



# MINUTES OF LOCAL PLANNING PANEL MEETING

Held via TELECONFERENCE  
on Wednesday 2 October 2024  
at 4:00pm



## **PRESENT**

Chairperson - Penelope Holloway

Expert Panel Member - Anthony Hudson

Expert Panel Member - Ian Arnott

Community Member - Martin Dargan

## **STAFF PRESENT**

A/Director Planning Division - Rod Pickles

Major Development Manager - Cassandra Williams

Senior Town Planner - Tim Buwalda

Senior Town Planner - George Papworth

A/Senior Town Planner - Charley Wells

Consultant Planner - Simon Smith, SJB Planning

## **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

## 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 LPP21/24 DA/411/2023 - Demolition and construction of a mixed use development comprising a supermarket, medical centre and four retail premises, basement parking and signage - 350-352 Galston Road, Galston**

|                |         |
|----------------|---------|
| Tony Caccamo   | Against |
| Vince Cali     | Against |
| Alison Watkins | Against |
| Nicole Cleary  | Against |

**2 LPP22/24 DA/1310/2023 - Use of a marquee in association with an existing function centre (wedding venue) - 245 New Line Road, Dural**

|                                     |         |
|-------------------------------------|---------|
| Darren and Renee Read               | Against |
| Hiba Karam                          | Against |
| Sonya Constantinou (Town Planner)   | For     |
| Chris Doyle (Acoustic consultant)   | For     |
| Marco Velasco (Acoustic consultant) | For     |
| Antony Anisse (applicant)           | 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 4.55pm.

## **PUBLIC MEETING ITEMS**

- 1 LPP21/24 DA/411/2023 - Demolition and construction of a mixed use development comprising a supermarket, medical centre and four retail premises, basement parking and signage - 350-352 Galston Road, Galston**

**(DA/411/2023)**

## **RECOMMENDATION**

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, refuse Development Application No. DA/411/2023 for demolition of existing structures, construction of a part-two and part-three storey mixed use development comprising a neighbourhood supermarket, a medical centre, and four retail premises, part-one and part-two level basement car parking, display of a business identification sign, and associated landscaping at Lot 1 DP 231874, No. 350-352 Galston Road, Galston for the reasons detailed in Schedule 1 of the consultant's assessment report attached to LPP Report No. LPP21/24.

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

The Panel considered the matters in the assessment report, the application documentation, those matters raised in the written submissions and by the speakers at the meeting including traffic and road safety, impacts on the shared carriageway, bulk and scale, exceedance of building height and FSR, limited pedestrian pathways, local character impacts, access should not be via Griffith Close and vehicles should utilise Galston Road.

The Panel has considered the applicant's written request under Clauses 4.6(2) and (3) of the Hornsby Local Environmental Plan 2013 prepared by Local Approvals, dated April 2023 received by Council on 23 May 2023 to contravene the Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio development standard of the Hornsby Local Environmental Plan 2013 and is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

The Panel resolved to adopt the consultant report's recommendation and refuse the proposed development subject to the reasons detailed in Attachment 1 of the consultant's report.

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

- The applicant's written request under Clauses 4.6(2) and (3) was not accepted by the Panel.
- The proposed development does not comply with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.

## **VOTING OF THE PANEL MEMBERS**

FOR: Penelope Holloway, Anthony Hudson, Ian Arnott, Martin Dargan

AGAINST: NIL

**2 LPP22/24 DA/1310/2023 - Use of a marquee in association with an existing function centre (wedding venue) - 245 New Line Road, Dural**

**(DA/1310/2023)**

## RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1310/2023 for the use of a marquee in association with an existing function centre (wedding venue) at Lot 3 DP 553955, No. 245 New Line Road, Dural as a deferred commencement pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent in Schedule 1 of LPP Report No. LPP22/24.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters in the assessment report, the application documentation, those matters raised in the written submissions and by the speakers at the meeting including noise and vibration, flashing lights, impacts to pets in the area due to noise levels, removal of vegetation and CPTED undertaken.

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

*New condition No. 1A to read:*

### 1A. Consent Limited to a Period of 36 Months

1. This consent is limited to a trial period of 36 months commencing from the issue of an Occupation Certificate.
2. Despite (1) above, the use cannot occur until the recommendations within the Licensed Venue Noise Assessment Ref: 12609674 (Revision 3), prepared by GHD, dated 2 August 2024, 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.
3. After 12 months the applicant may submit a separate application to Council to remove the time limit. 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 including any responses to complaints and to Council's investigations from the applicant.
  - iii) The performance of the function centre marquee during the trial period with respect to compliance with the conditions of consent including recommendations set out in the Licensed Venue Noise Assessment Ref: 12609674 (Revision 3), prepared by GHD, dated 2 August 2024.

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

*New condition No. 2A to read:*

## **2A. Amendment of Plans and Supporting Documentation**

4. The Plan of Management (PoM) referred to in Condition 2 must be amended prior to the issue of a Construction Certificate as follows:
  - a. Section 3.1 of the PoM which states that 'a maximum of three functions per week will occur within the Marquee', must be updated to address the requirements of condition No. 23(2) which states that 'a maximum of one function is to be held within the marquee per week (being any Friday, Saturday or Sunday).'
  - b. The PoM to be updated to ensure that the final Plan of Management is consistent with these conditions of consent.
2. The amended plans/ documentation 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.*

*Amend condition No. 9 to read:*

## **9. Lighting**

Before the issue of a construction certificate, plans detailing internal and external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:

1. External lighting to comply with Australian Standard AS4282: Control of obtrusive effects of outdoor lighting.
2. Internal and external lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
3. Internal and external lighting (including mirror balls and the like) must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

This does not include flash photography.

