



SUPPLEMENTARY BUSINESS PAPER

Local Planning Panel meeting

Wednesday 27 May 2026

at 4:00 PM



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2 DA/1381/2025 - ALTERATIONS AND ADDITIONS TO A COMMERCIAL PREMISE - 21-31 CENTRAL AVENUE, THORNLEIGH

DA No: DA/1381/2025 (PAN-599029 - Lodged on 15 December 2025)

Description: Alterations and additions to a commercial premise

Property: Lot 8 DP 1205944, No. 21-31 Central Avenue, Thornleigh

Applicant: McDonalds Australia Limited

Owner: McDonalds Australia Limited

Estimated Value: \$1,502,597

Ward: B Ward

Clause 4.6 Request: Clause 4.3 Height of Buildings of HLEP - R2 Low Density Residential

Submissions: One

LPP Criteria: Proposal contravenes a development standard by more than 10%

Author: Katrina Maxwell, Senior Town Planner

COI Declaration: No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION

- A. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, contravene Clause 4.3 Height of Buildings of Hornsby Local Environmental Plan 2013 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/1381/2025 for alterations and additions to a commercial premise at Lot 8 DP 1205944, No. 21-31 Central Avenue, Thornleigh subject to the conditions of consent in Schedule 1 of LPP Report No. LPP16/26

EXECUTIVE SUMMARY

- The application involves alterations and additions to a commercial premise being the McDonalds Corporate building and the Charlie Bell School of Management.
- The proposal does not comply with Clause 4.3 Height of Buildings of the Hornsby Local Environmental Plan 2013. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the Hornsby Local Environmental Plan 2013 to contravene Clause 4.3 Height of Buildings. The submission is considered well founded and is supported.
- One submission has been received in respect of the application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as the proposal would contravene the 'Height of buildings' development standard by more than 10%.
- It is recommended that the application be approved.

BACKGROUND

The application history of the site is provided below:

- On 8 September 1987, Council approved Development Application No. 151/1987 for an office building, training centre and retail store for McDonalds Australia.
- On 20 September 1991, Council approved Development Application No. 347/1991 for the enclosure of an existing balcony area for all weather use
- On 6 June 1994, Council approved Development Application No. 137/1994 for alterations and additions to the McDonalds Training Centre.
- On 18 December 1996, Council approved Development Application No. 66/1996 for additions to the existing office building comprising 3 floors of office accommodation.
- A condition of consent required a caveat be placed over Pt Lot 012 DP 84619 requiring that both parcels of the site (Nos. 12-18 Central Avenue and Nos. 21-31 Central Avenue) remain as a contiguous allotment and that the floor space ratio over the whole allotment in accordance with Development Consent No. 66/1996 does not exceed 0.8:1. The site was redefined in 2015 as Lot 8 DP 1205944.
- On 14 November 1997, Council approved DA/1801/1997 for a proposed outdoor recreation area.
- On 9 July 1999, Council approved DA/100/1999 for extensions to the basement mail room of the McDonald's office building.
- On 20 January 2006 Council approved DA/1516/2005 for a proposed child care facility on the third floor of the existing office building.
- On 14 September 2007 Council approved DA/912/2007 for the interior fitout of existing commercial floor area and installation of landscaping irrigation system.
- On 8 November 2016, a Complying Development Certificate (ref: CDP/1414/2016) was granted for the change of use from a place of public entertainment to a Training facility for McDonalds staff only.

- On 11 September 2024, a Complying Development Certificate (ref: CDP/1056/2024) was granted for internal fitout works related to office refurbishment including new finishes, furniture and partitions for meeting rooms.
- On 26 April 2024, a Complying Development Certificate (ref: CDP/887/2024) was granted for internal alterations to the restaurant and back of house area.

SITE

The site is located on both the western side and eastern sides of Central Avenue, within the Thornleigh commercial area and has a total area of 7891m². The western portion of the site contains two linked commercial buildings which house McDonalds Australia's Head Office with a basement level under the south-western building. The eastern portion of the site contains a McDonalds restaurant and the McDonalds Training facility/ Charlie Bell School of Management (also known as Hamburger University).

It is noted that the two properties on the western and eastern side of Central Avenue are identified under the same Lot and DP number and are both known as No. 21-31 Central Avenue, Thornleigh.

Adjoining the site to the north is a car park which is owned by McDonalds and comprises 84 surplus car spaces whilst to the south there are similar commercial buildings. To the west of the site is the Main Northern Railway.

The Northconnex Tunnel runs under the site. The site is not identified as bushfire prone, however the site is a flood control lot.

The site is not a heritage item and is not within a heritage conservation area. However, the site is located within proximity to Heritage Item 834 'Tree - Norfolk Island Pine' located within the road reserve on the corner of Phyllis Avenue and the northeastern corner of No. 21-31 Central Avenue.

The site contains an Energy Australia Substation Caveat No. 7544758 relating to Energy Australia's lease of substation premises.



Figure 1: Aerial Photo of the site (Source: Intramaps).

PROPOSAL

The proposed works comprise:

- Demolition of existing paving, driveway, building entry canopy and removal of trees/shrubs within the front setback on the eastern parcel.
- Demolition of existing paving, dividers, building entry canopy and removal of trees/shrubs within the front setback on the western parcel.
- Construction of new signage, flag poles, retractable bollards, shade structures, footpath and paving to the eastern parcel.
- Construction of new signage, shade structures, safety railing, footpath, paving and driveway to the western parcel.
- New colours and materials to external features, new landscaping, and planter boxes to both parcels of land, and modification of existing driveway on the western parcel.
- 22 trees would be removed or impacted by the development.

