

MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY
on Wednesday 26 July 2023
at 4:00pm



PRESENT

Chairperson - Garry Fielding

Expert Panel Member - Stephen Leathley

Expert Panel Member - Mary-Lynne Taylor

Community Member - Aiman Khan

STAFF PRESENT

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Team Co-ordinator - Caroline Maeshian

Senior Town Planner - Katrina Maxwell

Senior Town Planner - Madeleine Bayman

THE 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

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	LPP25/23 DA/737/2022 - Construction of a Sport & Recreation Facility - 639 Old Northern Road, Dural	
	Livio Cicchini	Against
	Candice Barcham	Against
	Krishna Joshi	Against
	Jeff Mead (town planner)	For
	Robert Varga (traffic engineer)	For
	George Wei (acoustic engineer)	For
	David Filmer (sewer/ WSC)	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 4:55pm.

PUBLIC MEETING ITEMS

- 1 **LPP25/23 DA/737/2022 - Construction of a Sport & Recreation Facility - 639 Old Northern Road, Dural**

(DA/737/2022)

RECOMMENDATION

THAT Development Application No. 737/2022 for a recreation facility (outdoor and indoor) at Lot 11 DP 243960, No. 639 Old Northern Road, Dural be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP25/23.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including that the proposal is inconsistent with the rural zoning and character, traffic generation, parking and pedestrian safety; use of the ROW, inadequate infrastructure, hours of operation, building design, noise, safety and security; sunlight access, light spill/pollution, and site coverage.

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

Amend Reason No. 1 to read:

1. The proposed development is unsatisfactory having regard to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment 1979* as it does not comply with the provisions of the following environmental planning instruments:
 - a) The proposed development comprises an intensive commercial development and use of the site, and therefore is not compatible with the rural residential character of the area nor consistent with the objective of the RU2 Rural Landscape zone of Hornsby Local Environmental Plan 2013 which seeks to maintain the rural landscape character of the land.
 - b) The proposal does not comply with the objectives of the RU2 Rural Landscape zone of Hornsby Local Environmental Plan 2013 as it cannot be demonstrated that the site does not unreasonably increase the demand for public infrastructure as the site is not adequately serviced by either an on-site wastewater system or a reticulated sewerage system.
 - c) The proposal does not comply with Section 2.122 Traffic Generating Development of State Environmental Planning Policy (Transport and Infrastructure) 2021 as the projected traffic volume cannot be accurately determined.

Amend Reason No. 2 to read:

2. The proposed development is unsatisfactory with respect to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal does not comply with Hornsby Development Control Plan 2013 on the following grounds:

- a) The proposal does not comply with Part 1C.1.1 Biodiversity as the proposed landscape plan is not representative of the Blue Gum High Forest vegetation communities.
- b) The proposal does not comply with Part 1C.2.1 Transport and Parking as inconsistent information regarding occupant numbers raises concerns that the proposed on-site carparking and proposed traffic assessment will be sufficient for the proposed development.
- c) The proposal does not comply with Part 1C.2.4 Effluent Disposal as there is no suitable effluent system proposed for the site.
- d) The proposal does not comply with Part 1C.2.5 Noise and Vibration as the proposal would result in offensive noise impacts upon adjoining properties.
- e) The proposal does not comply with Part 1C.2.7 Crime Prevention as the application does not adequately address how anti-social behaviour would be managed.

Amend Reason No. 3 to read:

- 3. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not considered suitable for the development as the Applicant has not demonstrated that the development is able to be serviced by appropriate wastewater infrastructure.

Amend Reason No. 4 to read:

- 4. Pursuant to Section 4.15(1)(b) the *Environmental Planning and Assessment Act 1979*, insufficient technical information has been provided to enable a proper assessment of the impact of the proposal on the built and natural environment in the following respects:
 - a) No details of the commercial kitchen fit-out or seating area of the canteen/café have been submitted.
 - b) No Crime Prevention Assessment (CPTED) Report as has been provided in support of this development.
 - c) The Plan of Management is insufficient and does not provide a comprehensive breakdown of patron numbers detailing all facets of the development.
 - d) The Landscape Plan does not contain species representative of the Blue Gum High Forest.

Amend Reason No. 5 to read:

- 5. Pursuant to Section 4.15(1)(e) (of the *Environmental Planning and Assessment Act 1979*, approval of the development would not be in the public interest, in that the applicant has failed to demonstrate that the application would not have an adverse impact on the natural and built environment, and has failed to sufficiently address the issues raised in public submissions received in response to the proposal.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Stephen Leathley, Mary-Lynne Taylor, Aiman Khan

AGAINST: NIL

NON-PUBLIC MEETING ITEMS

2 LPP23/23 DA/1314/2022 - Alterations and Additions to a Dwelling House including a Home Business

(DA/1314/2022)

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/1314/2022 as a deferred commencement pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* for alterations and additions to a dwelling house including a home business at Lot 12 DP 231944, No. 1 Dilkera Close, Hornsby subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP23/23.

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 as a deferred commencement subject to the conditions contained in Schedule 1 of the report.

The reasons for this decision are:

- In respect to Clause 4.6(4)(a)(i) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the Clause 4.6 written request from the applicant to contravene the Clause 4.3 Height of buildings development standard applying to the site has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Hornsby Local Environmental Plan 2013 as follows:
 - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - That there are sufficient environmental planning grounds to justify contravening the development standard.
- In respect of Clause 4.6(4)(a)(ii) 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 standard as set out in Clause 4.3(1) of the Hornsby Local Environmental Plan 2013 and the objectives for development within the zone in which the development is proposed to be carried out.
- In respect of Clause 4.14 of the *Environmental Planning and Assessment Act 1979*, the Panel is satisfied that the development conforms to the specifications and requirements of the

document entitled *Planning for Bush Fire Protection 2019* subject to the conditions of concurrence provided by the NSW Rural Fire Service in its letter dated 15 March 2023 (Ref: DA20230306000967-Original-1).

- 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, Stephen Leathley, Mary-Lynne Taylor, Aiman Khan

AGAINST: NIL

3 LPP24/23 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. LPP24/23 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, Stephen Leathley, Mary-Lynne Taylor, Aiman Khan

AGAINST: NIL

THE MEETING concluded at 5.30pm.



Chairperson