

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Hornsby Shire Council** on **Wednesday 3 June 2015 at 11.30 am**

Panel Members: Bruce McDonald (Acting Chair), Stuart McDonald, Michael Smart and David White

Apologies: Mary-Lynne Taylor

Declarations of Interest: None

Determination and Statement of Reasons

2014SYW170 – Hornsby Shire Council, DA/1447/2014, Demolition of existing structures and construction of three x five storey residential flat buildings comprising 141 units with basement car parking, Lots 30, 31, 32, 33, 34, 35, 36, 37 DP 12051, (Nos. 11-27) Cliff Road, Epping.

Date of determination: 3 June 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The Panel has considered the Applicant's request to vary the development standards contained Clause 4.3 (Height of Buildings) Hornsby LEP 2013 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation is minor, will not add additional impacts to the amenity of adjoining premises and the development remains consistent with the objectives of the applicable R4 (High Density Residential) Zone and with the anticipated scale and form of development in the locality.
2. The proposed facility will add to the supply and choice of housing within the Northwest Metropolitan Subregion and the Hornsby local government area in a location selected for such development.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 32 – Urban Consolidation, SEPP 65 Design Quality of Residential Flat Development and associated Residential Flat Design Code, SEPP (Infrastructure) 2007 and SEPP 55 Remediation of Land.
4. The proposal adequately satisfies the provisions and objectives of Hornsby LEP 2013 and Hornsby DCP 2013.
5. The scale, architectural treatment and landscape treatment adopted for the proposal are consistent with the character of planned residential development in the locality.
6. The proposed development will have no significant adverse impacts on the natural or built environments including the amenity of established dwellings, the Rosebank Avenue (Epping) Heritage Conservation Area or the local road network. In that regard the Panel notes roadworks are to be implemented to address the cumulative impacts of higher density development of the locality.
7. In consideration of the points in 1-6 above the Panel considers the proposed development is a suitable use of the site and approval is in the public interest.

Conditions: The development application was approved deleting the deferred commencement requirements and subject to the conditions detailed in Schedule 1 of the Council's Assessment Report with the following amendments with deletion of Conditions 16 and 27 and minor amendments to Conditions 4, 17, 52 as follows:

Condition 4 to read as follows –

Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 2, 11,-15, 19, 20, 21, 22, 65, 66, 74, 75, 23, 24 28, 33, 35, 38-41, 43, 47-52, 54, 57, 58, 59, 63, 64, 67-71 and 76 as identified on the Detail and Level Survey of Lots 30 to 37, REF:6359, prepared by SDG Land Development Solutions dated 05/08/2014.

The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

Condition 17 to read as follows –

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard 1742.3 for all work on a public road. The Traffic Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. The TCP must detail the following:

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- Arrangements for public notification of the works;
- Temporary construction signage;
- Permanent post-construction signage;
- Vehicle movement plans;
- Traffic management plans;
- Pedestrian and cyclist access/safety.

Condition 52 to read as follows –

Street Tree Plantings

All existing street trees except for existing tree numbers 1 (Eucalyptus Microcorys Tallowood) and 55 (Broad-leaved paperbark) on the landscape plan shall be removed from the front street verge outside of 11-27 Cliff Road. Replacement planting to this front verge shall be ten (10) Lophostemon confertus (Brush box) at a maximum of 15m spacing. Trees are to be located in mulched planted beds 1000m long and min 600mm wide, have 3 x hardwood stakes (50mm x 50mm) and be installed at minimum 200 litre pot size. Trees are to be located to ensure safe sight lines for cars leaving driveways.

Panel members:

		
Bruce McDonald	Stuart McDonald	
		
David White	Michael Smart	

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SCHEDULE 1

1	JRPP Reference – 2014SYW170, LGA – Hornsby Shire Council, DA/1447/2014
2	Proposed development: Demolition of existing structures and construction of three x five storey residential flat buildings comprising 141 units with basement car parking.
3	Street address: Lots 30, 31, 32, 33, 34, 35, 36, 37 DP 12051, (Nos. 11-27) Cliff Road, Epping.
4	Applicant and Owner: Applicant – JBA Urban Planning Pty Ltd, Owners – Hiten Narula, Jin Kyu Song and Hye Rieem Yun, Mark J. Anderson and Kathryn K. Anderson, James F. Rockett and Patricia Rockett, Christopher M. Dunkerley and Joy P. Dunkerley, Timothy J. Coates and Christine A. Coates, Jon B. Maher and Fiona L. Maher and Shen Xin and Lan Lan Zhou
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ Hornsby Shire Local Environmental Plan 2013 ◦ State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban land) ◦ State Environmental Planning Policy No. 55 – Remediation of Land ◦ State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development ◦ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 ◦ State Environmental Planning Policy (Infrastructure) 2007 ◦ State Environmental Planning Policy - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Hornsby Development Control Plan 2013 • Planning agreements: Section 94 Contributions Plan 2012 - 2021 • Regulations: <ul style="list-style-type: none"> ◦ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report with conditions, Locality plan, Survey plan, Site plan, Landscape plan, Floor plans, Elevations and Section, Shadow plans, Photomontages, Height study, External finishes schedule and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Nil
8	Meetings and site inspections by the panel: 4 February 2015 – Briefing Meeting; 3 June 2015 - Site Inspection and Final Briefing Meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report