



MINUTES OF Local Planning Panel meeting

Held via Teleconference

on Wednesday 28 October 2026

at 4:00 PM



PRESENT

Chairperson - Stephen Leathley

Expert Panel Member - Anthony Hudson

Expert Panel Member - Larissa Ozog

Community Member - Robert Corkery

STAFF PRESENT

Director, Planning Division - Katherine Vickery

Manager, Development Assessment - Rod Pickles

Major Development Manager - Cassandra Williams

Team Co-ordinator - Caroline Maeshian

Town Planner - Elvin Keung

AUDIO RECORDING OF LOCAL PLANNING PANEL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms. No other persons are permitted to record the meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

NIL

POLITICAL DONATIONS DISCLOSURE

NIL

DECLARATIONS OF INTEREST

NIL

ADDRESSES TO THE PANEL

The following members of the public addressed the Panel on the item on the agenda for the public meeting:

1 LPP23/26 DA/124/2026 - Section 4.55(2) Torrens title subdivision of one lot into two - 19A Day Road, Cheltenham

Dr Brett Gardiner	Against
Georgia Cameron	Against
Patricia Brown (Byles Creek Valley Union Inc)	Against
Wal Dobrow (Applicant)	For

2 LPP24/26 DA/284/2026 - Section 4.55(2) Construction of a 110 place childcare centre with basement parking - 37 & 39 Edward Bennett Drive, Cherrybrook

Roman Goydych	Against
Joanne Draybi	Against
Alok Sabne (Architect)	For
Julie Horder (Town Planner)	For

IN ACCORDANCE WITH CLAUSE 3.3(5.b) OF SCHEDULE 1 OF THE OPERATIONAL PROCEDURES DIRECTIONS ISSUED 1 FEBRUARY 2023

The Panel Chair closed the public meeting at 4.56pm.

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/124/2026 for alterations and additions to the existing dwelling and Torrens title subdivision of one lot into two at Lot 1 DP 1298219, No. 19A Day Road, Cheltenham subject to the conditions of consent in Schedule 1 of LPP Report No. LPP23/26.

PANEL'S CONSIDERATION AND DETERMINATION

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

The Panel resolved to defer the determination of Development Application No. DA/124/2026 to allow the applicant an opportunity to provide additional information and/or amended plans addressing the following matters:

1. *Legal description of development:* The Legal Land Description for the proposed development is to be amended to include Lot 2 DP 1298219, No. 21 Day Road, Cheltenham to include the proposed development on this lot including the construction of the shared accessway.
2. *Identification of all proposed works:* Submit an updated site plan and subdivision plan that explicitly details all proposed works, structures, and physical impacts occurring on No. 21 Day Road, Cheltenham.
3. *Arboricultural Impacts:* Submit a revised Arboricultural Impact Assessment (AIA) that comprehensively evaluates and addresses the potential impacts of the proposed driveway works on all affected trees. The revised assessment must include clear mitigation and protection measures for any trees identified as being retained and encroached upon by the driveway footprint and any trees requiring removal.

Timeframe and Re-Assessment

- The requested information is to be submitted to Council within 28 calendar days from the date of this minute.
- Upon receipt of the requested information, Council staff are to complete a supplementary assessment.

Method of Determination

- If the amendments do not warrant further public consultation, the matter may be determined via electronic circulation of papers by the Panel.
- Otherwise, the application is to be referred back to a future public meeting of the Local Planning Panel for final determination.

VOTING OF THE PANEL MEMBERS

FOR: Stephen Leathley, Anthony Hudson, Larissa Ozog, Robert Corkery

AGAINST: NIL

2 LPP24/26 DA/284/2026 - Construction of a 110 Place Childcare Centre with Basement Parking - 37 & 39 Edward Bennett Drive, Cherrybrook

(DA/284/2026)

RECOMMENDATION

- A. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, contravene Clause 4.3 Height of buildings 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/284/2026 for demolition of existing structures and construction of a 110 place childcare centre with basement parking at Lot 525 DP 260037 and Lot 526 DP 260037, No. 37 & 39 Edward Bennett Drive, Cherrybrook subject to the conditions of consent in Schedule 1 of LPP Report No. LPP24/26.

