



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

Hosted via TELECONFERENCE  
on Wednesday 3 December 2025  
at 4:00 PM



**PRESENT**

Chairperson - Stephen Leathley  
Expert Panel Member - Heather Warton  
Expert Panel Member - Larissa Ozog  
Community Member - Tony Jones

**STAFF PRESENT**

Manager, Development Assessment - Rod Pickles  
Major Development Manager - Cassandra Williams  
Senior Town Planner - Katrina Maxwell  
Senior Town Planner - George Papworth  
Town Planner - Elvin Keung  
Consultant Planner - Nichola Neil

**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:

1	<b>LPP21/25 DA/1407/2024 - Demolition and construction of a child care centre - 61 Cardinal Avenue, Beecroft</b>	
	Penny Whipp	Against
	Karman Chan	Against
	Emma Scott	Against
	Penny Dalton	Against
	Fiona Curdie	Against
	Anna Chipizubov	Against
	Jennifer Sullivan	Against
	Nick Chipizubov	Against
	Annaliese Hazelton	Against
	Peter Clarke	Against
	Moya Paris	Against
	Michael Scott	Against
	Ishan Karunananayake	Against
	Patrick Azizi	Against
	Craig Schulman (town planner)	For
	Stanly Indraya (traffic consultant)	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 5.23pm.

## **LOCAL PLANNING PANEL**

**1           LPP21/25 DA/784/2025 - Demolition and Construction of a Childcare Centre - 61  
Cardinal Avenue, Beecroft**

**(DA/784/2025)**

### **RECOMMENDATION**

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, refuse Development Application No. DA/784/2025 for the demolition of existing structures and construction of a 60 place childcare centre with basement car parking at Lot 31 DP 1208231, No. 61 Cardinal Avenue, Beecroft for the reasons detailed in Schedule 1 of LPP Report No. LPP21/25.

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

The Panel considered the matters raised in the written submissions and by the speakers at the meeting.

The Panel is not satisfied that the development has adequately met the provisions of Section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021.

The Panel is not satisfied that the development has met the provisions of the *Child Care Planning Guideline*.

The Panel notes that the applicant sought a deferral of the matter to provide additional information and reduce the number of children proposed to attend the centre, however no detailed information was provided with regard to the proposed design changes and the Panel felt that to address the outstanding issues significant design changes are required.

The Panel resolved to adopt the officer's recommendation and refuse the proposed development for the reasons contained in Attachment A of the minutes.

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

**FOR:**           Stephen Leathley, Heather Warton, Larissa Ozog, Tony Jones

**AGAINST:**    NIL

## **ELECTRONIC DETERMINATION**

**2 LPP28/25 DA/1349/2021/B - Section 4.55(2) modification to an approved self-storage facility - 28 Salisbury Road, Asquith**

**(DA/1349/2021/B)**

## **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/893/2021 for the demolition of the existing buildings, construction of a self-storage facility and signage at Lot 101 DP 771987, No. 28 Salisbury Road Asquith as detailed in Schedule 1 of LPP Report No. LPP28/25.

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

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 modification reduces the amount of non-compliance with the Floor space ratio development standard in Clause 4.4 of the Hornsby Local Environmental Plan 2013 and 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, Heather Warton, Larissa Ozog, Tony Jones

**AGAINST:** NIL

**RECOMMENDATION**

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/1137/2025 for construction of a storage shed at Lot 100 DP 1104687, The Tollgates, No. 1049 Pacific Highway, Cowan subject to the conditions of consent at Attachment 2 of LPP Report No. LPP29/25.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel is satisfied that the development has adequately met the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021.

The Panel notes that a Bushfire Report accompanied the application and identified that the proposal falls outside the requirements for specific bushfire safety construction standards as outlined in the National Construction Code, AS3959 and the specifications and requirements of the document titled Planning for Bush Fire Protection 2019 prepared by the NSW Rural Fire Service and accordingly, the requirements of Section 4.14(1)(a) of the *Environmental Planning Assessment Act 1979* do not apply.

The Panel resolved to adopt the consultant's report recommendation and approve the proposed development subject to the conditions contained in Attachment 2 of the report.

**The reasons for this decision are:**

- 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, Heather Warton, Larissa Ozog, Tony Jones

AGAINST: NIL

THE MEETING concluded at 5.40pm.



