

MINUTES OF THE LOCAL PLANNING PANEL – 17 AUGUST 2022 THE HILLS SHIRE COUNCIL

PRESENT:

Garry Fielding	Chair
Lindsay Fletcher	Expert
Glennys James	Expert
Kaavya Karunanithi	Community Representative

COUNCIL STAFF:

The Panel were briefed by Council staff on 17 August 2022.

Paul Osborne	Manager Development Assessment
Ben Hawkins	Manager Subdivision & Development Certification
Kate Clinton	Development Assessment Coordinator
Claro Patag	Specialist Planner
Alexandra Hopkins	Senior Town Planner
Jacob Kiner	Senior Town Planner

MEETING COMMENCED: 12:03 PM

MEETING FINISHED: 12:52 PM

DECLARATIONS OF INTEREST: NO CONFLICTS DECLARED

ITEM 1: DA 784/2022/ZA - INFILL SUBDIVISION CREATING TWO RESIDENTIAL LOTS INCLUDING ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING - LOT 6002 DP 817992, 4 CRAIGTON PLACE, GLENHAVEN

SPEAKERS (via MS Teams Conferencing)

1. Sharon Odewahn-Oxley, Objector
2. Julius Boncato - PDC Consultants, Representing Applicant
3. Fiona Farrugia, Applicant

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval.

PANEL'S DECISION

The panel resolved to APPROVE the application subject to conditions as outlined in the Council report amended as follows (amendments highlighted):

Condition 20

a) Access Handle Driveway Reconstruction

The engineering works illustrated in the Potential Building Platform Plan Job Reference 2021122GILBERT Sheet 1 Version 2 dated 03/11/2021 are required to be completed to

provide access to both proposed lots. The works shall include but not be limited to the following.

- Remove the existing retaining walls on both sides shown on the toe of the driveway ramp and construct new walls shown in blue on both sides to widen the existing driveway except as amended below.
- Removal of existing trees on both sides shown in yellow coloured area and replace the area with concrete driveway and match with the pavers except as amended below.
- Extend the driveway to the proposed boundary of lot 2 shown in yellow colour.
- The existing hedge on the northern side of the driveway closest to Craigton Place is to be retained and protected. The extent of the required widening of the driveway on the northern side is limited to the western edge of this existing hedge. The existing driveway fronting this hedge/ extending to Craigton Place still needs to be reconstructed to address the non-compliant slope as below however the width is to remain as existing.
- The widening of the existing driveway must be reinforced concrete driveway over the shared access handle of proposed lots 1 and 2 in accordance with the above documents and Council's driveway specifications.
- The existing driveway must be reconstructed for the first 10m to regrade the driveway profile to ensure change of gradient does not exceed the maximum 12.5% to avoid scraping bottom of cars. The change of grade of the existing driveway must be as shown on the Longitudinal Section of Driveway Reference 2021122GILBERT Sheet 1 Revision 1 dated 09/03/2022.

The design, finish, gradient, and location of the driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway must be built to Council's residential standard.

REASONS

The Panel generally agrees with the Council Officer's report but has amended Condition 20 to reduce impact on the streetscape by retaining existing hedge planting.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The development application was notified to 10 properties for 21 days. 13 submissions were received. The submissions were summarised and dealt with in the Council Officer's report and have been taken into account along with the oral submissions in the determination of the application.

VOTING

Unanimous

**ITEM 2: DA 1614/2021/HA – CENTRE BASED CHILD CARE FACILITY
– LOT 36 DP 1246754 TERRY ROAD, BOX HILL**

SPEAKERS (via MS Teams Conferencing)

1. Rodney Cauchi, Representing the Owner

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval.

PANEL'S DECISION

The panel resolved to APPROVE the application subject to conditions as outlined in the Council report amended as follows (amendments highlighted):

21. Concrete Footpath Paving

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided across the Byerley Street frontage of the development site between the proposed driveway and Terry Road transitioning into the existing footpath adjacent in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

REASONS

The Panel generally agrees with the Council Officer's report but considered that provision of a paved footpath along the Byerley Street frontage was necessary to facilitate pedestrian access to the proposed centre both for local residents and from cars parked on Byerley Street. The former condition 21 was deleted as staff advised it was unnecessary and was replaced with the new condition.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The development application was notified on two occasions for 21 days the first being to 16 properties and the second being to 46 properties. During the first notification period 18 submissions were received and during the second notification period 4 were received. The submissions were summarised and dealt with in the Council Officer's report and have been taken into account along with the oral submissions in the determination of the application.

VOTING

Unanimous

ITEM 3: DA 280/2022/HC – DEMOLITION OF EXISTING DWELLING, SUBDIVISION INTO TWO LOTS AND CONSTRUCTION OF A 2-3 STOREY DWELLING WITH ASSOCIATED BASEMENT LEVEL AND A SWIMMING POOL ON EACH SUBDIVIDED LOT – LOT 1021, DP 263857 – NO. 3 TIMBER GROVE GLENHAVEN

SPEAKERS (via MS Teams Conferencing)

1. Salvatore Mamone, Objector
2. Marilyn Mamone, Objector
3. Peter Saad, Applicant
4. Alan Denniss, Mepstead & Associates - Civil Engineering, Representing Applicant
5. Edwin Vaca, Ecoplanning, Representing Applicant

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval.

PANEL'S DECISION

The panel resolved to REFUSE the application.

