

MINUTES OF LOCAL PLANNING PANEL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday 27 May 2020
at 6:30PM



PRESENT

Chairperson - Garry Fielding

Expert Panel Member - Juliet Grant

Expert Panel Member - Linda McClure

Community Member - Jerome Cox

Staff Present

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Senior Town Planner - Ben Jones

Town Planner - Thomas Dales

Consultant Planner - Peter Fryar

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

Nil

ADDRESSES TO THE PANEL

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

1 LPP10/20 Development Application - Demolition of Existing Structures and Construction of a 71 Place Child Care Centre - 9 Stuart Avenue Normanhurst

Christine Loughrey	Against
Jason Donald	Against
Meagan Michie	Against
Dean Laffey	Against
Terri Laffey	Against
Sarah Pourbozorgi	For (Owner)
Ross Gardner	For(Architect)

2 LPP11/20 Development Application - Installation of Telecommunications Facility - Normanhurst Park, 20X Harris Road, Normanhurst

Rebecca Mance	Against
James Daly	For (Town Planner on behalf of Applicant)
Kasia Kucypera	For (Town Planner on behalf of 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 7:20pm for deliberation, voting and determination.

LOCAL PLANNING PANEL

1 LPP10/20 Development Application - Demolition of Existing Structures and Construction of a 71 Place Child Care Centre - 9 Stuart Avenue Normanhurst

(DA/893/2019)

OFFICER'S RECOMMENDATION

THAT Development Application No. DA/893/2019 for demolition of existing structures and construction of a 71 place two storey child care centre at Lot 91 DP 8354, No. 9 Stuart Avenue Normanhurst be refused subject to the reasons for refusal detailed in Schedule 1 of LPP Report No. LPP10/20.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors in written submissions and at the meeting, including traffic & pedestrian safety, scale of development, privacy, landscaping, contamination and acoustic impacts.

The Panel resolved to adopt the officers' recommendation and refuse consent to the proposed development for the following reasons:

1. The proposed development is unsatisfactory in respect to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposed development does not satisfy Clause 23 of *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017* and the *Child Care Planning Guideline 2017* as follows:
 - 1.1 The proposal is contrary to the planning objectives within Part 1.3 of the Guideline in that the proposal is not compatible within the existing context and neighbouring land uses and the proposal does not adequately minimise adverse impacts on adjoining properties and the neighbourhood.
 - 1.2 The proposal is contrary to the 'design principles of Part 2 of the Guideline in relation to built form, landscaping, safety, amenity, privacy, solar access and noise.
 - 1.3 The proposal is contrary to the Part 3 considerations of the Guideline with respect to Part 3.1 Site Selection and Location, Part 3.2 Local Character, Streetscape and the public domain interface, Part 3.3 Building Orientation, Envelope and Design, Part 3.4 Landscaping, Part 3.5 Visual and Acoustic Privacy and Part 3.6 Noise and Pollution and Part 3.8 Traffic, Parking and Pedestrian Circulation.
2. The proposed development is unsatisfactory in respect to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the removal of tree No. 1 would pose a detrimental impact to the streetscape and the 'major' incursion into the TPZ of tree No. 4 would pose an adverse impact to the vitality of the tree and is unacceptable with respect to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.
3. The proposed development is unsatisfactory in respect to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the application has not adequately demonstrated whether the site is free of contaminants or whether the site is suitable for

children in accordance with the requirements of *State Environmental Planning Policy No. 55 Remediation of Land*.

4. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the desired outcome and the prescriptive measures of *Hornsby Development Control Plan 2013* (HDCP) as follows:
- 4.1 The proposal does not comply with the '*Tree Preservation*' prescriptive measures within Parts 1B.6 of the *HDCP* as the removal of tree No. 1 would pose a detrimental impact to the streetscape and consideration should be given to its retention through the reconfiguration of the carpark layout, including the relocation of the proposed driveway and reduction of car parking spaces within the front setback. In addition, the development would generate a 'major' incursion into the TPZ of tree No. 4 and would pose an adverse impact to its life expectancy.
 - 4.2 The proposal does not comply with the '*Transport and Parking*' prescriptive measures within Part 1C.2.1 of the *HDCP* as the existing traffic conditions in the vicinity of the site would not be suitable for a child care facility on safety grounds.
 - 4.3 The proposal does not comply with the '*Waste Management*' prescriptive measures within Part 1C.2.3 of the *HDCP* as the bin carting route includes a ramp and would not allow for safe manoeuvrability of the 660L bins.
 - 4.4 The proposal does not comply with the '*Noise and Vibration*' prescriptive measures within Part 1C.2.5 of the *HDCP* as the proposed 2.2m high acoustic fences are considered excessive in height and would have an adverse visual impact to adjoining properties.
 - 4.5 The proposal does not comply with the '*Scale*' prescriptive measures within Part 7.1.2 of the *HDCP* as the proposed development would adversely impact on the amenity of adjoining properties with regard to amenity, noise, landscaping, privacy and bulk and scale.
 - 4.6 The proposal does not comply with the minimum 2 metre building setback along the northern and southern side boundaries in accordance with the '*Setbacks*' prescriptive measures within Part 7.1.3 of the *HDCP*.
 - 4.7 The proposal does not comply with the '*Privacy, Security and Sunlight*' prescriptive measures within Part 7.1.6 of the *HDCP* as the main entry landing, elevated pathways and balconies would pose a privacy impact to adjacent residential properties.
 - 4.8 The proposal does not comply with the '*Landscaping*' prescriptive measures within Part 7.1.4 of the *HDCP* as landscaping within the northern and southern setbacks would not provide adequate vegetation density and screening along the front of the site to appropriately screen the parking spaces from the adjoining properties.
5. In accordance with Section 4.15(1)(c) of *Environmental Planning and Assessment Act 1979*, it is considered that the site is not suitable for the proposed development.

6. Pursuant to the provisions of Section 4.15(1)(b) and (e) of *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development would not be in the public's interest.

- END OF REASONS FOR REFUSAL -

VOTING OF THE PANEL MEMBERS

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

AGAINST: Nil

2 LPP11/20 Development Application - Installation of Telecommunications Facility - Normanhurst Park, 20X Harris Road, Normanhurst

(DA/999/2019)

OFFICER'S RECOMMENDATION

THAT Development Application No. DA/999/1029 for a Telecommunications Facility at Lot 18 DP 3468, Lot 19 DP 3468, Lot 20 DP3468, Lot Z DP 416673, Lot 23 DP 220061, No. 20X Harris Road, Normanhurst, be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No.LPP11/20

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the objector at the meeting including visual impact, electromagnetic energy and health impacts, and the use of public open space land.

The Panel resolved to adopt the assessment report's recommendation and approve the proposed development subject to the conditions contained in Schedule 1 of the report.

The reasons for this decision are:

- The proposal generally complies with the *Hornsby Local Environmental Plan 2013*, *State Environmental Planning Policy (Infrastructure 2007)*, *Telecommunications Act 1997*, *NSW Telecommunications Facilities Guideline 2010* and the *Hornsby Development Control Plan 2013*.
- The proposal would provide a positive impact on the local community by improving the mobile network coverage in the locality.
- The design, height and site location of the telecommunications tower is appropriate with respect to servicing the locality, lack of suitable colocation facilities in the locality and surrounding topography.

VOTING OF THE PANEL MEMBERS

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

AGAINST: Nil

The Panel's meeting concluded at 7:50pm.

Chairperson