**Chairperson**

**Attachment A: DA/784/2025 - Demolition and Construction of a Childcare Centre - 61  
Cardinal Avenue, Beecroft**

**REASONS FOR REFUSAL**

1. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal is unsatisfactory having regard to the Hornsby Local Environmental Plan 2013 as follows:
  - 1.1 The proposal does not comply with the objectives of the R2 Low Density Residential zone of the Hornsby Local Environmental Plan 2013 as the development would not complement the existing low density residential character of the surrounding area.
  - 1.2 The development does not meet the requirements of Clause 5.10 Heritage of the Hornsby Local Environmental Plan 2013 due to potential impacts to Heritage Item 68 (Street Trees).
  - 1.3 The consent authority is not satisfied that the development meets the requirements of Clause 6.2 Earthworks of the Hornsby Local Environmental Plan 2013 as insufficient details have been provided to confirm the extent of landform modification required to facilitate the proposed development.
  - 1.4 The submitted civil plans/ cut and fill diagrams are insufficient and lack detail to adequately assess the proposal against the requirements of Clause 6.2 Earthworks of the Hornsby Local Environmental Plan 2013.
2. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, The consent authority is not satisfied that the development is suitable for the proposed use as required by Section 4.6 Remediation of Land of State Environmental Planning Policy (Resilience and Hazards) 2021.
  - 2.1 The development application does not provide sufficient information for Council to be satisfied that the land is not contaminated, or if the land is contaminated, that the land will be made suitable for the proposed child care purpose as a Preliminary Site Investigation Report was not submitted with the development application. In particular fill has been identified on the site as noted in the applicant's submitted Geotechnical Investigation prepared by EIAustralia, dated 16 June 2025.
3. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the consent authority is not satisfied that the development complies with Chapter 2 Design Quality Principles of the Childcare Planning Guidelines as the proposed development:
  - 3.1 The proposal does not comply with Principle 1 Context. The development will have an adverse impact on the streetscape and adjoining properties. The Applicant has not demonstrated that the site is adequately serviced by public transport.
  - 3.2 The proposal does not comply with Principle 2 Built form. The development presents as a monotonous 35m southern elevation to the adjoining properties to the south. Furthermore, the setbacks are inadequate, particularly the southern side setback and the undercroft basement is an unreasonable design approach with respect to visual impacts on adjoining properties.

- 3.3 The proposal does not comply with Principle 4 Sustainability. Insufficient cross ventilation has been provided to the cot room. Glass bricks to play rooms along the southern elevation do not provide cross-ventilation.
- 3.4 The proposal does not comply with Principle 5 Landscape. Insufficient landscape screening of the development has been provided, and no canopy trees have been provided.
- 3.5 The proposal does not comply with Principle 6 Amenity. It is unclear whether the outdoor play areas would receive adequate solar access. There is no natural ventilation to the cot room. There is no accessible pathway from the building into Play Area 2.

4. In accordance with Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the consent authority is not satisfied that the development complies with Chapter 3 Educational establishments and childcare facilities of State Environmental Planning Policy (Transport and Infrastructure) 2021 as the proposed development does not comply with Chapter 3 Matters for Consideration of the Childcare Planning Guidelines (2021) including:

- 4.1 Part 3.1 Site Selection and Location as the siting of the building and the non-compliant side and rear setbacks would contribute to adverse impacts to adjoining properties.
- 4.2 Part 3.2 Local Character, Streetscape and the Public Domain Interface as the masonry retaining walls to the boundaries and basement ramps would have an adverse impact on the streetscape. The unarticulated 35m long southern elevation would contain monotonous building materials and would not be in character with the R2 Low Density Residential zone.
- 4.3 Part 3.3 Building Orientation, Envelope, Building Design and Accessibility. The non-compliant side and front setbacks do not adequately respond to the adjoining properties to the south, and these non-compliances would create overshadowing of the private open spaces and living areas of the adjoining properties.
- 4.4 Part 3.4 Landscaping as insufficient landscape screening has been provided to integrate the facility into the surrounding streetscape and context. Screen planting has been included in the calculations of unencumbered outdoor space.
- 4.5 Part 3.5 Visual and Acoustic Privacy as outdoor play areas would be located in proximity to front, side and rear boundaries with little screening or landscaping to provide visual and acoustic relief to adjoining properties
- 4.6 Part 3.6 Noise and Air Pollution was the impact of potential fumes from the basement/undercroft carpark is unknown. No details of plant or services have been provided including mechanical ventilation and air-conditioning.
- 4.7 Part 3.8 Traffic, Parking and Pedestrian Circulation as further information is required to satisfy Council that the development would not constitute a traffic or pedestrian safety risk. Additionally, no delineated pedestrian pathway is provided in the basement.
- 4.8 Section 3.26 Centre-based Childcare - non-discretionary development standards:

- a. The proposal does not comply with the required minimum unencumbered indoor play space.
- b. The proposal does comply with the required minimum unencumbered indoor play outdoor play space.

5. In accordance with Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal does not comply with the desired outcome and the prescriptive measures of the Hornsby Development Control Plan 2024 as follows:

