

# **MINUTES OF LOCAL PLANNING PANEL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 1 May 2019

at 6:30pm



## **PRESENT**

Chairperson – Garry Fielding

Expert Panel Member – Linda McClure

Expert Panel Member – Juliet Grant

Community Member – Barbra Wynn (Item 3)

Community Member – Jerome Cox (items 1 & 2)

## **Staff Present**

Executive Manager – James Farrington

Manager, Development Assessments – Rod Pickles

Senior Town Planner – Gary Mahony

Senior Town Planner – Stephen Dobbs

Town Planner – Jasmin Blazevic

*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."*

## **APOLOGIES / LEAVE OF ABSENCE**

Nil

## **Declarations of Interest**

Jerome Cox declared a non-pecuniary and less than significant interest for item 2.

## **ADDRESSES TO THE PANEL**

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

### **1            LPP3/19    Development Application - Construction of a 59 place child care centre - 53 - 55 Oakleigh Avenue, Thornleigh**

Josephine Rose    Against

David Woodley     Against

Joanne Baynie     Against

**2 LPP9/19 Development Application - Construction of a one Storey and two Storey Industrial Building comprising 32 Industrial Units and 44 Self-Storage Units, Strata Subdivision and landscaping - 50A Duffy Avenue Thornleigh**

Neil Pearson Against  
Kellie Lintott Against  
John Immelman Against  
Delores McIntyre Against  
Heather Chatfield Against  
Paul Hanson Against  
Alison Adams Against  
Councillor Janelle McIntosh Against

Rod Pascoe For - Trumen Corp (Development Manager)  
Ross Jackson For - Project Arborist  
Noel Childs For - Acoustic Engineer  
Mick Logan For - Traffic Engineer  
Andrew Cowan For - Town Planner

**3 LPP8/19 Further Report - Seniors Living Development Comprising 15 Independent Units - Nos. 95-97 Copeland Road and No. 14 Hull Road, Beecroft**

Cynthia Kardell Against  
Ray Tseng Against  
Ram Bhat Against  
Jan Primrose Against  
Kim Kindler Against  
Monica Tan Against  
Samuel Gong Against  
Councillor Emma Heyde Against

Ian Glendinning For - Planner  
Paul Buljevic For - Architect  
Melanie Howden For - Arborist  
Jane Brit For – Landscape Architect  
Graham Selig For - Applicant

**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 8:40pm for deliberation, voting and determination.

## LOCAL PLANNING PANEL

- 1 LPP3/19 Development Application - Construction of a 59 place child care centre – Nos. 53 - 55 Oakleigh Avenue, Thornleigh**

**(DA/1111/2017)**

### OFFICERS' RECOMMENDATION

THAT Development Application No. 1111/2017 for demolition of a dwelling and construction of a 59 place childcare centre at No.53 – 55 Oakleigh Avenue, Thornleigh be refused pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* for the reasons detailed in Schedule 1 of LPP Report No. LPP3/19.

### PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors at the meeting including scale of development, car parking, traffic, landscaping, loss of trees, acoustic fence, character of the area and noise.

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

### VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure, Juliet Grant, Jerome Cox

AGAINST: Nil

- 2 LPP9/19 Development Application - Construction of a one Storey and two Storey Industrial Building comprising 32 Industrial Units and 44 Self-Storage Units, Strata Subdivision and landscaping – No. 50A Duffy Avenue, Thornleigh**

**(DA/619/2018)**

## OFFICERS' RECOMMENDATION

THAT the Hornsby Local Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/619/2018 for the construction of a one storey and two storey industrial building comprising 32 industrial units and 44 self-storage units, strata subdivision and landscaping at Lot 2 DP 211095, No. 50A Duffy Avenue, Thornleigh subject to the conditions of consent detailed in Schedule 1 of Report No. LPP9/19

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors at the meeting including acoustic fencing, buffer zone, noise, hours of operation, height of building, car parking, traffic, and landscaping.

The Panel considered the Clause 4.6 submission and considered compliance with the building height development standard was unreasonable and unnecessary and considered there were sufficient environmental planning grounds to warrant departure from the development standard.

The Panel resolved to approve the proposed development subject to the additional conditions below:

1. Amend condition No.30 to read:

### **Maintaining Tree protections zones**

To ensure tree health, the Tree Protection Zone of all trees to be retained must be maintained in accordance with section 4.6 requirements of *Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites"* and condition No. 23 of this consent.

2. Condition No. 48 being amended to require the construction of a 3.0m high purpose built dark colour toned modular panel acoustic wall along the entire western boundary of the site certified by the project acoustic engineer. Details of the wall are to be submitted to Council for approval prior to the issue of the Construction Certificate.
3. The fence along the southern boundary shall be a 2.4m high double lapped and capped timber fence with metal support posts.
4. The acoustic wall and lapped and capped fence shall be constructed prior to any other works commencing on site under this consent.
5. Reference to the communal open space area and associated furniture in the south-western corner of the site shall be deleted and the landscaping buffer adjacent to the southern boundary in this area be increased to a minimum width of 5.0m.

### **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 with the exception of the maximum building height. The applicant has made a submission in support of a variation to this development standard in accordance with Clause 4.6 of the *HLEP*. The request is considered well founded.
- The proposed development does not create unreasonable environmental impacts upon adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts.
- The existing 10 metre wide buffer zone on the adjoining residential development to the west,

the setback of the proposed industrial development from the western boundary, and the provision of a 3 metre high acoustic barrier would satisfactorily achieve the relevant acoustic performance requirements.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Juliet Grant, Jerome Cox

AGAINST: Nil

**3 LPP8/19 Further Report - Seniors Living Development Comprising 15 Independent Units - Nos. 95 - 97 Copeland Road and No. 14 Hull Road, Beecroft**

**(DA/1277/2017)**

## **OFFICERS' RECOMMENDATION**

THAT Development Application No. DA/1277/2017 for demolition of one existing dwelling and associated structures, adaptive reuse of an existing dwelling and construction of a Seniors Living development comprising 15 self-contained dwellings at Lot 5 DP 4898, Lot 6 DP 4898, Lot 1 DP 958045 and Lot 1 DP 4898, Nos 95-97 Copeland Road and No. 14 Hull Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. 8/19.

## **PANEL'S CONSIDERATION AND DETERMINATION**

The Panel considered the matters raised by the objectors at the meeting including, tree retention, building bulk and scale, impact on the conservation area, the significance the sandstone retaining wall, boundary fencing, and overall site landscaping.

The Panel resolved to approve the proposed development as recommended subject to:

1. Amendment to condition No. 66a to require that the full cost of fencing be borne by the developer.
2. A deferred commencement condition requiring consolidation of allotments as shown on the site plan.

### **The reasons the Panel's Determination are:**

- The proposal is an appropriate scale of development and satisfactorily complies with the relevant provisions of SEPP (Housing for Seniors or People with a Disability) 2004.
- The proposed development appropriately respects the heritage conservation area.
- The proposed development restores the significant sandstone retaining wall on the Copeland Road frontage.
- The overall landscape design is appropriate for an infill seniors housing development in a conservation area through the retention of significant trees and extensive new tree planting throughout the site.

## **VOTING OF THE PANEL MEMBERS**


FOR: Garry Fielding, Linda McClure, Juliet Grant, Barbra Wynn

AGAINST: Nil

## **PANEL'S PUBLIC ANNOUNCEMENT OF DECISIONS**

The Panel returned to the Council Chamber at 10:00pm where the Chair announced the Panel's decisions regarding the development applications.

The Panel's meeting concluded at 10:05pm



**Chairperson**