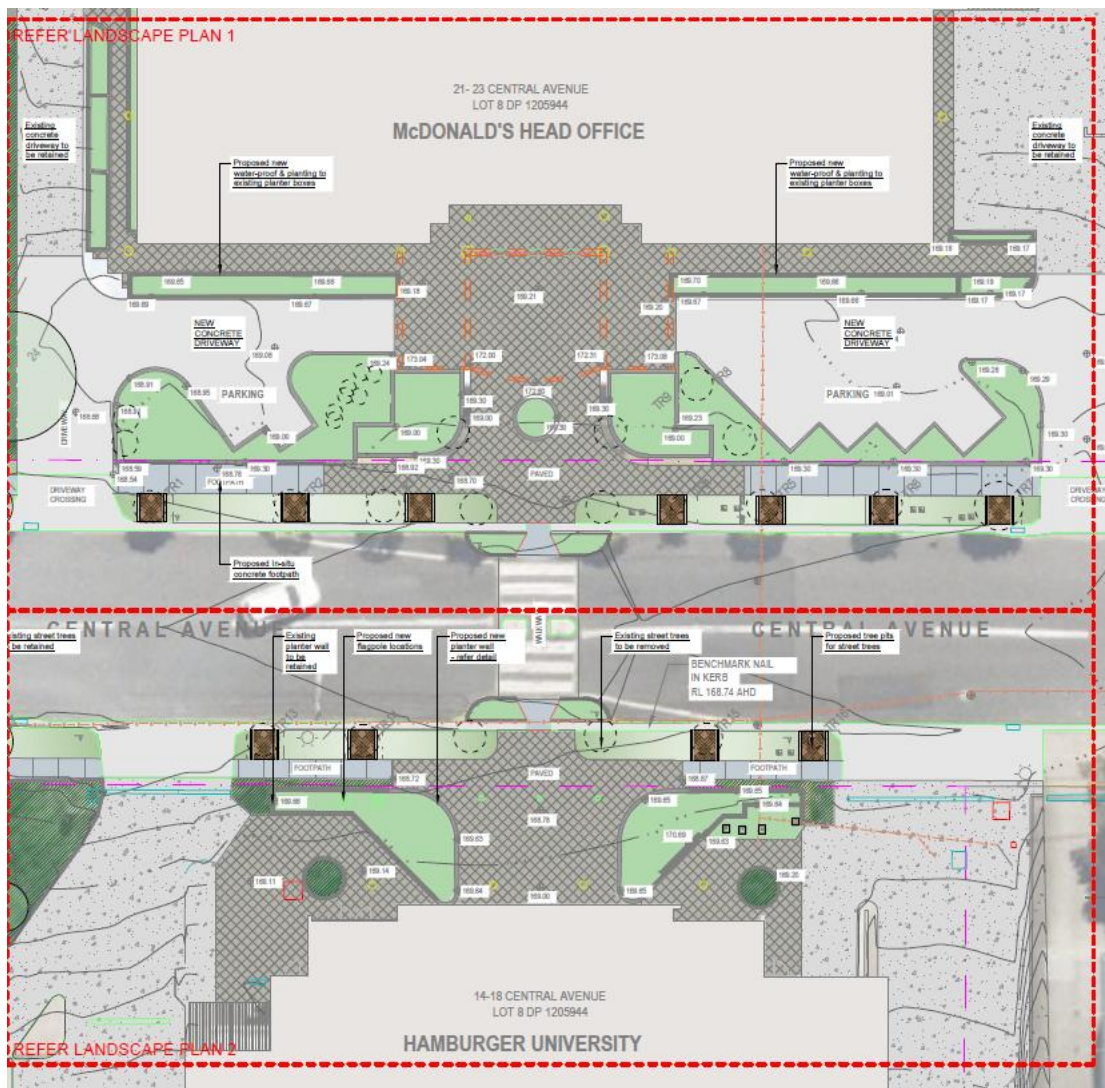


Figure 2: Extract of Landscape Plans (Source: Concept Landscape Architects)

ASSESSMENT

The development application has been assessed having regard to the Greater Sydney Region Plan - A Metropolis of Three Cities, the North District Plan and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The North District Plan includes priorities and actions for Northern District over the next 20 years.

Part 5 - "Productivity" of The Greater Sydney Region Plan - A Metropolis of Three Cities applies to this development. Key objective 22 of Part 5 is to promote investment and business activity in centres. This is to ensure Greater Sydney continues to benefit from the historic policy of locating major trip generating activities (such as retail, hospitality, offices, health and education, community and administrative services) in centres with train stations. The alterations and additions to a prominent commercial site near Thornleigh Railway Station would promote a pleasant pedestrian experience when walking to the station, enhancing a sense of place. Further, the investment in administrative infrastructure is optimised giving the community productivity and liveability benefits. The Charlie Bell School of Management/ 'Hamburger University', provides education and training in the hospitality industry.

The proposed development is considered consistent with A Metropolis of Three Cities and the Northern District Plan, by enhancing commercial development that aims to support a growing population

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*".

2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP).

2.1.1 Zoning of Land and Permissibility

The subject land is zoned E3 Productivity Support under the HLEP. The objectives of the E3 zone are:

- *To provide a range of facilities and services, light industries, warehouses and offices.*

- *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*
- *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*
- *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*
- *To provide opportunities for new and emerging light industries.*
- *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*

The proposed development is defined as office premises and is permissible in the E3 zone with Council's consent.

The proposal meets the objectives of the E3 zone by extending the economic life of an existing commercial premise. The upgrade of the Central Avenue, road reserve would help to maintain the economic viability of the commercial centre for Thornleigh.

2.1.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 10.5m. The proposed awning has a maximum height of 13.65m from the existing ground level being the basement level slab and does not comply with this provision. This is a 30% contravention to the development standard and is discussed in Section 2.1.4 of the report.

2.1.3 Floor Space Ratio

Clause 4.4 Floor Space Ratio of the HLEP sets out provisions that the maximum floor space ratio (FSR) for any building on any land should not exceed the maximum FSR shown for the land on the FSR Map. The maximum permissible FSR for the subject site is 0.5:1. However, a covenant on the title permits a floor space ratio of 0.8:1. The proposal does not result in an increase of the floor space ratio.

2.1.4 Exceptions to Development Standards

The application has been assessed against the requirements of Clause 4.6 of the HLEP. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tender to hinder the attainment of the objectives of the zone.

The proposed awning exceeds the maximum height of buildings under Clause 4.3 of the HLEP. The objective of this development standard is:

“to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality”.

The applicant has made a submission in support of the contravention to the development standard in accordance with Clause 4.6 of the HLEP. Clause 4.6 provides that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that:

- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *there are sufficient environmental planning grounds to justify contravening the development standard.*

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2008] NSW LEC 118, Preston CJ clarified the correct approach to dealing with a written request under Clause 4.6 to justify the contravention of a development standard.

In relation to determining the matter under cl 4.6(3)(a), the unreasonable or unnecessary clause, the consent authority must be satisfied that the applicant's written request adequately addresses the matter as opposed to of making its own judgement regarding whether compliance is unreasonable or unnecessary. Additionally, the clause does not require that a non-compliant development should have a neutral or beneficial effect relative to a compliant development.

In relation to determining the matter under cl 4.6(3)(b), the environmental planning grounds clause, non-compliant development is not required to result in a 'better environmental planning outcome for the site' relative to a compliant development. Instead, the requirement is only that there are sufficient environmental planning grounds to justify the development standard contravention.

Council must be satisfied that the written request provided by the applicant under Clause 4.6 addresses both the unreasonable and unnecessary test and demonstrates sufficient environmental planning grounds to justify contravening the development standard. These matters are discussed below.

2.1.4.1 Unreasonable or Unnecessary - Clause 4.6(3)(a)

There are five common methods by which an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the development. Initially proposed for objections under clause 6 of SEPP 1 in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 Pearson C summarised and applied these methods to written requests made under Clause 4.6 in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 [61-62]. These five methods are generally as follows:

- *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- *The underlying objective or purpose is not relevant to the development.*
- *That the objective would be defeated or thwarted if compliance was required.*
- *That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard.*
- *The zoning of the land is unreasonable or inappropriate.*

It is not required to demonstrate that a development meets multiple methods as listed above, and the satisfaction of one can be adequate to demonstrate that the development standard is unreasonable or unnecessary.

The written request prepared by Corona Projects, dated April 2026 provides a detailed assessment of the proposal with respect to the development standard sought to be contravened. The request argues that:

- *The proposed development is consistent with the objective of this development standard.*

- *The minor exceedance of the maximum building height development standard arises solely as a consequence of the basement level beneath the building being considered existing ground level for the purposes of measuring building height under the HLEP 2013.*
- *The proposed awning itself does not represent additional habitable floor space, bulk or scale beyond what is otherwise permitted, and does not extend above the overall building envelope approved for the site.*
- *The awning is a minor architectural element that is subordinate to and integrated with the primary building form. Its height relative to the street and to adjoining properties is consistent with the prevailing built form character of the locality, and it does not give rise to any unreasonable impacts on neighbouring properties, the public domain or the broader streetscape.*
- *The infrastructure capacity and development potential of the locality are unaffected by the proposed variation. The exceedance is a technical outcome of the method by which building height is measured from a below-ground basement level, rather than a reflection of any intensification of land use or increase in the physical scale of the development as experienced from the street or surrounding properties. The built form outcomes achieved by the development remain appropriate to the constraints and character of the site and its locality.*

Council notes that the objectives of Clause 4.3 of the HLEP are as follows:

“to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality”.

