



MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED VIA TELECONFERENCE, HORNSBY
on Wednesday 26 March 2025
at 4:00 PM



PRESENT

Chairperson - Penelope Holloway

Expert Panel Member - Alison McCabe

Expert Panel Member - Marjorie Ferguson

Community Member - Martin Dargan

STAFF PRESENT

Director, Planning Division - James Farrington

Manager, Development Assessment - Rod Pickles

Major Development Manager - Cassandra Williams

A/Senior Town Planner - Charley Wells

Senior Town Planner - George Papworth

Consultant Planner - Deborah Dickerson, DJD 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

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 | LPP1/25 DA/1021/2024 - Torrens title subdivision of 1 lot into 3 and construction of dwellings on each lot - 59 Hewitt Avenue, Wahroonga | |
| | Joshua Palmer | Against |
| | Sarah Thomson | Against |
| | Kevin Cheslett | Against |
| | Christine Macdonald | Against |
| | Samuel Lettice (Applicant's Town Planner) | For |
| 2 | LPP4/25 DA/812/2024 - Torrens title subdivision of 1 lot into 2 and partial demolition of the retained dwelling on proposed Lot 1 - 53 Malton Road, Beecroft | |
| | Trish Brown (Byles Creek Valley Union Inc) | Against |
| | Tim Cooper (Applicant's Town Planner) | For |
| 3 | LPP5/25 DA/983/2024 - Temporary use of the site as a Function Centre - 10 Blacks Road, Arcadia | |
| | Natalie Richter | Against |
| | Justin Micallef | Against |
| | John Inshaw | Against |
| | Jan Primrose (PYSE) | Against |
| | Rosie Micallef | Against |
| | Katrina Emmett | Against |
| | Jim Pollicina | Against |
| | Faye Kotsis | Against |
| | Shannon 'Mick' Micallef | Against |
| | David Bartlett | Against |
| | Andrew Minto (Applicant's Town Planner) | For |
| | Leo Tsui (Applicant's Acoustic consultant) | For |
| | Alex Karki (Applicant's Traffic Engineer) | 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 5:31pm.

PUBLIC MEETING ITEMS

LOCAL PLANNING PANEL

- 1 **LPP1/25 DA/1021/2024 - Torrens title subdivision of 1 lot into 3 and construction of dwellings on each lot - 59 Hewitt Avenue, Wahroonga**

(DA/1021/2024)

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1021/2024 for demolition of existing structures, Torrens title subdivision of one lot into three and construction of dwelling houses and swimming pools on each lot as staged development at Lot 5 DP 37299, No. 59 Hewitt Avenue, Wahroonga 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. LPP1/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including visual and privacy impacts, stormwater and flooding impacts, owners' consent to connect stormwater, overshadowing impacts, bulk and scale, setbacks, view loss, tree removal, biodiversity impacts including BGHF on the adjoining property.

Arising from the matters raised in the public meeting, the panel received further written advice from Council's engineer (Late Memo No. LM5/25) that the existing capacity of the stormwater pipe within the easement within Lot 11 DP 30101 is sufficient to accommodate the proposed subdivision and does not require physical works in the adjoining property Lot 11 DP 30101, No. 29 Exeter Road, Wahroonga. Accordingly, Deferred Commencement condition point 2 is not required.

The Panel sought further advice regarding the requirements under the *Biodiversity and Conservation Act 2016* and the following advice was provided from Council's ecologist... (Late Memo No. LM5/25). The Panel is satisfied that the requirement for a Biodiversity Development Assessment Report (BDAR) is not triggered.

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, as amended by Council in Late Memo No. LM5/25 and detailed below:

A. Deferred Commencement

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

1. An Easement to Drain Water over Lot 3 DP 1072181 (No. 57B Hewitt Avenue, Wahroonga) and Lot 11 DP 30101 (29 Exeter Road, Wahroonga) has been registered with the NSW Land Registry Services (NSW LRS) in favour of the development site.

Such information must be submitted within 36 months of the date of this notice.

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

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

3A. No Works on Adjoining Property

This consent does not authorise any works on the adjoining property Lot 11 DP 30101, No. 29 Exeter Road, Wahroonga.

Reason: To ensure works are located wholly within the subject site and No. 57B Hewitt Avenue, Wahroonga only.

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 2024.
- The Panel notes that the existing capacity of the stormwater pipe within the easement within Lot 11 DP 30101 is sufficient to accommodate the proposed subdivision and does not require physical works in the adjoining property Lot 11 DP 30101, No. 29 Exeter Road, Wahroonga and subject to the recommended conditions, the Panel can be satisfied that the proposed development satisfactorily addresses the requirements of Section 4.15 of the *Environmental Planning Assessment Act 1979*.
- The Panel notes that the proposed development does not trigger the requirement for a Biodiversity Development Assessment Report (BDAR) under Part 7 of the *Biodiversity Conservation Act 2016* and subject to the recommended conditions, the Panel can be satisfied that the proposed development satisfactorily addresses the requirements of Section 4.15(1)(b) 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, Alison McCabe, Marjorie Ferguson, Martin Dargan

AGAINST: NIL

2 LPP4/25 DA/812/2024 - Torrens title subdivision of 1 lot into 2 and partial demolition of the retained dwelling on proposed Lot 1 - 53 Malton Road, Beecroft

(DA/812/2024)

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/812/2024 for Torrens title subdivision of 1 lot into 2 and part demolition of the existing dwelling to be retained on proposed Lot 1 at Lot 1 DP 789069, No. 53 Malton Road, Beecroft 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. LPP4/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including non-compliance with the Byles Creek Planning Proposal, tree removal, biodiversity impacts, requirements for Planning for Bushfire Protection not adequately addressed.

