

MINUTES OF PLANNING MEETING

Held at COUNCIL CHAMBERS, HORNSBY
on Wednesday, 19 November, 2008
at 6:41 pm

PRESENT

Councillors Evans - Chairperson (until 7.50 pm), Berman - Chairperson (from 7.50 pm), Browne, Chopra, Evans, Hutchence, Martin, McMurdo, Mills, Russell and Smart.

NOTE: Councillor Berman arrived at the meeting at 7.50 pm and took the chair. He was not present for Apologies, Declarations of Interest, Confirmation of Minutes, Items Passed by Exception and Item 4.

NOTE: Councillor Chopra left the meeting at 7.22 pm during discussion of Item 4. He was not present for discussion or voting on Items 1, 2, 4, 5, 8 and 12

NATIONAL ANTHEM

OPENING PRAYER

Rev. Colin Watson, from St Stephen's Anglican Church Normanhurst, opened the Meeting in prayer.

This is page 1 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 19 November, 2008.

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson:

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

ABORIGINAL RECOGNITION

Statement by the Chairperson:

"We recognise the traditional inhabitants of the land we are meeting on tonight, the Darug and Guringai Aboriginal people, and respect is paid to their elders and their heritage."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purpose of assisting in the accuracy of the Minutes. The recordings may be accessed by members of the public once the Minutes have been finalised and speakers are requested to ensure their comments are relevant to the issue at hand and refrain from making personal comments or criticisms."

APOLOGIES

Nil.

DECLARATIONS OF INTEREST

COUNCILLOR SMART declared a non-significant non-pecuniary interest in Item 3 - Development Application - Industrial development comprising 21 warehouse units, signage, Strata subdivision and first use 8 - 20 Mundowi Road Mount Kuring-gai. Refer to that Item for details.

CONFIRMATION OF MINUTES

This is page 2 of the Minutes of the Planning Meeting of Hornsby Shire Council held on 19 November, 2008.

RESOLVED ON THE MOTION OF COUNCILLOR CHOPRA, seconded by COUNCILLOR MILLS,

THAT the Minutes of the Planning Meeting held on Wednesday 5 November 2008 be confirmed, a copy having been distributed to all Councillors.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL.

PETITIONS

Nil.

MAYORAL MINUTES

12 MM07/08 LAND ACQUISITIONS - MALTON ROAD, BEECROFT (F2008/00655)

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR EVANS,

THAT:

1. Council adopt the recommendations contained in confidential Mayoral Minute No. MM7/08.
2. A further report be prepared for Council's consideration outlining options for both the funding of the remaining lands in the Byles Creek area which may be subject to compulsory land acquisition and Council's commitment to land acquisitions generally.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL.

NOTE: This matter was dealt with in Confidential Session. Refer to "CONFIDENTIAL ITEMS" in these Minutes.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

MATTERS OF URGENCY

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GENERAL MANAGER

CHAIRMAN

Nil.

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

THE DEPUTY MAYOR ANNOUNCED his intention to deal with the balance of the Business Paper by the exception method and announced the items.

Items 1, 2, 4, 5 and 8 were withdrawn for discussion.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MILLS,

THAT the recommendations in respect of Items 3, 6, 7, 9, 10 and 11 be adopted.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART.

AGAINST: NIL.

For the sake of clarity, the above items are recorded in Agenda sequence.

Note: Persons wishing to address Council on matters which were on the Agenda were permitted to speak, prior to the item being discussed, and their names are recorded in the Minutes in respect of that particular item.

DEVELOPMENT APPLICATIONS

A WARD DEFERRED

Nil.

A WARD

- 1 PLN216/08 Development Application - Demolition of outbuildings, alteration to the existing dwelling and subdivision of one allotment into two allotments - 20 Nyara Road Mt Kuring-gai**

(DA/552/2008)

Mr Jeff Spencer, of Mt Kuring-gai, addressed Council regarding this item.
Ms Sandra Jones, of Mt Kuring-gai, addressed Council regarding this item.
Ms Melanie Angstmann, of Mt Kuring-gai, addressed Council regarding this item.
Mr Roland Briefrel, of Mt Kuring-gai, addressed Council regarding this item.
Ms Lintia Agosti, of Mt Kuring-gai, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR SMART, seconded by COUNCILLOR BROWNE,

THAT Council adhere to its previous decision to refuse Development Application No. 552/08 for the demolition of outbuildings, alteration to the existing dwelling and subdivision of one allotment into two allotments at Lot 27 DP 6358, No. 20 Nyara Road, Mt Kuring-gai due to concerns regarding the non-compliance of the driveway access, the gum tree on the neighbouring property, solar access to the neighbouring property at the rear of the block and drainage issues.

AN AMENDMENT WAS MOVED BY COUNCILLOR EVANS, seconded by COUNCILLOR RUSSELL,

THAT consideration of Development Application No. 552/08 for the demolition of outbuildings, alteration to the existing dwelling and subdivision of one allotment into two allotments at Lot 27 DP 6358, No. 20 Nyara Road, Mt Kuring-gai be deferred to enable the information provided by the applicant to be reviewed and its accuracy verified.

THE AMENDMENT MOVED BY COUNCILLOR EVANS, seconded by COUNCILLOR RUSSELL, WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR SMART, seconded by COUNCILLOR BROWNE, WAS PUT AND CARRIED.

FOR: COUNCILLORS BROWNE, HUTCHENCE, MARTIN, MCMURDO,
MILLS AND SMART.

AGAINST: COUNCILLORS BERMAN, EVANS AND RUSSELL.

NOTE: A Rescission Motion in respect of this Item was lodged prior to finalisation of these Minutes. The Rescission Motion will be considered by Council at the 3 December 2008 Planning Meeting.

2 PLN220/08 Development Application - Construction of a new multi-purpose hall, office and store room for use as a place of worship - 3 Amor Street Asquith

(DA/977/2007)

Mr Eric Armstrong, on behalf of the Asquith Church of Christ, addressed Council regarding this item.

MOVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR EVANS,

THAT consideration of Development Application No. 977/2007 for the demolition of part of the existing church offices and hall and construction of a new multi-purpose hall, office and store room for use as a place of worship at Lot 1 DP 136101 and Lot 39 DP 12901, No. 3 Amor Street Asquith be deferred to allow the applicant to address the issues associated with landscaping, floor space ratio and car parking.

