



# MINUTES OF LOCAL PLANNING PANEL MEETING

HOSTED AUDIO-VISUALLY VIA ZOOM  
on Wednesday 23 February 2022  
at 4:00pm



## **PRESENT**

Chairperson - Garry Fielding

Expert Panel Member - Linda McClure

Expert Panel Member - Mary-Lynne Taylor

Community Member - Brian Scarsbrick

Community Member - John Filocamo

Community Member - Barbra Wynn

## **Staff Present**

Director, Planning and Compliance - James Farrington

Manager, Development Assessments - Rod Pickles

Major Development Manager - Cassandra Williams

Team Coordinator - Matthew Miles

Town Planner - Lawrence Huang

Town Planner - Tim Buwalda

The meeting commenced at 4.00pm.

## **AUDIO RECORDING OF LOCAL PLANNING PANEL MEETING**

Statement by the Chairman:

*"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

## ADDRESSES TO THE PANEL

Nil

The following members of the public addressed the Panel on items on the agenda:

## LOCAL PLANNING PANEL

- |          |   |         |
|----------|---|---------|
| <b>1</b> | <b>LPP3/22 DA/1132/2021 - Construction of a Dwelling House - 6 Yallambee Road, Berowra</b>  |         |
|          | John Inshaw (on behalf of the Galston Area Residents' Association)  | Against |
|          | Katrina Emmett  | Against |
|          | Jan Primrose (Spokesperson for PYSE Inc)  | Against |
|          | Chris White (Owner)   | For     |
| <b>2</b> | <b>LPP1/22 DA/581/2020 - Alterations and Additions to Existing Warehouse and Strata Subdivision - 35E Sefton Road, Thornleigh</b> |         |
|          | Paul Hanson   | Against |
|          | Kellie Lintott  | Against |
|          | Dolores McIntyre  | Against |
|          | Ranjodh Sandhu  | Against |
|          | Evan Peters (Applicant)   | For     |
|          | Andrew Cowan (Consultant Planner)   | For     |
| <b>3</b> | <b>LPP7/22 DA/742/2021 - Construction of a Dwelling House on Proposed Lot 2 - 15 Pomona Street, Pennant Hills</b>                 |         |
|          | Sigrid Marden   | For     |
|          | Kerry Nash (Consultant Planner)   | Against |
|          | Pierre Blignaut   | Against |
|          | David Millard   | Against |
|          | Amita Maharjan  | Against |
|          | Mohit Sahni (Applicant)   | For     |

- 4 LPP10/22 DA/137/2021 - Further Report - Construction of a Dwelling House - 38A Malton Road, Beecroft**
- |  |         |
|--|---------|
| Jan Primrose (Spokesperson for PYSE Inc)                           | Against |
| John Inshaw (on behalf of the Galston Area Residents' Association) | Against |
| Trish Brown (Byles Creek Valley Union Inc)                         | Against |
| Peter Henderson (Applicant)  | For     |
- 5 LPP11/22 DA/161/2021 - Further Report - Construction of a Dwelling House - 38B Malton Road, Beecroft**
- |  |         |
|--|---------|
| Martin Xue   | Against |
| Jan Primrose (Spokesperson for PYSE Inc)                           | Against |
| John Inshaw (on behalf of the Galston Area Residents' Association) | Against |
| Trish Brown (Byles Creek Valley Union Inc)                         | Against |
| Peter Henderson (Applicant)  | For     |
| Claudia Crawley (Landscape for project)                            | For     |
- 6 LPP5/22 DA/838/2021 - Child Care Centre - 43 Edward Bennett Drive, Cherrybrook**
- |  |         |
|--|---------|
| Roman Goydych                            | Against |
| Calvin Zhang (on behalf of Daniel Luong) | Against |
| Gucun Li                                 | Against |
| Lily Gan                                 | Against |
| Suwendu Mukherjee                        | Against |
| Craig O'Brien                            | Against |
| Victor <u>Paul</u> Todd-Egglestone       | Against |
| Dheeraj Gautam (Applicant)               | For     |
| Scott Minor (Architect)                  | For     |

**IN ACCORDANCE WITH CLAUSE 3.3(5.b) OF SCHEDULE 1 OF THE OPERATIONAL PROCEDURES DIRECTIONS ISSUED 23 FEBRUARY 2018.**

The Panel Chair closed the public meeting at 6.32pm.