With reference to the reasoning provided by the applicant above, Council does not object to the conclusion that the proposed additions meet the objectives of Clause 4.3 of the HLEP. In reaching this conclusion the following points are noted:

- The contravention of the building height arises from the presence of a basement level which is indiscernible from the street. The building has the appearance of a three-storey building from the street and adjoining properties.
- The awning is a lightweight structure which is recessed into the building form and therefore would not be visually dominant and would not give rise to any amenity issues such as overlooking or overshadowing.
- The Applicant is seeking to replace an existing awning which currently has a height of 14.63m above existing ground level.
- The proposed building alterations modernise the building commensurate with McDonalds Corporate identity.

For the reasons outlined above, Council considers that the written request adequately demonstrates that the objectives of the Height of Buildings development standard contained within Clause 4.3 of the HLEP are achieved, notwithstanding non-compliance with the standard.

Council is therefore satisfied that Clause 4.6(3)(a) of the HLEP is adequately addressed and that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

2.1.4.2 Environmental Planning Grounds - Clause 4.6(3)(b)

In addition to demonstrating that compliance is unreasonable or unnecessary, Clause 4.6(3)(b) requires that there are sufficient environmental planning grounds to justify contravening the development standard. In demonstrating that sufficient environmental planning grounds exist it must be demonstrated that the planning grounds are particular to the circumstances of the development on the subject site (summarised from *Four2Five Pty Ltd v Ashfield Council [2015]* NSWLEC 1009 [60]).

The applicant provided the following planning grounds for the contravention of the development standard:

- *The exceedance of the maximum building height development standard is a technical outcome arising from the building height measurement methodology prescribed under the HLEP 2013. Building height is measured from existing ground level, which in this instance is taken from the basement level below the building rather than the natural or finished ground level at the street. The proposed awning does not represent any additional bulk, scale or intensity of development beyond what would otherwise be permissible on the site. It is a minor, passive architectural element which replaces the existing awning, and does not expand the broader building envelope in a manner that is highly perceptible from the public domain.*
- *The proposed development does not exacerbate the existing building height non-compliance with the 10.5 metre maximum height of buildings development standard. The proposed awning, whilst technically breaching the height limit by reason of the measurement methodology, will not be visually higher than the ridge of the roof of the existing building. The new awning which exceeds the permitted height will be largely imperceptible to the casual observer, having regard to the overall height of the development and its setback from the street. The variation therefore does not give rise to any additional visual bulk or scale impacts beyond those already existing on the site.*
- *The height variation is directly attributable to prior excavation of the site and the consequent distortion of the true ground level when compared to the perceived ground level as experienced from the street and the public domain. The basement beneath the building has effectively lowered the datum from which building height is measured, producing a non-compliance that is a product of site history rather than the design intent of the proposed development.*

Council considers that the environmental planning grounds stated within the written request are sufficient with respect to Clause 4.6(3)(b) and that the stated grounds are specific to the proposed development and the circumstances of the development site. It is therefore considered that the written request adequately demonstrates compliance with the clause and is acceptable in this regard.

In demonstrating the unreasonable and unnecessary test, the applicant further established satisfactory environmental planning grounds with respect to the site and the surrounding constraints.

Council is therefore satisfied that Clause 4.6(3)(b) of the HLEP is adequately addressed and there are sufficient environmental planning grounds to justify contravening the development standard.

Local Planning Panels constituted under the *Environmental Planning and Assessment Act 1979* exercise consent authority functions on behalf of a Council and are not delegates of Council. Therefore, Local Planning Panels may determine a development application notwithstanding, a numerical non-compliance in excess of 10%.

Accordingly, it is considered that the written request satisfactorily responds to the relevant matters required to be addressed under Clause 4.6(3) and that the Panel, as the consent authority, may be

satisfied that Clause 4.6(3) of the HLEP is adequately addressed by the written request and grant consent to the development, noting that:

- Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and
- There are sufficient environmental planning grounds to justify contravening the development standard.

2.1.5 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item and is not located in a heritage conservation area. However, the site is located within close proximity to heritage item 834 'Tree - Norfolk Island Pine' located within the road reserve on the corner of Phyllis Avenue and northeast corner of 21-31 Central Avenue, which is located approximately 70m from the site.

The application was referred to Council's Tree Management Team who did not raise any concerns regarding the health or safety of this tree during the construction process.

The replacement tree planting of *Fraxinus griffithii* (Evergreen Ash tree) up to 10m in height, would not further obscure the view of the Norfolk Island Pine' from Central Avenue.

No further heritage assessment is required.

2.1.6 Flood Planning

Clause 5.21 Flood Planning of the HLEP applies to the proposal as the site is identified as flood prone, being a flood control lot and affected by the 1% AEP flood extent.

(1) *The objectives of this clause are as follows—*

- to minimise the flood risk to life and property associated with the use of land,*
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The proposal includes minor external alterations and landscaping only. The proposal does not include any additional floor area being created at or below existing ground levels. The minor nature of the proposed works ensures that the development would have a negligible impact on flood behaviour, storage and flood conveyances and therefore does not increase flood risk to people, property or the environment. A detailed flood study is not required in this instance.

Council's engineering assessment raised no objections to the proposal on flood planning grounds and subject to the recommended conditions, Council is satisfied the development meets the provisions of Clause 5.21 of the HLEP.

2.1.7 Earthworks

Clause 6.2 of the HLEP states that consent is required for proposed earthworks on the site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

Existing retaining walls around the car parking area on the western side would be demolished and replaced. Some of the retaining walls within the landscaped areas on both the western and eastern side of the site would also be demolished and replaced. The garden beds at the front of the site would be modified from their squared/ angled appearance to a more curved appearance. All retaining walls shown in white on the Architectural Plan DA-101 "Proposed Plan" Rev D by Id Fit outs and Constructions dated 3 December 2025 would be new or modified retaining walls.

A maximum fill of 780mm and maximum excavation of 300mm would be required to facilitate the retaining walls. It is noted that these retaining walls are to be used as planter beds rather than walls retaining excavation or fill. Council's assessment of the proposed works and excavation concludes that the proposed earthworks are minor, would promote effective landscaping of the site and would not result in any adverse environmental impacts.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of Chapters 2 and 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

2.2.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.9 of the policy states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1.2.6.1 of the HDCP prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation.

Section 3.1.1 of this report provides an assessment in accordance with Part 1.2.6.1 of the HDCP.

2.2.2 Chapter 6 Water Catchments

The site is located within the catchment of the Hawkesbury-Nepean River. The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of development are considered in the regional context. This chapter contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Only minor excavation, up to 300mm is proposed as part of this development. Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would not impact on the water quality of the catchment and would comply with the requirements of Chapter 6 of the Biodiversity and Conservation SEPP.

2.3 State Environmental Planning Policy (Industry and Employment) 2021

The application has been assessed against the requirements of Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021.