PANEL'S CONSIDERATION AND DETERMINATION

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

The Panel considered the Clause 4.6 submission and is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Hornsby Local Environmental Plan 2013 and is in this case is well founded.

The Panel considered the provisions of section 61 Demolition of buildings of the Environmental Planning and Assessment Regulation 2021 and is satisfied that the recommended conditions of consent ensure the provisions are addressed.

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

The Panel considered the potential cumulative impacts of the development and with the adjoining development on the local road network. The Panel determined that these impacts have been satisfactorily addressed based on the Traffic Impact Assessment (TIA) submitted with the application and the subsequent assessment by Council.

The Panel considered the potential cumulative noise impacts of the development and with the adjoining development on the local area. The Panel determined that these impacts have been satisfactorily addressed based on the acoustic assessments submitted with the application and the subsequent assessment by Council.

The Panel resolved to adopt the officer's recommendation and approve the proposed development subject to the conditions contained in Schedule 1 of the report and the following amendment.

Amend condition No. 3 to read:

3. Amendment of Plans

- 1. To comply with Councils requirement in terms of waste management, the approved plans are to be amended as follows:
 - a. The internal dimensions of the bin storage room at the basement level must be

widened from 3.0m x 4.3m to 3.3m x 4.3m. Internal dimensions do not include wall thickness, support columns, ventilation shafts etc for which additional space must be allowed with consideration of the bin layout. This must be included as an addendum to the Waste Management Plan.

- b. To remove inconsistencies between plans, the approved Landscape Plans (No. H408_LP_01, Rev A and H408_LP_02, Rev A, prepared by Creative Planning Solutions, dated 3 November 2026) must be amended to be consistent with the approved architectural plans.
2. The proponent shall consult with the adjoining properties Lot 524 DP 260037, No. 4 Paxton Crescent and Lot 701 DP 260293, No. 41 Edward Bennet Drive, Cherrybrook, on the final colour choice of the 1.8m high colourbond acoustic boundary fences and provide the neighbours with the darker option as proposed (Woodland Grey) and a lighter option (ie Shale Grey or the like) and must demonstrate in writing that all reasonable steps have been taken to consult with the adjoining allotment owners of to the satisfaction of the Principal Certifier prior to the issuing of the Construction Certificate.
3. These amended plans must be submitted with the application for the Construction Certificate.

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

The reasons for this decision are:

- The Panel has considered the applicant's written request under Clause 4.6 of the Hornsby Local Environmental Plan 2013 prepared by Planning Bricks dated 26 June 2026 received by Council on 26 June 2026 to contravene the Height of buildings development standard in Clause 4.3 of the Hornsby Local Environmental Plan 2013 and was in this case well founded.
- In accordance with Clause 4.6 of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the applicant has demonstrated that:
 - The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)(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 Panel is satisfied that the development has adequately met the provisions of Section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021.
- The Panel is satisfied that the development meets the objectives of Chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- The Panel is satisfied that the development has adequately met the provisions of Section 61 Demolition of buildings of the Environmental Planning and Assessment Regulation 2021, subject to the recommended conditions of consent.

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy, subject to the recommended conditions of consent.
- The Panel is satisfied that cumulative traffic and acoustic impacts have been addressed.
- The Panel is satisfied that the existing streetscape and proposed development can exist together in harmony without having the same density, scale or appearance.

VOTING OF THE PANEL MEMBERS

FOR: Stephen Leathley, Anthony Hudson, Larissa Ozog, Robert Corkery

AGAINST: NIL

ELECTRONIC ITEMS

3 LPP26/26 DA/461/2023/A - Section 4.56 application to amend the dwelling design of the approved Torrens title subdivision of 1 lot into 2 and construction of 2 dwellings - 4A Carrington Street, Wahroonga

(DA/461/2023/A)

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, amend Development Application No. DA/461/2023 for the demolition of existing structures, Torrens title subdivision of one allotment into two lots and the construction of a two-storey dwelling house on each lot at Lot 1 DP228900, No. 4A Carrington Street, Wahroonga subject to the conditions of consent in Schedule 1 of LPP Report No. LPP26/26.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions.

The Panel noted that the application involves a 1.17m breach of the Height of buildings development standard in Clause 4.3 of the Hornsby Local Environmental Plan 2013. As the application is a Section 4.56 modification application no clause 4.6 written request is required for this variation.

