



# MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY VIA ZOOM  
on Wednesday 25 May 2022  
at 4:00pm



## **PRESENT**

Chairperson - Penny Holloway

Expert Panel Member - Linda McClure

Expert Panel Member - Mary-Lynne Taylor

Community Member - Barbra Wynn

## **STAFF PRESENT**

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Senior Town Planner - Ben Jones

Senior Town Planner - Madeleine Brown

Senior Town Planner - Thomas Dales

Town Planner - Lawrence Huang

Town Planner - Tim Buwalda

Consultant Planner - Nicole Neil

The public meeting commenced at 4.00pm.

## **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**

Brian Scarsbrick

## ADDRESSES TO THE PANEL

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

### LOCAL PLANNING PANEL

- |          |   |         |
|----------|---|---------|
| <b>1</b> | <b>LPP13/22 DA/1117/2021 - Telecommunications Facility - Dangar Island Bowling Club, 6-10 Grantham Crescent, Dangar Island</b>          |         |
|          | Julian Leeser MP  | For     |
|          | Joel King   | Against |
|          | Michael Dean (speaking on behalf of Ana Pollak)   | Against |
|          | Genevieve Ginty   | Against |
|          | Sarah Galvin  | Against |
|          | Cynthia Bobst   | Against |
|          | Martin Cole   | Against |
|          | Daniel Park (representing the applicant)  | For     |
|          | Martin Lloyd  | For     |
|          | Barry Kepert  | For     |
|          | David Ruppin  | For     |
|          | Rochman Reese (Captain Dangar Island Rural Fire Brigade)  | For     |
| <b>2</b> | <b>LPP29/22 DA/1017/2021 - Construction of a Childcare Centre for 52 Children with Basement Carparking - 94 David Road, Castle Hill</b> |         |
|          | Keith Chan  | Against |
|          | Kevin Mathias   | Against |
|          | Philip Mok  | Against |
|          | Stanley Yuen  | Against |
|          | Tanisha Morar (speaking on behalf of Rakesh Morar)  | Against |
|          | Anthony Boskovitz   | Against |
|          | Darren Laybutt (applicant)  | For     |
|          | Scott Miner (architect)   | For     |
| <b>3</b> | <b>LPP25/22 DA/242/2022 - Torrens Title Subdivision of One Allotment into Two - 155 Norfolk Road, North Epping</b>                      |         |

Annelize Kaalsen (applicant)

For

Jonathan Rintoul (owner)

For

**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 5.40pm.

## **PUBLIC MEETING ITEMS**

- 1            **LPP13/22    DA/1117/2021 - Telecommunications Facility - Dangar Island Bowling Club, 6-10 Grantham Crescent, Dangar Island**

**(DA/1117/2021)**

### **RECOMMENDATION Consent**

THAT Development Application No. DA/1117/2021 for a telecommunications facility at Lot 73 DP10902 and Lot 3 DP597242 Nos. 4 & 6-10 Grantham Crescent, Dangar Island be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP13/22.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting, including visual, health and heritage impacts, location of the facility, small cell options are preferred, impacts from future upgrades and devaluation of properties.

The Panel acknowledges that a copy of all submissions were received both in favour and against the proposed development.

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

### **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.
- In particular, Clause 4.3 Height of Buildings of the Hornsby Local Environmental Plan 2013 *HLEP* does not apply as the proposal is a communication device and is therefore excluded from the maximum building height development standard.
- While acknowledging the community concerns regarding the visual impact, the proposal would provide a positive impact on the local community and visitors by improving the mobile network coverage in the locality on and off the island which will in turn have positive social and economic benefits and improve public safety and emergency response times.
- The design, height and location of the telecommunications facility is appropriate with respect to eliminating identified mobile black spots on the island, lack of suitable colocation facilities in the locality and surrounding topography.

### **VOTING OF THE PANEL MEMBERS**

FOR:            Penny Holloway, Linda McClure, Mary-Lynne Taylor

AGAINST:      NIL

**RECOMMENDATION**

THAT Development Application No. DA/1017/2021 for demolition of existing structures and construction of a childcare centre for 52 children with basement carparking at Lot 6 DP 800015, No. 94 David Road, Castle Hill be approved, subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP29/22.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel considered the matters raised in the written submissions and by the speakers at the meeting, including traffic and parking impacts, overdevelopment of the site, noise, privacy and amenity impacts, active and passive play areas, emergency evacuation and construction timeframes.