**1            LPP3/22    DA/1132/2021 - Construction of a Dwelling House - 6 Yallambee Road, Berowra**

**(DA/1132/2021)**

**RECOMMENDATION**

THAT Development Application No. DA/1132/2021 for construction of a dwelling house at Lot 1 DP 867365, No. 6 Yallambee Road, Berowra be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No LPP3/22.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including bulk and scale; visual impact to the Anembo Road and Yallambee Road streetscapes, removal of trees, inadequate provision of landscaped areas and replacement planting.

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.

**The reasons for this decision are:**

- The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, sunlight access, amenity or privacy.

**VOTING OF THE PANEL MEMBERS**

FOR:            Garry Fielding, Linda McClure, Mary-Lynne Taylor, Brian Scarsbrick

AGAINST:    NIL

**2            LPP1/22    DA/581/2020 - Alterations and Additions to Existing Warehouse and Strata Subdivision - 35E Sefton Road, Thornleigh**

**(DA/581/2020)**

**RECOMMENDATION**

THAT Hornsby Local Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/581/2020 for alterations and additions to an existing industrial building and strata subdivision at Lot 7 DP 1260122, No. 35E Sefton Road, Thornleigh subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP1/22.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including bulk and scale, visual impact, overshadowing, noise impacts, loss of on-site car parking, exacerbation of vehicle congestion on Sefton Road, and impact on property values.

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 (HLEP) and in accordance with clause 4.6(4) of the HLEP, is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Height of Buildings' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

**The reasons for this decision are:**

- The request under Clause 4.6 of *Hornsby Local Environmental Plan 2013* to contravene the 'Height of buildings' development standard is well founded. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention of the development standard.
- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The development is considered consistent with the State Government's 'A Metropolis of Three Cities' and 'North District Plan', by retaining industrial land and enabling further development that would serve a range of uses to support a growing population.
- The proposed development does not create unreasonable environmental impacts to adjoining development having regard to visual bulk, solar access, amenity or privacy considerations.
- As the original consent for 24/7 hours of operation has ceased in respect of the subject land, and with the hours of operation being confined to 7am-7pm Monday to Saturday and all loading and unloading being required to occur within the warehouse building, the amenity of the adjoining residential area will be appropriately protected.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Mary-Lynne Taylor, John Filocamo

AGAINST: NIL

**3 LPP7/22 DA/742/2021 - Construction of a Dwelling House on Proposed Lot 2 - 15 Pomona Street, Pennant Hills**

**(DA/742/2021)**

## RECOMMENDATION

THAT Development Application No. DA/742/2021 for the construction of a dwelling house at Lot 75 DP 660810, No. 15 Pomona Street, Pennant Hills be refused for the reasons detailed in Schedule 1 of LPP Report No. LPP7/22.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in written submissions and by the speakers at the meeting including building bulk and scale; overshadowing and privacy impacts; design not responding to slope of land and being inconsistent with the indicative footprint submitted with DA/677/2018; lack of screen planting to soften bulk; and tree loss.

The Panel resolved to adopt the officer's recommendation and refuse consent to the proposed development for the reasons detailed in Schedule 1 of the report.

### The reasons for this decision are:

- The proposal is not consistent with the aims of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 as it does not seek to appropriately preserve amenity through the preservation of trees and other vegetation.
- The proposal does not meet the desired outcomes of Part 3.1.1 Scale of the Hornsby Development Control Plan 2013 as the development does not comply with the prescriptive measures for floor area.
- The proposal does not meet the desired outcomes of Part 1C.1.4 Earthworks and Slope of the Hornsby Development Control Plan 2013 as it has not been designed to respect the natural landform characteristics of the land nor to maintain the amenity of adjoining properties.
- The proposal does not meet the desired outcomes of Part 3.1.6 Privacy of the Hornsby Development Control Plan 2013 as it has not been designed to provide reasonable privacy to adjoining properties.
- The proposal should be designed to be consistent with the approved subdivision (DA/677/2018) building envelope and maximise tree retention on the site.
- The proposal received significant community concern and the applicant is encouraged to consult with owners of adjoining properties when preparing any re-design.

## VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure, Mary-Lynne Taylor, John Filocamo

AGAINST: NIL

**4 LPP10/22 DA/137/2021 - Further Report - Construction of a Dwelling House - 38A Malton Road, Becroft**

## RECOMMENDATION

THAT Development Application No. DA/137/2021 for the construction of a dwelling house at Lot 3 DP 1226564, No. 38A Malton Road, Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP10/22.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including bulk and scale, flora and fauna impacts, tree removal, overshadowing and privacy impacts, earthworks, impacts on watercourse, bushfire and lack of replacement planting.

The Panel resolved to adopt the officer's recommendation and approve the proposed development as a *deferred commencement consent* subject to the conditions contained in Schedule 1 of the report and the following amendments:

*New condition A to read:*

### A. Deferred Commencement

- a) Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until a Landscape Plan prepared by a suitably qualified person is submitted to Council for written approval and complies with the following requirements:
  - i) The Landscape Plan must be consistent with the approved Integrated Bushfire and Vegetation Management Plan, prepared by Hunter Ecology, dated 27 April 2021.
  - ii) Tree numbering on the Landscape Plan must be consistent with tree numbering identified in the Arboricultural Impact Assessment ver. 12, prepared by McArdle Arboricultural, dated 27 April 2021.
- b) Such information must be submitted within **12 months** of the date of this notice.

Upon Council's written satisfaction of the above information, the following conditions of development consent apply:

*Amend condition No. 1 Approved Plans table to read:*

### 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*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
1725	Site Plan	Distinct	Dec 2020	

1 of 2		Innovations		
1725 2 of 2	Elevations, Floor Plans and Sections	Distinct Innovations	Dec 2020	
*	* Landscape Plan - as per deferred commencement condition A	*	*	*

*Note: \*Landscape Plan submitted in accordance with Deferred Commencement condition A. and approved by Council is the approved Landscape plan for the development.*

*Amend condition 3(a) to read:*

### **3. Removal of Trees**

- a) This development consent permits the removal of 6 trees numbered T8, T9, T10, T22, T225 and T26 as identified in the Arboricultural Impact Assessment prepared by McArdle Arboricultural Consultancy dated 29 November 2021.

*Amend condition No. 23 to read:*

### **23. Bushfire Management - Protection Zones**

At the commencement of building works the Inner Protection Zone as outlined within Appendix 4 of Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's document 'Standards for asset protection zones' must be in accordance with the following:

- a) Extend from the southern elevation of the dwelling house to the south for a distance of 37m.
- b) Extend from the western, eastern and northern elevations of the dwelling house to the lot boundaries.

*Note: Further information concerning Planning for Bushfire Protection can be found at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).*

#### **The reasons for this decision are:**

- Subject to the imposition of the deferred commencement condition the proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.
- Subject to the submission of a satisfactory landscape plan, the amended design is considered to be a more appropriate response to site conditions and the site's natural environment.

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

FOR: Garry Fielding, Linda McClure, Mary-Lynne Taylor, Barbra Wynn

AGAINST: NIL

**5 LPP11/22 DA/161/2021 - Further Report - Construction of a Dwelling House - 38B  
Malton Road, Beecroft**

**(DA/161/2021)**

## RECOMMENDATION

THAT Development Application No. DA/161/2021 for construction of a dwelling house at Lot 2 DP 1226564, No. 38B Malton Road, Beecroft be approved, subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP11/22.

## PANEL'S CONSIDERATION AND DETERMINATION

The Panel considered the matters raised in the written submissions and by the speakers at the meeting including bulk and scale, flora and fauna impacts, tree removal, overshadowing and privacy impacts, earthworks, impacts on watercourse, bushfire and lack of replacement planting.

