

COMMENCEMENT

The meeting opened at 11am.

IN ATTENDANCE

Charles Hill	Chairperson
Graham Brown	Expert Member
Megan Jones	Expert Member
Diana Kirk	Community Representative

ALSO PRESENT

Steve Kourepis	Director, Town Planning
Sarah Valentine	Town Planning Coordinator

APOLOGIES

No apologies were received.

DECLARATIONS OF INTEREST

The Chair called for Declarations of Interest without response.

CONFIRMATION OF MINUTES

RESOLUTION

That the Hunters Hill Council Local Planning Panel noted that the Minutes of the Hunters Hill Local Planning Panel meeting held on 23 May 2024 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

DEVELOPMENT APPLICATIONS

3.1 14-16 VENUS STREET, GLADESVILLE

PROCEEDINGS IN BRIEF

Ms Rosalia Foley of 14a Venus Street, Gladesville addressed the meeting and outlined her objections to the application in particular the bulk and scale of the development. She also highlighted the impacts on the privacy, overshadowing and amenity of 14a Venus Street. Parking and traffic impacts were also discussed.

COUNCIL RECOMMENDATION

That pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, that Development Application No.2024/0043 for demolition of existing dwelling and garage, and construction of a residential flat building at No.14 -16 Venus Street, Gladesville, be refused for the following reasons:

1. The proposal does not satisfy the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979, particularly in relation to clauses (1)(a)(i), (iii), (b)(c)(d) and (e) for general matters of consideration of development applications.
2. Council records reveal that the two (2) lots at No's. 14 and 16 Venus Street are separately owned and are separately rated. This application does not include consolidation of the two (2) allotments into one (1) allotment. Accordingly, consent cannot be granted to the construction of a residential flat building on land which is in multiple lots, with separate ownership, and rated separately.
3. The proposal results in a non-compliance with Clause 4.3 – Height, under the Hunters Hill Local Environmental Plan 2012.
4. The proposal results in a non-compliance with Clause 4.4 – Floor Space Ratio under the Hunters Hill Local Environmental Plan 2012.
5. Excessive excavation of the site will not be supported under the Local Environmental Plan 2012 Clause 6.2 – Earthworks and Chapter 3.3. – Clause 3.3.4 (f) Landscaped area within the Hunters Hill Consolidated Development Control Plan 2013.
6. The proposal fails to comply with objectives of Clause 6.8 - Minimum Street Frontage for Medium Density Residential Development under the Hunters Hill Local Environmental Plan 2012, in particular subclauses (a) and (b).
7. The proposal results in a non-compliance with Clause 6.9 – Landscaped Area under the Hunters Hill Local Environmental Plan 2012, and Landscaped Area for Residential Flat Buildings under Part 3.4.4 of Hunters Hill Consolidated Development Control Plan 2013.
8. The proposal fails to comply with the aims and objectives of Part 2.2.2 and 2.2.4 Desired Character of the Consolidated Development Control Plan 2013. The proposal would be uncharacteristic and contrary to the desired future character of the Municipality.
9. The proposed basement level encroaches the building setback requirements of Part 3.3.3 Building Setback of the Hunters Hill Consolidated Development Control Plan 2013. The lack of sufficient building setbacks at the proposed basement level would result in a site that would not be able to support adequate deep soil landscaping.
10. An accurate assessment cannot be made of the potential overshadowing impacts of the proposal in accordance with the general requirements and objectives stipulated under Part 3.5.2 of the Hunters Hill Consolidated Development Control Plan 2013. The submitted shadow diagrams are

unclear, they do not indicate the full allotment boundaries of the adjoining properties and the extent of the proposed overshadowing within those allotments. Also, the shadow diagrams have included shadows from existing structures within the adjoining sites, which makes it difficult to distinguish between the existing surrounding building shadows and the proposed residential flat building shadows.

11. The proposal fails to comply with the objectives of Part 3.5.3 – Visual Privacy under Hunters Hill Development Control Plan 2013.
12. The proposal fails to comply with the objectives of Part 3.5.5 – View Sharing under Hunters Hill Development Control Plan 2013. A view analysis has not been undertaken to demonstrate potential view loss for the adjoining properties towards the city skyline.
13. The submitted plans show notations for a proposed metal front fence to the street with lockable gate. However, there are no detailed elevation plans showing the height, design or materials for this proposed front fence. Therefore, a detailed assessment cannot be made regarding front fencing under Part 3.7 of Hunters Consolidated Development Control Plan 2013.
14. The proposal only provides one (1) visitor car parking space, which fails to comply with the requirements of Part 5.3 Car Parking and Vehicle Access of Hunters Consolidated Development Control Plan 2013.
15. The proposal fails to comply with the objectives of Height for Residential Flat Buildings of Part 3.4.2 under Hunters Consolidated Development Control Plan 2013.
16. The proposal fails to comply with the objectives of Setbacks for Residential Flat Buildings of Part 3.4.3 under Hunters Consolidated Development Control Plan 2013.
17. The proposal fails to comply with the objectives of Landscaped Areas for Residential Flat Buildings of Part 3.4.4 under Hunters Consolidated Development Control Plan 2013.
18. The proposal fails to comply with the objectives of Built Form and Facades for Residential Flat Buildings of Part 3.4.5 under Hunters Consolidated Development Control Plan 2013.
19. The proposal fails to comply with the objectives of Private Open Space for Residential Flat Buildings of Part 3.4.2 under Hunters Consolidated Development Control Plan 2013.
20. Engineering matters are unsatisfactory in terms of Stormwater Management, Traffic/Parking/Access, and Civil Works.

