



# MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED VIA TELECONFERENCE  
on Wednesday 26 June 2024  
at 4:00pm



## **PRESENT**

Chairperson - Michael Leavey

Expert Panel Member - Anthony Hudson

Expert Panel Member - Greg Flynn

Community Member - Aiman Khan

## **STAFF PRESENT**

Director Planning Division – James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Team Co-ordinator - Matthew Miles

Senior Town Planner - George Papworth

Senior Town Planner - Tim Buwalda

Town Planner - Charley Wells

Town Planner - Elvin Keung

Consultant Planner - Nicola Neil, Octagon Planning

THE MEETING commenced at 4.00pm.

## **AUDIO RECORDING OF LOCAL PLANNING PANEL MEETING**

Statement by the Chairperson:

*"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            LPP8/24    DA/1411/2023 - Construction of a 45 place Child Care Centre - 46 Lords Avenue, Asquith**

Peter Zhou	Against
Alistair McDermott	Against
Wayne Mitchell	Against
Satyavrat Sharma (applicant)	For
Nicolas Toubia (architect)	For
George Nehme (town planner)	For

**2            LPP4/24    DA/1125/2023 - Construction of 76 place Child Care Centre - 76 New Line Road, Cherrybrook**

Tirandaz Kermani	Against
Pearl Hodiwala	Against
Ian Webb	Against
Karen Beaulock	Against
Craig Hellsten	Against
Xerxes Karai	Against
Darren Laybutt (applicant)	For
Scott Miner (architect)	For

**IN ACCORDANCE WITH CLAUSE 3.3(5.b) OF SCHEDULE 1 OF THE OPERATIONAL PROCEDURES DIRECTIONS ISSUED 1 FEBRUARY 2023.**

The Panel Chair closed the public meeting at 5:20pm.

**PUBLIC MEETING ITEMS**

**LOCAL PLANNING PANEL**

- 1            LPP8/24    DA/1411/2023 - Construction of a 45 place Child Care Centre - 46 Lords Avenue, Asquith

**(DA/1411/2023)**

## RECOMMENDATION

THAT the Hornsby Shire Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1411/2023 for the demolition of existing structures, construction of a 45 place child care centre and erection of one sign at Lot 6 DP 21699, No. 46 Lords Avenue Asquith subject to the conditions of consent detailed in Attachment 1 of LPP Report No. LPP8/24.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including traffic and parking impacts, overshadowing, waste management, privacy and noise impacts.

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

### **New Condition – Condition 1A - Amendment of Plans and supporting documentation**

- a) To comply with Council's requirement in terms of landscaping, the approved plans are to be amended as follows:
  - i) The approved Landscape Plan prepared by Ntarch Pty Ltd, dated 11 March 2024 (Reference No. DA-010 Revision E) must be amended by deleting the car parking space within the front setback and replacing with landscaping that includes a canopy tree capable of growing a minimum 10 metres high.
- b) To comply with Council's requirement in terms of privacy, the approved plans are to be amended as follows:
  - i) Frosted glazing must be installed in the northern elevation windows of the Play Room 3 and all the windows of the Staff room and the Kids Coaching Area Training/Meeting Room.
  - ii) The acoustic screen of Play Area 2 must be comprised of frosted glazing or translucent perspex.
- c) The plan of management (POM) referred to in Condition 1 must be amended prior to the issue of a Construction Certificate as follows:
  - i) The POM shall be updated to reflect the approved number of children being 45,
  - ii) The POM to incorporate all of the operational noise control recommendations within part 6 of the acoustic report referred to in condition 1 above and
  - iii) The POM to be updated to ensure that the final plan of management is consistent with these conditions of consent.
- d) These amended plans and supporting document 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.*

#### **New Condition – 12A Stormwater**

The proposed development involves excavation within an existing private inter-allotment easement to drain water along the southern boundary in favour of the upstream property along the rear boundary. The following documents must be submitted to ensure protection of the existing stormwater pipe:

- a) A longitudinal section of the existing inter-allotment drainage system including pipe size, pipe levels, pipe grades and cover shall be provided prior to the issue of a Construction Certificate to demonstrate that the proposed excavation within the easement does not expose the existing stormwater pipe and maintains the pipe cover requirements of the *Australian Standards AS 3500.3*.
- b) If the existing inter-allotment drainage system is required to be reconstructed, a detailed design shall be provided with hydrological and hydraulic calculations to demonstrate that the system has sufficient capacity to cater for the upstream properties stormwater.
- c) Details must be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

*Reason: To ensure protection of the existing stormwater pipe within easement 'E' which burdens the subject site.*

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

- The proposed 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 proposed development does not create unreasonable environmental impacts to adjoining development with regard to traffic and parking, visual bulk, solar access, amenity (noise and privacy), subject to the recommended conditions of consent.

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

FOR: Michael Leavey, Anthony Hudson, Greg Flynn, Aiman Khan

AGAINST: NIL

**2 LPP4/24 DA/1125/2023 - Construction of 76 place Child Care Centre - 76 New Line Road, Cherrybrook**

**(DA/1125/2023)**

## RECOMMENDATION

THAT the Hornsby Shire Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1125/2023 for the demolition of structures and construction of a child care centre for 76 children with basement car parking at Lot 185 DP 626632, No. 76 New Line Road, Cherrybrook, subject to the conditions of consent detailed in Attachment 1 of LPP Report No. LPP4/24.