The Panel resolved to adopt the officer's report recommendation and approve the proposed development, subject to the conditions contained in Schedule 1 of the report and the following amendments:

New condition No. 1A to read:

**1A.    Amendment of Plans**

- a)        The approved plans are to be amended as follows:
  - i)        The small car staff car parking space located parallel to the western wall of the basement is to be deleted as marked in red on the approved plans.
- b)        These amended plans must be submitted with the application for the Construction Certificate.

*Amend condition No. 12 to read:*

**12.    Construction Management Plan (CMP)**

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist, and submitted to Council's Compliance Team via Council's Online Services Portal for review and written approval.

The CMP must include the following details:

- a)        A Construction Traffic Management Plan (CTMP) including the following:
  - i)        The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
  - ii)       The CTMP plans shall be in accordance with all other plans submitted to

Council as part of this development proposal.

- iii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
  - a. Public notification of proposed works.
  - b. Long term signage requirements.
  - c. Short term (during actual works) signage.
  - d. Vehicle Movement Plans, where applicable.
  - e. Traffic Management Plans.
  - f. Pedestrian and Cyclist access and safety.
- v) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
- vi) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- vii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
- viii) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
- ix) Swept path analysis for ingress and egress of the site for all stages of works.
- x) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
- xi) The total quantity and size of trucks for all exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
- xii) The number of weeks trucks will be accessing and leaving the site with excavated fill material.
- xiii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
- xiv) The maximum number of truck movements on any given day during peak

commuting periods for all stages of works.

- xv) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
  - xvi) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- b) A Construction Waste Management Plan detailing the following:
- i) Details of the excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
  - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS2601-2001 Demolition of Structures, and the Protection of the Environment Operations (Waste) Regulation 2005.
  - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- c) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
  - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
  - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
  - iv) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- d) A Construction Noise and Vibration Management Plan (CNMP) which includes:
- i) Existing noise and vibration levels within the proximity of the proposed development site.
  - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
  - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
  - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.



- v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
- vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- e) Identification of approved sediment and erosion control measures.
- f) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

*Note: The CMP must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Applications > New Applications > Under 'Application Types': Management Plans.*

*Amend condition No. 72 to read:*

## **72. Landscaping Establishment and Maintenance**

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to automated watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

### **The reasons for this decision are:**

- The proposed development is a permissible land use in the R2 Low density residential zone and the Panel acknowledges that the provisions of State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 override any inconsistency with the Hornsby Local Environment Plan 2013 and the Hornsby Development Control Plan 2013.
- The proposed development generally complies with the requirements of the relevant environmental planning instruments, the Child Care Planning Guideline and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity, privacy, noise, vegetation preservation, parking and traffic.
- Appropriate traffic conditions are recommended including the provision of a pedestrian refuge, noting that the refuge is subject to approval by the Local Traffic Committee.

### **VOTING OF THE PANEL MEMBERS**

FOR: Penny Holloway, Linda McClure, Mary-Lynne Taylor, Barbra Wynn

AGAINST: NIL

## **3 LPP25/22 DA/242/2022 - Torrens Title Subdivision of One Allotment into Two -**

## RECOMMENDATION

THAT Development Application No. DA/242/2022 for the Torrens title subdivision of one lot into two at Lot 31 DP 1245732, No. 155 Norfolk Road, North Epping be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP25/22.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions, including loss of existing dwelling with perceived heritage value, potential stormwater impacts and replacement planting.

The Panel resolved to adopt the officer's report recommendation and approve the proposed development, subject to the conditions contained in Schedule 1 of the report and the following amendments:

*Amend condition No. 2 to read:*

### 2. Removal of Trees

No consent is granted for the removal of any trees from the site as these trees contribute to the established landscape amenity of the area/streetscape.

*Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013.*

*Amend condition No. 7 to read:*

### 7. Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a) *Ausgrid (formerly Energy Australia)* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Telstra/ NBN* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

*Deletion of condition No. 12*

The condition requiring replacement tree planting is to be deleted as the applicant has advised that the proposal has been amended so that no trees will be removed as part of this development.