The Panel resolved to adopt the officer's recommendation and approve the proposed development as a *deferred commencement* consent subject to the conditions contained in Schedule 1 of the report and the following amendments:

*New condition A to read:*

### A. Deferred Commencement

- a) Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until a Landscape Plan prepared by a suitably qualified person is submitted to Council for written approval and complies with the following requirements:
  - i) The Landscape Plan must be consistent with the approved Integrated Bushfire and Vegetation Management Plan, prepared by Hunter Ecology, dated 10 August 2021.
  - ii) Tree numbering on the Landscape Plan must be consistent with tree numbering identified in the Arboricultural Impact Assessment ver. 12, prepared by McArdle Arboricultural, dated 29 November 2021.
- b) Provide evidence that the existing drainage system has been designed and constructed in accordance with the approved subdivision, Development Consent No. DA/390/2016.
- c) Such information must be submitted within **12 months** of the date of this notice.

Upon Council's written satisfaction of the above information, the following conditions of development consent apply:

*Amend condition No. 1 Approved Plans table to read:*

### 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*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
1724 1 of 2	Site Plan	Distinct Innovations	1/12/2021	
1724 2 of 2	Elevations, Floor Plans and Sections	Distinct Innovations	1/12/2021	
*	* Landscape Plan - as per deferred commencement condition A	*	*	*

*Note: \*Landscape Plan submitted in accordance with Deferred Commencement condition A. and approved by Council is the approved Landscape plan for the development.*

*Amend condition No. 2 to read:*

## **2. Amendment of Plans**

- a) To comply with Council's requirement regarding privacy and to minimise the opportunity to overlook the private open space of the adjacent property (Lot 321 DP 861797), known as No. 40A Malton Road Beecroft, the approved plans are to be amended as follows:
- i) A 1.7m high privacy screen must be erected and maintained along the eastern elevation of the raised ground floor level alfresco area.
  - ii) A 1.7m high privacy screen must be erected and maintained along the eastern elevation of the basement plan patio area. The screen must extend the full depth of the patio from the rear of the dwelling to the post supporting the raised ground floor level alfresco area.
  - iii) The screen must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen.
- b) These amended plans must be submitted with the application for the Construction Certificate.

*Amend condition No. 25 to read:*

## **25. Bushfire Management - Protection Zones**

At the commencement of building works the Inner Protection Zone as outlined within Appendix 4 of Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's document 'Standards for asset protection zones' must be in accordance with the following:

- a) Extend from the southern elevation of the dwelling house to the south for a distance of 36m.
- b) Extend from the western, eastern and northern elevations of the dwelling house to the lot boundaries.

*Note: Further information concerning Planning for Bushfire Protection can be found at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).*

**The reasons for this decision are:**

- Subject to the imposition of the deferred commencement condition the proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.
- Subject to the submission of a satisfactory landscape plan, the amended design is considered to be a more appropriate response to site conditions and the site's natural environment.
- The required privacy screens will serve to appropriately protect the amenity of the adjoining dwelling house at No. 40A Malton Road Beecroft.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Mary-Lynne Taylor, Barbra Wynn

AGAINST: NIL

**6 LPP5/22 DA/838/2021 - Child Care Centre - 43 Edward Bennett Drive, Cherrybrook**

**(DA/838/2021)**

**RECOMMENDATION**

THAT Development Application No. DA/838/2021 for demolition of an existing dwelling and erection of a purpose-built child care centre for 60 children including basement parking and landscaping at Lot 704 DP 260293, No.43 Edward Bennett Drive, Cherrybrook be approved subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP5/22.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel considered the matters raised in the written submissions and by the speakers at the meeting, including bulk and scale, centre's number of children inappropriate in the locality, traffic and parking impacts, noise, privacy and amenity impacts, traffic and pedestrian conflicts including bus manoeuvrability, proximity to other childcare centres in the locality, and tree loss.

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 amendments:

*Amend condition No. 79(c) to read:*

**79. Noise Management - Ongoing**

- c) The operation of the Child Care Centre must be carried out in accordance with the

approved Plan of Management ref: V2.1 prepared by unknown author, dated October 2021 and to include the following requirements:

- i) Any complaints regarding the operation of the childcare centre must be directed to the manager and a log book of the date and time of the complaint, contact details of the person making the complaint and the nature of the complaint must be documented. This logbook must be readily available to Council; and
- ii) Contact details including a 24 hour telephone number must be provided on the childcare centre's website.