2.3.1 Advertising and Signage

The proposed signage has been assessed against the requirements of Chapter 3 of the Industry and Employment SEPP. This Policy provides State-wide planning controls for advertising signs and prevails over other environmental planning instruments including the HLEP and the Hornsby Development Control Plan 2024. The aims of the Policy are to ensure that advertising and signage is compatible with the desired amenity and visual character of an area, to provide effective communication in suitable locations and to ensure signage is of high-quality design and finish. The proposed development includes the installation of the following signs:

- 'McDonalds' fascia sign. The sign would be 4.52m wide and 0.55m high, with a total area of 2.48m².
- 'Charlie Bell School of Management' freestanding monolith signage. The sign would be 2.59m wide and 0.95m high, with a total area of 2.46m².

The proposed signs are 'business identification signs' as defined under the Standard Instrument - Principal Local Environmental Plan 2006.

Council's assessment of the proposal with respect to the criteria in Schedule 5 of the Industry and Employment SEPP is provided below.

Industry and Employment SEPP - Advertising and Signage		
Control	Requirement	Comment
Schedule 5 - Assessment Criteria (to be considered for all advertising structures including "business identification signs")		
Character of the area	<p><i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i></p> <p><i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i></p>	<p>Yes - The signage is limited in scale and appropriate for the commercial locality.</p> <p>Yes - The signage is consistent with the general theme of outdoor advertising the locality, which generally comprises of limited business identification signage adjacent to Central Avenue.</p>
Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is not considered to detract from the amenity or visual quality of the heritage items within the immediate vicinity.
Views and vistas	Does the proposal obscure or compromise important views?	No important views would be impacted.

	<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposal does not dominate the skyline or impact on vistas. All signage is below the maximum permissible building height and limited in size.</p> <p>The signage would not impact on the viewing rights of existing nearby signage.</p>
Streetscape, setting or landscape	<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>Yes - The scale, proportion and form are appropriate for the streetscape and landscape.</p> <p>Yes - The proposed signs contribute to the visual interest of the streetscape.</p> <p>Existing signage would be removed as a result of this application. The proposal would simplify existing advertising.</p> <p>No</p> <p>No - all signage would be below the ridge level of the proposed buildings.</p> <p>No vegetation management is required with respect to the proposed signage.</p>
Site and building	<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>Yes - The scale of the signage is considered appropriate having regard to the scale of the existing buildings on the site.</p> <p>The proposed signage is compatible with the architectural design of the proposed buildings.</p> <p>The signage is appropriate for the site and consistent with the proposed architectural theme and the McDonalds corporate identity</p>
Associated devices and logos	<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>There are no devices, platforms, overhangs or protrusions as part of this proposal.</p>
Illumination	<p>Would illumination result in unacceptable glare?</p>	<p>No Illumination proposed</p>

	Would illumination affect safety for pedestrians, vehicles or aircraft?	No Illumination proposed
	Would illumination detract from the amenity of any residence or other form of accommodation?	No Illumination proposed
	Can the intensity of the illumination be adjusted, if necessary?	No Illumination proposed
	Is the illumination subject to a curfew?	No Illumination proposed
Safety	Would the proposal reduce the safety for any public road?	No, the signage would not include flashing or moving images.
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal is unlikely to reduce safety for Pedestrians or bicyclists
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the signage would not obscure sightlines from public areas.

ITEM 2

As outlined in the table above, the proposal satisfies the assessment criteria under Schedule 5 and is consistent with the objectives of the Industry and Employment SEPP.

2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.4.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

An examination of Council's records and aerial photography has determined that the site has been historically used for residential and commercial purposes. It is not likely that the site has experienced any significant contamination, and Council is satisfied that the land is suitable for the proposed use and that further assessment under chapter 4 of the Resilience and Hazards SEPP is not required.

2.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The application has been assessed against the requirements of Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

2.5.1 Development Adjacent to Rail Corridors

Section 2.98 Development Adjacent to Rail Corridors applies to the development as the site is located adjacent to the Northern Rail Line, to the northwest of the subject site.

However, all works would be to the southeastern portion of the site and would not be discernible from the rail corridor. All works can occur from the street frontage. There would be no requirement to access the rail corridor for construction purposes. Additionally, only minor excavation (up to 300mm) is proposed as part of this development.

2.5.2 Impact of rail noise or vibration on non-rail development

Section 2.100 Impact of Noise and Vibration on Non-rail Development applies to the development. The commercial buildings are not a type of development that is sensitive to rail noise.

2.6 Draft Environmental Planning Instrument

There are no current draft environmental planning instruments.

2.7 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.8 Hornsby Development Control Plan 2024

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2024 (HDCP). The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

HDCP - Part 4 Business			
Control	Proposed	Requirement	Complies
Height	13.65m	10.5m	No
No. Storeys (excludes basement carpark)	3 storeys (existing)	max. 2 storeys	N/A
Floor Space ratio	No additional floor area	max. 0.5:1	N/A
Setback			
- Front	Nil	10m	No
- Side	7.1m	Nil	Yes
- Rear	N/A	Nil	N/A

As detailed in the above table, the proposed development generally complies with the prescriptive measures within the HDCP with the exception of the front setback control. A brief discussion on

compliance with relevant performance requirements is provided below and Part 1.3 General Controls are addressed in Section 3 of the report.

2.8.1 Commercial Centres Hierarchy

The desired outcome of Part 4.1.1 Commercial Centres Hierarchy of the HDCP is to encourage *“enterprise corridors and business development nodes provide accommodation for local and district services that benefit from high levels of passing traffic such as start-up offices, light industry, motor showrooms, building supplies and bulky good retail. They provide essential population support services that meet the day-to-day needs of their surrounding community. They support the function of local centres”*.

The central location of the site, close to public transport allows efficient pedestrian access to the Charlie Bell School of Management for training and education purposes and to the McDonalds Head Office for employment purposes. McDonalds Australia leases various office spaces of differing sizes in the McDonalds Corporate building and provides corporate services such as reception and IT support to other businesses in the building. The site is also co-located with other commercial premises and food and drink premises in the vicinity. Further, the location of the existing site on Central Avenue supports the existing McDonalds restaurant also located at 21-31 Central Avenue.

The proposal complies with the desired outcome of Part 4.1.1 Commercial Centres Hierarchy of the HDCP and is considered acceptable.

2.8.2 Setbacks

Part 4.2 Business Lands of the HDCP applies to the E3 Productivity Support zone. The desired outcomes of Part 4.2.2 Setbacks of the HDCP are to encourage *“setbacks that complement the streetscape and establish a “pedestrian-friendly” scale for primary and secondary retail frontages”* and *“setbacks that maintain the amenity of adjoining land uses”*.

Within the Thornleigh precinct, a minimum 10m front setback, and nil side and rear setbacks apply.

The following minor structures are able to encroach into the prescribed setbacks:

- *Roof eaves and awnings,*
- *Pergolas for private or communal open spaces which are situated upon a podium,*
- *Sunshades and screens, and blade columns which support roofs or sunshades.*

The proposed awnings would be setback 8.7m and 9.1m from their respective front boundaries. The awnings would replace existing awnings setback 5.2m and 5.7m from their respective front property boundaries. The awnings are recessed into the building and provide weather protection to the entry of the building.