As part of the overall merit assessment of this breach the panel included a consideration of a form of a clause 4.6 variation submitted as part of the application. The Panel was satisfied that the breach of the height standard was acceptable with minimal impacts.

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

The Panel resolved to adopt the officer's recommendation and approve the proposed modification subject to the conditions contained in Schedule 1 of the report and the following amendment:

Amend condition No. 57 to read:

57. Subdivision - Lodgement of Plan

Evidence that a registered plan of subdivision from the NSW Land Registry Services (NSW LRS) creating the proposed lots must be submitted to Council and the Principal Certifier.

Reason: To ensure the allotment is legally created prior to development.

The reasons for this decision are:

- The Panel is satisfied that the proposed modification is substantially the same as the approved development.
- The Panel is satisfied that the breach of the Height of buildings development standard is acceptable with minimal impacts.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy, subject to the recommended conditions of consent.

VOTING OF THE PANEL MEMBERS

FOR: Stephen Leathley, Anthony Hudson, Larissa Ozog, Robert Corkery

AGAINST: NIL

4 LPP1/26 DA/1253/2025 - Construction of a Seniors Housing Development Comprising 9 Dwellings - 132A & 134 Burdett Street, Wahroonga

(DA/1253/2025)

RECOMMENDATION

- A. THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, contravene Clause 84(2)(c)(iii) Building Envelope development standard and Clause 108 (2)(c) Floor Space Ratio development standard of State Environmental Planning Policy (Housing) 2021, 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/1253/2025 for demolition of existing structures, construction of a seniors housing development comprising 9 dwellings and subdivision at Lot 7 DP 263708 and Lot 2 DP 1143130, No. 132A & 134 Burdett Street, Wahroonga subject to the conditions of consent in Schedule 1 of LPP Report No. LPP1/26.

PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the Clause 4.6 submissions for Building envelope and Floor space ratio and is satisfied that the applicant's written requests have adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Hornsby Local Environmental Plan 2013.

The Panel considered the provisions of section 61 Demolition of buildings of the Environmental Planning and Assessment Regulation 2021 and is satisfied that the recommended conditions of consent ensure the provisions are addressed.

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

The Panel resolved to adopt the officer's recommendation and approve the proposed development subject to the conditions contained in Schedule 1 of the report and the following amendment:

Amend condition No. 13 to read:

13. Acoustic Design Verification

Prior to the issue of a Construction Certificate written certification from a suitably qualified and experienced acoustic consultant must be submitted to the Principal Certifier and Council, confirming that the design and construction materials to be utilised within the development will comply with the noise criteria specified in Section 7 of DA Acoustic Assessment Ref: 20211120.3/2608A/R0/EM Rev.0 prepared by Acoustic Logic, dated 28 August 2025.

Reason: To ensure buildings are designed and constructed to minimise noise and vibration impacts from transport corridors.

The reasons for this decision are:

- The Panel has considered the applicant's written request under Clause 4.6 of the Hornsby Local Environmental Plan 2013 prepared by Chapman Planning Pty Ltd dated 26 June 2026 and received by Council on 26 June 2026 to contravene the Building envelope development standard in Section 84(2)(c)(iii) and the Floor space ratio standard in Section 108(2)(c) of

State Environmental Planning Policy (Housing) 2021.

- In accordance with Clause 4.6 of the Hornsby Local Environmental Plan 2013, the Panel is satisfied that the applicant has demonstrated that:
 - The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)(a) and (b) of the Hornsby Local Environmental Plan 2013 that:
 - Compliance with each of 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 Panel is satisfied that the development has adequately met the provisions of Section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021.
- The Panel is satisfied that the development meets the objectives of Chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- The Panel is satisfied that the development has adequately met the provisions of Section 61 Demolition of buildings of the Environmental Planning and Assessment Regulation 2021, subject to the recommended conditions of consent.
- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy, subject to the recommended conditions of consent.

VOTING OF THE PANEL MEMBERS

FOR: Stephen Leathley, Anthony Hudson, Larissa Ozog, Robert Corkery

AGAINST: NIL

THE MEETING concluded at 5.40pm.



Chairperson

These Minutes were confirmed at the meeting held on Wednesday 25 November 2026, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN
