

MINUTES OF LOCAL PLANNING PANEL MEETING

Held at COUNCIL CHAMBERS, HORNSBY

on Wednesday 25 July 2018

at 6:30pm



PRESENT

Chairperson – Steven Layman (Chair)

Expert Panel Member – Lynda McClure

Expert Panel Member – Garry Fielding

Community Member – Brian Scarsbrick (Items 1 & 3)

Community Member - Jerome Cox (Item 2)

STAFF PRESENT

Manager Development Assessments – Rod Pickles

Senior Town Planner – Garry Mahony

Senior Town Planner – Matthew Miles

Acting Senior Planner – Stephen Dobbs

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 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 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."

DECLARATIONS OF INTEREST

There were no declarations of Pecuniary Interest.

ADDRESSES TO THE PANEL

The following members of the public addressed the Panel on items on the agenda:

LPP20/18 Development Application - Proposed Subdivision One Lot Into Seven - 62 Manor Road, Hornsby

Lucy Bal

Jan Primrose

Brigid Ujhazy

John Inshaw

LPP24/18 Further Report - Alterations and Additions to a Dwelling House and Change of Use to a 24 Place Childcare Centre - 41 Denison Street, Hornsby

Councillor Emma Heyde

Sean Razavi

Colin Thom

LPP26/18 Further Report - Animal Boarding Establishment and Use of Horse Arena for Private Recreational Purposes - 35 Blacks Road, Arcadia

Sal Russo

John Atkins

Jan Primrose

Edward Shin

Samantha Miles

Leland Sanchez

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 7:30pm for deliberation, voting and determination.

GENERAL BUSINESS

LOCAL PLANNING PANEL

- 1 **LPP20/18 Development Application - Proposed Subdivision One Lot Into Seven -
62 Manor Road, Hornsby**

(DA/151/2018)

RECOMMENDATION

THAT Development Application No. DA/151/2018 for demolition of existing structures and Community Title subdivision of one lot into seven residential lots plus one community lot at Lot 3 DP 524288, No. 62 Manor Road, Hornsby be refused on the grounds detailed in Schedule 1 of LPP Report No. LPP20/18.

PANEL'S DETERMINATION

The Panel Chair advised the meeting at the outset that the proposed subdivision is integrated development and in accordance with Clause 4.47 subclause (4) of the Environmental Planning and Assessment Act, 1979, the Hornsby Shire Local Planning Panel is required to refuse the application as the Rural Fire Service has not granted it approval.

The Panel Chair also advised the meeting that the development application is the subject of an Appeal in the Land and Environment Court of NSW.

The Panel then considered the matters raised by the objectors at the meeting including traffic, trees, bushfire and related issues, Plan of Management provisions, native fauna including threatened species, precedent and amenity impacts.

The Panel resolved to adopt the officers recommendation and refuse the proposed development.

The reasons for this determination are:

1. The proposal is an over-development of the site and would result in the loss of a significant number of trees on the site.
2. The development fails to address that as Asset Protection Zone for bushfire mitigation can be provided within the subject site.
3. The proposed subdivision is unsatisfactory in respect to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposed residential subdivision does not meet the requirements of the *Hornsby Development Control Plan 2013*.
4. Proposed Lots 4, 5 and 6 would result in considerable landform modification, with substantial loss of trees and amenity impacts on adjoining residents.
5. An assessment of Aboriginal heritage has not been carried out for the proposed subdivision in accordance with Hornsby Development Control Plan 2013 Section 9.5 which requires an assessment for undisturbed land within 200m of a watercourse.
6. The proposed subdivision is integrated development subject to approval of the NSW Rural Fire Service for a Bushfire Safety Authority pursuant to Section 100B of the *Rural Fires Act 1997*. The approval of the NSW Rural Fire Service has not been obtained for the proposed

subdivision.

7. The proposed subdivision is subject to an easement of an Asset Protection Zone being granted over adjoining Council owned land including Lot 3 DP 543342, Lot 3 DP 543562 and Lot 7 DP 826842 for which the consent of the Council has not been obtained for granting an easement.

VOTING OF THE PANEL MEMBERS

Moved: Garry Fielding

Seconded: Brian Scarsbrick AM

FOR: Steven Layman, Garry Fielding, Linda McClure, Brian Scarsbrick AM

AGAINST: Nil

2 LPP24/18 Further Report - Alterations and Additions to a Dwelling House and Change of Use to a 24 Place Childcare Centre - 41 Denison Street, Hornsby

(DA/1006/2017)

RECOMMENDATION

THAT Development Application No. DA/1006/2017 for alterations and additions to a dwelling house and change of use to a 24 place child care centre at Lot 16 DP 240447, No. 41 Denison Street Hornsby be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP24/18.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors at the meeting including traffic, parking, trees and amenity impacts.

The Panel resolved to adopt the officers recommendation and grant consent to the proposed development subject to the recommended conditions and the following additional condition:

- 1A. Plans to be amended to provide for a non-reflective medium to dark coloured metal roof for the acoustic awning.

The reasons for this recommendation are:

1. The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan.

VOTING OF THE PANEL MEMBERS

FOR: Steven Layman, Garry Fielding, Linda McClure, Jerome Cox

AGAINST: NIL

RECOMMENDATION

THAT Development Application No. DA/83/2018 for fit-out and change of use of an existing farm building to an animal boarding establishment and use of an existing horse riding arena for private recreational purposes at Lot 1 DP 221916, No.35 Blacks Road, Arcadia be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No.LPP26/18.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors at the meeting including adequacy of DA documentation submitted, history of use of the land, operational management plan, waste management, stormwater runoff/ flooding, compaction of the arena, tree planting, traffic, noise and amenity impacts.

The Panel resolved to adopt the officer's recommendation and grant consent to the proposed development subject to the recommended conditions and the following additional / amended conditions:

1. Amend condition No.17 to delete reference to grooming operation.
2. Condition No.26 be amended to reference the Plan of Management.

Additional Conditions:

- 27A.** The Plan of Management be amended to include a procedure for updating and changing the Plan of Management in response to complaints received including the advertising of any changes.
- 27B.** A record of complaints be forwarded to Council every 6 months for a period of 2 years from the date of determination to ensure operation in accordance with the conditions of consent.
- 27C.** The mesh fenced outdoor cat area be drained to the waste water management system.

Note: The metal shed adjoining the northern side boundary of the subject land is not approved by this development consent.

The reasons for this recommendation are:

1. The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan.
2. Potential amenity impacts on neighbours need to be managed by the operator of the premises in accordance with a Plan of Management which includes a complaints mechanism and a review mechanism.

VOTING OF THE PANEL MEMBERS

FOR: Steven Layman, Garry Fielding, Linda McClure, Brian Scarsbrick

AGAINST: NIL

PANEL'S PUBLIC ANNOUNCEMENT OF DECISIONS

The Panel returned to the Council Chamber at 8:40pm where the Chair announced the Panel's decisions regarding the development applications.

The Panel's meeting concluded at 8:50pm

A handwritten signature in black ink, appearing to read 'R. Longa', is positioned above the title 'Chairperson'.

Chairperson