at No 4 and 6 Summerwood Way exceeds 12 metres,
- The proposed garage mitigates the existing amenity conflicts between the dwelling and the numerous garbage bins commonly placed nearby. See Figure 3 below
- Lastly, the provision of 2 carparking spaces is warranted because vehicle access to the family home is obtained via a narrow private road within this Community Title development. The Summerwood Way carriageway is typically only 5m wide, so there is limited opportunity for convenient and safe overflow parking. Secondly, the nearest public road is Sutherland Road, some 130m to the south of the dwelling, that is a busy local road with no stopping/ on-street overflow parking available either. Lastly, the closest town centre shops at Beecroft are located over 1 kilometre from the property.



Figure 3 - Existing street frontage at 15 Summerwood Way, depicting the carport that is proposed to be replaced by a garage and the planted turpentine tree to be removed

Secondly, the prescriptive measures set out in Table 3.1.2-a require a minimum side boundary setback of 0.9m. The proposal extends the ground floor at the rear of the dwelling by 2m in depth immediately adjacent to the common side boundary with 17 Summerwood Way. The zero line (0m) setback along

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the northern boundary is consistent with the existing alignment of the semi-detached dwellings, the extension is limited in height and depth and will not impact the privacy of the adjacent home nor cause overshadowing impacts on the neighbour's land.

### 2.7.2 Vehicle Access and Parking

Prescriptive controls relating to transport and parking are contained within Part 1.3.2.1 Transport and Parking of the DCP. The HDCP requires sufficient and convenient parking for residents with vehicular access that is simple, safe and direct, and requires car parking for dwelling houses should be provided behind the front building line.

The existing dwelling contains 2 car spaces within a garage and a carport. The amended plans propose to convert the carport into a garage. As previously discussed at 2.5.1 of the report, the siting of the garage is compatible with the site context.

### 2.7.3 Stormwater Management

The desired outcomes of Part 1.3.1.2 Stormwater Management of the *HDCP* is to encourage development "*that protect waterways from erosion, pollution and sedimentation and maintains or improves water quality and aquatic habitats*" and "*water management systems that minimise the effects of flooding and maintains natural environmental flows.*"

The applicant proposes alteration and addition of existing dwelling which is to be connected to the existing stormwater system in the Summerwood Way estate managed by the Neighbourhood Plan with all plumbing will be conducted in accordance with AS 3500. As such, no adverse impacts from this proposal are anticipated.

Subject to conditions, the proposal meets the desired outcomes of Part 1.3.1.2 Stormwater Management of the *HDCP* and is considered acceptable

### 2.8 Section 7.11/7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 does not apply to the development as the estimated costs of works are less than \$100,000.

## 3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*"

### 3.1 Natural Environment

#### 3.1.1 Tree and Vegetation Preservation

The proposed development would necessitate the removal of 1 tree from the site, a 12m high juvenile Turpentine (*Syncarpia glomulifera*). An Arboricultural Impact Assessment (AIA) submitted with the proposal concluded that the tree is in an unsuitable position in close proximity to the house where its future growth will result in major damage to the dwelling or substantial structure.



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Council's assessment of the proposal included a detailed examination of the existing tree and local context. The subject site is in the vicinity of a Blackbutt Gully Forest vegetation community and contains tree species protected by the Tree Preservation Measures contained in the (HDCP). Council's Tree Management Team support the application subject to recommended consent conditions that require replacement planting in either the front or rear setback area of the dwelling.

### 3.1.2 Stormwater Management

As previously discussed at 2.5.3 of this report, the amended dwelling proposes to connect into the Summerwood Way estate's stormwater management system. This is required by consent condition.

## 3.2 Built Environment

### 3.2.1 Built Form

As previously discussed at this report under Part 2.5.1 setbacks, despite the non-compliance of the new single car garage with the prescriptive measures in the HDCP, the proposal is supported because it is reasonably compatible with the established streetscape and importantly mitigates site-specific amenity conflicts and constraints.

Secondly, the minor rear extension on the ground floor is limited in height and depth, will not impact the privacy of the adjacent home nor cause overshadowing impacts on the neighbour's land.

### 3.2.2 Traffic

Council's engineering assessment initially raised concerns about the proposed use of the existing driveway as a resident parking space. This matter is resolved by the submission of amended plans.

## 3.3 Social Impacts

There are no significant social impacts arising from the development.

## 3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy in conjunction with other development in the locality by generating an increase in demand for local services.

