



MINUTES OF LOCAL PLANNING PANEL MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Thursday 13 May 2021
at 6:30pm



PRESENT

Chairperson - Garry Fielding (Chair)

Expert Panel Member - Steven Layman

Expert Panel Member - Linda McClure

Community Member - Barbra Wynn

Community Member - Jerome Cox

Staff Present

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Team Coordinator - Caroline Maeshian

Senior Town Planner - Matthew Miles

Town Planner - Thomas Dales

Consultant Planner - Neil Kennan

Consultant Planner - Nicola Neil

The meeting commenced at 6.30pm.

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

ADDRESSES TO THE PANEL

The following members of the public addressed the Panel on items on the agenda:

1 LPP12/21 DA/1566/2014/B - Section 4.55 (2) - Multi-purpose court facility adjoining the North-Epping Bowling Club and carpark upgrade - 130, 130A, 130X, 132 and 2A Boundary Road, North Epping

Margaret Waugh	Against
David Creelman	Against
Robin King	Against
Penny King	Against
Gaye Braiding	Against
Gerry O'Donoghue	Against
Trevor Carlyle-Hoggan (On behalf of North Epping Sports Club)	For
Ellen Robertshaw (Director, DFP Planning Consultants)	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 7.20pm.

LOCAL PLANNING PANEL

- 1 LPP12/21 DA/1566/2014/B - Section 4.55 (2) - Multi-purpose court facility adjoining the North-Epping Bowling Club and carpark upgrade - 130, 130A, 130X, 132 and 2A Boundary Road, North Epping**

(DA/1566/2014/B)

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/1566/2014 for the use of land at the North Epping Bowling and Community Club for multi-purpose sports courts and associated car parking at Lot 913 DP 752053, Lot 1070 DP 752053, Lot 7304 DP 1131925, Lot 1073 DP 752053 and Lot 1034 DP 752053, Nos. 130, 130A, 130X, 132 and 132A Boundary Road, North Epping be amended as detailed in Schedule 1 of LPP Report No. LPP12/21.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised by the objectors in written submissions and at the meeting, including acoustic impacts including operational hours, participants and spectators behaviour and seating, maintenance of grounds, lighting impacts, and overall site management.

The Panel resolved to adopt the consultant planner's assessment report recommendation and approve the proposed modification, subject to the conditions contained in Schedule 1 of the report with the following amendments:

1. Edit the Modification Explanatory Table to read:

Date of this modification:	13 May 2021
Details of this modification:	Section 4.55(2) application to modify Condition 50 of Development Consent No. DA/1566/2014.
Conditions Added:	4A, 52A,
Conditions Deleted:	48
Conditions Modified:	1, 7, 44(c), 50, 51(a)

2. Amend condition No. 4A to read:

4A. Amendment of Operational Plan of Management

- a) The North Epping Sports Centre Operational Plan of Management dated 31 March 2021 must be amended to include the requirements of Condition No. 50 and the following additional requirements:
 - i) On Saturday, Sunday and Public Holidays the use of the courts is to cease at 6:00pm with flood lights extinguished by 6:15pm.
 - ii) The contact details for complaint management are to include a current mobile phone number and a valid email address.
 - iii) Spectators are to be limited to the area adjacent to the water tank.
 - iv) Edit Section 6.4 *NESC Contact Details* to require appropriate signage to be erected and maintained containing emergency contact details and an email address.
 - v) Additional signage on site must be provided advising participants and spectators of the need to leave quietly and not cause any noise disturbance due to the proximity of the neighbouring dwelling houses.
 - vi) Edit Section 7.8 *Noise Management* to delete the reference to 'Training

whistles' and replace with 'Hand-held training whistles'.

- vii) Edit Section 7.10 *Hirer Responsibilities* to read:

All hirers of the NESC facilities will be required to acknowledge in writing (including via email), that they will abide at all times by the terms of this Operational Plan of Management as a condition of hiring.

- viii) Edit Section 8.6 *Casual Usage* to delete the reference to 'training whistles' under Hirer Responsibilities and replace with 'hand-held training whistles'.

- ix) Edit Section 10.3 *Procedure for Addressing Complaints* to include the requirement for a formal complaint register to be maintained which includes a written record of all relevant details including date, time, name, contact number, details of the complaint and how the complaint was addressed.