AN AMENDMENT WAS MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR MARTIN,

THAT Development Application No. 977/2007 for the demolition of part of the existing church offices and hall and construction of a new multi-purpose hall, office and store room for use as a place of worship at Lot 1 DP 136101 and Lot 39 DP 12901, No. 3 Amor Street Asquith be refused for the following reasons:

1. The proposal is unsatisfactory in respect to the provisions of Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979, as the proposal does not comply with the requirements of the Community Uses Development Control Plan, in particular, the element controls for density, landscaping and carparking.
2. The proposal is unsatisfactory in respect to the provisions of Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979, as the proposal does not comply with the requirements of the Car Parking Development Control Plan, in particular, the element control for parking provision, which requires a minimum of 48 car parking spaces.
3. Pursuant to the provisions of Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979, the adverse impacts on the proposed development on the amenity of the adjoining properties is not in the public interest.

THE AMENDMENT MOVED BY COUNCILLOR MCMURDO, seconded by COUNCILLOR MARTIN, WAS PUT AND LOST.

THE MOTION MOVED BY COUNCILLOR RUSSELL, seconded by COUNCILLOR EVANS, WAS PUT AND CARRIED.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, HUTCHENCE, MILLS, RUSSELL AND SMART.

AGAINST: COUNCILLORS MARTIN AND MCMURDO.

3 PLN221/08 Development Application - Industrial development comprising 21 warehouse units, signage, Strata subdivision and first use

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NOTE: COUNCILLOR SMART declared a non-significant non-pecuniary interest in this item under Clause 51A of Council's Code of Meeting Practice (see Declarations of Interest in these Minutes). As stated on the Declaration of Interest form by COUNCILLOR SMART, the nature of the interest was "I was asked to quote on work at the site, my equipment was not suitable for works.", and the explanation of why the interest does not require further action in the circumstances was "I have no work agreement with the applicant, now or for the future". COUNCILLOR SMART remained present for discussion and voting on the item.

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MILLS,

THAT Development Application No. 600/2008 for an industrial development comprising 21 warehouse units, signage, strata subdivision and first use at Lots 57, 58 and 1071 DP 752053 Nos. 8 – 20 Mundowi Road, Mount Kuring-gai be approved subject to the following conditions:

PART 1 – DEFERRED COMMENCEMENT

THE CONSENT SHALL NOT BECOME EFFECTIVE OR OPERATIVE UNTIL THE INFORMATION SPECIFIED IN PART 1 HAS BEEN SUBMITTED TO THE SATISFACTION OF COUNCIL.

- A. Documentary evidence of registration of the subdivision of No. 8-20 Mundowi Road and the registration of the allotment.

PART 2

UPON NOTICE OF COUNCIL'S WRITTEN SATISFACTION THAT THE DEFERRED COMMENCEMENT CONDITION IN PART 1 HAS BEEN ENACTED THIS CONSENT SHALL OPERATE IN ACCORDANCE WITH THE FOLLOWING CONDITIONS

GENERAL CONDITION APPLICABLE TO ALL STAGES

Approved Plans and Supporting Documentation

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

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
Ground Plan DA03-K	Gelder	2/10/2008
Sediment and Erosion Control Plan DA03-H	Gelder	2/10/2008
Site Plan DA01-H	Gelder	16/07/2008
Lower Ground Floor plan DA02-H	Gelder	16/07/2008
Ground Floor plan DA03-H	Gelder	16/07/2008
First Floor plan DA04-H	Gelder	16/07/2008
Mezzanine Floor Plan DA05-	Gelder	16/07/2008

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Roof plan DA06-H	Gelder	16/07/2008
Elevations DA07-H	Gelder	16/07/2008
Elevations DA08-H	Gelder	16/07/2008
Sections DA09-H	Gelder	16/07/2008
Perspectives DA10-H	Gelder	16/07/2008
Landscape Plan DA11-B	Gelder	9/05/2008
Stormwater details –S08062 St 1/2	Neilly Davies	2/10/2008
Stormwater details –S08062 St 2/2	Neilly Davies	16/07/2008

<i>Documents</i>	<i>1. Drawn by</i>	<i>2. Date</i>
Soil and Water management Statement	ATR Projects	2/10/2008
Environmental Management Plan	Gelder	4/06/2008
Schedule of Finishes	ATR Projects	12/05/2008
Statement of Environmental Effects	Gelder	12/05/2008

PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

Access Report

- An Access Report prepared by an accredited Access Consultant and complying with Council's Access and Mobility Development Control Plan, Australian Standard 1428 Parts 1 and 4 and the Building Code of Australia shall be submitted to Council.

Road Works

- Construction at the property boundary, including fences and driveways, must not be carried out until footpath levels have been determined by Hornsby Council. The footpath levels must be obtained from Council.
- A Traffic Control Plan (TCP), prepared by a qualified work site traffic controller, is to be submitted with any construction certificate, demonstrating compliance with the Road & Traffic Authority's Traffic Control At Worksites Manual, 1998, and detailing:-
 - Public notification of proposed works.
 - Long term signage arrangement.
 - Short term (during actual works) signage.
 - Vehicle Movement Plans, where applicable.
 - Traffic Management Plans.
- A certificate from a chartered civil engineer must be obtained verifying that the structures associated with the on-site detention system have been designed to

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withstand all loads likely to be imposed on them during their lifetime.

6. The planting schedule within the Landscaping Plan prepared by Gelder Architects shall be amended to include *Angophora hispida* and replace *Banksia integrifolia* with locally occurring *Banksia serrata*.

Design and Construction

7. The proposed buildings are required to improve ember protection from bushfires by incorporating the following:
 - Screen all openings (excluding roof tile spaces) with non combustible screening (bronze or corrosion resistant steel) with a maximum aperture size of 2.00 mm. Screens shall be placed over the openable part of the window.
 - Vents and weepholes shall be screened with corrosive resistant steel with an aperture not greater than 2.0 mm.
 - External doors are to be sealed with draft excluders to prevent the entry of embers.
 - The sub-floor shall be enclosed with either corrosion resistant steel mesh with an aperture size of 2.0 mm or non-combustible material, to prevent the entry of embers.
 - Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the building.

The details of the above requirements are to be indicated in the construction certificate plans.

Sydney Water – Quick Check

8. The application must be submitted to a *Sydney Water* ‘Quick Check Agent’ or ‘Customer Centre’ for approval to determine whether the development will affect any *Sydney Water* infrastructure and whether further requirements are required to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

AT THE COMMENCEMENT OF SITE WORKS

Building Code of Australia

9. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.
10. In order to protect the proposed development from flood inundation, access from the Community Road (Woodland Way) shall be constructed in the following manner:
 - a) The boundary of the subject site at the access driveway must be graded up by 4

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per cent from the existing top of kerb; which is 120 mm higher the existing top of kerb level in community road fronting the driveway.

b) A lay back shall be provided.

