



# MINUTES OF LOCAL PLANNING PANEL MEETING

Held via TELECONFERENCE  
on Wednesday 30 April 2025  
at 2:00 PM



**PRESENT**

Chairperson - Penelope Holloway

Expert Panel Member - Elizabeth Kinkade

Expert Panel Member - Michael Leavey

Community Member - David White

**STAFF PRESENT**

Manager, Development Assessment - Rod Pickles

Major Development Manager - Cassandra Williams

Senior Town Planner - George Papworth

Consultant Planner - Donna Clarke

**APOLOGIES / LEAVE OF ABSENCE**

NIL

**POLITICAL DONATIONS DISCLOSURE**

NIL

**DECLARATIONS OF INTEREST**

NIL

## ELECTRONIC DETERMINATION ITEM

### 1 LPP12/25 DA/907/2024 - Demolition and Construction of a Residential Flat Building Comprising 39 Units - 454-458 Peats Ferry Road, Asquith

(DA/907/2024)

## 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/907/2024 for demolition and construction of a residential flat building comprising 39 units at Lots 22, 23 & 24, DP 23965, No. 454-458 Peats Ferry Road, Asquith subject to the conditions of consent in Attachment 2 of LPP Report No. LPP12/25.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions.

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 consultant planner's assessment report recommendation and approve the proposed development subject to the conditions contained in Attachment 2 of the report and the following amendments.

Amend deferred commencement requirement to read:

### Deferred Commencement

1. Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until:
  - a. Evidence of the sale of Lot 58 DP 226074 from Hornsby Shire Council to the landowner of the adjoining Lot 23 DP 23965 is submitted to Council.
  - b. Evidence of the consolidation of Lot 58 DP 226074, Lot 24 DP 23965, Pt Lot 23 DP 23965 and Lot 22 DP 23965 into one allotment is submitted to Council.
2. Such information must be submitted within 24 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.*

New condition No. 1A to read:

#### **1A. Amendment of Plans**

1. To comply with the Apartment Design Guidelines requirement in terms of unit storage and to ensure car parking areas or designated car parking spaces, are not impeded or reduced in area, the approved plans are to be amended as follows:
  - a. The provision of storage bins on stands at the rear of parking bays are to be deleted to ensure vehicle access/ parking is not impeded or reduced in the area allocated for car parking requirements as set out in Australian Standards AS2890 Parking Facilities series, including parking for bicycles and motorcycles.
  - b. Provision of a minimum total storage area required for each unit as follows:

1 bed units	minimum 6m <sup>3</sup>
2 bed units	minimum 8m <sup>3</sup>
3 bed units	minimum 10m <sup>3</sup>
  - c. Provision of a minimum of 50% of the total storage area must be provided within the unit.
  - d. A Design Verification Statement prepared by a qualified designer is to be submitted to certify the amended plans comply with the storage requirements specified above.
2. These amended plans and verification statement must be submitted with the application for the Construction Certificate.

*Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development.*

Delete condition No. 70 Consolidation of Lots

#### **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 Dickson Rothschild dated 24 June 2024 received by Council on 9 August 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: Penelope Holloway, Elizabeth Kinkade, Michael Leavey, David White

AGAINST: NIL

THE MEETING concluded at 2.30pm.



**Chairperson**