



MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED VIA TELECONFERENCE, HORNSBY
on Thursday 27 February 2025
at 2:00 PM



PRESENT

Chairperson - Scott Barwick

Expert Panel Member - Lisa Trueman

Expert Panel Member - Michael Leavey

Community Member - Amanda Anderson

STAFF PRESENT

Director, Planning Division - James Farrington

Manager, Development Assessment - Rod Pickles

Major Development Manager - Cassandra Williams

A/Senior Town Planner - Charley Wells

Town Planner - Rachel Hughes

Consultant Planner - Donna Clarke, Landmark Planning

THE MEETING commenced at 2.00pm.

APOLOGIES / LEAVE OF ABSENCE

NIL

POLITICAL DONATIONS DISCLOSURE

NIL

DECLARATIONS OF INTEREST

NIL

ELECTRONIC DETERMINATION ITEMS

- 1 **LPP6/25 DA/389/2023/A - Section 4.55(2) modification to approved alterations and additions to Jack and Jill Kindergarten - 1 Hall Road, Hornsby**

(DA/389/2023/A)

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/389/2023/A for modification to approved alterations and additions to an existing child care centre at Lot 2 DP 565080, No. 1 Hall Road, Hornsby be amended as detailed in Attachment 2 of LPP Report No. LPP6/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submission regarding the upgrading of the existing boundary fence as a condition of consent.

The Panel resolved to adopt the consultant planner's recommendation and approve the modification application subject to the conditions contained in Attachment 2 of the report and the following amendment.

Amend condition No. 14 to read:

14. Compliance with Acoustic Report

All control measures nominated in the Noise Impact Assessment prepared by Rodney Stevens, dated 7 August 2023, report 230514R1, Rev 2 must be implemented.

- a) Install a 2.1 metre high solid barrier along the entire south boundary and to the mid position of the west boundary as demonstrated in Figure 2-2 of the Noise Impact Assessment Report 230514R1, Rev 2 prepared by Rodney Stevens Acoustics Pty Ltd, dated 7 August 2023.
- b) The windows are to be configured as shown in Figure 2-2. Glazing for sliding doors and window on the southern exterior façade must have a minimum Rw32.
- c) Install sound absorptive material to at least 50% of the ceiling/roof area above the outdoor play, with a minimum rating of NRC 0.7.

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

The reasons for this decision are:

- The Panel is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.
- The modified 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: Scott Barwick, Lisa Trueman, Michael Leavey, Amanda Anderson

AGAINST: NIL

2 LPP7/25 DA/853/2024 - Demolition and construction of dwelling house and secondary dwelling - 62 Chapman Avenue, Beecroft

(DA/853/2024)

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/853/2024 for demolition of existing structures and construction of dwelling house and attached secondary dwelling at Lot 2 DP 538562, No. 62 Chapman Avenue, Beecroft subject to the conditions of consent in Schedule 1 of LPP Report No. LPP7/25.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions including privacy, amenity impacts during works, potential damage to boundary treatments and upgrading of boundary fences.

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. Also, in accordance with Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Height of buildings' 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 approve the proposed development subject to the conditions contained in Schedule 1 of the report and the following amendment.

Amend condition No. 10 to read:

10. Dilapidation Report

1. Prior to the commencement of any works on site, the applicant must submit for approval by the Principal Certifier (with a copy forwarded to Council), a 'Dilapidation Report' detailing the structural condition of the boundary fence located along the eastern side boundary of the development site and the masonry front fence return along the front boundary of No. 58 Chapman Avenue, Beecroft (Lot 1 DP 538562).
2. The report must include a photographic survey of the boundary fence and masonry

wall detailing their physical condition prior to the commencement of any works on the site, including demolition. The report must be completed by a chartered structural/geotechnical engineer. A copy of the dilapidation report must be submitted to Council.

3. In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken by Hornsby Shire Council to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principal Certifier.

Note: This documentation is for record keeping purposes only and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: To record the condition of adjoining properties and public land to resolve any dispute over damage from works.

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 Planning Outcomes P/L dated January 2025 received by Council on 17 January 2025 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 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: Scott Barwick, Lisa Trueman, Michael Leavey, Amanda Anderson

AGAINST: NIL

3 LPP2/25 DA/1332/2024 - Alterations & additions to existing dwelling and

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/1332/2024 for alterations and additions to the existing dwelling and construction of a swimming pool at Lot 159 DP 1212847, No. 110 Hannah Street, Beecroft subject to the conditions of consent in Schedule 1 of LPP Report No. LPP2/25.

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. Also, in accordance with Clause 4.6(4) of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Height of buildings' 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 approve the proposed development subject to the conditions contained in Schedule 1 of the report.

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 BBF Town Planners dated November 2024 received by Council on 21 November 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 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: Scott Barwick, Lisa Trueman, Michael Leavey, Amanda Anderson

AGAINST: NIL

4 LPP8/25 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. LPP8/25 be received and noted.

VOTING OF THE PANEL MEMBERS

FOR: Scott Barwick, Lisa Trueman, Michael Leavey, Amanda Anderson

AGAINST: NIL

THE MEETING concluded at 2.40pm.



Chairperson