11. The commercial vehicular crossings shall be designed and constructed in accordance with Council's Civil Works - Design and Construction Specification 2005.

Parking and Loading Area

12. The designed and construction of commercial vehicular crossings to facilitate turning movement for Medium Rigid Vehicles shall be in accordance with AS 2890.2 and Council's Civil Works - Design and Construction Specification 2005.

Drainage

13. Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities for an average recurrence interval of 20 years. The design shall: -

a) Be in accordance with Hornsby Shire Council Civil Works – Design Specification 1999.

b) Provide for drainage discharge to the existing drainage system.

c) Ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.

14. The drainage system is to be constructed with an on-site-detention system, having a capacity of not less than 25 m³ and a maximum discharge, when full, of 30 l/s. The system shall be designed by a chartered professional civil engineer to the following requirements:

a) A surcharge/inspection grate is to be located directly above the outlet.

b) Stormwater discharge from the detention system is to be controlled via a one metre length of pipe not less than 50mm diameter discharging into a larger diameter pipe capable of carrying the design flow to Council's gutter/stormwater pit.

c) Where the on-site detention system is proposed under the vehicular driveway, the engineer is to certify that the detention tank is structurally capable of withstanding the maximum anticipated traffic loads.

15. All stormwater runoff generated from this development site shall be collected and connected to the Gross pollutant device (GPD). The GPD shall discharge the treated stormwater runoff into the On Site Detention system.

16. Any catch drain at the rear of the site shall not be altered in order to prevent flood

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inundation from the adjacent rear property.

17. The applicant is to ensure that no building materials, stockpiles or fill encroaches upon adjacent bushland or retained trees for the duration of the works.
18. Prior to commencement of works, a temporary protection fence (i.e. start picket and wire fence or highly visible plastic mesh barrier fence) shall be installed along the edge of the north eastern boundary of the site in order to delineate the development from adjacent bushland. The fence is to be adequately maintained throughout the duration of on-site works.
19. All landscape works shall meet the minimum construction standards identified in the Hornsby Shire Council Landscape Code.
20. Dust control measures must be utilised to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.
21. Disturbed areas shall be rehabilitated and treated by approved methods of erosion mitigation such as mulching with preferably indigenous plant species or other suitable approved stabilising processes within fifteen days of the completion of works.

Sediment and Erosion Control

22. Sedimentation and erosion barriers are to be constructed to control the discharge of sediment from the site. The barriers are to be designed and installed in accordance with the requirements of Landcom's "Managing Urban Stormwater: Soils and Construction", Volume 1, 4th Edition, March 2004, (the Blue Book), and Hornsby Shire Council's "Sustainable Water Best Practices" manual and must be effectively maintained at all times during the course of construction and must not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Erection of Construction Sign

23. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work;
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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Hours of Construction

24. In order to maintain the amenity of adjoining properties, site works must be restricted to between 7.00 am and 6.00 pm, Monday to Friday and 8.00 am to 1.00 pm Saturday. Site works may extend to 4.00 pm on Saturdays if inaudible on residential properties. No work must be undertaken on Sundays or public holidays. Plant, goods or materials must not be delivered to the site outside the approved hours of site works unless otherwise approved by Council.

Damage to Council Assets

25. The repair of any damage caused to Council's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be completed to Council's requirements at no cost to Council.

Asset Protection Zone

26. At the commencement of building works the property to the east of the building to a distance of 9 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones.'

Landscaping

27. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:
- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways
 - Grassed areas/mowed lawns/or ground cover plantings being provided in close proximity to the building
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

28. The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council to ensure the continued maintenance and performance of the stormwater management system in accordance with Council's standard wording. The position of the on-site detention system is to be clearly indicated on the final plan of subdivision.
29. A compliance certificate is to be submitted to Council which includes work-as-executed details of the on-site-detention system prepared by a chartered engineer/registered surveyor verifying that the required storage and discharge

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volumes have been constructed in accordance with the design requirements. The details are to show the invert levels of the on system as well as the pipe sizes and grades. Any variations to approved plans must be shown in red and supported by calculations.

30. The two “Small car only” spaces shall be clearly marked on ground with white paint.
31. To maintain local tree canopy cover, a minimum of ten (10) medium to large trees such as *Angophora costata* (Sydney Red Gum), *Eucalyptus punctata* (Grey Gum), *Eucalyptus haemastoma* (Scribbly Gum) and *Banksia species* are to be planted on the subject site. The planting location shall not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The pot size is to be a minimum 25 litres and the tree/s must be maintained and protected until they reach the height of 3 metres.

South Western boundary screen planting

32. To ensure adequate screen planting is provided along the front boundary of the site (Woodland way) planting to the on-grade landscape setback zone shall include an additional:
 - 20 *Banksia spinulosa* planted in mulched planter beds.
 - 20 *Leptospermum polygalifolium* planted in mulched planter beds.
 - 20 *Grevillea liearfolia* planted in mulched planter beds.
 - 60 *Lomandra longifolia* planted in mulched planter beds.

South Eastern boundary screen planting

33. To ensure adequate screen planting is provided along the side boundary of the site (Mundowi Road) planting to the on-grade landscape setback zone shall include an additional:
 - *Angophora costata* planted in mulch planter beds.
 - 20 *Grevillea liearfolia* planted at 2 metres centres in mulched planter beds.
 - 20 *Grevillea liearfolia* planted at 2 metres centres in mulched planter beds.
 - 40 *Lomandra longifolia* planted in mulched planter beds.

All shrubs to be installed at minimum pot size of 5 litres.

North Western boundary planting

34. To ensure adequate planting is provided to side boundary planting to the on-grade landscape setback zone shall include an additional:
 - 15 *Allocasuarina torulosa* planted 5 metres centres in mulch planter beds.
 - 15 *Acacia linifolia* planted at 10 metres centres in mulched planter beds.

All shrubs to be installed at minimum pot size of 5 litres.

North Eastern boundary planting

35. To ensure adequate planting is provided to side boundary planting to the on-grade landscape setback zone shall include an additional:
- 10 *Elaeocarpus reticulatus* planted 5 metres centres in mulch planter beds. Trees to installed minimum pot size of 5 litres.

PRIOR TO THE RELEASE OF THE OCCUPATION CERTIFICATE

36. A certificate from a chartered civil engineer/registered surveyor must be obtained prior to release of final occupation certificate verifying that the on-site detention system will function hydraulically in accordance with the approved design plans.

