

MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY
on Wednesday 31 May 2023
at 4:00pm



PRESENT

Chairperson - Penny Holloway

Expert Panel Member - Marjorie Ferguson

Expert Panel Member - Greg Flynn

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 - Katrina Maxwell

Town Planner - Charley Wells

THE MEETING commenced at 4.00pm.

AUDIO RECORDING OF LOCAL PLANNING PANEL MEETING

Statement by the Chairman:

"I advise all present that today'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	LPP2/23 DA/1205/2022 - Temporary use of the site as a function centre for a maximum of 70 guests - 4 Henstock Road, Arcadia	
	Joseph Mortimer	Against
	Greg Foulis	Against
	Natalie Richter	Against
	Allan Chadwick	Against
	Noelle Ziedan	Against
	Caitlin Foulis	Against
	Cllr Nathan Tilbury	Against
	Sally Bennett	Against
	Lisa Wrightson (Applicant's Town Planner)	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 4:46pm.

PUBLIC MEETING ITEMS

1 LPP2/23 DA/1205/2022 - Temporary use of the site as a function centre for a maximum of 70 guests - 4 Henstock Road, Arcadia

(DA/1205/2022)

RECOMMENDATION

THAT Development Application No. DA/1205/2022 for temporary use of the site as a function centre for a maximum of 70 guests at Lot 3 DP 832940, No. 4 Henstock Road, Arcadia be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP2/23.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including noise and amenity impacts, traffic and parking impacts, social and environmental impacts, land use conflicts and unsafe environment to ride a horse.

The Panel acknowledged the concerns raised by residents, yet felt that the application had merit and with the recommended conditions of consent, including the 12 month trial period, there should be minimal adverse impact.

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. 2(b) to read:

2. Consent Limited to a Period of 12 months

- a) This consent is limited to a trial period of twelve (12) months commencing from the issue of an Occupation Certificate.
- b) Despite (a) above, the use cannot occur until the recommendations within the Acoustic Report (Rev B, reference 2104326) prepared by prepared by (RWDI Australia) dated 3 February 2023, have been implemented. Certification must be provided by a qualified acoustic engineer that all works associated with the installation of the acoustic measures and noise attenuation has been completed in accordance with the recommendations within this report and a copy of the certification is to be submitted to Council prior to commencement of the use.
- c) At the expiration of the trial period the applicant may seek a review of this condition subject to a separate application being submitted to Council. A decision to make the use permanent may include (but not limited to) factors such as:
 - i) Evidence to be furnished by the applicant as to whether the trial has actually occurred.
 - ii) Any justified complaints received and investigated by the Council.
 - iii) The performance of the function centre during the trial period with respect to compliance with the recommendations set out in the acoustic report prepared

by (Rev B, reference 2104326) prepared by prepared by (RWDI Australia)
dated 3 February 2023.

Reason: To ensure monitoring and assessment of the use to confirm it is operating satisfactorily.

The reasons for this decision are:

- The panel is satisfied that the assessment of the development demonstrates compliance with Clause 2.8 Temporary use of land of the Hornsby Local Environmental Plan 2013.
- 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.
- The panel is satisfied that the 12 month trial period allows the mitigation measures to demonstrate compliance and address adverse amenity impacts.

VOTING OF THE PANEL MEMBERS

FOR: Penny Holloway, Marjorie Ferguson, Greg Flynn

AGAINST: Martin Dargan

NON-PUBLIC MEETING ITEMS

2 LPP17/23 DA/124/2021/A - Section 4.55(2) - Alterations and additions to Chesalon Nursing Home - 144-146 Beecroft Road, Beecroft

(DA/124/2021/A)

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/124/2021 for alterations and additions to an existing residential aged care facility at Lot 15,16 & 17 DP 6280, Lot 34 DP 6280 - Chesalon Nursing Home, No. 144-146 Beecroft Road, Beecroft be amended as detailed in Schedule 1 of LPP Report No. LPP17/23.

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 modification subject to the conditions contained in Schedule 1 of the report.

The reasons for this decision are:

- The Panel is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.
- The panel is satisfied that the modified design of the seniors housing development demonstrates adequate consideration has been given to the principles set out in Division 6 of State Environmental Planning Policy (Housing) 2021.
- The proposed modifications generally comply with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed modifications do 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: Penny Holloway, Marjorie Ferguson, Greg Flynn, Martin Dargan

AGAINST: NIL

3 LPP19/23 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. LPP19/23 be received and noted.

PANEL'S CONSIDERATION AND DETERMINATION

1. The Panel resolved to receive and note the report.
2. The Panel provided the following advice with respect to the Applicant Briefing for DA/737/2022 for a recreation facility (outdoor and indoor) at No. 639 Old Northern Road, Dural:
 - The Panel notes that the applicant has provided further amended plans and supporting documentation to respond to issues raised by Council and the applicant has advised that no further information is required to be submitted.
 - The Panel notes that the submitted information has been provided in the last few days and the applicant is not requesting additional time to provide any further information.
 - The Panel requests that Council review the recently submitted information and that a report be prepared for determination of the application by the HLPP for the July 2023 meeting.

VOTING OF THE PANEL MEMBERS

FOR: Penny Holloway, Marjorie Ferguson, Greg Flynn, Martin Dargan

AGAINST: NIL

THE MEETING concluded at 5.23pm.



Chairperson