The Panel in considering the application had regard to the context of the site and the surrounding subdivision pattern.

The Panel, in order to limit further tree removal proposed a further condition to restrict future dwelling to the building envelope as indicated on the plan.

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. 7A to read:

7A. Building Envelope

Future development on proposed Lot 2 must be contained within the building envelope indicated on approved plan No. TA2200 GA Plan Issue A, prepared by TROS Architects dated 27 February 2025.

Reason: To ensure future development complies with tree retention and protection commitments.

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 2024.
- 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, Alison McCabe, Marjorie Ferguson, Martin Dargan

AGAINST: NIL

3 LPP5/25 DA/983/2024 - Temporary use of the site as a Function Centre - 10 Blacks Road, Arcadia

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/983/2024 for the temporary use of the site as a Function Centre at Lot 1 DP 29156, No. 10 Blacks Road, Arcadia subject to the conditions of consent in Schedule 1 of LPP Report No. LPP5/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including noise, traffic and road safety issues, disabled access, sight lines from driveway, impacts from the existing STRA use, alcohol consumption/ anti-social behaviour, satisfying the requirements of temporary use provisions, existing unauthorised use; car detailing business on site and associated wastewater impacts; inconsistencies in Plan of Management with respect to car parking numbers and use of portable toilets, unloading of passengers on the road reserve, and street lighting.

The Panel listened to the concerns of the residents and placed appropriate conditions and restrictions on the proposal to ensure the amenity of surrounding residents is maintained. This included additional conditions regarding car parking, acoustics and ensuring the Plan of Management is consistent with conditions. The Panel notes that the recommended conditions include a review of the operation of the use of the site within a 2 year period.

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. 22 to read:

22. Amended Plan of Management

Prior to issue of the Occupation Certification, submit to Council an amended Plan of Management that is consistent with the conditions of consent and includes but is not limited to:

1. Emergency contact details of the proponent.
2. All deliveries are restricted to Monday to Sunday, 9am to 6pm.
3. All external lighting be on an automatic timer and turned off at 10.15pm.
4. Amplified music is to be only from the approved noise limited system at all times.
5. All references to operating hours are to be amended to be consistent with the approved Hours of Operation detailed in Condition No. 23 of the consent.
6. All references to the use of the lawn area is restricted to the ceremony and photographs only.
7. A maximum of one food truck is permitted per function.
8. All references to the use of portable toilets are to be deleted as these are no longer required with the maximum number of guests limited to 30 and guests staying in the

Short-Term Rental Accommodation must be function guests.

9. Deletion of the table under 'Function - Load Capacity Table when Temporary Toilets are required' on page 15.
10. No fireworks are permitted as part of the temporary use of the site as a Function Centre.

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

Amend condition No. 25 to read:

25. Number of Patrons

1. The premises is restricted to a maximum number of 30 guests (inclusive of the guests staying in the Short-Term Rental Accommodation) attending a function at any time.
2. On the days the site is being used as a temporary function centre the Short-Term Rental Accommodation (STRA) on site must only be occupied by guests attending a function.

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

Amend condition No. 29 to read:

29. Car Parking and Deliveries

All car parking must be provided and operated in accordance with Australian Standard AS2890.1-2004 Off street car parking and Australian Standard AS2890.2-2002 Off street commercial and the following requirement:

1. Any placement of traffic signs or traffic management on a public road shall be subject to a 'temporary full and partial road closures' permit issued by Council. Application can be made via Council's Website for a 'temporary full and partial road closures' permit.
2. All parking areas associated with the function centre must be provided wholly located within the property boundaries.
3. A minimum of 20 car parking spaces must be provided on site, allocated as follows:
 - a) 15 spaces available for the sole use of guests.
 - b) 4 spaces for staff car parking; and
 - c) 1 space for the food truck parking.
4. Car parking, loading and manoeuvring areas must be used solely for nominated purposes.
5. All vehicular entry on to the site and egress from the site must be made in a forward direction.
6. Vehicles awaiting loading, unloading, or servicing must be parked on site and not on adjacent or nearby public roads; and

7. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the road.
8. The largest vehicle that can be used for the delivery to the site for the temporary function centre use shall be MRVs (8.8m).

Reason: To protect and maintain appropriate amenity to nearby occupants and to ensure parking facilities and vehicle manoeuvring areas are designed in accordance with Australian Standards.

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 2024.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to amenity or privacy, subject to the recommended conditions of consent.

VOTING OF THE PANEL MEMBERS

FOR: Penelope Holloway, Alison McCabe, Marjorie Ferguson, Martin Dargan

AGAINST: NIL

ELECTRONIC DETERMINATION ITEMS

4 LPP9/25 DA/1036/2024 - Alterations and Additions to a Semi-Detached Dwelling - 15 Summerwood Way, Beecroft

(DA/1036/2024)

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1036/2024 for alterations and additions to a semi-detached dwelling at Lot 19 DP 285152, No. 15 Summerwood Way, Beecroft subject to the conditions of consent in Attachment 2 of LPP Report No. LPP9/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submission.

The Panel resolved to adopt the consultant planner's assessment report 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 2024.
- 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, Alison McCabe, Marjorie Ferguson, Martin Dargan

AGAINST: NIL

5 LPP10/25 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. LPP10/25 be received and noted.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel resolved to receive and note the report.

VOTING OF THE PANEL MEMBERS

FOR: Penelope Holloway, Alison McCabe, Marjorie Ferguson, Martin Dargan

AGAINST: NIL

THE MEETING concluded at 6.30pm.

A handwritten signature in black ink, appearing to read 'P. J. Selby', written in a cursive style.

Chairperson