Waste Management

37. Prior to the issue of the occupation certificate, documentary evidence (ie. tipping dockets/receipts from recycling depots, transfer stations and landfills) and a summary report of actual destinations and quantities of waste generated by the works carried out under this development consent should be submitted to Council's satisfaction. This summary report is to be based on and be in the format of the Waste Management Plan Section One – Demolition Stage and/or Section Three – Construction Stage. If less than 60% waste was reused or recycled, then the summary report must include the reasons why the 60% target was not achieved.

Survey Reports

38. To ensure that the building is being erected in accordance with the approval, a registered surveyor's report must to be submitted to the principal certifying authority prior to the release of the occupation certificate certifying that:
- a) the building, retaining walls and the like, have been correctly positioned on the site; and
 - b) the finished floor level(s) are in accordance with the approved plans.

Section 94 Contributions

39. The payment of a contribution of \$ 139,842.86 for 21 industrial units, towards the cost of transport and traffic management, open space and recreation facilities, library and community facilities, bushland regeneration, stormwater drainage, civic improvements and section 94 plan administration in accordance with sections 94, 94A and 94C of the Environmental Planning and Assessment Act, 1979 and the Hornsby Shire Council's Development Contributions Plan 2007-2011. The contribution is based on a rate of \$1981.90 per employee calculated at 50 sqm gross floor area per employee, prior to the issuing of the **Occupation certificate**. The contribution will be adjusted in accordance with the underlying consumer price index for the subsequent financial quarters.

Note 1: It is recommended that you contact Council on 9847 6030 to ascertain the

indexed value of contributions prior to payment.

Note 2: Council's Contribution Plan can be viewed at www.hornsby.nsw.gov.au/Building & Development, or a copy may be inspected during business hours at the first floor of Hornsby Shire Council's Administration Building located at No. 296 Pacific Highway, Hornsby.

Use of the Premises

40. The approved development must be occupied or used solely for the approved use as indicated in the Statement of Environmental Effects. No separate occupation or use of any part of the approved development shall take place without prior development consent, (other than for exempt or complying development).

Operating Hours

41. The operating hours of the premises would be 7:00am to 6:00pm Monday to Friday and 8:00am to 4:00pm Saturday. No proposed works are to be undertaken on Sunday or public holidays.

Signage

42. No signage would be erected on the premises apart from that approved under this development application. Any other signage requires further approval except exempt or complying development.

Traffic

43. All deliveries shall be made within the site, under no circumstances delivery vehicles to be loaded or unloaded upon the public road.
44. All vehicles shall enter and exit the site in forward direction.
45. Parking spaces shall not be used for storage of goods or materials.

Tree Planting

46. The landscape works shall be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design.
47. All Dangerous Goods shall be stored in accordance with *AS 1940-2004: The Storage and Handling of Flammable and Combustible Liquids (Standards Australia, 1993)*; and/or *The Protection of the Environment Operations Act 1997*.
48. A sufficient supply of appropriate spill control equipment must be kept on the premises at all times. Materials used in the clean up of a spill must be disposed of to an appropriately licensed waste facility.
49. All above ground storage's of hazardous materials, oils, chemicals or fertilisers must

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be banded. The bund is to be made from an impervious material and must be covered and large enough to hold the contents of the largest container plus 10%.

50. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

Water and Utilities

51. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of the Planning for Bushfire Protection 2006:
- Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1 – 2005 ‘Fire Hydrant Installations’.
 - Fire Hydrants shall not be located within any road carriageway.
 - Where the rear or most distant part of a proposed building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1-2005 ‘Fire Hydrant Installations’. Locations of fire hydrants are to be delineated by blue pavement markers offset 150 mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

1. The Environmental Planning and Assessment Act, 1979 requires you to:
 - a) Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council’s Customer Service Centre on 4645 4608;
 - b) Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works;
 - c) Give Council at least two days notice prior to the commencement of any works;
 - d) Have mandatory inspections of nominated stages of the construction inspected;
 - e) Obtain an occupation certificate before occupying any building or commencing

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the use of the land.

Long Service Levy

2. Under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and must be paid to either the Long Service Payments Corporation or Hornsby Shire Council. Under Section 109F (1) of the Environmental Planning & Assessment Act, 1979 this payment must be made prior to a construction certificate being issued. (*clause 98(1) (b) of the Environmental Planning and Assessment Regulation. 2000.*)

Road works

3. A separate application under the Local Government Act 1993 and Roads Act 1993 shall be submitted to Council for approval for the following:
 - the installation of a vehicular footway crossing servicing the development, and the removal of any redundant crossings.
 - a construction certificate must be obtained from Council in order to carry out work on the Public road. Payment of fee for the issue of Construction Certificate and Compliance Certificate is required prior to commencement of work.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,
MCMURDO, MILLS, RUSSELL AND SMART.

AGAINST: NIL.

B WARD DEFERRED

Nil.

B WARD

- 4 **PLN213/08 Development Application - Alterations and additions to an existing community facility and use by the 'Hornsby Woodworking Men's shed' - Headen Park 3X Sinclair Avenue, Thornleigh**

(DA/542/2008)

Mr Bruce Stuckey, of Thornleigh, addressed Council regarding this item.

Mr Martin Fox, of Thornleigh, addressed Council regarding this item.

Mr Brian Hart, on behalf of the Hornsby Woodworking Men's Shed, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR MILLS, seconded by COUNCILLOR HUTCHENCE,

THAT:

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GENERAL MANAGER

CHAIRMAN

1. Consideration of Development Application No. 542/2008 for alterations and additions to an existing community facility and use of that facility by the 'Hornsby Woodworking Men's Shed' at Lot 47, DP 35569, No. 3X, Sinclair Avenue, Thornleigh (Headen Park) be deferred to allow investigation into:
 - a. An alternate building design that is of a more regular rectangular shape.
 - b. The installation of lighting and landscaping which reduces the opportunity for antisocial behaviour.
 - c. The hours of operation.
 - d. The potential impact of stormwater on adjoining properties.
2. A further report be prepared for Council's consideration no later than the first Planning Meeting in March 2009.

FOR: COUNCILLORS BROWNE, EVANS, HUTCHENCE, MARTIN,
MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL.

**5 PLN217/08 Development Application - Modification to an approved
Garage - 22 Paul Close, Hornsby Heights**

(DA/1366/2007/A)

Mr Craig Burkill, of Hornsby Heights, addressed Council regarding this item.
Mr Glen Donnelly, of Hornsby Heights, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by
COUNCILLOR EVANS,

THAT Development Application No. 167/2007/A for modifications to an approved garage at Lot 3, DP 247109 (No. 22) Paul Close, Hornsby Heights be approved subject to the following conditions:

Amendment to the description of the proposal:

“Erection of two level garage and a deck”

Addition of the following conditions:

Approved Plans and Supporting Documentation

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

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
1/3, 2/3,3/3	Not shown	August 2008
Shadow diagram – not numbered	Milton J Brown	16/9/2008

33. The proposed 1.8m high privacy screen along the southern side of the roof-top deck is to incorporate solid or horizontal louvered screening of opaque design, angled in such a way as to prevent a direct line of sight of the adjacent property at No. 24 Paul Close.

