



MINUTES OF LOCAL PLANNING PANEL MEETING

Held via TELECONFERENCE, HORNSBY
on Wednesday 28 May 2025
at 4:00 PM



PRESENT

Chairperson - Stephen Leathley

Expert Panel Member - Clare Brown

Expert Panel Member - Gregory Flynn

Community Member - Aiman Khan

STAFF PRESENT

Manager, Development Assessment - Rod Pickles

Major Development Manager - Cassandra Williams

Town Planner - Sophie Valentine

A/Senior Town Planner - Charley Wells

Senior Town Planner - Katrina Maxwell

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	LPP11/25 DA/85/2025 - Demolition of Structures and Construction of a Dwelling House - 316 & 318 Malton Road, North Epping	
	Michael Clark	Against
	Warwick Davey	Against
	Jessie Singh	Against
	John Vaughan	Against
	Justin Hales (Owner)	For
	Natalie Nolan (Town Planner)	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 ITEM

1 LPP11/25 DA/85/2025 - Demolition of Structures and Construction of a Dwelling House - 316 & 318 Malton Road, North Epping

(DA/85/2025)

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/85/2025 for demolition of structure and construction of a dwelling house at Lot 6A DP 27021 and Lot 7 DP 21101, Nos. 316 & 318 Malton Road, North Epping subject to the conditions of consent in Schedule 1 of LPP Report No. LPP11/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including character, bulk and scale, setbacks, overshadowing, design lends itself to a function centre attached to a dwelling, privacy and amenity impacts.

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 Hornsby Local Environmental Plan 2013.

The Panel resolved to defer the matter to request the Applicant to submit:

- Amended plans which include design changes to:
 - Address privacy impacts along boundary with No. 320 Malton Road through the use of highlight windows facing the northern boundary.
 - Reduce the size and scale of the dwelling including increased setbacks to the north eastern boundary.
 - Reduce the height of the dwelling to comply with the Height of Buildings Development Standard (if not achieved, amend the Clause 4.6 request to address the current requirements).
- A streetscape assessment.
- Certification of the submitted shadow diagrams or any amended shadow diagrams arising as a result of the design amendments above.
- Expand the SEE to include potential uses of the dwelling house and frequency of operation.

VOTING OF THE PANEL MEMBERS

FOR: Stephen Leathley, Clare Brown, Gregory Flynn

AGAINST: Aiman Khan

ELECTRONIC DETERMINATION ITEMS

- 2 LPP13/25 DA/33/2025 - Demolition of Awning, Conversion of Premises to Motor Car Showroom & Signage - 240-242 Pennant Hills Road, Thornleigh (DA/33/2025)**

RECOMMENDATION

- A. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, vary Clause 4.4 Floor Space Ratio 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/33/2025 for demolition of awning and addition to an existing car show room including use of premises as a vehicle sales and hire premises at Lot 14, DP 263535, No. 240-242 Pennant Hills Road, Thornleigh subject to the conditions of consent in Schedule 1 of LPP Report No. LPP13/25.

PANEL'S CONSIDERATION AND DETERMINATION

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) of the Hornsby Local Environmental Plan 2013.

The Panel notes that Council has included an additional condition No. 45 requiring ongoing compliance with the approved Plan of Management.

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

AMENDED REPORT RECOMMENDATION

- A. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, vary Clause 4.4 Floor Space Ratio Development Standard pursuant to Clause 4.6 of the Hornsby Local Environmental Plan 2013, as it is satisfied that the applicant has demonstrated that the provisions of Clause 4.6(3)(a) and (b) have been met.
- B. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/33/2025 for demolition of awning and addition to an existing car show room including use of premises as a vehicle sales and hire premises at Lot 14, DP 263535, No. 240-242 Pennant Hills Road, Thornleigh subject to the conditions of consent in Schedule 1 of LPP Report No. LPP13/25.

New condition No. 40A to read:

40A. Removal of Existing Pylon Signs and Advertising Flags

Prior to issue of the Occupation Certificate, the existing two pylon signs and the advertising flags must be removed from the site as indicated on the approved Plan No. DA-12, Rev A Proposed Ground Floor Plan, drawn by Vmt architects, dated 16 December 2024.

Reason: To ensure compliance with the requirements of the consent.

Amend condition No. 42 subclause 1. to read:

42. Use of Premises

1. The development approved under this consent shall be used for a vehicle sales premises only and not for any other purpose without Council's separate written consent.
2. Vehicle repair, servicing, maintenance and washing must not be conducted on the premises.
3. No motor vehicle which is in the custody of the person carrying on the business is to be left standing on any public road or place.
4. All vehicles for sale must be driven to the site and not delivered by vehicle.
5. Sufficient supplies of appropriate absorbent materials and /or other spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

Reason: To ensure the use is undertaken within the terms of this consent and protect local amenity and the environment.

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 PS Graham & Associates Pty Ltd undated received by Council on 5 February 2025 to contravene the Floor Space Ratio Development Standard in Clause 4.4 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 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: Stephen Leathley, Clare Brown, Gregory Flynn, Aiman Khan

AGAINST: NIL

3 DA/838/2021/A - Section 4.55(2) Application to Amend Operational Hours of An Approved Childcare - 43 Edward Bennett Drive, Cherrybrook

(DA/838/2021/A)

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*, amend Development Application No. DA/838/2021 for demolition of an existing dwelling and erection of a purpose-built child care centre for 60 children including basement parking and landscaping at Lot 704 DP 260293, No.43 Edward Bennett Drive, Cherrybrook as detailed in Schedule 1 of LPP Report No. LPP15/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions.

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

The reasons for this decision are:

- The Panel is satisfied that the proposed modification is substantially the same as the approved development.
- The proposed modification generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024 and the Department of Planning, Industry and Environment Childcare Planning Guideline.
- The proposed modification does not create unreasonable environmental impacts to adjoining development with regard to acoustic amenity, subject to the recommended conditions of consent.

VOTING OF THE PANEL MEMBERS

FOR: Stephen Leathley, Clare Brown, Gregory Flynn, Aiman Khan

AGAINST: NIL

THE MEETING concluded at 5.40pm.



Chairperson