



MINUTES OF LOCAL PLANNING PANEL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 28 April 2021
at 6:30pm



PRESENT

Chairperson - Jacqueline Townsend (Chair)

Expert Panel Member - Juliet Grant

Expert Panel Member - Linda McClure

Community Member - Barbra Wynn

Community Member - John Filocamo

Staff Present

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Senior Town Planner - Ben Jones

Senior Town Planner - Stephen Dobbs

Town Planner - Thomas Dales

The meeting commenced at 6.30pm.

AUDIO RECORDING OF LOCAL PLANNING PANEL MEETING

Statement by the Chairman:

"I advise all present that tonight's meeting is being video streamed live via Council's website and also 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 audio and video 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:

- | | | |
|----------|--|---------|
| 1 | LPP4/21 DA/258/2020 - Demolition of Existing Structures, Torrens Title Subdivision of One Lot into Two and Erection of Two Dwellings - 76 New Line Road, Cherrybrook | |
| | Richard Jones (Speaking on behalf of Strata Committee) | Against |
| | Nick Juradowitch (Ingham Planning - Speaking on behalf of Applicant) | For |
| 2 | | |
| | LPP6/21 DA/558/2020 - Section 8.2 - Alterations and Additions to an Industrial Unit Comprising the Installation of a 60sqm Mezzanine Level - 20/35 Sefton Road, Thornleigh | |
| | Paul Hansen | Against |
| | Ranjodh Sandhu | Against |
| | Justin Kerley (Applicant) | For |
| 3 | | |
| | LPP8/21 DA/985/2020 - Demolition of structures, Torrens title subdivision of two allotments into four lots and construction of a two-storey dwelling house - 99 and 99A Copeland Road, Beecroft | |
| | Trish Brown | Against |
| | Jan Primrose (Spokesperson PYSE Inc) | Against |
| | Ross Walker (Beecroft/ Cheltenham Civic Trust) | Against |
| | Roderick Best (Beecroft Cheltenham History Group) | Against |
| | Peter Brooks - Applicant | 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 7.46pm.

LOCAL PLANNING PANEL

- 1 **LPP4/21 DA/258/2020 - Demolition of Existing Structures, Torrens Title Subdivision of One Lot into Two and Erection of Two Dwellings - 76 New Line Road, Cherrybrook**

(DA/258/2020)

RECOMMENDATION

THAT the Hornsby Shire Council Local Planning Panel assume the concurrence of the Secretary of the Department of Planning, Industry and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/258/2020 for demolition of existing structures, Torrens title subdivision of one lot into two and erection of two dwellings as staged development at Lot 185 DP 626632, No. 76 New Line Road, Cherrybrook subject to the conditions of consent detailed in Schedule 1 of LPP Report No.4/21

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in written submissions and by the speakers at the meeting including scale of the development, traffic and pedestrian safety impacts, fencing and garbage services.

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 *HLEP* and is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Minimum subdivision lot size' 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 of consent contained in Schedule 1 of the report and the following additional conditions:

1A. Amendment of Plans

- a) To integrate the development into the general character of the adjoining 'Falcon Hill' Strata Complex (SP 21015) the open style palisade fencing along the entirety of the western side boundary is to be amended to be generally consistent in colour, spacing and open style of the palisade style fencing located immediately south of the subject site, that encloses the eastern edge of pool area of the communal open space of the Falcon Hill Strata Complex.
- b) The amended plans must be submitted with the application for the Construction Certificate.

48A. Construction Vehicle Access

- a) All construction vehicle access is to be via the existing New Line Road vehicular access, and in accordance with the requirements of the Demolition Plan & Construction Management Plan, prepared by Transport and Traffic Planning Associates, dated March 2021.

- b) No vehicular, equipment or personnel access to the site is permitted via the right of carriageway that burdens the adjoining strata development, known as SP 21015, Falcon Hill.

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The written request under Clause 4.6 of *Hornsby Local Environmental Plan 2013* to vary to the minimum allotment size is well founded. Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as the subject site contains sufficient area for two lots and there are sufficient environmental planning grounds to justify the variation to the development standard, in particular the retention of the Blue Gum High Forest on New Line Road and reduction of the vehicular conflicts on the classified road.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, tree and vegetation preservation, stormwater, vehicle access, amenity or privacy.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Juliet Grant, Linda McClure, Barbra Wynn

AGAINST: NIL

2 LPP6/21 DA/558/2020 - Section 8.2 - Alterations and Additions to an Industrial Unit Comprising the Installation of a 60sqm Mezzanine Level - 20/35 Sefton Road, Thornleigh

(DA/558/2020)

RECOMMENDATION

THAT the Hornsby Local Planning Panel approve the Section 8.2 review of Development Application No. DA/558/2020 for alterations and additions to an industrial unit comprising the installation of a 60m² mezzanine level at Lot 20 SP 101715, No. 20/35 Sefton Road Thornleigh.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in written submissions and by the speakers at the meeting including the scale of the development, incremental increases in floor area as a result of multiple applications, hours of operation, acoustic, traffic and car parking impacts.

