



SUPPLEMENTARY BUSINESS PAPER

(Late Item Memo – Item 1)

LOCAL PLANNING PANEL MEETING

**Wednesday 28 May 2025
at 4:00 PM**



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SUPPLEMENTARY ITEMS

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

Additional information with NO CHANGE to Recommendation
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The applicant raised concerns with respect to the wording of the recommended condition Nos. 2, subclause 3 regarding amendments to the plans to address privacy concerns and condition 62 and in relation to replacement tree requirements, which are discussed below.

1. PRIVACY

The applicant raised concerns with the privacy recommendations imposed to the two windows in the formal living and formal dining room, as well as the adjacent verandah in Condition No. 2 Amendment of Plans point 3. in Schedule 1 of LPP Report No. LPP11/25, which states:

2. Amendment of Plans

3. *To comply with the HDCP privacy requirements, the approved plans are to be amended as follows:*
 - a. *The windows W/33 and W/32 to the formal living and formal dining room, respectively, are to have privacy measures installed as follows:*
 - i. *A 1.5-1.8 metre high close-form lattice/louvre/solid privacy screen must be erected as indicated in red on the approved plans on these window faces.*
 - ii. *The sill heights of the north-eastern facing windows to the formal living and formal dining rooms facing to be increased to a minimum height of 1.5 metres above the finished floor level.*
 - iii. *Fixed frosted glazing must be installed in the north-eastern facing windows of the formal living and formal dining rooms and/or mechanically ventilated.*
 - b. *The north-eastern deck elevation of the verandah directly south-west of the formal dining room is to have a privacy screen as follows: to the formal living and formal dining room, respectively, are to have privacy measures installed as follows:*
 - i. *A 1.5-1.8 metre high close-form lattice/louvre/solid privacy screen must be erected as indicated in red on the approved plans along the north-eastern elevation of the verandah.*

The applicant has submitted details demonstrating that the existing lattice screening atop the fence adjoining No. 320 Malton Road would remain and not be removed as part of the demolition of the carport structure in this location. The applicant has requested that this lattice as well as existing additional vegetation screening be considered in lieu of additional privacy measures along the north-eastern elevation for the formal dining, formal living room and verandah.