### 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.
- The proposed development does not create unreasonable environmental impacts to adjoining development.

**VOTING OF THE PANEL MEMBERS**

FOR: Penny Holloway, Linda McClure, Mary-Lynne Taylor, Barbra Wynn

AGAINST: NIL

## NON-PUBLIC MEETING ITEMS

- 4            **LPP26/22    DA/700/2021 - Construction of a Dwelling House - 14A Nancy Place, Galston**

(DA/700/2021)

### RECOMMENDATION

THAT Development Application No. DA/700/2021 for construction of a dwelling house at Lot 115 DP 1110754, No. 14A Nancy Place, Galston be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP26/22.

### PANEL'S CONSIDERATION AND DETERMINATION

The panel considered the written submissions and note that these issues have been addressed in the assessment report.

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

#### 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.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.

### VOTING OF THE PANEL MEMBERS

FOR:            Penny Holloway, Linda McClure, Mary-Lynne Taylor

AGAINST:      NIL

- 5            **LPP28/22    DA/1309/2021 - Alterations and Additions to Asquith Leagues Club (Magpies Waitara) - 11-37 Alexandria Parade, Waitara**

(DA/1309/2021)

### RECOMMENDATION

THAT the Hornsby Shire 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/1309/2021 for alterations and additions to the Asquith Leagues Club (Magpies Waitara) at Lot 100 DP 848501, No. 11-37 Alexandria Parade Waitara subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP28/22.

### PANEL'S CONSIDERATION AND DETERMINATION

The panel considered the written submission and note that these issues have been addressed in the assessment report.

The Panel considered the Clause 4.6 submission and is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the HLEP and in accordance with clause 4.6(4) of the HLEP, is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Floor Space Ratio' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The Panel resolved to adopt the officer's report recommendation and approve the proposed development, subject to the conditions contained in Schedule 1 of the report and the following amendments:

*New condition No. 48A to read:*

**48A. Landscaping Establishment and Maintenance**

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to automated watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

**The reasons for this decision are:**

- The request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to contravene the 'Floor Space Ratio' development standard is well founded. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention to the development standard.
- The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, acoustic amenity, privacy, heritage conservation or traffic generation.

**VOTING OF THE PANEL MEMBERS**

FOR: Penny Holloway, Linda McClure, Mary-Lynne Taylor

AGAINST: NIL

**6 LPP30/22 DA/1234/2021 - Construction of a five storey residential flat building containing 29 apartments over basement parking - 36A & 38 Park Avenue, Waitara**

## RECOMMENDATION

THAT the Hornsby Shire 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/1234/2021 for the demolition of the existing buildings and structures and the construction of a 5-storey residential flat building containing 29 apartments over 2 levels of basement parking, landscaping, site works and amalgamation of allotments at Lots 4 & 5, DP 306280, No. 36A & 38 Park Avenue, Waitara subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP30/22.

## PANEL'S CONSIDERATION AND DETERMINATION

The panel considered the written submissions and note that these issues have been addressed in the assessment report.

The Panel considered the Clause 4.6 submission and is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the HLEP and in accordance with clause 4.6(4) of the HLEP, is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Height of Buildings' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

### The reasons for this decision are:

- The request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to contravene the 'Height of buildings' development standard is well founded. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention to the development standard.
- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.

## VOTING OF THE PANEL MEMBERS

FOR: Penny Holloway, Linda McClure, Mary-Lynne Taylor

AGAINST: NIL

## **SUPPLEMENTARY REPORTS**

### **7 LPP31/22 ELECTRONIC - Reporting Development Applications for Determination by the Hornsby Local Planning Panel over 180 Days**

**(F2013/00295-003)**

#### **RECOMMENDATION**

THAT the contents of LPP Report No. LPP31/22 be received and noted.

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

The Panel resolved that the report be received and noted and commends the Council for its work to reduce the number of outstanding applications.

#### **VOTING OF THE PANEL MEMBERS**

FOR: Penny Holloway, Linda McClure, Mary-Lynne Taylor, Barbra Wynn

AGAINST: NIL

The Panel's meeting concluded at 6.18pm.



**Chairperson**