Retaining walls would be located within the 10m front setback. The retaining walls have nil setback to the front boundaries of the respective sites. A condition has been included in Schedule 1 of this report to ensure that retaining walls/planter beds are located wholly within the property boundary.

The proposed retaining walls/planter beds would support landscaping within the front setbacks. These landscape features would assist in incorporating new planting within the setback areas. Landscaping would soften the visual impact of existing built elements, provide attractive outdoor recreation spaces, separate public and private uses, and enhance the overall aesthetic quality of the site and surrounding streetscape.

The proposed signage on the eastern parcel of land is located within the front setback of the site, and is freestanding, however is not located on a pole or pylon and replaces existing signage on the site.

The proposal generally complies with the desired outcomes of Part 4.2.2 Setbacks of HDCP and is considered acceptable.

2.8.3 Landscaping

The desired outcomes of Part 4.2.4 Landscaping of the HDCP are to encourage *“Development that contributes to attractive streetscapes by providing shade along pedestrian frontages and screen planting along boundaries”* and *“development that preserves significant trees that add to the environmental character of the commercial centre”*.

The proposal includes the removal of existing landscaping on both the western and eastern portions of the site and the replacement landscaping for both sites as well as landscaping within the streetscape.

A Landscape Plan was prepared by Conzept Landscape Architects (dated 4 December 2025) in support of the application.

Council's Landscape Architect assessed the proposal and provided advice that the tree selection including street trees nominated by the Applicant are suitable for the site context, with the exception of the proposed planting of the chicanes/road blisters.

The proposed *Doryanthes excelsa* (Gynea Lily) within the road blisters/chicanes were considered too large to be planted in the road blister/chicanes. In time the foliage / flower spike of the Gynea Lily could obscure pedestrians. Therefore, a substitute species was required be used. Council's Landscape Architect recommended the alternative use of *Dianella 'Little Jess'* in the road blister/chicanes and a condition is recommended in Schedule 1 for this requirement.

In respect to hardscape landscaping, the proposed new pavement design will use durable, non-slip modular materials consistent with the precinct's character, ensuring longevity and ease of maintenance.

The proposal generally complies with the desired outcomes of Part 4.2.4 Landscaping of the HDCP and is considered acceptable.

2.8.4 Vehicular Access and Parking

The desired outcome of Part 4.2.8 Vehicle Access and Parking of HDCP are to encourage *“development that provides sufficient and convenient parking for residents and visitors with vehicular access that is simple, safe, and direct”* This desired outcome is supported by the prescriptive measure that *“access to garages and storage areas should be confined to side and rear facades, with access from main roads avoided”*.

The proposal includes the refurbishment of the parking areas to the western parcel of land. There would be no changes to the levels or gradients of this carparking area. No change is proposed to the number of carparking spaces provided on either side of the site.

Minor changes are proposed to the planting within the road blisters/chicanes as discussed in section 2.8.3 of the report.

The proposed street tree planting is not considered to give rise to any sight distance concerns for pedestrians or motorists.

This application was referred to Council's Traffic and Road Safety Team for comment. No objections were raised to the proposal on traffic and safety grounds and conditions were not recommended should consent be granted.

The proposal generally complies with the desired outcome of Part 4.2.8 Vehicle Access and Parking and is considered acceptable.

2.8.5 Public Domain and Traffic Management Works

The desired outcomes of Part 4.2.9 Public Domain and Traffic Management Works of the HDCP are *"A public domain that encourages vitality around and within development precincts"* and *"Traffic management works that provide for the safe and efficient movement of vehicles to, from and within precincts"*.

The proposed development enhances the public domain by creating an attractive, well landscaped environment that promotes activity and comfort for workers, residents, and visitors. High-quality materials, thoughtful design, and improved pedestrian amenity contribute to a welcoming and vibrant precinct character.

The proposed works include new street planting and footpath improvements which would provide amenity for people who live and work within the area. The proposed development provides for the refurbishment of dedicated pedestrian footpaths, as well as new shade structures (awnings) at the building entries.

Subject to compliance with the recommended conditions by Council's Landscape Architect regarding species type in the road blisters/chicanes, the proposal complies with the desired outcomes of Part 4.2.9 Public Domain Traffic Management Works of the HDCP and is considered acceptable.

2.8.6 Heritage

The desired outcomes of Part 9.13.1 Development in the Vicinity of Heritage of HDCP are to encourage *"New work located in the vicinity of heritage items is sympathetic to the heritage significance of the item and its setting"* and *"Development near heritage items retains and enhances public domain views to the item"*.

The site is located within close proximity to heritage item 834 'Tree - Norfolk Island Pine' located within the road reserve on the corner of Phyllis Avenue and northeast corner of 21-31 Central Avenue, which is located approximately 70m from the site.

The proposed would not impact on the structural root zone or tree protection zone of the Tree—Norfolk Island Pine'. The proposed site landscaping and street tree planting would not affect the view corridor to this tree.

The proposal generally complies with the desired outcomes of Part 9.13.1 Development in the Vicinity of Heritage of HDCP.

2.9 Section 7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

2.10 Housing and Productivity Contribution

The Housing and Productivity Contribution does not apply to the development as it would not result in an in any additional gross floor area for commercial development. Accordingly, there is no requirement for a monetary Housing and Productivity contribution payment.

2.11 Planning Agreements

Section 4.15 (1) (a)(ii) of the Act requires Council to consider the provisions of any planning agreement. The development does not include a Planning Agreement.

2.12 Environmental Planning and Assessment Regulation 2021

Section 61 of the Environmental Planning and Assessment Regulation 2021 (the Regs) contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS2601

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the Regs are not relevant to the proposal.

Section 63 (considerations for erection of temporary structures) of the Regs are not relevant to the proposal.

These provisions of the Regs have been considered and are addressed in the recommended draft conditions (where necessary).

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

Part 1.2.6.1 Tree and Vegetation Preservation of the HCP applies to this development.

Twenty-two trees are proposed to be removed, including 15 trees within the road reserve. The species proposed to be removed include Chinese Elm, Golden Wych Elm, Box Elder Maple, Yucca, Magnolia Little Gem and Prunus. These trees are all non-native species.

An Arboricultural Impact Appraisal and Method Statement (AIA) prepared By Ezigrow Arboricultural Consulting dated 20 November 2025 was submitted with the application.

The proposal includes 22 replacement trees as part of the landscaping plans prepared by Conzept Landscape Architects (dated 4 December 2025). Of the 22 replacement trees, 11 trees would be located on the site and would consist of Ornamental Pear, Cabage Tree and Dragon’s Blood Tree and 11 Evergreen Ash trees would be located within the road reserve.

This application was referred to Council’s Tree Management Officer who had no objections to the proposal subject to the recommended conditions in Schedule 1.

The proposal generally complies with Part 1.2.6.1 of the HDCP and is considered acceptable.

3.1.2 Stormwater Management

A Stormwater Concept Plan was prepared by JCO Consultants Pty Ltd (dated 5 December 2025). The stormwater disposed for the proposed new awnings would connect to the existing stormwater system for the site.

Council's engineering assessment recommended that a condition be included in the consent that a stormwater drainage system be designed by a qualified hydraulic engineer and connected to the existing internal drainage system.

3.1.3 Earthworks

The only earthworks proposed would be to facilitate the retaining walls/planter beds for landscaping. The Waste Management Plan estimates that there would be 59m³ of material excavated from the site. The majority of the excavated material would be reused on the site as fill.