21. Tree and landscape management for the site is unsatisfactory.
22. The proposal does not meet the objectives of Hunters Hill Consolidated DCP 2013, has a detrimental impact on the existing and desired future character of Hunter's Hill.
23. The proposal would create an undesirable precedent undermining Council's planning objectives.
24. The proposal would not be in the public interest.

Panel Decision The Panel resolved to refuse the application with modifications to the recommended reasons of refusal (as outlined in the final decision below).

Final Decision That the Hunter's Hill Council Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the Environmental Planning and Assessment Act 1979, determine the Development Application be refused subject to:

1. In accordance with Clause 20(3)(a) of State Environment Planning Policy (Housing) 2021, the design of the residential development is incompatible with the desirable elements of the character of the local area, in that:
 - a) The height of the building is excessive when compared to a building anticipated by the Hunters Hill Local Environmental Plan 2012 and Development Control Plan 2013.
 - b) The floor space of the building is excessive when compared to a building anticipated by the Hunters Hill Local Environmental Plan 2012 and Development Control Plan 2013.
 - c) The built form, bulk and scale of the building is incompatible with the built form, bulk and scale of a building anticipated by the Hunters Hill Local Environmental Plan 2012 and Development Control Plan 2013.
 - d) The impact on adjoining residential amenity caused by the building in relation to overshadowing, view sharing and loss of privacy is unacceptable because of the excessive height, floor space, bulk and scale making the building incompatible with a development anticipated by the Hunters Hill Local Environmental Plan 2012 and Development Control Plan 2013, particularly given the existing subdivision pattern and the high number of adjoining residential properties.
 - e) The street presentation of the development is unacceptable and incompatible with the character of the local area given the excessive height, bulk and scale that would dominate the existing and future streetscape as anticipated by the Hunters Hill Local Environmental Plan 2012 and Development Control Plan 2013.
2. The proposal does not satisfy the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979, particularly in relation to

clauses (1)(a)(i), (iii), (b)(c)(d) and (e) for general matters of consideration of development applications.

3. Council records reveal that the two (2) lots at No's. 14 and 16 Venus Street are separately owned and are separately rated. This application does not include consolidation of the two (2) allotments into one (1) allotment. Accordingly, consent cannot be granted to the construction of a residential flat building on land which is in multiple lots, with separate ownership, and rated separately.
4. Excessive excavation of the site will not be supported under the Local Environmental Plan 2012 Clause 6.2 – Earthworks and Chapter 3.3. – Clause 3.3.4 (f) Landscaped area within the Hunters Hill Consolidated Development Control Plan 2013.
5. The proposal fails to comply with objectives of Clause 6.8 - Minimum Street Frontage for Medium Density Residential Development under the Hunters Hill Local Environmental Plan 2012, in particular subclauses (a) and (b).
6. The proposal fails to comply with the aims and objectives of Part 2.2.2 and 2.2.4 Desired Character of the Consolidated Development Control Plan 2013. The proposal would be uncharacteristic and contrary to the desired future character of the Municipality.
7. The proposed basement level encroaches the building setback requirements of Part 3.3.3 Building Setback of the Hunters Hill Consolidated Development Control Plan 2013. The lack of sufficient building setbacks at the proposed basement level would result in a site that would not be able to support adequate deep soil landscaping.
8. An accurate assessment cannot be made of the potential overshadowing impacts of the proposal in accordance with the general requirements and objectives stipulated under Part 3.5.2 of the Hunters Hill Consolidated Development Control Plan 2013. The submitted shadow diagrams are unclear, they do not indicate the full allotment boundaries of the adjoining properties and the extent of the proposed overshadowing within those allotments. Also, the shadow diagrams have included shadows from existing structures within the adjoining sites, which makes it difficult to distinguish between the existing surrounding building shadows and the proposed residential flat building shadows.
9. The proposal fails to comply with the objectives of Part 3.5.3 – Visual Privacy under Hunters Hill Development Control Plan 2013.
10. The proposal fails to comply with the objectives of Part 3.5.5 – View Sharing under Hunters Hill Development Control Plan 2013. A view analysis has not been undertaken to demonstrate potential view loss for the adjoining properties towards the city skyline.

11. The submitted plans show notations for a proposed metal front fence to the street with lockable gate. However, there are no detailed elevation plans showing the height, design or materials for this proposed front fence. Therefore, a detailed assessment cannot be made regarding front fencing under Part 3.7 of Hunters Consolidated Development Control Plan 2013.
12. The proposal fails to comply with the objectives of Setbacks for Residential Flat Buildings of Part 3.4.3 under Hunters Consolidated Development Control Plan 2013.
13. The proposal fails to comply with the objectives of Private Open Space for Residential Flat Buildings of Part 3.4.2 under Hunters Consolidated Development Control Plan 2013.
14. Engineering matters are unsatisfactory in terms of Stormwater Management, Traffic/Parking/Access, and Civil Works.
15. Tree and landscape management for the site is unsatisfactory.
16. The proposal would create an undesirable precedent undermining Council's planning objectives.
17. The proposal would not be in the public interest due to the impact on the character of the area and amenity impacts.

RECORD OF VOTING	
For	Against
Mr Charles Hill	
Mr Graham Brown	
Ms Megan Jones	
Ms Diana Kirk	

The meeting closed at 11.53am.