REASONS

1. The proposed development is not responsive to the site constraints in terms of topography, drainage, tree retention, and cut and fill. (Section 4.15 (1)(a)(i and iii)) and (c) of the Environmental Planning and Assessment Act 1979).
2. The proposal is considered unsatisfactory as it does not minimise disturbance to existing natural vegetation and landform. The proposal should have been designed to protect the existing significant trees on the boundaries and to retain these features in a natural state. (Section 4.15 (1)(a)(iii)) of the Environmental Planning and Assessment Act 1979).
3. The proposal will result in adverse visual and amenity impacts to adjoining properties. (Section 4.15 (1)(a)(iii)) of the Environmental Planning and Assessment Act 1979).
4. The development is considered not to be in the public interest as it does not satisfy the aims of The Hills Local Environmental Plan 2019 particularly in preserving and protecting the natural surroundings of the immediate locality and the number of submissions received to the Development Application. (Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979).

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The development application was notified on two occasions for 14 days the first being to 18 properties and the second being to 20 properties. During the first notification period 12 submissions were received and during the second notification period 4 were received. The submissions were summarised and dealt with in the Council Officer's report and have been taken into account along with the oral submissions in the refusal of the application.

VOTING

Unanimous

ITEM 4: 1552/2020/ZB - SUBDIVISION CREATING ONE RESIDENTIAL LOT AND ONE OPEN SPACE LOT INCLUDING NEW ROAD AND AN APPLICATION TO VARY A DEVELOPMENT STANDARD - LOT 5 DP 30916, COMMERCIAL ROAD, ROUSE HILL

SPEAKERS (via MS Teams Conferencing)

1. Aziz Madadghar - Universal Property Group Pty Ltd, Applicant

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval as a deferred commencement consent.

PANEL'S DECISION

- A. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.1 of The Hills LEP and considers that:
- i. the applicant's submission adequately addresses the matters required under cl.4.6;
 - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
 - iii. there are sufficient environmental planning grounds to justify the variation; and
 - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality.
- For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.
- B. The application is APPROVED as a deferred commencement consent subject to the conditions contained in the Council Officer's report.

REASONS

1. The Panel generally agrees with the Council Officer's report.
2. The Panel accepts the proposed departure from the development standard relating to minimum lot size in Section 4.1 of the Hills Local Environmental Plan 2019 as it is satisfied the written Clause 4.6 submission from the applicant has adequately addressed the matters required to be demonstrated by Clause 4.6(3) and the development will be in the public interest because it is consistent with the objectives of the minimum lot size standard and the objectives of the SP2 Infrastructure and R1 General Residential zones under the Hills Local Environmental Plan 2019.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The development application was notified to 56 properties for 14 days. Three submissions were received. The submissions were summarised and dealt with in the Council Officer's report. The Panel considers the submissions have been adequately addressed in the report along with the further response provided at the meeting.

VOTING

Unanimous

ITEM 5: DA 1317/2022/ZA - SUBDIVISION CREATING TWO RESIDUE LOTS INCLUDING DEMOLITION AND AN APPLICATION TO VARY A DEVELOPMENT STANDARD (MINIMUM LOT SIZE) - LOT 65 DP 11104, 7 MASON ROAD, BOX HILL

SPEAKERS (via MS Teams Conferencing)

1. Aziz Madadghar - Universal Property Group Pty Ltd, Applicant

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval.

PANEL'S DECISION

- A. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.1 of State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan (SEPP) and considers that:

- i. the applicant's submission adequately addresses the matters required under cl.4.6;
- ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
- iii. there are sufficient environmental planning grounds to justify the variation; and
- iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality.

For the above reasons, the Panel is satisfied that the variation from the SEPP development standard is in the public interest.

- B. The panel resolved to APPROVE the application subject to conditions as outlined in the Council report amended as follows (amendments highlighted):

5. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the **Mason Road** footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

b) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

c) Inter-allotment Stormwater Drainage

Piped inter-allotment stormwater drainage catering for the entire area of **each** lot must be provided. **A grated surface inlet pit must be provided in the bottom corner of lot 2 and a pipe**

extended to Mason Road over lot 1 so that all collected stormwater is piped to an approved constructed public drainage system.

30. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

a) Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

b) Easement – Right of Access/ Easement for Services

A right of access/ easement for services must be created over the access handle of proposed lot 1.

c) Restriction – Residue Lots

Both lots must be burdened with a restriction using the "residue lots" terms included in the standard recitals. With respect to lot 1 specifically, the restriction terms must note that the future/ further development of lot 1 is reliant on the lot being consolidated and developed in conjunction with the properties along Mason Road on one or both sides so as to comply with the minimum lot size development standard.

REASONS

1. The Panel generally agrees with the Council Officer's report.
2. The Panel accepts the proposed departure from the development standard relating to minimum lot size in Section 4.1 of State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan as it is satisfied the written Clause 4.6 submission from the applicant has adequately addressed the matters required to be demonstrated by Clause 4.6(3) and the development will be in the public interest because it is consistent with the objectives of the minimum lot size standard and the objectives of the B2 Local Centre, R3 Medium Density Residential and R4 High Density Residential zones under State Environmental Planning Policy (Precincts – Central River City) 2021.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The development application was notified to six properties for 21 days. No submissions were received.

VOTING

Unanimous

**ITEM 6: DA 2158/2022/LD – TWO STOREY DWELLING – LOT 2006
DP 1269285, NO. 92 CAMARERO STREET, BOX HILL**

SPEAKERS (via MS Teams Conferencing)

NIL

COUNCIL OFFICER'S RECOMMENDATION

The application is recommended for approval.

PANEL'S DECISION

The panel resolved to APPROVE the application subject to the conditions in the Council Officer's report.

REASONS

The Panel generally agrees with the Council Officer's report.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION

The development application was notified to six properties for 14 days. No submissions were received.

VOTING

Unanimous

END MINUTES