The Panel notes that a number of issues raised by the speakers at the meeting are outside the scope of this application and would be addressed by future development applications and ongoing compliance.

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 proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013 including the required number of car parking spaces.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to acoustic amenity, car parking or traffic impacts.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Juliet Grant, John Filocamo

AGAINST: NIL

3 LPP8/21 DA/985/2020 - Demolition of structures, Torrens title subdivision of two allotments into four lots and construction of a two-storey dwelling house - 99 and 99A Copeland Road, Beecroft

(DA/985/2020)

RECOMMENDATION

THAT Development Application No. DA/985/2020 for demolition of structures, Torrens title subdivision of two allotments into four lots and construction of a dwelling house at Lots 1 and 2 DP 44486, Nos. 99 and 99A Copeland Road Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP8/21.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors in written submissions and at the meeting, including overdevelopment of the site, heritage impacts, retention of existing dwelling, removal of trees, future impact on privacy and amenity of adjoining properties.

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

1. Deletion of the swimming pool;
2. Retention of 7 additional trees, being trees numbered 24, 35, 36, 37, 39, 40 and 41 as identified in the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting dated 1 April 2021; and
3. New condition Nos. 1A and 1B; deletion of condition No. 50 Swimming Pool Requirements and amended condition Nos. 13, 26, 28 parts (d) & (f), 36 and 62 to read:

1A. Amendment of Plans

- a) To comply with Councils requirement in terms of privacy, the approved plans are to be amended as follows:
 - i) This consent does not grant approval for construction of a swimming pool on Lot 11 and the approved architectural plans and landscape plan are to be

amended to delete the swimming pool.

- ii) The approved Landscape Plan is to be amended to include additional landscape planting along the rear of Lot 11 in the location of the deleted swimming pool.
- b) These amended plans must be submitted with the application for the Construction Certificate.

1B. Earthworks

Earthworks, or structural or engineering works, within the indicative building envelopes of the proposed lots are not permitted as part of this consent.

13. Installation of Tree Protection Measures

Trees to be retained and numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 24, 26, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40 and 41 as identified on the Tree Location Plan prepared by Advanced Treescape Consulting dated 1 April 2021 must have tree protection measures for the ground, trunk and canopy installed by the project arborist for the duration of demolition and construction works.

26. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 24, 26, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40 and 41 on the approved plans.

28. Approved Works within Tree Protection Zone Incursions

- d) Approved excavations within the Tree Protection Zone of trees to be retained numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 24, 26, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40 and 41 not associated with installation of services must be undertaken as follows:
 - i) Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 24, 26, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40 must be overseen by the AQF 5 project arborist for the first 1m undertaken manually to locate roots and allow for pruning.
 - ii) Excavations for the construction and/or installation of the house/deck/driveway/piers in the Tree Protection Zone of trees to be retained numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 24, 26, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40 on the approved plans must be supervised by the project arborist for the first 1.000 meter undertaken manually to locate roots and allow for pruning.
- f) To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 20, 24, 26, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40 on the approved plans, the installation of services must be undertaken as follows:
 - i) The AQF 5 project arborist must be present to oversee the installation of any

underground services which enter or transect the tree protection.

- ii) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
- iii) For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.

36. Removal of Existing Trees

This development consent permits the removal of trees numbered 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 29, 30, 31 and 38 as identified in the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting dated 1 April 2021.

62. Replacement Tree Requirements

The 18 trees approved for removal under this consent must be offset through replacement planting in accordance with the approved Landscape Plan prepared by iScape Landscape Architects dated 30 March 2021, and the following requirements:

- a) The pot size of the replacement groundcovers/shrubs/trees must be in accordance with the Landscape Plan.
- b) All replacement trees (with a mature height of 3m or greater) must be a minimum of 3 metres in height at planting.

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 setback of 13 metres is important in maintaining the existing tree canopy and streetscape of the Heritage Conservation Area.
- The deletion of the pool is to maintain the privacy of future development on Lot 12.
- The retention of the 7 additional trees will enhance any future development on the 3 rear lots consistent with Heritage Conservation Area.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, heritage conservation, tree preservation, earthworks, landscaping, traffic, vehicle access, overshadowing, solar access, amenity or privacy.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Juliet Grant, Linda McClure

AGAINST: Barbra Wynn

4 LPP10/21 Reporting Development Applications for determination by the Hornsby Local Planning Panel over 180 days

RECOMMENDATION

THAT the contents of LPP Report No. LPP10/21 be received and noted.

VOTING OF THE PANEL MEMBERS

FOR: Jacqueline Townsend, Juliet Grant, Linda McClure, Barbra Wynn, John Filocamo

AGAINST: NIL

The Panel's meeting concluded at 9.23pm.

A handwritten signature in black ink, appearing to be 'J. Townsend', written in a cursive style.

Chairperson