



# MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY VIA ZOOM  
on Wednesday 27 July 2022  
at 4:00pm



## **PRESENT**

Chairperson - Garry Fielding

Expert Panel Member - Linda McClure

Expert Panel Member - Scott Barwick

Community Member - Barbra Wynn

Community Member - John Filocamo

Community Member - Brian Scarsbrick AM

## **STAFF PRESENT**

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Team Co-ordinator - Matthew Miles

Senior Town Planner - Madeleine Brown

Senior Town Planner - Katrina Maxwell

Senior Town Planner - Thomas Dales

Town Planner - Charley Wells

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**

Nil

## 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

**1 LPP41/22 DA/147/2022 - Construction of a Dwelling House, Swimming Pool, Shed and Associated Landscaping - 16 Karalee Road, Galston**

|                                       |         |
|---------------------------------------|---------|
| John Inshaw                           | Against |
| Amanda Anderson                       | Against |
| Andrew Langley                        | Against |
| Ian Bellamy                           | Against |
| Jan Primrose (PYSE Inc.)              | Against |
| Kristy Zeaiter (Owner)                | For     |
| Andrew Muirhead (Bushfire Consultant) | For     |
| Kurtis Lindsay (Ecologist)            | For     |
| Vince Hardy (Town Planner)            | For     |
| Peter Morson (Architect/ Applicant)   | For     |
| Scott Evans                           | 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 5.10pm.

## **PUBLIC MEETING ITEMS**

- 1 LPP41/22 DA/147/2022 - Construction of a Dwelling House, Swimming Pool, Shed and Associated Landscaping - 16 Karalee Road, Galston**

**(DA/147/2022)**

### **RECOMMENDATION**

THAT Development Application No. DA/147/2022 for the construction of a dwelling house, swimming pool, shed, driveway and associated landscaping at Lot 5 DP 243183, No. 16 Karalee Road, Galston be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP41/22.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including illegal clearing, removal of materials from the site in accordance with the existing Work Order, bulk and scale, level of excavation, bushfire, stormwater, removal of trees, biodiversity impacts, privacy and amenity impacts.

The Panel resolved to adopt the officer's recommendation and refuse the proposed development for the reasons contained in Schedule 1 of the report with the following amendments:

*Amend Reason No. 2.4 to read:*

- 2.4 The proposal does not comply with the desired outcome or prescriptive measures within Part 2.1.2 Setbacks of the HDCP as it does not adequately retain natural landscape features and opportunities for landscaping within the side setbacks.

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

- The proposed development's siting and design is not suitable for the site and does not comply with the Tree Preservation or Biodiversity requirements of the Hornsby Development Control Plan 2013.
- The proposed development does not meet the earthworks, landscaping or setback requirements of the Hornsby Local Environmental Plan 2013 and Hornsby Development Control Plan 2013.

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

FOR: Garry Fielding, Linda McClure, Scott Barwick, Brian Scarsbrick AM

AGAINST: NIL

## NON-PUBLIC MEETING ITEMS

### 2            **LPP36/22    DA/368/2022 - Alterations and Additions to an existing Seniors Living Development at Rowland Village - 301-305 Galston Road, Galston**

**(DA/368/2022)**

#### **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/368/2022 for demolition of retaining wall and the erection of a lift structure with internal and external alterations and additions to an existing seniors living development at Lot 1 DP 713848, Lot 2 DP 713848, Nos. 301-305 Galston Road, Galston (Rowland Village) subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP36/22.

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

The Panel resolved to adopt the officer'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 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 State Environmental Planning Policy (Housing) 2021, the Hornsby Local Environmental Plan 2013 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, amenity or privacy.

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

FOR:            Garry Fielding, Linda McClure, Scott Barwick, Brian Scarsbrick AM

AGAINST:      NIL

### 3            **LPP37/22    DA/445/2022 - Alterations and additions to an existing dwelling - 30 Balaclava Road, Berowra**

**(DA/445/2022)**

#### **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/445/2022 alterations and additions to a dwelling house at Lot 235 DP 825647, No. 30 Balaclava Road Berowra subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP37/22.

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

The Panel resolved to adopt the officer'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 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 State Environmental Planning Policy (Housing) 2021, the Hornsby Local Environmental Plan 2013 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, amenity or privacy.

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

FOR: Garry Fielding, Linda McClure, Scott Barwick, Brian Scarsbrick AM

AGAINST: NIL

#### **4 LPP20/22 DA/416/2020 - Construction of a 10-12 Storey Mixed Use Development and Strata Subdivision - 228-234 Pacific Highway, Hornsby**

**(DA/416/2020)**

#### **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/416/2020 for construction of a 10-12 storey mixed use development and strata subdivision at Lot A DP 304557, Lot B DP 304557, Nos. 228-234 Pacific Highway, Hornsby subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP20/22.

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

The Panel considered the matters raised in the written submissions including traffic and parking impacts, construction impacts, access/impact upon right of way to No.10 Edgeworth David Road and egress issues to the site.

The Panel considered the Clause 4.6 submission and is not satisfied that the applicant's written

request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Hornsby Local Environmental Plan 2013 (HLEP). Furthermore, in accordance with clause 4.6(4) of the HLEP, the Panel is not satisfied that the proposed development will be in the public interest because it has not been demonstrated through the Clause 4.6 submission that it is consistent with the objectives of the 'Height of Buildings' development standard, the 'Floor Space Ratio' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly, the Panel resolved to defer the determination of the application to enable the applicant to address the following matters:

1. Preparation of a revised clause 4.6 request that adequately addresses the relevant matters in Clause 4.6 with respect to the development standards proposed to be contravened. Having regard to clause 4.6(4), the panel is not satisfied that the submission has satisfactorily addressed clause 4.6(3) and has not demonstrated that it is in the public interest through consistency with the objectives of the development standards (height and FSR).
2. Provision of a commentary on the strategic context of the site having regard to the draft Hornsby Town Centre Masterplan that is currently on exhibition, which nominates the site as 12 storeys on the masterplan.

Upon receipt of the above information the Panel will determine the matter electronically at the next LPP meeting.

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

FOR: Garry Fielding, Linda McClure, Scott Barwick, John Filocamo

AGAINST: NIL

#### **5 LPP47/22 DA/1379/2021 - Further Report - Construction of a dwelling house - 99A Copeland Road, Beecroft**

**(DA/1379/2021)**

#### **RECOMMENDATION**

THAT Development Application No. DA/1379/2021 for the construction of a two-storey dwelling house at Lot 2 DP 444486, No. 99A Copeland Road, Beecroft be approved as a deferred commencement pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP47/22.

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

The Panel considered the matters raised in the written submissions including bulk and scale; visual impact, removal of trees and impacts on flora and fauna, landscaping requirements, solar panels, privacy and amenity impacts.

The Panel resolved to adopt the officer'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 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 traffic, visual bulk, noise, amenity or privacy.
- The Panel notes and has had regard to the advice from Council's arborist with respect to the removal of Tree No. 40 and acknowledges the submission of the updated landscape plan detailing the proposed works.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Scott Barwick, Barbra Wynn

AGAINST: NIL

**6 LPP46/22 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. LPP46/22 be received and noted.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel resolved to receive and note the report.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Scott Barwick, Barbra Wynn, John Filocamo, Brian Scarsbrick AM

AGAINST: NIL

**THE MEETING** concluded at 5.38pm.



**Chairperson**