- x) Edit Section 11 *NESC Management Plan Review/ Revision* to insert a requirement that any proposed changes to the Operational Plan of Management are referred to Hornsby Council for written approval prior to amendment.

- b) A copy of the amended North Epping Sports Centre Operational Plan of Management in accordance with Condition No. 4A must be submitted and written approval provided by Council prior to the commencement of the approved hours of operation.

3. Amend condition No. 7 to read:

7. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard 1742.3 for all work on a public road. The TCP shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. The TCP must detail the following:

- a) Arrangements for public notification of the works.
- b) Temporary construction signage.
- c) Permanent post-construction signage.
- d) Vehicle movement plans.
- e) Traffic management plans.
- f) Pedestrian and cyclist access/safety.

4. Amend condition No. 44(c) to read:

- c) Plantings that fail to survive or do not exhibit normal health and vigour growth characteristics for their species prior to reaching a height greater than three metres (3m), must be replaced at the expense of the lessee of the property.

5. Delete condition No. 48.

6. Amend condition No. 51(a) to read:

- a) All noise generated as a result of the use of the facility when assessed as a Leq, 15 minutes at any affected point on or within any residential premises must not exceed 40 dB(A). Where such noise being emitted to adjacent premises possesses tonal,

beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with the EPA's Noise Policy for Industry.

The reasons for this decision are:

- The proposed modification of the consent complies with the requirements of the relevant environmental planning instruments and the *Hornsby Development Control Plan 2013*.
- Subject to compliance with the Operational Plan of Management and conditions of consent, the modification of the consent as proposed is not likely to create unreasonable environmental impacts upon nearby development.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure, Steven Layman, Barbra Wynn

AGAINST: NIL

2 LPP9/21 DA/123/2021 - Torrens title subdivision of one allotment into two - 11 Adamson Avenue, Thornleigh

(DA/123/2021)

RECOMMENDATION

THAT Development Application No. DA/123/2021 for Torrens title subdivision of 1 lot into 2 lots at Lot 56 DP 13726, No. 11 Adamson Avenue, Thornleigh be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP9/21.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the Clause 4.6 submission and is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the *HLEP* and is not satisfied that the proposed development will be in the public interest because it is inconsistent with the objectives of the 'Minimum subdivision lot size' 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 refuse consent to the proposed development for the reasons detailed in Schedule 1 of the report with the following amendment:

Reason 2 of Schedule 1 be amended as follows:

2. The proposed development is unsatisfactory having regard to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the applicant's written request in accordance with Clause 4.6 'Exceptions to development standards' of the *Hornsby Local Environmental Plan 2013* to vary the minimum lot size development standard has not demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and has not demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard. Furthermore, the consent authority is not satisfied that the proposed development is in the public interest because it is inconsistent with the objectives of the 'Minimum subdivision lot size' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The reasons for this decision are:

- The development does not meet the objectives of Clause 4.1 Minimum lot size under the *Hornsby Local Environmental Plan 2013*.
- The Panel is not satisfied that the applicant's written submission under Clause 4.6 has justified the contravention of the development standard by demonstrating 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.
- The Panel is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 and is not satisfied that the proposed development will be in the public interest.
- The proposed development does not comply with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013 with regard to stormwater management and protection of Endangered Ecological Communities.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure, Steven Layman, Jerome Cox

AGAINST: NIL

- 3 LPP11/21 DA/96/2021 - Construction of an indoor cricket facility and reconfiguration of existing outdoor practice nets - Mark Taylor Oval, No. 20X, Waitara Avenue, Waitara**

(DA/96/2021)

RECOMMENDATION

THAT Development Application No. DA/96/2021 for construction of an indoor cricket facility and reconfiguration of existing outdoor practice nets at Lot 300 DP 832745, Waitara Park - Mark Taylor Oval, No. 20X Waitara Avenue, Waitara be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP11/21.

PANEL'S CONSIDERATION AND DETERMINATION

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 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to tree preservation, stormwater, sustainability, traffic, noise and social impacts.

VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure, Steven Layman, Jerome Cox

AGAINST: NIL

The Panel's meeting concluded at 8.05pm.

A handwritten signature in black ink, appearing to read "Duncan", with a stylized, flowing script.

Chairperson