**The reasons for this decision are:**

- The proposed development generally complies with the requirements of the relevant environmental planning instruments, the Child Care Planning Guideline and the Hornsby Development Control Plan 2013. In particular, the Panel acknowledges the provisions of State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 which, in respect of the number of children, is determined by meeting the non-discretionary development standards, as this application does.
- Subject to the recommended conditions, it is considered that the proposed development does not create unreasonable environmental impacts within the locality with regard to visual bulk, overshadowing, solar access, amenity, privacy, noise, and vegetation preservation.
- Appropriate traffic conditions are recommended including the provision of a pedestrian refuge, noting that the refuge is subject to approval by the Local Traffic Committee.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Mary-Lynne Taylor, Barbra Wynn

AGAINST: NIL

**7 LPP8/22 DA/1188/2021 - Alterations and Additions to a Dwelling House - 14 Sutherland Road, Cheltenham**

**(DA/1188/2021)**

## RECOMMENDATION CONSENT

THAT the Hornsby Shire Council Local Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/1188/2021 for alterations and additions to a dwelling house at Lot 5 DP 17378, No. 14 Sutherland Road, Cheltenham subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP8/22.

## PANEL'S CONSIDERATION AND DETERMINATION

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 *HLEP* and in accordance with clause 4.6(4) of the *HLEP*, is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the 'Height of Buildings' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

*New condition No. 6A:*

### 6A. Re-use of existing roof tiles

- a) To maintain the existing streetscape, the roof of the new addition must utilise the existing roof tiles on the Sutherland Road frontage.
- b) Details to be provided prior to issue of the Construction Certificate

### The reasons for this decision are:

- The request under Clause 4.6 of Hornsby Local Environmental Plan 2013 to contravene the 'Height of buildings' development standard is well founded. Strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case and sufficient environmental planning grounds have been submitted to justify the contravention to the development standard.
- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.

## VOTING OF THE PANEL MEMBERS

FOR: Garry Fielding, Linda McClure, Barbra Wynn

AGAINST: NIL

**8 LPP9/22 DA/1258/2021 - Strata Subdivision of 1 lot into 3 - 33 Copeland Road, Beecroft**

**(DA/1258/2021)**

**RECOMMENDATION CONSENT**

THAT the Hornsby Shire Council Local Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/1258/2021 for the subdivision of one Torrens title allotment into three strata title lots at Lot 34 DP 1208064, No. 33 Copeland Road Beecroft subject to the conditions of consent detailed in Schedule 1 of LPP Report No. LPP9/22.

**PANEL'S CONSIDERATION AND DETERMINATION**

The Panel considered the Clause 4.6 submission and is not 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 (HLEP). Furthermore, in accordance with clause 4.6(4) of the *HLEP*, the Panel is not satisfied that the proposed development will be in the public interest because it has not been demonstrated through the Clause 4.6 submission that it is consistent with the objectives of the 'Minimum subdivision lot size for strata plan schemes in certain zones' development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Accordingly, the Panel resolved to:

1. Defer the determination of the application and require the preparation of a revised Clause 4.6 request that adequately addresses the relevant matters in Clause 4.6 with respect to the development standard proposed to being varied.
2. Delegate to the Director, Planning and Compliance and the Manager, Development Assessments of the Council the power to make a determination of the application as the consent authority.

**VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Mary-Lynne Taylor

AGAINST: NIL

**9 LPP12/22 Reporting of Development Applications for determination by the Hornsby Local Planning Panel over 180 days**

## **RECOMMENDATION**

THAT the contents of LPP Report No. LPP12/22 be received and noted.

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

The Panel resolved to receive and note the report.

## **VOTING OF THE PANEL MEMBERS**

FOR: Garry Fielding, Linda McClure, Barbra Wynn, Brian Scarsbrick, John Filocamo

AGAINST: NIL

The Panel's meeting concluded at 9.00pm.



**Chairperson**