



# **MINUTES OF LOCAL PLANNING PANEL MEETING**

HOSTED AUDIO-VISUALLY  
on Wednesday 26 April 2023  
at 3:00pm



## **PRESENT**

Chairperson - Garry Fielding

Expert Panel Member - Juliet Grant

Expert Panel Member - Linda McClure

Expert Panel Member - Steven Layman

Community Member - Amanda Anderson

Community Member - David White

## **STAFF PRESENT**

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Senior Town Planner - Madeleine Bayman

Town Planner - Tim Buwalda

Town Planner - Amelia Xu

Matthew Miles - Team Co-ordinator Development Assessment 2

Donna Clarke - Landmark Planning (consultant)

THE MEETING commenced at 3.07pm.

## **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

**1 LPP6/23 DA/1244/2021 - FURTHER REPORT - Seniors Living Development  
Comprising 30 Self-Contained Dwellings - 15B, 17, 19, 19A & 21 Penrhyn Avenue,  
Beecroft and 579 Pennant Hills Road, West Pennant Hills**

Glenn Weinert	Against
Danielle Blackburn	Against
Nicholas Blackburn	Against
Maxine Blackburn	Against
Janine Reid	Against
Bob Reid	Against
Ahmad Akbari	Against
Sheng Kong	Against
Peter Brooks (architect)	For
Donald Lee (traffic engineer)	For

**2 LPP10/23 DA/984/2022 - Torrens Title Subdivision of 1 Lot into 2, Retention of the  
Existing Dwelling and Construction of a Dwelling on the New Lot - 11A Austral Avenue,  
Beecroft**

Paulette De Martin	Against
Michael Emerson	Against
Andrew McKenzie	Against
Andrew McIntosh	Against
Chun Kit Fung & Tsz Chuen Chau	Against
Crispin Powis	Against
Stacy Zhang (applicant)	For
Ricky Wang (architect)	For

**3 LPP11/23 DA/1031/2022 - Construction of a Dwelling House and Secondary Dwelling -  
90 The Crescent, Cheltenham**

Alex Stewart	Against
Gail Darby	Against

Ram Sharma

Against

Sally Stewart

Against

Grace Joung (applicant/ 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 4:27pm.

## **PUBLIC MEETING ITEMS**

- 1      **LPP6/23              DA/1244/2021 - Further Report - 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. LPP6/23.

## **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, detrimental population increase in the area, design out of character, flora and fauna impacts, demolition and construction work impacts, pedestrian, traffic and road safety impacts, stormwater impacts, provision of screen planting in the pedestrian accessway, ambulance/ patient transport access, parking impacts/ restrictions on Penrhyn Avenue, and the proposed 'Stop' sign at the Penrhyn Avenue/ Hannah Street intersection, noting poor site lines/ visibility.

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 Clause 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 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 and the following amendments:

*Amend condition No. 28 to read:*

### **28.      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)      The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

- b) 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 control measures, including those used during non-working hours, including but not limited to:
    - a. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
    - b. Traffic controls at the intersection of Hannah Street and Penrhyn Avenue during peak truck movements.
  - 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 importation and 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 or imported 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.
- c) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or 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 *AS 2601-2001 - 'The 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.
- d) 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.



- e) 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.
- f) Identification of approved sediment and erosion control measures.

*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.*

*Reason: To document construction measures to protect the public and the surrounding environment.*

**The reasons for this decision are:**

- The Panel has considered the Clause 4.6 written requests from the applicant to contravene the number of storeys development standard under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 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 Panel notes that the proposed development complies with the building height development standard under Clause 40(4)(a) of State Environmental Planning Policy

(Housing for Seniors or People with a Disability) 2004.

- The proposed development generally complies with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development, relevant environmental planning instruments, 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 traffic safety, visual bulk, solar access, amenity or privacy, subject to the recommended conditions of consent.