Advisory Note –As the site is located in a bushfire prone area, the privacy screen must be constructed in accordance with the relevant bushfire protection requirements.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, HUTCHENCE, MARTIN,
MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL.

**6 PLN222/08 Development Application - Educational establishment
(Dulkara Adult Day Care) - 118 Franklin Road Cherrybrook**

(DA/878/2008)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MILLS,

THAT Development Application No. 878/2008 for the demolition of existing buildings, staged construction of an educational establishment (Dulkara Adult Day Centre) and associated landscaping works at Lot 12 DP 16975, No. 118 Franklin Road, Cherrybrook be approved subject to the following conditions:

Approved Plans and Supporting Documentation

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

Architectural Plans by PMDL Architecture & Design

<i>Plan No.</i>	<i>Title</i>	<i>Rev</i>	<i>Dated</i>
DA101	Site Plan	C	27 June 2008
DA102	Demolition Plan	C	27 June 2008
DA103	Roof Plan	C	27 June 2008
DA104	Elevations	C	27 June 2008
DA105	Sections	C	27 June 2008
DA106	Ground Floor Plans (Part A & B)	C	27 June 2008

Landscape Plans by Material

<i>Plan No.</i>	<i>Title</i>	<i>Rev</i>	<i>Dated</i>
08-0009-01	Landscape Plan	A	26 August 2008
08-0009-02	Planting Plan	A	26 August 2008

Hydraulic Services Plans by Sydney All Services Pty Ltd

<i>Plan No.</i>	<i>Title</i>	<i>Rev</i>	<i>Dated</i>
H01	Hydraulic Services Site Plan	C	June 2008
H02	Sediment & Erosion Control Plan	A	June 2008
H03	Hydraulic Services Details	A	June 2008

Tree Location Plans by Urban Tree Management

<i>Plan No.</i>	<i>Title</i>	<i>Rev</i>	<i>Dated</i>
Appendix I	Survey of Subject Trees	-	9 June 2008
Appendix J.1	Tree Protection Plan	-	9 June 2008
Appendix J.2	Tree Protection Plan	-	9 June 2008

Supporting Documents

<i>Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
Schedule of Finishes	PMDL Architecture & Design	Undated

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Access Report	Blythe-Sanderson Group	6 June 2008
EMR Appraisal Report	EMR Australia Pty Ltd	25 November 2006
Waste Management Plan	John Wilshire	27 June 2008
Arboricultural Assessment	Urban Tree Management	9 June 2008

Note: This development consent does not provide for any signage. A separate development application must be submitted for any proposed signage for the Centre.

Hours of Use

2. The hours of use are to be restricted to Monday to Friday, 7.00am to 6.00pm.

No. of Clients

3. The maximum number of clients on site at any one time is limited to 60 persons. No increase in clients beyond this level shall occur without the consent of Council.

Roadworks

8. In order to provide for pedestrian and vehicular traffic generated by the development the following works to be undertaken at the Applicant's cost:
 - (a) The existing dish drain across the entire frontage of the development shall be removed and reconstructed with Council's standard 150mm integral kerb and gutter, except for that part of the frontage within 4m of the significant street trees, which shall be constructed with Council's standard asphaltic concrete kerb;
 - (b) To ensure a smooth kerb transition from the southern side 4.0m wide footpath verge to the 3.5m wide footpath verge north of the site, the kerb design shall include a suitable reverse curve with radii at least 12.0m. Where required, adjacent vehicular crossings shall be adjusted to suit the design;
 - (c) In order to match with the pavement in the public road, the Applicant shall remove and reconstruct at least the nearest 600 mm of road pavement across the site frontage, with grades and levels designed in accordance with Council's standard;
 - (d) The footpath shall, where possible, be grade up between the top of the kerb and the boundary at 2-4%;
 - (e) Pursuant to the *Roads Act 1993*, these works, once approved shall be supervised by and constructed to the complete satisfaction of Hornsby Shire Council's Manager, Subdivisions prior to the release of any Occupation Certificate;

Footpath

9. A 1.2m wide concrete footpath shall be designed and constructed across the full frontage to Franklin Road in accordance with Hornsby Shire Council's Civil Works

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Redundant Crossings

10. Redundant crossings shall be removed and reinstated to Hornsby Shire Council's standard kerb and gutter.

Traffic Control

11. A Traffic Control Plan (TCP), prepared by a qualified work site traffic controller, is to be submitted with any construction certificate, demonstrating compliance with the Road & Traffic Authority's Traffic Control At Worksites Manual, 1998, and detailing:
 - (a) Public notification of proposed works.
 - (b) Long term signage arrangement.
 - (c) Short term (during actual works) signage.
 - (d) Vehicle Movement Plans, where applicable.
 - (e) Traffic Management Plans.
 - (f) Pedestrian and cyclist access/safety.

The cost of repairing any damage caused to Council's assets in the vicinity of the subject site as a result of construction works associated with the approved development is to be paid for by the applicant/developer prior to issue of any occupation certificate.

Drainage

12. Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities for an average recurrence interval of 20 years. The design shall:
 - (a) Be in accordance with Hornsby Shire Council Civil Works – Design Specification 2005;
 - (b) Provide for drainage discharge to an existing Council controlled drainage system;
 - (c) Ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
 - (d) Be submitted for consideration with the construction certificate plans.

Overland Flow

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13. An open swale is to be designed to cater for the ephemeral watercourse adjacent to the buildings, courtyard, car stand and driveway areas. The swales are to be able to carry the 100 year average recurrence interval (ARI) storm flow. In order to prevent stormwater inundation of the developing areas, the existing and proposed buildings shall be located outside the flooded extent of the 100 year average recurrence interval (ARI) storm flow.

Headwall Construction

14. All headwall outlets shall incorporate flow velocity reduction controls (i.e. bedded boulders and small stones) to minimise erosive and scouring impacts to the watercourse. Accordingly, energy dissipator controls shall be landscaped to accommodate outlet sheet flow (forced jump). No engineering works are permitted within the bed of the watercourse.

