



## **MINUTES OF LOCAL PLANNING PANEL MEETING**

Held at COUNCIL CHAMBERS, HORNSBY  
on Wednesday 29 September 2021  
at 6:30pm



## **PRESENT**

Chairperson - Garry Fielding

Expert Panel Member - Juliet Grant

Expert Panel Member - Linda McClure

Community Member - Barbra Wynn

## **Staff Present**

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Town Planner - Tim Buwalda

Town Planner - Lawrence Huang

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 LPP24/21 DA/137/2021 - Construction of a Dwelling House - 38A Malton Road, Beecroft**

Trish Brown - Byles Creek Valley Union Inc.	Against
Robyn Smith - Byles Creek Valley Union Inc.	Against
Jan Primrose - Protecting your Suburban Environment Inc (PYSE)	Against
Ross Walker - Vice President Beecroft Cheltenham Civic Trust	Against
John Inshaw	Against
Cllr Vince Gel Gallego	Against
Peter Henderson (Owner)	For
Craig Burley - Bushfire Consultant (Speaking on behalf of the Applicant)	For
Luke Van Jour - Architect, Distinctive Innovations (Speaking on behalf of the Applicant)	For
Lizzie Bowman - Hunter Ecology (Speaking on behalf of the Applicant)	For
Jim McArdle - Arborist (Speaking on behalf of the Applicant)	For
  
- 2 LPP25/21 DA/161/2021 - Construction of a Dwelling House - 38B Malton Road, Beecroft**

Claire Zhenga	Against
Trish Brown - Byles Creek Valley Union Inc.	Against
Robyn Smith - Byles Creek Valley Union Inc.	Against
Jan Primrose - Protecting your Suburban Environment Inc (PYSE)	Against
John Inshaw	Against
Cllr Vince Gel Gallego	Against
Peter Henderson (Owner)	For
Luke Van Jour - Architect, Distinctive Innovations (Speaking on behalf of the Applicant)	For
Jim McArdle - Arborist (Speaking on behalf of the Applicant)	For
  
- 3 LPP28/21 DA/691/2021 - Change of Use of a Dwelling House to a Permanent Group Home - 9 Tanbark Place, Dural**

Jan Primrose - Protecting your Suburban Environment Inc (PYSE)	Against
Sandie Hogarth-Scott (General Manager - Property) (Speaking on behalf of the Applicant)	For

Angela Sicilian (Property Project Manager)  
(Speaking on behalf of the Applicant)

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 8.30pm.

## **LOCAL PLANNING PANEL**

**1                    LPP24/21    DA/137/2021 - Construction of a Dwelling House - 38A Malton Road, Beecroft**

**(DA/137/2021)**

### **RECOMMENDATION**

THAT Development Application No. DA/137/2021 for the construction of a dwelling house at Lot 3 DP 1226564, No. 38A Malton Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP24/21.

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

The Panel considered the matters raised in written submissions and by the speakers at the meeting including scale of the development, flora and fauna impacts, impacts on the watercourse, consistency with the positive covenant, replacement planting, proposed level changes/ earthworks.

The Panel is particularly concerned with the potential inconsistency of the submitted plans with the requirements of the positive covenant in respect to the location of the restricted development area (RDA) and the asset protection zone (APZ).

The Panel resolved to defer the determination of the application and require the applicant to address issues raised by the speakers in the meeting including:

- the provisions of the positive covenant and conservation of native vegetation
- the extent of the APZ with respect to potential building encroachment
- the potential to retain significant trees on the site
- proposed treatment of the watercourse and on-site water management
- the necessity for rear yard tiering and retaining walls
- replacement tree planting

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

FOR:                    Garry Fielding, Juliet Grant, Linda McClure, Barbra Wynn

AGAINST:            NIL

**2                    LPP25/21    DA/161/2021 - Construction of a Dwelling House - 38B Malton Road, Beecroft**

**(DA/161/2021)**

### **RECOMMENDATION**

THAT Development Application No. DA/161/2021 for construction of a dwelling house at Lot 2 DP 1226564, No. 38B Malton Road, Beecroft be approved, subject to the conditions of consent detailed

in Schedule 1 of LPP Report No. LPP25/21.

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

The Panel considered the matters raised in written submissions and by the speakers at the meeting including scale of the development, flora and fauna impacts, impacts on the watercourse, overshadowing and privacy impacts, consistency with the positive covenant, replacement planting, proposed level changes/ earthworks.

The Panel is particularly concerned with the potential inconsistency of the submitted plans with the requirements of the positive covenant in respect to the location of the restricted development area (RDA) and the asset protection zone (APZ).

The Panel resolved to defer the determination of the application and require the applicant to address issues raised by the speakers in the meeting including:

- the provisions of the positive covenant and conservation of native vegetation
- the extent of the APZ with respect to potential building encroachment
- the potential to retain significant trees on the site
- proposed treatment of the watercourse and on-site water management
- the necessity for rear yard tiering and retaining walls
- measures to ameliorate privacy impacts from the windows on No. 40A
- replacement tree planting

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

FOR: Garry Fielding, Juliet Grant, Linda McClure, Barbra Wynn

AGAINST: NIL

### **3 LPP28/21 DA/691/2021 - Change of Use of a Dwelling House to a Permanent Group Home - 9 Tanbark Place, Dural**

**(DA/691/2021)**

#### **RECOMMENDATION**

THAT Development Application No. DA/691/2021 for the use of a dwelling house as a permanent group home at Lot 496 DP 775959, No. 9 Tanbark Place Dural be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP28/21.

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

The Panel considered the matters raised in written submissions and by the speaker at the meeting regarding fire upgrading of the existing dwelling and compliance with disability access.

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.

**The reasons for this decision are:**

- The proposed development complies with the requirements of the *Hornsby Local Environmental Plan 2013* planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development will provide specialised housing to support people with an intellectual disability to live within a residential setting with increased independence.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Juliet Grant, Linda McClure, Barbra Wynn

AGAINST: NIL

**4 LPP26/21 Reporting Development Applications for determination by the Hornsby Local Planning Panel over 180 days**

**RECOMMENDATION**

THAT the contents of LPP Report No. LPP26/21 be received and noted.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Juliet Grant, Linda McClure, Barbra Wynn

AGAINST: NIL

The Panel's meeting concluded at 9.10pm.



**Chairperson**