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

FOR: Garry Fielding, Juliet Grant, Steven Layman, David White

AGAINST: NIL

**2 LPP10/23 DA/984/2022 - Torrens title subdivision of 1 lot into 2, retention of the existing dwelling and construction of a dwelling on the new lot - 11A Austral Avenue, Beecroft**

**(DA/984/2022)**

#### **RECOMMENDATION**

THAT Development Application No. DA/984/2022 for Torrens title subdivision of one allotment into 2, retention of the existing dwelling and construction of a detached dwelling on the new lot as staged development at Lot 172 DP 857137, No. 11A Austral Avenue, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP4/23.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including traffic impacts, parking of boats and trailers on the street, driveway width/ passing bay, inadequate sight lines of current driveway, vehicle turning area, stormwater impacts and flooding from existing driveway run-off, overshadowing, privacy, overdevelopment setback, bulk and scale, inconsistent with the Heritage Conservation Area, and impacts during construction.

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 visual bulk, solar access, amenity or privacy, subject to the recommended conditions of consent.

- The panel notes that access to the additional single dwelling/ lot will be via an existing constructed driveway/ right of carriageway and the proposal will result in negligible additional vehicle movements that would not noticeably alter the existing operation of the accessway or local road network.

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

FOR: Garry Fielding, Juliet Grant, Steven Layman, David White

AGAINST: NIL

### **3 LPP11/23 DA/1031/2022 - Construction of a dwelling house and secondary dwelling - 90 The Crescent, Cheltenham**

**(DA/1031/2022)**

### **RECOMMENDATION**

THAT Development Application No. DA/1031/2022 for the construction of a dwelling house and secondary dwelling at Lot 3 DP 9207, No. 90 The Crescent, Cheltenham be approved as deferred commencement, subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP11/23.

### **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, overshadowing, tree impacts on the subject and adjoining site and retention of liquidambar, privacy and amenity impacts.

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

*Amend condition No. 1 to read:*

#### **1. Deferred Commencement**

Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until:

- a) A registered plan of subdivision from the NSW Land Registry Services creating the proposed lot must be submitted to Council.

*Reason: To ensure the allotments of land are created prior to the operation of the consent.*

- b) To comply with Council's requirement in terms of landscaping and earthworks, the approved architectural and landscape plans are to be amended as follows:
  - i) All areas identified as green on Plan No. 21143A-1 Rev. C Site Plan prepared by Space Plus Design, dated 3 April 2023 must be turfed or planted garden beds to ensure there is adequate landscaped area on site.

- a. There must be no gravel or hard paved/ concrete path areas within the areas identified as green.
  - b. Plan No. L01/A - K26414 Landscape Plan, prepared by Michael Siu Landscape Architects, dated 1 September 2022 must be amended to reflect the above requirements.
- ii) The 3x *Camellia sasanqua* proposed along the south-eastern boundary, adjacent to the dwelling of No. 92 The Crescent (Lot 4 DP 9207) as marked in red on the approved plans, must be a minimum pot size of 45 litres when planted to protect the amenity of the adjoining property.
  - iii) No fill is to occur within the garden bed/ landscape strip adjoining the north-western side boundary as identified on Plan No. 21143A-1 Rev. C Site Plan prepared by Space Plus Design, dated 3 April 2023 and all fill under the driveway/hardstand vehicular turning area must be contained by drop edge beams.
  - iv) To provide for additional landscaping, the turning area shown on Plan No. 21143A-1 Rev. C Site Plan prepared by Space Plus Design, dated 3 April 2023, must be reduced to a length of 4.8 metres from the garage wall, as marked in red and Plan No. L01/A - K26414 Landscape Plan, prepared by Michael Siu Landscape Architects, dated 1 September 2022 must be amended to reflect the amended turning area/ driveway, replacing the hardstand area with turf and/ or planted garden beds.

*Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development.*

- c) Such information must be submitted within 24 months of the date of this notice.

Upon Council's written satisfaction of the above information, the following conditions of development consent apply:

*Delete condition No. 3.*

**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, Juliet Grant, Steven Layman, David White

AGAINST: NIL

## NON-PUBLIC MEETING ITEMS

- 4      LPP14/23      **DA/585/2022 - Construction of a public boardwalk and shared pathway between Kangaroo Point and Brooklyn Road - 1422 Pacific Highway, 1 Brooklyn Road & Lot 100 DP 865249 Pacific Highway, Brooklyn**

(DA/585/2022)

### RECOMMENDATION

THAT Development Application No. DA/585/2022 for Construction of a public boardwalk and shared pathway between Kangaroo Point and Brooklyn Road at 1422 Pacific Highway, 1 Brooklyn Road, Lot 100 DP 865249 Pacific Highway, Brooklyn be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP14/23.

### 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 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) To ensure the safety of pedestrians, the approved plans are to be amended as follows:
  - i) Fencing is required to be provided along the eastern side of the concrete shared pathway adjoining the existing informal parking area at the Marina, as detailed on Plan No. 10 of 30 Issue 2 General Works & Services Plan - Plan 3 of 8, prepared by Hornsby Shire Council Design & Construction Branch, undated.
  - ii) The design of the fencing is to match the proposed fencing along the pathway and boardwalk.
- b) These amended plans and fencing detail must be submitted with the application for the Construction Certificate.

*Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the 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 Panel notes that the SEARs requirements have been addressed.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

- The proposed development would contribute to improved liveability and prioritise opportunities for people to walk and cycle, whilst protecting environmentally sensitive areas of waterways, cultural and scenic landscapes and the coastal environment area.

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

FOR: Garry Fielding, Juliet Grant, Linda McClure, Amanda Anderson,

AGAINST: NIL

#### **5 LPP13/23 DA/1221/2022 - Alterations and Additions to a Dwelling - 24 Berkeley Close, Berowra Heights**

**(DA/1221/2022)**

#### **RECOMMENDATION**

THAT Council 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/1221/2022 for alterations and additions to a dwelling at Lot 15 DP 219738, No. 24 Berkeley Close, Berowra Heights subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP13/23.

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

The Panel considered the matters raised in the written submissions.

The Panel considered the Clause 4.6 submission and notes that it incorrectly addresses the height variation proposed as a result of an error with the existing ground level RL.

Subject to the typographical error being corrected in the Clause 4.6 submission, the Panel 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.
- 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.

Accordingly, the Panel resolved to:

1. Defer the determination of the application and require the preparation of a revised Clause 4.6 request that addresses the correct ground level.
2. Delegate to the Director, Planning and Compliance or the Manager, Development Assessments of the Council the power to make a determination of the application as the consent authority.

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

FOR: Garry Fielding, Juliet Grant, Linda McClure, Amanda Anderson

AGAINST: NIL

**6 LPP12/23 DA/39/2023 - Torrens Title Subdivision of 1 Lot into 3 and Construction of an Access Driveway - 2-4 Hillcrest Road, Berowra**

**(DA/39/2023)**

**RECOMMENDATION**

THAT Development Application No. DA/39/2023 for Torrens title subdivision of 1 lot into 3 and construction of an access driveway at Lot B DP 373120, No. 2-4 Hillcrest Road, Berowra be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP12/23.

**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 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, subject to the recommended conditions of consent.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Juliet Grant, Linda McClure, Amanda Anderson

AGAINST: NIL

**7 LPP16/23 Reporting Development Applications for Determination by the Hornsby Local Planning Panel over 180 Days**

**(F2013/00295-004)**

**RECOMMENDATION**

THAT the contents of LPP Report No. LPP16/23 be received and noted.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel resolved to receive and note the report and provided the following recommendations:

**A. DA/737/2022 for a recreation facility (outdoor and indoor) at No. 639 Old Northern Road, Dural**

1. The panel acknowledged that the applicant has provided amended plans and supporting

documentation to address the Panel's previous recommendations on 19 December 2022.

2. The Panel notes that the submitted information has been assessed by Council and Public Agencies and insufficient information has been provided to enable a full and proper assessment and significant concerns remain with the proposed development which would not be resolved to enable a report to the June LPP meeting.
3. The Panel requests that Council meet with the applicant to request they withdraw the development application, and if unsuccessful, that a report be prepared for determination of the application by the HLPP for the June 2023 meeting or earlier.

**B. DA/121/2022 for demolition of existing structures and construction of 2x 5 storey residential flat buildings comprising a total of 64 apartments with basement parking at No. 23, 23A, 25, 25A & 27 Balmoral Street, Waitara**

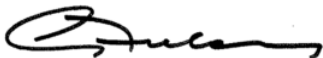
1. The Panel noted that the applicant has provided further amended plans to address Council's concerns. The application will need to be re-notified and referred to internal and external agencies for comment after which a report will be prepared for a future HLPP meeting.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Juliet Grant, Linda McClure, Amanda Anderson

AGAINST: NIL

**THE MEETING** concluded at 5:21pm.



**Chairperson**