On-Site Detention

15. An on site detention (OSD) system is to be provided and designed and constructed in accordance with the following requirements:
 - (a) The system shall drain all roofing, driveway and landscape areas in accordance with Hornsby Shire Council's Design and Construction Specification 2005. The developed 20 year average recurrence interval (ARI) flow shall be restricted to the 5 year ARI predevelopment flow rate;
 - (b) Where an OSD system is proposed under a vehicular driveway, the Engineer is to certify that the detention tank construction is structurally capable of withstanding the maximum anticipated traffic load;
 - (c) Calculations, details and hydrology of the upstream catchment shall be prepared by a suitably qualified and Chartered Engineer and included on Construction Certificate plans;
 - (d) The outlet discharge shall be a slow control discharge (i.e. riser or a sheet flow spillway) designed to discharge at peak flow of a 20 year frequency storm. Trash collection screening filters should be installed at the inlet of the basin.

Easements & Restrictions on Title

16. Any easement(s) or restriction(s) on Title required by this consent must nominate Hornsby Shire Council as the authority to release, vary or modify the easement(s) or restriction(s).
17. In regard to the On-Site Detention system, the following requirements are to be completed prior to release of the Occupation Certificate:
 - (a) Upon completion of the OSD works, Work-as-Executed (WAE) plans shall be prepared by the consulting Engineer/Registered Surveyor to verify that the

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volume of storage has been attained and that critical water and floor levels are in accordance with design requirements. Any changes or variations to the approved plans shall be highlighted in red;

- (b) Certification must be prepared by a suitably qualified and Chartered Engineer, which must state that the system complies with Council's OSD policy, all relevant codes and standards and also that it is generally in accordance with the approved plans;
- (c) A copy of the WAE plans, and Certifications must be submitted to Hornsby Shire Council's Manager, Subdivisions for consideration and written approval prior to release of the occupation certificate;
- (d) For all on-site detention (OSD) systems, including roof guttering and downpipe systems. A Positive Covenant and Restriction on Use of Land shall be required on the Certificate of Title in favour of Hornsby Shire Council. They are created under Section 88B of the Conveyancing Act 1919 for newly created lots or by application to the Land Titles Office using the appropriate forms such as 13PC and 13RPA for existing Titles under S88E of the Conveyancing Act. The property titles must be altered prior to the release of the occupation certificate. The purpose of this is to ensure that the registered proprietor has care, control and maintenance obligations of the OSD system including the guttering and downpipe systems. A copy of Hornsby Shire Council's draft terms for the above is available on request.

Building Code of Australia

- 18. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Sydney Water – Quick Check

- 19. The application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development will affect any *Sydney Water* infrastructure and whether further requirements are required to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

Erection of Construction Sign

- 20. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work;
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and

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- c) stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Hours of Demolition/Construction

21. In order to maintain the amenity of adjoining properties, site works must be restricted to between 7.00 am and 6.00 pm, Monday to Friday and 8.00 am to 1.00 pm Saturday. Site works may extend to 4.00 pm on Saturdays if inaudible on residential properties. No work must be undertaken on Sundays or public holidays. Plant, goods or materials must not be delivered to the site outside the approved hours of site works unless otherwise approved by Council.

Demolition

22. All demolition work is to be carried out in accordance with the applicable provisions of Australian Standard 2601-2001 'The Demolition of Structures'.

Note: Applicants are reminded that WorkCover NSW requires all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

Dust Control

23. Measures to prevent the emission of dust or other impurities into the surrounding environment are to be implemented during demolition works.

Excavation & Backfilling

24. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, are to be constructed together with associated stormwater drainage measures prior to occupation of the development or before where site conditions require.

Food Premises

25. The construction, fitout and operation of the proposed development, or any part thereof, to be used for the manufacture, preparation or storage of food for sale, is to be in accordance with AS 4674-2004, *Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2004*.

Lighting

26. All external lighting on the proposed development shall be designed so as not to cause a nuisance to adjoining properties and shall comply with the Australian Standard AS3282:1997 - *The Control of Obtrusive Effects of Outdoor Lighting*.

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Environmental Sustainability

27. To ensure that past agricultural land uses on the site have not resulted in any contamination of the land, a preliminary investigation of the proposed development site must be prepared by a suitably qualified environmental consultant for any land contamination. Such an investigation must be undertaken in accordance with NSW Environment Protection Authority's *Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines*.

If the preliminary investigation finds that contamination may have occurred, a Remedial Action Plan is to be prepared in accordance with the Contaminated Land Planning Guidelines.

28. Council and the PCA must be notified immediately should the presence of asbestos or soil contamination, not recognised during the original assessment process be identified during demolition or construction works.
29. Any imported soils to the subject site must be Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material as approved under the DECC general resource recovery exemption.
30. All excavated material removed from the site must be classified in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility.
31. Waters captured in the sediment basin shall be flocculated to ensure that discharges contain no more than 50 mg/L of suspended solids, turbidity is no more than 30 ntu's and the pH is between 6.5 – 7.5 before being discharged. Gypsum (calcium sulfate) shall be used as the flocculant agent and applied within 48 hours following rainfall events. The flocculant shall be evenly distributed over the surface area of the sediment retention basin. Settled sediment shall be pumped out and disposed of to an approved waste management facility. Approval must be sought from Council prior to discharge into Council's stormwater system.
32. The following sediment control measures are required to be provided in conjunction with the Hydraulic Services Sediment and Erosion Control Plan prepared by Sydney All Services Pty Ltd dated April 2008:
- (a) Stormwater kerb inlets and drains receiving stormwater must be protected at all times during work on site.
 - (b) Contamination of surface waters on downslope lands must be mitigated by installing sediment control fences downslope of the disturbed areas to capture sediment and debris escaping from the site.
 - (c) Geofabric sediment fencing must be installed parallel to the proposed works or

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along the natural contours of the site.

- (d) Topsoil stockpiling stripped from the construction site must be diverted away from drainage lines and stormwater inlets, be suitably covered by impervious membrane material and screened by sediment fencing.
 - (e) Kerb inlet sediment traps are to be installed downslope of the site to facilitate the capture of sediment.
 - (f) Street sweeping must be undertaken as required along Franklin Road during and after excavation and construction until the site is fully established.
 - (g) Erosion and sediment control measures must be maintained in good working order, and be repaired or replaced throughout the course of works on site.
 - (h) Sediment and erosion controls must be inspected weekly or after each storm event for litter, sediment, and organic waste accumulation. All sediment/debris shall be removed within two (2) working days or when reached 40% capacity.
33. The installation of rainwater tanks and associated plumbing must be in accordance with Sydney Water's *Guidelines for Rainwater Tanks on Residential Properties: Plumbing Requirements*, dated April 2003.
34. All noise generated by the proposed development is to be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

Bushland & Biodiversity Management

35. To ensure that invasive plants identified as weed species are effectively removed and not allowed to proliferate or interfere with a quality landscaping and environmental outcome, all environmental and noxious weeds including Small-leaved Privet (*Ligustrum lucidum*), Large-leaved Privet (*Ligustrum sinense*) and Bamboo (*Phyllostachys* spp.) are to be removed and suppressed using an appropriate method as detailed on Council's web site under Environment/ Bushland and Biodiversity/ Weeds: www.hornsby.nsw.gov.au.

Tree Removal Prohibited

36. To protect trees, the removal of trees numbered 9-22, 38, 39, 43, 44, 46-52 and 55-59 marked on the plan or excavation or filling of soil or the placing of building materials or associated works (ie water, sewer, telephone, drainage) within the tree protection zones is not permitted without written approval from Council.

Tree Fencing

37. Prior to work commencing, tree protection fencing must be erected around trees numbered 9-22, 38, 39, 43, 44, 46-52 and 55-59 to be retained and protected within the tree protection zones.

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Excavation

38. To prevent damage to tree roots, excavation (for services and other works), change of soil level (cut or fill), parking (vehicles or plant), or placement of building materials (including disposal of cement slurry and waste water) within the specified tree protection setbacks, and within 3m of all other trees to be retained onsite, is not permitted. No tree roots located within the specified tree setbacks shall be severed or injured in the process of any site works during the construction or landscaping phases of the approved project. The applicant shall ensure that all underground services (i.e. water, drainage, gas, and sewer) shall not be laid within 3m of any tree located on the property protected under Council's Tree Preservation Order.

Boundary Tree Plantings (Western and Southern Boundary)

39. To ensure adequate tree planting is provided to replace existing trees removed from the site, planting to the landscape setback zone along Western and Southern boundaries shall include an additional:
- Six (6) *Angophora costata* trees. Trees to be installed at minimum 25 litre size.
 - Six (6) *Backhousia myrtifolia*. Trees to be installed at minimum 25 litre size.

The landscape works shall be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design.

Screen Planting of Car Park 2 Wall

40. To ensure adequate screen planting is provided to adjoining properties, screen planting shall be provided in front of the retaining wall associated with car park 2 and shall include fifteen (15) *Acacia linifolia* capable of reaching a mature height of 3 metres planted at 1 metre centres in mulched planter beds. Shrubs are to be installed at minimum pot size of 5 litres.

The landscape works shall be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design.

Traffic Management

41. In order to avoid vehicular conflict, the entry and departure crossings shall be signposted prior to occupation.

Waste Minimisation and Management

42. All putrescible waste generated is to be deposited in approved container(s) which are water, fly and vermin proof.
43. Bin storage areas must be designed and constructed in accordance with Hornsby Shire Council's *Waste Minimisation and Management Development Control Plan*.

44. To confirm compliance with the Waste Management Plans lodged with this Development Application, prior to issue of the occupation certificate, submit to Council documentary evidence (ie. tipping dockets/receipts from recycling depots, transfer stations and landfills) and a summary report of actual destinations and quantities of waste generated by the works carried out under this development consent.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

1. The Environmental Planning and Assessment Act, 1979 requires you to:
 - a) Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608;
 - b) Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works;
 - c) Give Council at least two days notice prior to the commencement of any works;
 - d) Have mandatory inspections of nominated stages of the construction inspected;
 - e) Obtain an occupation certificate before occupying any building or commencing the use of the land.

Construction Certificates – Engineering Works

2. A Construction Certificate must be obtained from either Council or a suitably qualified Accredited Certifier. Engineering design plans and specifications towards the Construction Certificate(s) are to be prepared by a chartered professional engineer for any proposed works. The plans and specifications are to be in accordance with development consent conditions, appropriate Australian standards, and applicable Council standards, in particular "Hornsby Shire Council Civil Works - Design and Construction Specification". Information required to be submitted with a construction certificate is as follows:
 - (a) copies of certificates relied upon. This includes the Quality Assurance of Engineering Design – Design Certification Report in Council's Design

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Specification 2005;

- (b) Four (4) copies of the detailed engineering plans and specifications in accordance with Hornsby Shire Council's Civil Works - Design Specification 2005. The detailed plans may include but are not limited to the earthworks, roadworks, road pavements, road furnishings, stormwater drainage, landscaping and erosion control works;
- (c) Pursuant to Section 138 of the *Roads Act 1993*, Hornsby Shire Council's approval for any works in the existing public road and works involving Council-controlled drainage systems is required prior to the issuing of a construction certificate for these works;
- (d) Where development consents provide for the above works but also consent to works for erection or alteration of Class 1-10 Buildings under the BCA, a *separate* Construction Certificate shall be applied for and approved by Council or an Accredited Certifier with Building Professionals Board A-Category accreditation prior to the commencement of any building work.

Vehicular Crossings

- 3. Concrete footpath and gutter crossings are to be constructed to match with the proposed internal driveway. The crossing shall be designed and constructed in accordance with the following provisions:
 - (a) Under the provisions of the *Local Government Act 1993* and *Roads Act 1993* approval for the construction of the proposed concrete footpath and gutter crossing to be sought with the Roadworks Construction Certificate Vehicular Crossing Application and the appropriate fees paid prior to the commencement of work;
 - (b) The crossings are to be designed and constructed in accordance with Hornsby Shire Council's standard. The crossing is to have adequate width at the layback as appropriate for the adjacent driveway or car park. A plan of the standard is available on request;
 - (c) In order to ensure adequate sight distances for pedestrian traffic along the public way, the driveway gates and abutting fences shall be designed in accordance with Australian Standard AS2890.1 – Off Street car parking Section 3.2.4 provisions for sight distance safety at driveway exits;
 - (d) The vehicular crossing design and construction must be certified by Hornsby Shire Council's Works or Planning Division as being constructed in accordance with Council's standard, prior to release of any Occupation Certificate.

Tree Preservation Order

- 4. A Tree Preservation Order exists within the Hornsby Shire whereby the cutting down, topping, lopping or wilful destruction of any tree exceeding 3.0 metres in height

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(except where exempt as defined under Council's Tree Preservation Order) or substantially altering the soil level around the trunk or within 3 metres of the trunk, without prior written consent is prohibited. Release of the Construction Certificate gives automatic approval to the removal of those trees located on the subject property within 3 metres of the foundation footprint of an approved residential, commercial or community building, garage, inground swimming pool or within the alignment of approved vehicular access or parking area. Other trees shall not be removed or damaged without approval being granted under Council's Tree Preservation Order. Penalties apply for non-compliance.