## 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 and parking impacts, overshadowing, tree removal, waste management, lack of storage, excavation, privacy and noise impacts and vehicular access to Greenoaks Avenue (Falcon Hill).

The Panel also recommends that Council arranges for consideration to be given by the Hornsby Local Traffic Committee regarding installation of a traffic sign by Council on the pedestrian refuge in New Line Road, restricting right hand turn access to the site from New Line Road.

The Panel resolved to adopt the officer's recommendation and approve the proposed development subject to the conditions contained in Attachment 1 of the report and the following additional conditions:

### **New Condition – 6A - Construction and demolition access**

- a) All construction and demolition works for the proposal must be via New Line Road only and must not be via the adjoining Strata lot known as Lot CP SP 21015, Nos. 30-34 Greenoaks Avenue, Cherrybrook (Falcon Hill).
- b) This includes but not limited to construction/demolition vehicles, cranes, deliveries and employees vehicles.

*Reason: to ensure access does not occur via Greenoaks Avenue Cherrybrook*

### **New Condition – 80A - Internal Traffic Signage**

An internal no right hand turn traffic sign for vehicles exiting the site must be installed within the subject property, directly adjoining the driveway within the triangular area marked 'vehicle sight triangle' on the approved basement plan (DA 03B) prior to the issue of an Occupation Certificate.

*Reason: to ensure traffic safety*

### **Amend Condition 6 'Housing and productivity contribution**

- Condition 6.1 to be updated to amend the reference to Condition 2 and replace with Condition 6.2 and
- Condition 6.5 to be updated to amend the reference to Condition 2 and replace with Condition 6.2.

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

- The proposed 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 proposed development does not create unreasonable environmental impacts to adjoining development with regard to traffic and parking, access, visual bulk, solar access, amenity (privacy and noise), subject to the recommended conditions of consent.

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

FOR: Michael Leavey, Anthony Hudson, Greg Flynn, Aiman Khan

AGAINST: NIL



**ELECTRONIC DETERMINATION ITEMS**

- 3            LPP10/24    DA/1443/2023 - Alterations & additions to dwelling house - 7 & 9  
                 Chorley Avenue, Cheltenham**

**(DA/1443/2023)**

## RECOMMENDATION

- A. THAT the Hornsby Shire Local Planning Panel, exercising the functions of Council as the consent authority, vary Clause 4.3 Height of buildings development standard pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013. The Panel is satisfied that the applicant's written request has demonstrated the matters required in 4.6(3)(a) and (b) and the proposed development is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.
- B. THAT the Hornsby Shire Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1443/2023 for alterations and additions to a dwelling house at Lot 131, DP 12364 and Lot 130, DP 12364, Nos. 7 and 9 Chorley Avenue, Cheltenham subject to the conditions of consent in Attachment 1 of LPP Report No. LPP10/24.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions including bulk and scale, traffic and road safety impacts, construction impacts including dust, noise and vehicles, removal of trees and overshadowing.

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)(a) and (b) of the Hornsby Local Environmental Plan 2013.

The Panel resolved to adopt the officer's recommendation and approve the proposed development subject to the conditions contained in Attachment 1 of the report.

### The reasons for this decision are:

- The Panel is satisfied the Clause 4.6 written request from the applicant to contravene the Height of buildings development standard applying to the demonstrates:
  - 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(3) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the applicant's written request has demonstrated the matters required in 4.6(3)(a) and (b).
- 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: Michael Leavey, Anthony Hudson, Greg Flynn, Aiman Khan

AGAINST: NIL

**4 LPP13/24 DA/245/2024 - Volunteer Bushfire Fighters Training Facility - The Tollgates, 1049 Pacific Highway, Cowan**

**(DA/245/2024)**

**RECOMMENDATION**

THAT the Hornsby Shire Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/245/2024 for construction of a Volunteer Bushfire Fighters Training Facility at Lot 100 DP 1104687, The Tollgates, No. 1049 Pacific Highway, Cowan subject to the conditions of consent Attachment 2 of LPP Report No. LPP13/24.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel resolved to adopt the consultant's report recommendation and approve the proposed development subject to the conditions contained in Attachment 2 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 in accordance with Section 4.14(1)(b) of the *Environmental Planning Assessment Act, 1979*, a certificate has been provided to the consent authority by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements of Planning for Bush Fire Protection.

**VOTING OF THE PANEL MEMBERS**

FOR: Michael Leavey, Anthony Hudson, Greg Flynn, Aiman Khan

AGAINST: NIL

**5 LPP11/24 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. LPP11/24 be received and noted.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel resolved to receive and note the report.

**VOTING OF THE PANEL MEMBERS**

FOR: Michael Leavey, Anthony Hudson, Greg Flynn, Aiman Khan

AGAINST: NIL

THE MEETING concluded at 6:10pm.

A handwritten signature in blue ink, appearing to be 'AL', written over a horizontal line.

**Chairperson**