- 5.1 The development does not comply with the desired outcomes of Part 1.2.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2024 as the application has not demonstrated that trees numbered T1, T2, and T7 would not be adversely impacted by the development.
  - a. Insufficient details have been submitted to confirm that the proposed re-grading of the access crossing on Cardinal Avenue would not have an adverse impact on the street trees numbered T1 and T2.
  - b. There would be unacceptable impact on tree numbered T7 on the adjoining property as a result of the proposed retaining wall on the western (rear) boundary of the site.
- 5.2 The proposal does not comply with the desired outcomes of Part 1.3.1.4 Earthworks and Slope of the Hornsby Development Control Plan 2024 as insufficient information has been provided to demonstrate the extent of cut and fill and retaining structures.
- 5.3 The proposal does not comply with the desired outcomes of Part 1.3.2.3 Waste Management of the Hornsby Development Control Plan 2024 as it has not been demonstrated that the proposed waste room is of sufficient area to accommodate effective manoeuvring of waste bins.
- 5.4 The proposal does not comply with the desired outcomes of Part 1.3.2.5 Noise and Vibration of the Hornsby Development Control Plan 2024 as the Acoustic Report does not provide sufficient information for Council to consider the requisite likely environmental impacts of the proposed development in accordance with section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
  - a. Insufficient information has been submitted to confirm that the development would not have an adverse impact on the acoustic amenity of adjoining properties.
- 5.5 The proposal does not comply with the desired outcomes of Part 1.3.2.6 Air Quality of the Hornsby Development Control Plan 2024 as it has not been demonstrated that the undercroft car parking area would not have an adverse impact on the air quality of adjoining properties.
- 5.6 The development does not comply with the desired outcomes of Part 7.1.3 Setbacks of Hornsby Development Control Plan 2024 as it has not been demonstrated that the development complies with site, rear or secondary street setbacks resulting in adverse amenity and visual impacts.

- 5.7. The development is inconsistent with of Part 7.1.4 Landscaping of the Hornsby Development Control Plan 2024 as it cannot be demonstrated the development complies with required landscape including deep soil planting requirements.
- 5.8. The proposal is inconsistent Part 7.1.5 Open Spaces of the Hornsby Development Control Plan 2024 and is considered unacceptable as outdoor play areas would be located within the front setbacks of Cardinal Avenue and Grace Avenue.
- 5.9. The development is inconsistent with of Part 7.1.6 Privacy, Security and Sunlight of the Hornsby Development Control Plan 2024 as the private open spaces of Lot 133 DP 866050 and Lot 134 DP 866050, Nos. 59 and 59A Cardinal Avenue would be overshadowed at all times between 9am and 3pm on June 22.
- 5.10. The proposal is inconsistent with the desired outcome of Part 7.1.8 Design Details of the Hornsby Development Control Plan 2024 as it presents a 35m long unarticulated wall along the southern boundary with no visual relief and insufficient landscape screening.
- 5.11. The proposal does not comply with the desired outcomes of Part 9.13 Development in the Vicinity of Heritage Items and Heritage Conservation Areas of the Hornsby Development Control Plan 2024 as the proposal would have an adverse impact on heritage listed street trees in Cardinal Avenue.

6. The proposed development is unsatisfactory in respect of Section 4.15(1)(b) of *Environmental Planning and Assessment Act 1979* as the proposal, fails to provide sufficient information to enable a full and proper assessment of the development application, specifically:

- 6.1. An updated Acoustic report is required with additional information to address deficiencies identified with the submitted acoustic report including but not limited to:
  - a. Lot 134 DP886050, No. 59A Cardinal Avenue Beecroft is not identified as an affected residential receiver despite being located immediately adjoining the proposed development site.
  - b. Clarification of the dates of the unattended background noise monitoring is required.
- 6.2. An updated Plan of Management is required to demonstrate how the centre will be operated consistent with the Acoustic Report, including specific recommendations of and modelled operational arrangements.
- 6.3. Provide details of the proposed fire hydrants, sprinkler boosters or pumps that are proposed as well as architectural plans demonstrating their streetscape impact.
- 6.4. The Waste Management Plan does not detail any excavated materials resultant from the construction of the basement carpark.
- 6.5. An amended Construction Management Plan is required. The Construction Management Plan is to include a Construction Noise and Vibration Management Plan.
- 6.6. Owners' consent has not been provided by the owner of Lot 30 DP 1208231, No. 40 Grace Avenue, Beecroft for the removal of tree numbered T7.

7. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for a childcare centre of this scale. The cumulative impacts arising from non-compliant setbacks, the excessive bulk created by the elevated undercroft basement, inadequate deep-soil and landscaping provision, overshadowing and acoustic impacts on neighbouring properties, constraints imposed by heritage-listed street trees, and the inability of the 971m<sup>2</sup> corner lot to safely accommodate parking, circulation and outdoor play areas demonstrates that the proposal constitutes an overdevelopment of the site.
8. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not in the public interest for the following reasons:
  - 8.1 The scale and form of the development would result in unacceptable adverse impacts on the surrounding low-density residential neighbourhood, including visual bulk, acoustic disturbance, traffic and safety concerns, overshadowing, privacy impacts, inadequate landscaping and deep-soil provision, and unresolved heritage tree constraints.
  - 8.2 The development fails to appropriately balance the provision of childcare places with the protection of local residential amenity, neighbourhood character and environmental quality.
  - 8.3 As such, the proposal is contrary to the objectives of the Hornsby Local Environmental Plan 2013, the Hornsby Development Control Plan 2024, the Child Care Planning Guideline and the reasonable expectations of the community; and is therefore not in the public interest.