



# MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY VIA ZOOM  
on Wednesday 30 November 2022  
at 4:00pm



## **PRESENT**

Chairperson - Garry Fielding

Expert Panel Member - Scott Barwick

Expert Panel Member - Steven Layman

Community Member - David White

Community Member - Amanda Anderson

## **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 Bayman

Town Planner - Sophie Valentine

Town Planner - Tim Buwalda

Ben Jones - Principal Strategic Planner

Consultant Planner - Donna Clarke

## **ABORIGINAL RECOGNITION**

Statement by the Chairman:

*"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."*

## **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

**DECLARATIONS OF INTEREST**

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

- |          |  |         |
|----------|--|---------|
| <b>1</b> | <b>LPP62/22 DA/431/2022 - Demolition of Structures and Torrens Title Subdivision of 2 Lots into 6 - 127 &amp; 127A Boundary Road, North Epping</b>   |         |
|          | Garry Humphrey   | Against |
|          | Craig Collins (owner)  | For     |
|          | Graham McKee (applicant's solicitor)   | For     |
| <b>2</b> | <b>LPP63/22 DA/514/2022 - Torrens Title Subdivision of 1 Lot into 4 and Road Widening - 263 Malton Road, North Epping</b>  |         |
|          | Garry Humphrey   | Against |
|          | Sue Neil   | For     |
| <b>3</b> | <b>LPP61/22 DA/1244/2021 - Seniors Living Development Comprising 30 Self-Contained Dwellings - 15B, 17, 19, 19A &amp; 21 Penrhyn Avenue, Beecroft and 579 Pennant Hills Road, West Pennant Hills</b> |         |
|          | Sheng Kong   | Against |
|          | Glenn Weinert  | Against |
|          | Janine Reid  | Against |
|          | Peter Tan  | Against |
|          | Bob Reid   | Against |
|          | Chirinjeev Saggarr   | Against |
|          | Peter Brooks (architect)   | For     |
|          | Andy Ludvik (planner)  | For     |
|          | Anthony Mancone (civil engineer)   | For     |
| <b>4</b> | <b>LPP56/22 DA/1368/2021 - Construction of a 91 Place Child Care Centre with Basement Carparking - 59 Edwards Road, Wahroonga</b>  |         |
|          | Wendy Doyle  | Against |
|          | John Looker  | Against |
|          | Karen Chan   | Against |

Rob Critchlow	Against
Sara Shabanian	Against
Lachlan Rodgers (town planner)	For
Craig Cowper (contamination consultant)	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 5:47pm.

## **PUBLIC MEETING ITEMS**

- 1 LPP62/22 DA/431/2022 - Demolition of structures and Torrens title subdivision of 2 lots into 6 - 127 & 127A Boundary Road, North Epping**

**(DA/431/2022)**

### **RECOMMENDATION**

THAT 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/431/2022 for the demolition of structures, Torrens title subdivision of 2 lots into 6 lots and road widening as a staged development at Lots O & N DP 28986, Nos. 127 & 127A Boundary Road, North Epping, subject to the conditions of consent detailed in Schedule 1 (Attachment 2 - Item 1) of Late Item Memo LM14/22.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including reduced road verge, safe pedestrian access and the recommended condition requiring 'No Parking' signs on Walker Place.

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 Hornsby Local Environmental Plan 2013. Also, in accordance with Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'minimum lot size' 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 recommendation and approve the proposed development subject to the conditions contained in Schedule 1 (Attachment 2 | Item 1) of Late Item Memo LM14/22 and the following amendments:

*Insert new condition No. 7A to read:*

#### **7A. Amendment of Plans**

- a) A Landscape Plan is to be submitted to Council for approval detailing the location and tree species of the replacement planting required in condition No. 32 of the consent.
- b) The Landscape Plan must be submitted with the application for the Subdivision Works Certificate.