## 4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

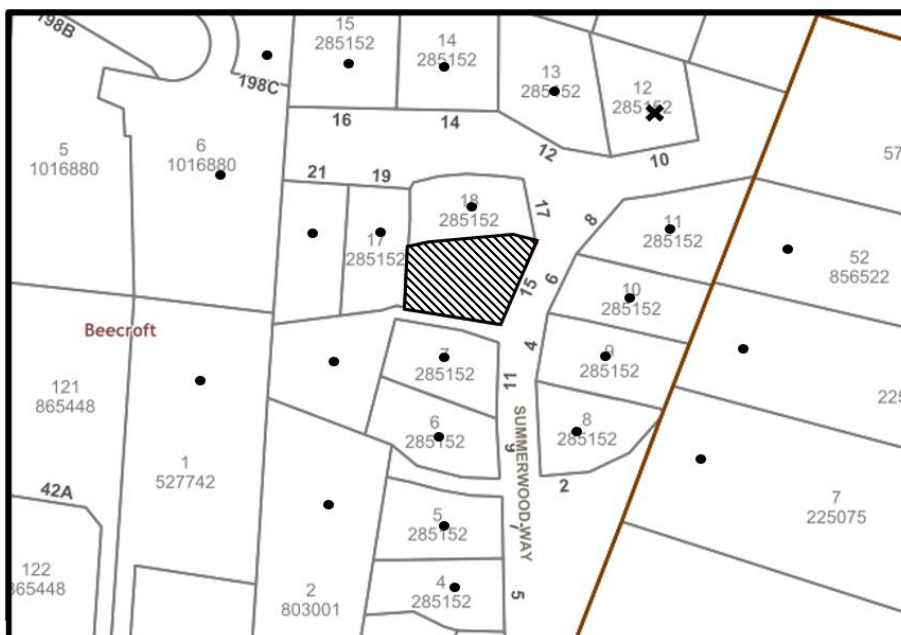
## 5. PUBLIC PARTICIPATION

Section 4.15(1)(d) of the Act requires Council to consider "*any submissions made in accordance with this Act*".



Consultant Assessment Report  
Prepared by: Deborah Dickerson DJD Planning Pty Ltd

**5.1 Community Consultation**

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 18 September 2024 and 16 October 2024 in accordance with the Hornsby Community Engagement Plan. During this period, Council received 1 submission. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



**NOTIFICATION PLAN**

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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One submission objected to the development, generally on the grounds that the development would result in:

- An unacceptable impact on the locality by converting the driveway in front of the existing garage into a carparking space.

This concern is mitigated by the amended plans submitted in February 2025. The current plans retain the existing garage and delete the proposed use of the driveway as a second carparking space.

**5.2 Public Agencies**

The development application was not referred to any Public Agencies for comment.

Consultant Assessment Report  
Prepared by: Deborah Dickerson DJD Planning Pty Ltd

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## 6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider *"the public interest"*.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

### CONCLUSION

The application proposes alteration and additions to a semi-detached dwelling at 15 Summerwood Way Beecroft.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received 1 submission during the public notification period. The matters raised have been addressed in the body of the report.

Having regard to the circumstances of the case, approval is recommended.

The reasons for this decision are:

- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

*Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.*

**5 REPORTING DEVELOPMENT APPLICATIONS FOR DETERMINATION BY THE HORNSBY LOCAL PLANNING PANEL OVER 180 DAYS**

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**EXECUTIVE SUMMARY**

- In accordance with the Local Planning Panels Directions - Operational Procedures, Council is required to monitor development applications to be determined by the Panel that may be experiencing unreasonable delays of over 180 days from lodgement.
- A list of out outstanding development applications in excess of 180 calendar days from lodgement is attached for the Hornsby Local Planning Panel's advice.

**RECOMMENDATION**

THAT the contents of LPP Report No. LPP10/25 be received and noted.

## PURPOSE

The purpose of this report is to advise the Hornsby Local Planning Panel of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

## DISCUSSION

In 2019 the NSW Productivity Commission conducted a review of the Independent Planning Commission (IPC). The review recommended several actions to streamline processes to optimise efficiency, output and performance.

The planning panel changes were implemented on 1 August 2020 to incorporate a number of the NSW Productivity Commission 's recommendations to the way Local Planning Panels work to make them more efficient and to improve the assessment and determination times of development applications and maintain panel oversight of sensitive and contentious applications.

These changes were made as part of the Planning Acceleration Program to support the State's immediate and long-term economic recovery from the COVID-19 crisis.

The changes will speed up panel determinations by:

1. Reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings.
2. Reducing the amount of modifications going to panels.
3. Obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes.
4. Allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement.
5. Introducing panel performance measures.

The Local Planning Panels Directions - Operational Procedures has been amended to:

- Require panels to make determinations within two weeks of being provided an assessment report.
- Require panels to hold a public meeting only where the Development Application has attracted 10 or more unique submissions by way of objection.
- Allow, at the Chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material.
- Oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage.
- Require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination.
- Give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.

In accordance with Point 6 of the Local Planning Panels Directions - Operational Procedures, attached is a list of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

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**CONCLUSION**

Council is required to monitor development applications to be determined by the Panel that are over 180 calendar days from lodgement. This report provides advice to the Local Planning Panel on DAs that are experiencing unreasonable delays of over 180 days from lodgement.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this report is the Major Development Manager, Cassandra Williams.

JAMES FARRINGTON  
Director - Planning and Compliance  
Planning and Compliance Division

**Attachments:**

1. [DAs over 180](#)



days

File Reference: F2013/00295-004

Document Number: D09080472

List of development applications required to be determined by the LPP that are over 180 calendar days from lodgement.

DA No.	Proposal	Address	Reason	Est. Date to LPP	Advice to Chair	No. Days at 26/3
DA/907/2024	Demolition and construction of 5 storey residential flat building with 39 units	454-458 Peats Ferry Road, Asquith	SEPP Housing	Apr	Amended plans on notification until 3 April. Report to be prepared for April LPP meeting.	216

**ATTACHMENT 1 - ITEM 5**