A standard condition has been included in the consent requiring that prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming all fill material imported to the site must be Virgin Excavated Natural Material or a material identified as being subject to a resource recovery exemption by the NSW EPA.

3.2 Built Environment

3.2.1 Built Form

The proposed alterations and additions to building form being the demolition and replacement of awnings are considered minor in nature and would modernise the buildings in line with McDonalds corporate identity.

3.2.2 Signage

The desired outcomes of Part 1.3.2.11 Signage of HDCP are to encourage "*signage compatible with the character of the locality*", "*Signage that complements the scale, size and architecture of the building or structure on which it is displayed*" and "*Signage that does not compromise pedestrian, cyclist or motorist safety*".

The proposed development includes two new signs, one building identification fascia sign, above the ground floor awning on the western parcel 'McDonald's HQ' and one building identification sign in the form of a freestanding sign 'Charlie Bell School of Management'.

The proposed signage on the western parcel of land is located above the ground floor awning. The proposed awning sign, while not located directly on the fascia, is positioned slightly above it and set back from the fascia's front edge. This placement ensures the sign remains visually unobtrusive and does not dominate the building's façade.

The signage is minor scale and discreet location serve only to provide clear identification of the premises without compromising the architectural integrity or aesthetic balance of the structure. Given its modest projection and functional purpose, the variation from the standard requirement is considered minimal and reasonable.

The proposed signage on the eastern parcel of land is located within the front setback of the site, and is freestanding, however, is not located on a pole or pylon and replaces existing signage on site. The signage dimensions are 3.43m x 0.24m x 0.95m and is considered to be appropriate for the site.

The proposal complies with the desired outcomes of Part 1.3.2.11 Signage of the HDCP and is considered acceptable.

3.2.3 Traffic

No additional traffic generation or carparking demand would occur as a result of this development. Council's Traffic Engineer had no objections to the proposal and no conditions for inclusion in the consent if granted.

3.3 Social Impacts

The location of the development is near Thornleigh Railway Station and the Thornleigh commercial centre, recreational, health and education facilities.

The Charlie Bell School of Management/ Hamburger University provides education and training in the hospitality industry. By upgrading the public domain including the replacement of the public footpath, and provision of larger canopy trees, a more pleasant pedestrian journey is provided from commercial premises on Central Avenue to the Thornleigh Train Station.

3.4 Economic Impacts

The proposed development will deliver positive social benefits by enhancing the visual appearance and functionality of the existing property, thereby contributing to the overall amenity and character of the local area. The external alterations and landscaping improvements will create a more attractive and well-maintained environment, support community pride and reinforcing the aesthetic quality of the neighbourhood. The short-term economic impacts are positive, with the generation of employment opportunity through the physical construction stages. The use of high-quality materials will ensure a durable final built outcome, reducing the need to rebuild in the near future, resulting in a positive long term financial and sustainability outcome.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *"the suitability of the site for the development"*.

The subject site has not been identified as bushfire prone.

While the site is mapped as flood prone land, the scale of the proposed development does not warrant any flood mitigation measures. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION



Section 4.15(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 11 January 2026 and 25 January 2026 in accordance with the Hornsby Community Engagement Plan. During this period, Council received one public submission from a landowner out of map range. The map below illustrates the location of those nearby landowners who were notified of the development.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
1 submission received out of Map Range			

One submission provided comments in relation to the proposed landscaping of the development.

The merits of the matters raised in the submission is discussed below.

5.1.1 Landscaping

One public submission requested the applicant modify their street tree planting selections from the proposed Evergreen Ash (*Fraxinus griffithii*) plantings for the new street trees on both sides to Lemon Scented Myrtle (*Backhousia citriodora*) to provide shade and attract birds and insects and because the Lemon scented myrtle is an attractive species.

The submitter also noted that there are currently 15 street trees and that the Applicant is proposing to plant 11 trees in their place, so the public will be losing some of the existing street trees.

Comment: *Backhousia citriodora* (Lemon Scented Myrtle) are a shorter dense foliage tree and can be used under power lines. Ensuring they do not block sightlines from driveways etc, Lemon Scented Myrtle would be an acceptable street tree. However, it is noted that Lemon Scented Myrtle more closely resembles a shrub rather than a canopy tree.

However, The Applicant proposes street planting consisting of *Fraxinus griffithii* (Evergreen Ash Tree) (6-8 x 4m). This plant is commonly grown as an ornamental in Australia, and are considered to be a

feature tree ideal for avenues. Their seeds, leaves, and branches provide food and shelter for birds, insects, and mammals. Evergreen Ash trees provide abundant habitat and below-ground biodiversity support without the pollinator or seed resources.

The application was referred to Council's Landscape Architect who advised that the Applicant's tree selection including street trees nominated on the plans are suitable for the site context. The reduction in the number of street trees has been addressed in Section 3.1.1 Tree and Vegetation Preservation of this Report.

5.2 Public Agencies

The application was not referred to any Public Agencies for comment.

6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider "*the public interest*".

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes alterations and additions to a commercial premise.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received one submission during the public notification period. The matters raised have been addressed in the body of the report.

Having regard to the circumstances of the case, approval of the application is recommended.

The reasons for this decision are:

- In accordance with Clause 4.6 of the Hornsby Local Environmental Plan 2013, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3)(a) and (b) of the Hornsby Local Environmental Plan 2013 that:
 - Compliance with the development standards is unreasonable and unnecessary in the circumstances of the case, and
 - There are sufficient environmental planning grounds to justify contravening the development standard.
- The proposed development 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.




Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

ITEM 2

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.  Clause 4.6 written request
2.  Architectural Plans
3.  Landscape Plan

File Reference: DA/1381/2025
Document Number: D09359143

SCHEDULE 1

GENERAL CONDITIONS

ITEM 2

Condition

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA-100 Iss. D	Proposed Site Plan	ID Fitouts & Construction	04/12/2025	
DA-101 Iss. D	Proposed Plan	ID Fitouts & Construction	04/12/2025	
DA-102 Iss. D	Proposed Roofing Plan	ID Fitouts & Construction	04/12/2025	
DA-200 Iss. D	Existing Plan	ID Fitouts & Construction	04/12/2025	
DA-300 Iss. D	Demolition Site Plan	ID Fitouts & Construction	04/12/2025	
DA-301 Iss. D	Demolition Plan	ID Fitouts & Construction	04/12/2025	
DA-500 Iss. D	Elevations and Finishes	ID Fitouts & Construction	04/12/2025	
DA-501 Iss. C	Sections	ID Fitouts & Construction	04/12/2025	
LP01 Rev. A	Site Plan	Conzept Landscape Architects	04/12/2025	
LP02 Rev. A	Landscape Plan 1	Conzept Landscape Architects	04/12/2025	
LP03 Rev. A	Landscape Plan 2	Conzept Landscape Architects	04/12/2025	
LP04 Rev. A	Detail & Specification	Conzept Landscape Architects	04/12/2025	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Civil Engineering Plans No. DA-SW100, DA-SW101, DA-SW200 and DA-SW600 Rev 1	JCO Consultants Pty Ltd	05/12/2025	D09281207
Arboricultural Impact Appraisal and Method Statement	Ezigrow Pty Ltd	20/11/2025	D09281173

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	McDonalds Australia Limited	09/12/2025	D09281213

Reason: To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.