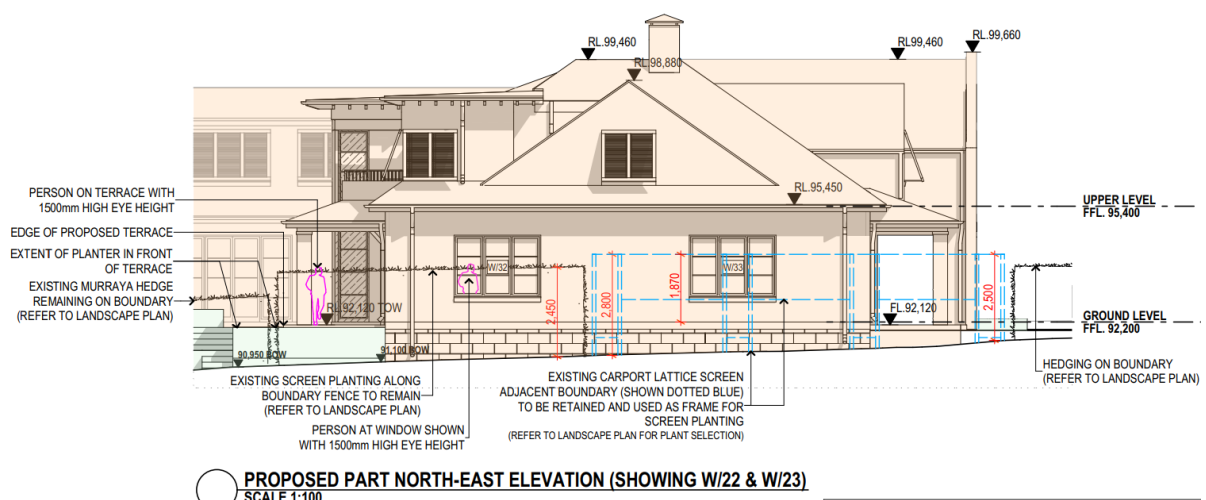
SITE PHOTO OF 318 MALTON RD EXISTING CARPORT LATTICE SCREEN



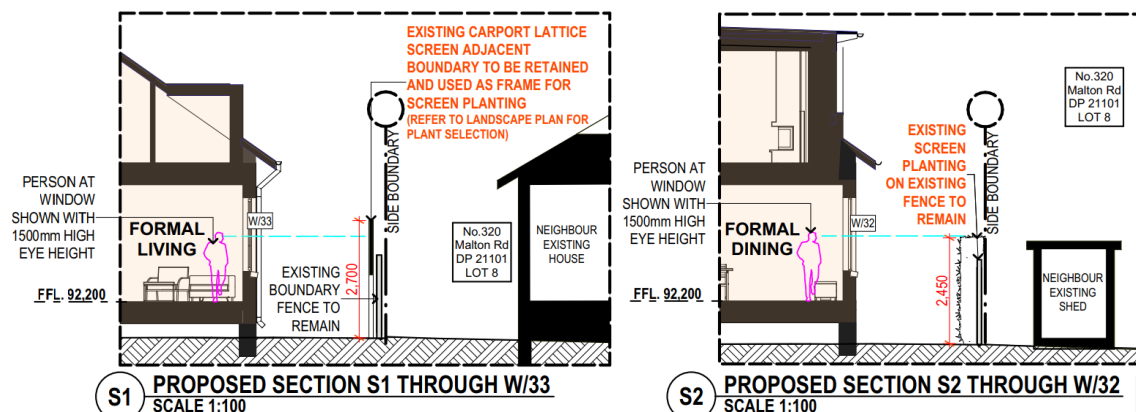
SITE PHOTO OF 318 MALTON RD EXISTING CARPORT LATTICE SCREEN



SITE PHOTO OF 318 MALTON RD EXISTING SCREEN PLANTING ON FENCE TO REMAIN



This is supplemented by a sight line diagram detailing that the existing lattice screening and existing screen planting provides appropriate visual screening between the site and adjoining property known as No. 320 Malton Road as follows:



No concerns are raised by Council with the recommendation submitted by the applicant and therefore condition No. 2 subclause 3 is amended to read:

2. Amendment of Plans

1. To maintain air quality, the approved plans are to be amended as follows:
 - a. Deletion of the firepit from Plan No. LP01-B Landscape Plan Issue B, prepared by Selena Hannan Landscape Design dated 15 April 2025, as indicated in red in approved plans.
2. To comply with the HDCP prescriptive measures for fencing, the approved plans are to be amended as follows:
 - b. Amended fences, gates and pillars within the front setback along the Malton Road frontage are to be a maximum of 1.2 metre in height from existing ground level as indicated in red in approved plans.
3. To comply with the HDCP privacy requirements, the approved plans are to be amended as follows:
 - a. The existing carport lattice screen adjacent the north-eastern boundary on the side fence is to be retained at a minimum height of 2.45m and be used as a frame for screen planting.
4. These amended plans 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.

