



MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY VIA ZOOM
on Wednesday 26 October 2022
at 4:00pm



PRESENT

Chairperson - Garry Fielding

Expert Panel Member - Linda McClure

Expert Panel Member - Juliet Grant

Community Member - David White

Community Member - Martin Dargan

STAFF PRESENT

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Senior Town Planner - Madeleine Bayman

Senior Town Planner - Thomas Dales

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

POLITICAL DONATIONS DISCLOSURE

NIL

ADDRESSES TO THE PANEL

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

LOCAL PLANNING PANEL

1	LPP58/22 DA/1017/2021/A - Section 4.55(2) Modification of an Approved Child Care Centre including Increase in Children Numbers - 94 David Road, Castle Hill	
	Philip Mok	Against
	Anna Tremewan	Against
	Kevin Mathias	Against
	Darren Laybutt (applicant/ Town Planner)	For
	Scott Miner (Architect)	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 4:33pm.

PUBLIC MEETING ITEMS

- 1 **LPP58/22 DA/1017/2021/A - Section 4.55(2) modification of an approved child care centre including increase in children numbers - 94 David Road, Castle Hill**
(DA/1017/2021/A)

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/1017/2021 for demolition of all existing structures and construction of a 52 place child care centre with basement parking at Lot 6 DP 800015, No. 94 David Road, Castle Hill be amended as detailed in Schedule 1 of LPP Report No. LPP58/22.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including parking, traffic and safety impacts, number of existing child care centres in locality, overdevelopment, acoustic, privacy and amenity impacts.

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

Amend modification table to read:

Date of this modification:	26 October 2022
Details of this modification:	To increase the number of children from 52 to 56 and alterations to the layout of the approved development.
Modified description of development:	Demolition of existing structures and construction of a 56 place child care centre with basement parking
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	1, 1A, 16, 65, 66 and 70

Amend condition No. 1A to read:

1A. **Amendment of Plans**

- a) The approved landscape 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.~~
 - i) The replacement street tree nominated as *Banksia integrifolia* (Coastal Banksia) is to be replaced with a *Fraxinus* spp. (Ash).

- b) These amended plans must be submitted with the application for the Construction Certificate.

Amend condition No. 65 to read:

65. Use of Premises

- a) The development approved under this consent shall be used for a '*centre-based child care facility*' and not for any other purpose without Council's separate written consent.
- b) The child care centre shall accommodate a maximum of ~~52~~ 56 children comprising:
- i) 8 children (0-2 years)
 - ii) 20 children (2-3 years)
 - iii) 28 children (3-5 years)

Amend condition No. 66 to read:

66. Hours of Operation

- a) The hours of operation of the '*centre-based child care facility*' are restricted to those times listed below:
- | | |
|------------------------------------|------------|
| Monday to Friday | 7am to 6pm |
| Saturday, Sunday & Public Holidays | No work |
- b) Staff and guardians/parents must not arrive or depart the centre outside of the approved hours of operation, unless as legislatively required for the supervision of children due to unforeseen circumstances (i.e. parent is late).
- c) All deliveries and service vehicle activities (inclusive of waste collection), ~~cleaning and maintenance~~ **cleaning and maintenance** must be carried out within the approved hours of operation.
- d) Waste collection must not occur during the following times:
- i) During the peak hours of 7.30am to 9.30am and 2.30pm to 4.00pm.
 - ii) After 6pm Monday to Friday.
 - iii) At no time on Saturday or Sunday.

The reasons for this decision are:

- The proposed modified 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 (Transport and Infrastructure) 2021 override any inconsistency with the Hornsby Local Environment Plan 2013 and the Hornsby Development Control Plan 2013.
- The proposed modified 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 modified 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.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure Juliet Grant, David White

AGAINST: NIL

NON-PUBLIC MEETING ITEMS

2 LPP60/22 DA/893/2019/A - Section 4.55(2) modification of an approved childcare centre including increase in the number of children - 9 Stuart Avenue, Normanhurst

(DA/893/2019/A)

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/893/2019 for the demolition of existing structures and construction of a two storey child care centre at Lot 91 DP 8354, No. 9 Stuart Avenue, Normanhurst be amended as detailed in Schedule 1 of LPP Report No. LPP60/22.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions.

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

The reasons for this decision are:

- The modified development complies with the requirements of the relevant environmental planning instruments, the Hornsby Development Control Plan 2013 and the Child Care Planning Guideline 2017.
- The modified development does not create unreasonable amenity impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity, privacy, noise generation, traffic, safety and tree preservation.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure Juliet Grant, Martin Dargan

AGAINST: NIL

3 LPP59/22 DA/1349/2021/A - Section 4.55(2) modification of an approved self-storage facility to increase the floor space ratio - 28 Salisbury Road, Asquith

(DA/1349/2021/A)

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/1349/2021 for internal modifications to the approved self-storage unit facility at Lot 101 DP 771987, No. 28 Salisbury Road Asquith be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP59/22.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the extent and implications of the contravention of the FSR development standard and is not satisfied that the applicant has identified sufficient environmental planning grounds to support the contravention of the development standard.

The Panel resolved to adopt the officer's recommendation and refuse the modification application for the reasons detailed in Schedule 1 of the report, subject to the deletion of reason 3.1.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure Juliet Grant

AGAINST: NIL

4 LPP67/22 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. LPP67/22 be received and noted.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel resolved to receive and note the report and requested that the next report be provided to the December Local Planning Panel meeting.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure Juliet Grant, Martin Dargan, David White

AGAINST: NIL

THE MEETING concluded at 4:49pm.



Chairperson