2. Construction Certificate

1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
2. A separate Roads Act Application (SRA) must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act 1993*.
3. The Construction Certificate / Roads Act Application (SRA) plans must be consistent with the Development Consent plans.

Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.

3. No Clearing of Vegetation

1. Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.
2. Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect vegetation on the site.

4. Section 7.12 Development Contributions

1. In accordance with Section 4.17(1) of the Environmental Planning and Assessment Act 1979 and the Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029, **\$15025.95** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$1,502,597.25**.
2. The value of this contribution is current as of 5 May 2026. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment

\\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney - All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney - All Groups) for the financial quarter at the date of this Development Consent.

3. The monetary contributions shall be paid to Council:
 - a. Prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - b. Prior to the issue of the first Construction Certificate where the development is for building work; or
 - c. Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - d. Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: Should the cost of works increase at Construction Certificate stage, a revised contribution amount will be calculated in accordance with the Hornsby Shire Council Section 7.12 Development Contributions Plan.

Note: It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Note: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.

Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Note: To arrange a Payment Advice for the monetary contributions, please contact Council's Customer Service Team on 9847 6666.

Reason: To address the increased demand for community infrastructure resulting from the approved development.

5. Retaining Walls

1. To ensure the stability of the site, structural details of all required retaining walls must be submitted with the application of the Construction Certificate.
2. All retaining walls/planter beds are to be located wholly within the property boundary.

Reason: To ensure the stability of the site and adjoining properties.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

ITEM 2

Condition

6. **Building Code of Australia**

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the National Construction Code - Building Code of Australia. All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.

Reason: Prescribed condition - EP&A Regulation section 69(1).

7. **Sydney Water Building Plan Approval**

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Note: Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Reason: To ensure the development complies with the requirements of Sydney Water.

8. **Identification of Survey Marks**

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 Preservation of Survey Infrastructure.

Reason: To identify and protect the State's survey infrastructure.

9. **Appointment of a Project Arborist**

1. To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent.
2. Details of the appointed project arborist must be submitted to Council and the Principal Certifier with the application for the construction certificate.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

10. **Road Opening Permit**

A Road Opening Permit shall be obtained from the Council to permit a person to dig into Council assets, such as roads, footpaths and nature strips. The fees payable for the restoration of any public asset damaged to be repaired by Council shall be at the applicant's full expense.

Note: The Road Opening Permit must be applied for via Council's Online Services Portal at: <https://www.hornsby.nsw.gov.au/property/build/apply-for-a-permit/road-openings>

Reason: To ensure public infrastructure and property is maintained.

11. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with the following requirements:

1. Connected to the existing internal drainage system.
2. The stormwater drainage system must be designed by a qualified hydraulic engineer.

Reason: To ensure appropriate provision for management and disposal of stormwater.

12. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, and a Construction Certificate issued in accordance with Australian Standards AS2890.1, AS2890.2, AS3727 and the following requirements:

Construction of pedestrian access designed to help prevent slip and fall shall be designed and constructed with the future access driveway. Pedestrian grades steeper than 12.5% shall be provided with surface texturing, brushing or cleats to satisfy Class V: R11 ramps in accordance with Australian Standards AS 4586-2004 Clause 5.2.

Reason: To provide safe vehicle and pedestrian access.

13. Road Works

1. A separate Roads Act Application (SRA) must be lodged and approved from Council for all works within the public road reserve under S138 of the *Roads Act 1993*.
2. All road works approved under this consent must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:
 - a. A concrete footpath to be removed and constructed within the road verge with the remaining area turfed.
 - b. All existing pavers are to be removed and constructed within the road verge with the remaining area turfed.
 - c. The removal and reconstruction of the driveways in Council verge.

Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993.

BEFORE DEMOLITION AND BUILDING WORK COMMENCES

Condition

14. Site Sign

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
 - a. The name, address, and telephone number of the Principal Certifier.
 - b. the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - c. Unauthorised entry to the work site is prohibited.
2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).

15. Asbestos Removal Signage

Before demolition or remediation work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Reason: To alert the public to any danger arising from the removal of asbestos.

16. Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

1. Name
2. Address,
3. Contact telephone number,
4. Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor,
5. The contact telephone number of council and
6. The contact telephone number of SafeWork NSW (4921 2900).

Note: The written notice to Council can be sent to devmail@hornsby.nsw.gov.au.

Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

17. Toilet Facilities

1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.

2. Each toilet must:
 - a. Be a standard flushing toilet connected to a public sewer; or
 - b. Be a temporary chemical closet approved under the *Local Government Act 1993*; or

Reason: To ensure adequate toilet facilities are provided.

18. Erosion and Sediment Control Measures

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

1. The publication *Managing Urban Stormwater: Soils and Construction 2004* (4th edition) - 'The Blue Book'.
2. *Protection of the Environment Operations Act 1997*; and
3. The approved plans

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.

Reason: To minimise impacts on the water quality of the downstream environment.

19. Installation of Tree Protection Measures

1. Trees to be retained and numbered 1, 11, 12, 13, 14, 15, 16, 24, 25, 26, 27, 34, 35, 36, 37, 38, 39, 40, 41 and 42 as identified on the Tree Location/ Protection Plan Page 28 of the Arboricultural Impact Assessment and Method Statement prepared by Ezigrow Arboricultural Consulting dated 20 November 2025 must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
 - a. For the duration of demolition works, in accordance with the Tree Management Plan (Dwg No. TMP01) in Appendix 8 of the Arboricultural Impact Assessment and Method Statement prepared by Ezigrow Arboricultural Consulting dated 20 November 2025.
 - b. For the duration of construction works, in accordance with Tree Management Plan (Dwg No. TMP01) in Appendix 8 of the Arboricultural Impact Assessment and Method Statement prepared by Ezigrow Arboricultural Consulting dated 20 November 2025.
2. Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.

3. The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates, and liquids from entering the tree protection zone.
4. All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.

Reason: To protect trees during construction.

20. Garbage Receptacle

A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.

1. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
2. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
3. Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

Reason: To maintain the site in a clean condition and protect local amenity.

DURING DEMOLITION AND BUILDING WORK

Condition

21. Hours of Work

1. All work on site (including remediation, demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.
2. No work is to be undertaken on Sundays or public holidays.

Reason: To protect the amenity of neighbouring properties.

22. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 The Demolition of Structures and the following requirements:

1. Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
2. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the Work Health and Safety Regulation 2017 and be appropriately transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; and
3. On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

Reason: To ensure the appropriate removal and disposal of demolition materials.

23. Street Sweeping

1. During works (including remediation, demolition, earthworks and construction) and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site.
2. The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

Note: The above Item does not permit for sediment and/or any other materials/substances to exit the site in a way that constitutes water pollution as defined in the Protection of the Environment Operations Act 1997 or in a manner that contravenes other conditions in this consent.

Reason: To minimise impacts to the natural environment.

24. Council Property

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition, excavation and construction works:

1. No building materials, skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the development shall be stored or placed on Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.
2. All work, loading and unloading associated with the development are to occur entirely within the property boundaries, unless otherwise approved by Council under section 138 of the Roads Act 1993.

Reason: To protect public land.