*Amend condition No. 32 to read:*

#### **32. Replacement Tree Requirements**

- a) The trees approved for removal under this consent, being trees numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11a, 11b, 11c, 12, 13, 14, 15, 28, 31 and 32 must be offset through replacement planting of a minimum of 19 trees. The replacement trees are to be

wholly contained within the proposed lots and located:

- i) With a minimum of 2 trees per lot, 1 of which must be a canopy tree, planted within the front setback of each proposed lot as shown on the approved Landscape Plan in the final subdivision.
  - ii) In the rear of the lots along the eastern boundary.
  - iii) With a minimum of 5 replacement canopy trees within the handle of residue Lot 1 and Lot 204.
- b) All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>.
- c) The location and size of tree replacement planting must comply with the following:
- i) All replacement trees must be located in either front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved indicative building envelopes.
  - ii) The pot size of the replacement trees must be a minimum 45 litres.
  - iii) All replacement trees must be a minimum of 3 metres in height when planted.
  - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.
- d) Tree protection fencing is required to be permanently erected around the replacement planting within the front setback of each proposed lot until the completion of the respective dwelling house, installation of each on-site detention tank and driveway for the subject lot and issue of the corresponding Occupation Certificate. Should the replacement planting be damaged at any time during construction, the damaged replacement planting is to be replaced.

*Amend condition No. 33 to read:*

### **33. Final Certification**

The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate confirming the following:

- a) Compliance with all tree protection requirements in accordance with the approved tree protection plan for the duration of demolition and construction works.
- b) All works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans.
- c) Dates, times and reasons for all site attendance.
- d) All works undertaken to maintain the health of retained trees.
- e) Details of tree protection zone maintenance for the duration of works.

- f) A statement to confirm that tree replacement planting meets NATSPEC guidelines and the approved landscape plan.
- g) Tree protection fencing has been erected around the replacement planting within the front setback of the proposed lots and maintained until an occupation certificate is granted for the future dwelling.

*Note: Copies of monitoring documentation may be requested throughout DA process.*

*Delete condition No. 37 Parking Restrictions*

*Amend condition No. 39 to read:*

### **39. Creation of Easements**

The following matter(s) must be nominated on the plan of subdivision under s88B of the Conveyancing Act 1919:

- a) The creation of a "Positive Covenant" over the proposed Lots 101 & 102 requiring that any future development is to provide a minimum 5,000 litre rainwater tank to be connected to all toilets, laundry use and irrigation purposes or provide a raingarden with a minimum filter area of 6m<sup>2</sup> to meet the water quality targets outlined in the Hornsby Development Control Plan 2013.
- b) The creation of a "Positive Covenant" over the proposed Lots 101 & 102 requiring that any future development is to provide an on-site detention system. The on-site detention system is to have a storage capacity of 5 cubic metres and a maximum discharge of 8 litres per second into Council's drainage system in accordance with Council's prescribed wording. The on-site detention system is to be located within the front setback below a future driveway on each lot. The on-site detention system is to be located within the front setback below a future driveway on each lot.
- c) "Restriction on the Use of Land" over residue Lot 1 to prohibit vehicular access from Boundary Road, with all vehicular access required via Walker Place.

*Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.*

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

- The Panel has considered the Clause 4.6 written requests from the applicant to contravene the minimum lot size development standard applying to the site that seeks to justify the contravention of the development standards by demonstrating:
  - that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, and
  - that there are sufficient environmental planning grounds to justify contravening the development standards.
- In respect of Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that:



- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- 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 subject to the recommended conditions of consent.

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

FOR: Garry Fielding, Steven Layman, Scott Barwick, David White

AGAINST: NIL

#### **2 LPP63/22 DA/514/2022 - Torrens Title Subdivision of 1 Lot into 4 and Road Widening - 263 Malton Road, North Epping**

**(DA/514/2022)**

#### **RECOMMENDATION**

THAT Development Application No. DA/514/2022 for demolition of existing dwelling house and carport, Torrens title subdivision of 1 lot into 4, construction of a driveway, drainage works and road widening as a staged development at Lot M DP 28986, No.263 Malton Road, North Epping be approved subject to the conditions of consent detailed in Schedule 1 (Attachment 2 - Item 2) of Late Item Memo LM14/22.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including extension of footpath to the cul-de-sac bulb and question why a heritage assessment of the dwelling to be demolished was not undertaken.