4. The lighting plan must be submitted to the Principal Certifier.

*Note: All above documents refer to the version in effect at the time the consent is granted.*

*Reason: To ensure lighting is provided for safety reasons and to protect the amenity of the local area.*

*Amend condition No. 18(4) to read:*

## **18. Wastewater System Approval**

1. Prior to the installation of an on-site sewage management system, Council approval must be obtained in the form of an 'Approval to Install' licence issued pursuant to the *Local*

*Government Act 1993.*

2. The on-site sewage management system must be commissioned and certified by a licensed plumber in accordance with Australian Standard AS1547 Onsite domestic wastewater management (2012) and Environment & Health Protection Guidelines - Onsite Sewage Management for Single Households (1998).
3. Prior to the operation of the on-site sewage management system, Council approval must be obtained in the form of an 'Approval to Operate' licence issued pursuant to the Local Government Act 1993, and a copy submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
4. A Decommissioning Report must be submitted to Council confirming the existing absorption trench has been removed in accordance with the On-Site Wastewater Management Report (AAWMR\_00F\_13-04-2024) Revision 00F prepared by Roberts Resources dated 19 June 2024.

*Reason: To ensure the required licences and approvals for the wastewater system are obtained.*

*Amend condition No. 23(2) to read:*

### **23. Use of Premises**

1. The development approved under this consent shall be used for a function centre and not for any other purpose without Council's separate written consent.
2. A maximum of one function is to be held within the marquee per week (being any Friday, Saturday or Sunday).
3. The existing function centre, Springfield House, is not permitted to be in use for functions concurrently with the marquee at any time.
4. The use of the marquee for any functions held on Sundays is limited to no more than 5 functions in a calendar year, within the approved hours of operation.

*Reason: To ensure the use is undertaken with the terms of this consent.*

*Amend condition No. 25 to read:*

### **25. Compliance with Plan of Management**

1. All control measures and procedures nominated in the Plan of Management prepared by Springfield House, dated August 2024 must be implemented.
2. In the event of any inconsistency between the approved Plan of Management and these conditions, the conditions will prevail.
3. Any amendments to the Plan of Management must be submitted to Council's Compliance Team via Council's Online Services Portal for review and written approval.

*Note: The Plan of Management 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 ensure the operational measures implemented protect the amenity of the local area.*

*Amend condition No. 26 to read:*

## **26. Operational noise**

1. During functions within the marquee, live music must only be played through the certified speakers, with the attached noise limiter to control noise levels.
2. The LA10(15minute) noise level from the use of the marquee during functions (patrons and music) shall not exceed the background noise level (L90) in any octave band frequency (31.5Hz to 8 kHz inclusive) by more than 5dBA, when measured at the boundary of any affected residence.
3. The emission of noise from any mechanical plant must not exceed the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the Noise Policy for Industry 2017.

*Reason: To ensure the operational measures implemented protect the amenity of the local area.*

*Amend condition No. 27 to read:*

## **27. Lighting During Ongoing Use**

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and conditions of consent.

*Reason: To ensure the safe operation of the premises and protect the amenity of the local area.*

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

- With the imposition of the recommended conditions as amended by the Panel, the proposed development is not expected to create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy. This will be monitored by the imposition of the 3 year time limit.
- The Panel notes that in accordance with Section 4.14(1)(b) of the *Environmental Planning Assessment Act 1979*, a report 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 2019.

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

FOR: Penelope Holloway, Anthony Hudson, Ian Arnott, Martin Dargan

AGAINST: NIL

**ELECTRONIC DETERMINATION ITEMS**

- 3            LPP23/24    DA/478/2024 - Alterations and additions to dwelling house - 31  
                 Boundary Road, North Epping**

**(DA/478/2024)**

## RECOMMENDATION

- A. THAT the Hornsby 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 as the applicants written request has adequately addressed the merits required to be demonstrated by subclause (3) 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 Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/478/2024 for alterations and additions to a dwelling house at Lot 7, DP 30286, No. 31 Boundary Road, North Epping subject to the conditions of consent in Schedule 1 of LPP Report No. LPP23/24.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the applicant's written request for Clauses 4.6(2) and (3) of the Hornsby Local Environmental Plan 2013 to contravene the Height of Buildings development standard in Clause 4.3 of the Hornsby Local Environmental Plan 2013 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.

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

*Amend condition No. 3 to read:*

### 3. Amendment of Plans

1. To comply with Councils requirement in terms of privacy, the alfresco as indicated in red on the approved plans must have privacy screening as follows:
  - a. A 1.5-metre-high privacy screen must be erected along those parts of the eastern and western elevations of the deck located less than 3m from the side boundary to minimise a direct line of sight to the adjacent properties, known as No. 29 and 33 Boundary Road.
  - b. The screen must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen.
2. These amended plans 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 Panel has considered the applicant's written request for Clauses 4.6(2) and (3) of the Hornsby Local Environmental Plan 2013 prepared by Russell Scott dated 6 September 2024

received by Council on 9 September 2024 to contravene the Height of Buildings development standard in Clause 4.3 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 applicant has demonstrated 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 that:
    - compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, and
    - there are sufficient environmental planning grounds to justify contravening the development standards.
- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- The Panel notes that subject to the recommended conditions, the Panel can be satisfied that the proposed development conforms to the specifications and requirements of the document titled Planning for Bush Fire Protection 2019 prepared by the NSW Rural Fire Service in accordance with the requirements of Section 4.14(1)(a) of the *Environmental Planning Assessment Act 1979*.
- 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: Penelope Holloway, Anthony Hudson, Ian Arnott, Martin Dargan

AGAINST: NIL

THE MEETING concluded at 6.03pm.



**Chairperson**