25. Soil Management (Excavation and Fill)

While site work is being carried out, the Principal Certifier or Council (where a principal certifier is not required) must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier or Council (where a principal certifier is not required).
2. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.
3. Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming all fill material imported to the site must be:
 - a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or

- b. A material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - c. A combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.
4. The required Waste Classification Certificate must be provided to the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

26. Waste Management

All work must be carried out in accordance with the approved waste management plan.

Reason: To ensure the management of waste to protect the environment and local amenity during construction.

27. Maintenance of Public Footpaths

1. Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.
2. Where any part of the road or footpath is required to be occupied or closed during any stage of works, including demolition, excavation, construction or remediation, a temporary full / partial road or footpath closure permit must be approved by Council. The permit must be applied for via Council's Online Services Portal.

Note: A Temporary Road/ Footpath Closure application must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Under 'Roads, Traffic and Parking': Temporary Full/ Partial Road Closure.

Reason: To maintain safe pedestrian movement.

28. Erosion and Sediment Control

1. Works are not to result in the discharge of sediment and or run-off onto the adjoining properties or public land.
2. The person having the benefit of this consent must ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

Reason: To minimise impacts on neighbouring properties and public land.

29. Removal of Trees

This development consent permits the removal of tree(s) numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 22, 23, 28, 29, 30, 31, 32 as identified on the Tree Management Plan (Dwg No.

TMP01) in Appendix 8 of the Arboricultural Impact Assessment and Method Statement prepared by Ezigrow Arboricultural Consulting dated 20 November 2025.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1.2.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2024.

Reason: To identify only those trees permitted to be removed.

30. Street Tree Planting

The 11x *Fraxinus griffithii* (Evergreen Ash) nominated as street trees are to be installed using minimum 100L pots.

Reason: To ensure replacement planting maintains tree canopy.

31. Raised Garden Beds

Planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell to walls of planter with filter fabric separation layer) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

Reason: to ensure sustainable landscape is achieved.

32. Planting - garden beds at crossing

The *Doryanthes excelsa* (Gynea Lily) nominated in the crossing garden beds are to be substituted with 3x *Dianella 'Little Jess'* installed using minimum 140mm pots.

Reason: To facilitate safe and efficient traffic and pedestrian movement.

33. Prohibited Actions within the Fenced Tree Protection Zone

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

1. Soil cutting or filling, including excavation and trenching.
2. Soil cultivation, disturbance, or compaction
3. Stockpiling storage or mixing of materials
4. The parking, storing, washing, and repairing of tools, equipment, and machinery.
5. The disposal of liquids and refuelling
6. The disposal of building materials
7. The siting of offices or sheds
8. Any action leading to the impact on tree health or structure.

Reason: To protect trees during construction.

34. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for all trees to be retained identified on the Tree Management Plan (Dwg No. TMP01) in Appendix 8 of the Arboricultural Impact Assessment and Method Statement prepared by Ezigrow Arboricultural Consulting dated 20 November 2025.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

35. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the Project Arborist in accordance with the conditions of this consent for the duration of works.

Reason: To protect trees during construction.

36. Approved Works within Tree Protection Zone Incursions

1. Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
 - a. Using sharp secateurs, pruners, handsaws, or chainsaws with the final cut being clean.
 - b. The maximum diameter of roots permitted to be cut is 30 mm.
2. No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans, are permitted.

Reason: To protect trees during construction.

37. Building Materials and Site Waste

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, wastewater or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent of any tree to be retained.

Reason: To protect trees during construction.

38. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the Principal Certifier: certifying that the retaining walls have been correctly positioned wholly within the the site.

Reason: To ensure buildings are positioned in the approved location and at the correct height.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

39. Replacement Tree Requirements

1. The trees approved for removal under this consent, being trees numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 22, 23, 28, 29, 30, 31 and 32 must be offset through replacement planting in accordance with the approved Landscape Plans No. LP01-LP04 Rev A, prepared by Conzept Landscape Architects dated 4 December 2025, as amended by conditions of consent.

Reason: To ensure replacement planting to maintain tree canopy.

40. Final Certification by Project Arborist

The AQF 5 Project arborist must submit to the Principal Certifier a certificate that includes the following:

2. All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works; and
3. All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans; and
4. Dates, times, and reasons for all site attendance; and
5. All works undertaken to maintain the health of retained trees; and
6. Details of tree protection zone maintenance for the duration of works.

Note: Copies of monitoring documentation may be requested throughout the development works.

Reason: To ensure compliance with tree protection commitments.

41. Completion of landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

Note: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure nurseries have stock available at the time of install.

Reason: To ensure compliance with landscaping commitments.

42. Retaining Walls

All retaining walls must be constructed as part of the development and prior to the issue of an Occupation Certificate.

Reason: To ensure the stability of the site and adjoining land.

43. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

Reason: To ensure public infrastructure and property is maintained.

44. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifier, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed, or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 Preservation of Survey Infrastructure.

Reason: To protect the State's survey infrastructure.

OCCUPATION AND ONGOING USE

Condition

45. Advertising Signs

The advertising signage approved under this consent must not be illuminated, flash, move or display electronic images.

Reason: To protect the visual amenity of the local area.

46. Landscape establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

Reason: To ensure compliance with landscaping commitments.

- END OF CONDITIONS -

ITEM 2

1 REPORTING DEVELOPMENT APPLICATIONS FOR DETERMINATION BY THE HORNSBY LOCAL PLANNING PANEL OVER 180 DAYS

EXECUTIVE SUMMARY

- In accordance with the Local Planning Panels Directions - Operational Procedures, Council is required to monitor development applications to be determined by the Panel that may be experiencing unreasonable delays of over 180 days from lodgement.
- A list of out outstanding development applications in excess of 180 calendar days from lodgement is attached for the Hornsby Local Planning Panel's advice.

RECOMMENDATION

THAT the contents of LPP Report No. LPP18/26 be received and noted.

PURPOSE

The purpose of this report is to advise the Hornsby Local Planning Panel of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

DISCUSSION

In 2019 the NSW Productivity Commission conducted a review of the Independent Planning Commission (IPC). The review recommended several actions to streamline processes to optimise efficiency, output and performance.

The planning panel changes were implemented on 1 August 2020 to incorporate a number of the NSW Productivity Commission 's recommendations to the way Local Planning Panels work to make them more efficient and to improve the assessment and determination times of development applications and maintain panel oversight of sensitive and contentious applications.

These changes were made as part of the Planning Acceleration Program to support the State's immediate and long-term economic recovery from the COVID-19 crisis.

The changes will speed up panel determinations by:

1. Reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings.
2. Reducing the amount of modifications going to panels.
3. Obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes.
4. Allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement.
5. Introducing panel performance measures.

The Local Planning Panels Directions - Operational Procedures has been amended to:

- Require panels to make determinations within two weeks of being provided an assessment report.
- Require panels to hold a public meeting only where the Development Application has attracted 10 or more unique submissions by way of objection.
- Allow, at the Chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material.
- Oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage.
- Require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination.
- Give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.

In accordance with Point 6 of the Local Planning Panels Directions - Operational Procedures, attached is a list of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

CONCLUSION

Council is required to monitor development applications to be determined by the Panel that are over 180 calendar days from lodgement. This report provides advice to the Local Planning Panel on DAs that are experiencing unreasonable delays of over 180 days from lodgement.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is the Major Development Manager, Cassandra Williams.

KATHERINE VICKERY

Director - Planning and Compliance
Planning and Compliance Division

Attachments:

There are no attachments for this report.

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