The Panel resolved to adopt the officer's recommendation and approve the proposed development subject to the conditions contained in Schedule 1 (Attachment 2 - Item 2) of Late Item Memo LM14/22 and the following amended conditions.

*Insert new condition No. 7A to read:*

#### **7A. Amendment of Plans**

- a) A Landscape Plan is to be submitted to Council for approval detailing the location and tree species of the replacement planting required in condition No. 32 of the consent.
- b) The Landscape Plan must be submitted with the application for the Subdivision Works Certificate.

*Amend condition No. 32 to read:*

### **32. Replacement Tree Requirements**

- a) The trees approved for removal under this consent, being trees numbered 5-9 (inclusive) and 21 must be offset through replacement planting of a minimum of 4 canopy trees.
- b) All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>.
- c) The location and size of tree replacement planting must comply with the following:
  - i) All replacement trees must be located in either front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved indicative building envelopes.
  - ii) The pot size of the replacement trees must be a minimum 45 litres.
  - iii) All replacement trees must be a minimum of 3 metres in height when planted.
  - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.
- d) Tree protection fencing is required to be permanently erected around the replacement planting until the completion of the dwelling and driveway for the subject lot and issue of the corresponding Occupation Certificate. Should the replacement planting be damaged at any time during construction, the damaged replacement planting is to be replaced.

*Amend condition No. 33 to read:*

### **33. Final Certification**

The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:

- a) Compliance with all tree protection requirements in accordance with the approved tree protection plan for the duration of demolition construction works.
- b) All works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans.
- c) Dates, times and reasons for all site attendance.
- d) All works undertaken to maintain the health of retained trees.
- e) Details of tree protection zone maintenance for the duration of works.
- f) A statement to confirm that tree replacement planting meets NATSPEC guidelines and the approved landscape plan.

- g) Tree protection fencing has been erected around the replacement planting within the front setback of the proposed lots and maintained until an occupation certificate is granted for the future dwelling.

*Note: Copies of monitoring documentation may be requested throughout DA process.*

*Amend condition No. 35 to read:*

### **35. Footpath**

A concrete footpath must be designed along the western side of Walker Place in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- a) Pouring of the concrete footpath on the western side of Walker Place along the frontages of Nos. 12, 14 and 16 Walker Place and for the entire frontage of Proposed Lot 19.
- b) The land adjoining the footpath to be fully turfed.
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

*Note: The plans of the footpath must be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a Construction Certificate. Please submit this information to [TrafficEngineering&RoadSafety@hornsby.nsw.gov.au](mailto:TrafficEngineering&RoadSafety@hornsby.nsw.gov.au) for approval.*

*Delete condition No. 36 Parking Restrictions*

#### **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 subject to the recommended conditions of consent.

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

FOR: Garry Fielding, Steven Layman, Scott Barwick, David White

AGAINST: NIL

- 3 LPP61/22 DA/1244/2021 - Seniors living development comprising 30 self-contained dwellings - 15B, 17, 19, 19A & 21 Penrhyn Avenue, Beecroft and 579 Pennant Hills Road, West Pennant Hills**

**(DA/1244/2021)**

## **RECOMMENDATION**

THAT Development Application No. DA/1244/2021 for demolition of existing structures, construction of a Seniors living development comprising 30 self-contained dwellings, associated civil/site works, landscape works and lot consolidation at Nos. 15B, 17, 19, 19A & 21 Penrhyn Avenue, Beecroft and 579 Pennant Hills Road, West Pennant Hills be approved, subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP61/22.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including bulk and scale, traffic, pedestrian, traffic and road safety impacts, demolition and construction work impacts, streetscape, out of character, height and setback compliance, stormwater impacts, provision of screen planting in the pedestrian accessway, ambulance/ patient transport and removal truck access, parking impacts on Penrhyn Avenue, and provision of a roundabout at the Penrhyn Avenue/ Hannah Street intersection.

The panel resolved to defer the determination of the application to enable:

1. The applicant to address the following matters:
  - a) Demonstrate emergency vehicles can access all dwellings within the site including vehicle access/ throughway and height requirements beneath the townhouse building.
  - b) Design issues with the north-western component of the site and the relationship with the townhouse building, noting that the ramp should be setback from the boundary to retain existing camellias/ screen planting and the bin area should also be re-located.
  - c) Provide further detail regarding the 3-storey element within the townhouse building adjoining the northern boundary.
  - d) Address State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development with respect to the 3 storey element of the central apartment building (Units 15-22).
  - e) Demonstrate and/or provide further clarification with respect to the 2-storey element for Dwellings 26 and 29 within the rear 25% of the site.
  - f) Provide further detail regarding accessibility for the pathway/ walkway to Pennant Hills Road including longitudinal section and details of lighting/ gate/ platform lift. Furthermore, the pathway/ walkway should be centralised to allow for landscaping on both sides.
  - g) Retention of tree no. 139 to be explored as part of the pathway landscaping works in point f) above.
  - h) Provide a detailed Construction Management Plan, with particular regard to traffic management during all stages of demolition and construction works.
2. Council's Traffic and Road Safety Branch to investigate options for the Penrhyn Avenue/

Hannah Street intersection (including traffic calming devices on Hannah Street).

The panel requested that the information be provided to Council within 3 February 2022 to enable a report to be prepared for the March Local Planning Panel meeting.

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

FOR: Garry Fielding, Steven Layman, Scott Barwick, David White

AGAINST: NIL

#### **4 LPP56/22 DA/1368/2021 - Construction of a 91 Place Child Care Centre with Basement Carparking - 59 Edwards Road, Wahroonga**

**(DA/1368/2021)**

#### **RECOMMENDATION**

THAT Development Application No. DA/1368/2021 for construction of a 91-place child care centre with basement carparking for 23 cars and an outdoor play area and associated landscaping works at Lot X DP 413605, No. 59 Edwards Road, Wahroonga be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP56/22.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including traffic, parking and road safety; location and size of the child care centre, bulk and scale; noise, privacy and amenity impacts, streetscape impacts and tree preservation.

The Panel resolved to adopt the officer's recommendation and refuse the proposed development for the reasons contained in Schedule 1.

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

FOR: Garry Fielding, Steven Layman, , Scott Barwick, Amanda Anderson

AGAINST: NIL

## **ELECTRONIC DETERMINATION ITEMS**

### **5 LPP70/22 DA/987/2022 - Alterations and Additions to Existing Dwelling and New Swimming Pool - 19 Marcella Street, North Epping**

**(DA/987/2022)**

#### **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/987/2022 for alterations and additions to existing dwelling and construction of a swimming pool at Lot 3 DP 231814, No. 19 Marcella Street, North Epping subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP 70/22.

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

The Panel considered the matters raised in the written submission.

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 Hornsby Local Environmental Plan 2013. Also, in accordance with Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel 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 recommendation and approve the proposed development subject to the conditions contained in Schedule 1 of the report.

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

- The Panel has considered the Clause 4.6 written requests from the applicant to contravene the 'Height of buildings' development standard applying to the site that seeks to justify the contravention of the development standards by demonstrating:
  - that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, and
  - that there are sufficient environmental planning grounds to justify contravening the development standards.
- In respect of Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that:
  - the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- 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, solar access, amenity or privacy, subject to the recommended conditions of consent.

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

FOR: Garry Fielding, Steven Layman, Scott Barwick, David White

AGAINST: NIL

#### **6 LPP68/22 DA/787/2022 - Alterations and Additions to Existing Dwelling and New Swimming Pool - 3 Butterfield Street, Thornleigh**

**(DA/787/2022)**

#### **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/787/2022 for alterations and additions to existing dwelling and construction of a swimming pool at Lot 1 DP 539226, No. 3 Butterfield Street, Thornleigh subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP 68/22.

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

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 Hornsby Local Environmental Plan 2013. Also, in accordance with Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel 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 recommendation and approve the proposed development subject to the conditions contained in Schedule 1.