2. TREE PRESERVATION

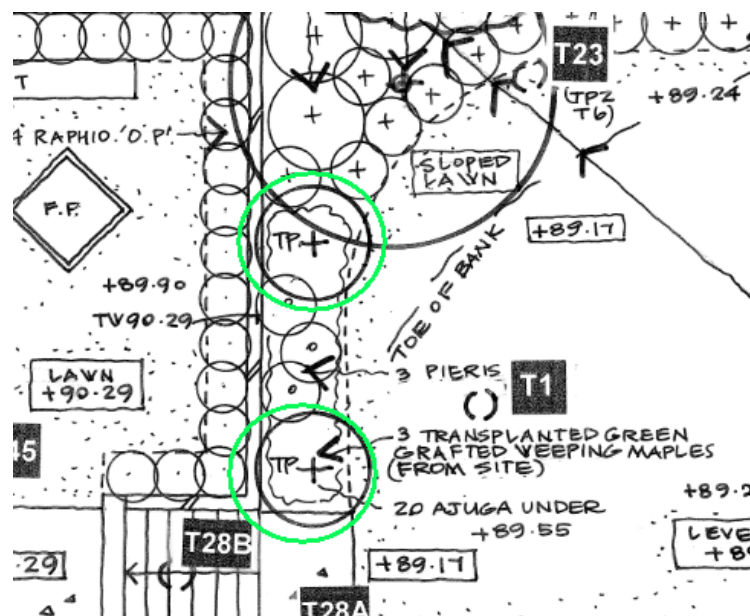
Condition No. 62. 1. a and b in Schedule 1 of LPP Report No. LPP11/25 specified the following requirements for the transplanting of trees numbered 11, 25a and 26 b:

62. Replacement of Tree Requirements

ITEM 1

1. The trees approved for removal under this consent, being trees numbered 1, 3, 4, 8, 22, 23, 27, 28A, 28B, 29, 30, 31, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47 and 48 must be offset through replacement planting of a minimum of 10 trees.
 - a. Trees numbered 11, 25a and 25b are to be transplanted as per the approved Arboricultural Impact Assessment prepared by Selena Hannan Consulting Arborist dated 3 January 2025 and under the supervision of the project arborist.
 - b. The location of the transplanted trees must be in either the front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.

The applicant raised concerns regarding the inconsistency of the requirements of condition No. 62.1.a and 62.1.b to locate the trees 4m or greater from the foundation walls of the approved development and the location of the transplanted Trees 25A and 25B on Plan No. LP01-B Landscape Plan Issue B, prepared by Selena Hannan Landscape Design dated 15 April 2025 as shown in green on the below extract.



No concerns are raised by Council regarding the proposed amendment to the wording of condition No. 62 subclause 1 and 3 to provide clarity and therefore condition No. 62 is amended to read:

62. Replacement Tree Requirements

1. The trees approved for removal under this consent, being trees numbered 1, 3, 4, 8, 22, 23, 27, 28A, 28B, 29, 30, 31, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47 and 48 must be offset through replacement planting of a minimum of 10 trees.
 - a. Trees numbered 11, 25a and 25b are to be transplanted as per the approved Arboricultural Impact Assessment prepared by Selena Hannan Consulting Arborist dated 3 January 2025 and under the supervision of the project arborist.
 - b. The location of transplanted tree Nos. 25a and 25b must be in accordance with the approved Plan No. LP01-B Landscape Plan Issue B, prepared by Selena Hannan Landscape Design dated 15 April 2025.

- c. *The location of the transplanted tree No. 11 must be in either the front or rear setback and planted 4 metres or greater from the foundation walls of the approved development.*
2. *All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>*
3. *The location and size of tree replacement planting must comply with the following:*
 - a. *All other replacement trees must be located in either the front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.*
 - b. *The pot size of the replacement trees must be a minimum 45 litres.*
 - c. *All replacement trees must be a minimum of 3 metres in height.*
 - d. *All replacement trees must have the potential to reach a mature height greater than 10 metres.*

Reason: To ensure replacement planting to maintain tree canopy.

CONCLUSION

Councils' assessment has concluded the proposed amendments to condition No. 2 and 62 provide clarity to the necessary requirements to address privacy and replacement tree planting.

Accordingly, it is recommended that the above condition edits be imposed, with no change to the recommendation.

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.

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ITEM 1

Attachments:

There are no attachments for this report.

File Reference: DA/85/2025

Document Number: D09136958