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

- The Panel has considered the Clause 4.6 written requests from the applicant to contravene the height of buildings development standard applying to the site that seeks to justify the contravention of the development standards by demonstrating:
  - that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, and
  - that there are sufficient environmental planning grounds to justify contravening the development standards.
- In respect of Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is

satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- 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, solar access, amenity or privacy, subject to the recommended conditions of consent.

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

FOR: Garry Fielding, Steven Layman, Scott Barwick, Amanda Anderson

AGAINST: NIL

#### **7 LPP71/22 DA/742/2021 - Section 8.2 Application - Construction of a Dwelling House - 15 Pomona Street, Pennant Hills**

**(DA/742/2021)**

#### **RECOMMENDATION**

THAT the section 8.2 review of Development Application No. 742/2021 for construction of a dwelling house at Lot 75 DP 660810, No. 15 Pomona Street, Pennant Hills 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 Late Item Memo LM11/22.

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

The Panel considered the matters raised in the written submissions.

The Panel resolved to adopt the officer's recommendation in the Late Item Memo LM11/22, dated 25 November 2022 and approve the proposed development subject to the conditions contained in Schedule 1.

#### **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, solar access, amenity or privacy, subject to the recommended conditions of consent.



## VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Steven Layman, Scott Barwick, Amanda Anderson

AGAINST: NIL

### 8 LPP72/22 Report on Heritage Conservation Management Plan for DA/667/2022

(DA/667/2022)

## RECOMMENDATION

THAT:

1. The Hornsby Local Planning Panel approve the conservation management plan (CMP) titled Conservation Management Plan 370 Pennant Hills Road, Pennant Hills Issue D, prepared by GBA Heritage, dated July 2022 for the purpose of satisfying the '*heritage management document that has been approved by the consent authority*' threshold requirement of Clause 5.10(10)(b) of the Hornsby Local Environmental Plan 2013.
2. The Panel as the consent authority approve the Conservation Management Plan prior to determining Development Application No. 667/2022.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the submitted Heritage Conservation Management Plan and is satisfied that the applicant has adequately addressed the matters required to be demonstrated by Clause 5.10(10) of the Hornsby Local Environmental Plan 2013.

The Panel resolved to adopt the officer's recommendation and approve the conservation management plan for the purpose of satisfying the '*heritage management document that has been approved by the consent authority*' threshold requirement of Clause 5.10(10)(b) of the Hornsby Local Environmental Plan 2013.

## VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Steven Layman, Scott Barwick, Amanda Anderson

AGAINST: NIL

### 9 LPP65/22 DA/667/2022 - Mixed Use Development Comprising Shop Top Housing and Residential Flat Building - 370 Pennant Hills Road, Pennant Hills

(DA/667/2022)

## RECOMMENDATION

THAT Development Application No. DA/667/2022 for the demolition of the rear addition and garage and construction of a mixed-use development comprising shop top housing and residential flat building at Pt Lot 23 DP 11134, No. 370 Pennant Hills Road, Pennant Hills be approved subject to the

conditions of consent detailed in Schedule 1 of LPP Report No. LPP65/22.

### **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:**

- In respect of Clause 5.6 of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the architectural roof feature:
  - comprises a decorative element on the uppermost portion of a building, and
  - is not an advertising structure, and
  - does not include floor space area and is not reasonably capable of modification to include floor space area, and
  - will cause minimal overshadowing.
- The proposed residential flat building component of the development meets the conservation incentives in accordance with the provisions of Clause 5.10(10) of the HLEP 2013 and the approved conservation management plan (CMP) titled Conservation Management Plan 370 Pennant Hills Road, Pennant Hills Issue D, prepared by GBA Heritage, dated July 2022.
- 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, solar access, amenity or privacy, subject to the recommended conditions of consent.

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

FOR: Garry Fielding, Steven Layman, Scott Barwick, Amanda Anderson

AGAINST: NIL

**THE MEETING** concluded at 7:03pm.



**Chairperson**