Long Service Levy

5. Under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and must be paid to either the Long Service Payments Corporation or Hornsby Shire Council. Under Section 109F (1) of the Environmental Planning & Assessment Act, 1979 this payment must be made prior to a construction certificate being issued. (*clause 98(1) (b) of the Environmental Planning and Assessment Regulation. 2000.*)

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN,
MCMURDO, MILLS, RUSSELL AND SMART.

AGAINST: NIL.

C WARD DEFERRED

Nil.

C WARD

- 7 **PLN212/08 Development Application - Balcony enclosure to multi-unit dwelling - 1/5B Hannah Street, Beecroft**

(DA/1033/2008)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MILLS,

THAT Council approve Development Application No. 1033/2008 at Unit 1, 5B Hannah Street Beecroft (Lot 7 SP 72498) subject to the following conditions:

Approved Plans and Supporting Documentation

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

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
Site Plan	Plan Concepts Pty Ltd	Undated
2972.01 Floor Plan/Elevation	Plan Concepts Pty Ltd	April 2008

Building Code of Australia

2. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Signs for Construction Sites

3. On-site signage is required to clearly identify the PCA and the principal contractor (the coordinator of the building work) pursuant to the *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003*, s157(1)(c1), Cl 98A, 136C & 227A.

Hours of Construction

4. In order to maintain the amenity of adjoining properties, site works shall be restricted to between 7.00 am and 6.00 pm, Monday to Friday and 8.00 am to 1.00 pm Saturday. No work shall be undertaken on Sundays or public holidays. Plant, goods or materials shall not be delivered to the site outside the approved hours of site works unless otherwise approved by Council.

Home Building Act 1989

5. The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act 1989 and must not contract to do any residential building work unless a contract of insurance that complies with that Act is in force in relation to the proposed work. A copy of the contract of insurance shall be submitted to Hornsby Council before any works commence.

Long Service Levy

6. Under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long

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the Environmental Planning & Assessment Act, 1979 this payment must be made prior to a construction certificate being issued.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART.

AGAINST: NIL.

8 PLN214/08 Development Application - Construction of a two storey dwelling-house - 18 Thornleigh Street, Thornleigh

(DA/993/2008)

Mr Greg Walsh, of Thornleigh, addressed Council regarding this item.
Mr Charbel Zeaiter, of Thornleigh, addressed Council regarding this item.

RESOLVED ON THE MOTION OF COUNCILLOR HUTCHENCE, seconded by COUNCILLOR EVANS,

THAT Development Application No. 993/2008 for the demolition of a dwelling-house and the erection of a two storey dwelling-house be approved generally and the General Manager be authorised to affix appropriately worded conditions of approval.

FOR: COUNCILLORS BERMAN, BROWNE, EVANS, HUTCHENCE, MARTIN, MILLS, RUSSELL AND SMART.

AGAINST: COUNCILLOR MCMURDO.

9 PLN225/08 Development Application - Seniors Living Development comprising 17 self care dwellings - 15 Eyles Avenue, Epping

(DA/942/2008)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MILLS,

THAT Development Application No. 942/2008 for demolition of two existing dwellings and construction of a Seniors Living development comprising 17 self care dwellings with associated basement carparking and landscaping at 15 Eyles Avenue Epping (Lot 12 DP 28247) and 15 Anthony Avenue Carlingford (Lot 3 DP 201713) be refused for the following reasons:

1. Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979 the proposal is unacceptable as it does not comply with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as follows:

- 1.1 The proposal relies on the provision of a private vehicle for access to services

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- and facilities and does not comply with the access requirements of Clause 26 *Location and access to facilities*, for access to public transport.
- 1.2 The proposal involves building within a riparian zone and does not comply with Clause 33(g).
 - 1.3 The proposal does not adequately address the requirement of Clause 36 *Stormwater* to control stormwater drainage impacts on neighbouring properties.
 - 1.4 The proposal does not adequately address the requirements of Clause 37 *Crime Prevention*.
 - 1.5 The proposal does not provide a pedestrian link to public transport and does not adequately address Clause 38 *Accessibility*.
 - 1.6 The proposal does not adequately address waste management design to maximise recycling pursuant to Clause 39 *Waste Management*
 - 1.7 The proposal does meet the minimum requirement for sunlight access to 70% of dwellings pursuant to Clause 50(e).
 - 1.8 The proposal is unsatisfactory in meeting the Seniors Living Policy *Urban Design Guidelines For Infill Development* in respect to internal site amenity and impact on neighbours.
2. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979 the proposal is unsatisfactory as it results in adverse impacts on the natural environment and social environment as follows:
- 2.1 The proposal results in the loss of remnant Blue Gum High Forest identified as a critically endangered ecological community pursuant to the *Threatened Species Conservation Act 1995*.
 - 2.2 The proposal results in the loss of a natural landscape and a watercourse that supports aquatic habitat and riparian land.
 - 2.3 The proposal results in development that is unsuitable for elderly people or people with a disability due to the high flood hazard occurring on the site.
3. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act, 1979 the proposal is unsatisfactory in that the site is unsuitable for Seniors Living development as follows:
- 3.1 The site is subject to a high flood hazard and is unsuitable for development.
 - 3.2 The site is subject to development constraints involving dispersible soils and a watercourse that have not been addressed in the development application that includes extensive landform modification.

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4. Pursuant to Section 79C(e) of the Environmental Planning and Assessment Act, 1979 the proposal is unsatisfactory in that it is not in the public interest as follows:

4.1 The proposal places a liability on Council as the applicant has not adequately addressed the impact of the proposal on adjoining and downstream properties.

4.2 The proposed development is not ecologically sustainable.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART.

AGAINST: NIL.

GENERAL BUSINESS

**10 PLN224/08 Update Report in respect of Legal Actions concerning
Hornsby Quarry**

(F2007/01279-02)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MILLS,

THAT the contents of Executive Manager's Report No. PLN224/08 providing a progress report in respect of legal actions concerning Hornsby Quarry be received and noted.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART.

AGAINST: NIL.

11 PLN226/08 HERITAGE FESTIVAL 2009

(F2008/00551)

RESOLVED ON THE MOTION OF COUNCILLOR BROWNE, seconded by COUNCILLOR MILLS,

THAT Council:

1. Endorse the programme of events and budget for the Heritage Festival 2009 as outlined in Executive Manager's Report No. PLN219/08
2. Delegate the judging of the Heritage Awards 2009 to Council's Heritage Advisory Committee to enable the timely exhibition of entries during the Heritage Festival and the presentation of awards at the Planning Meeting on 15 April 2009.
3. Endorse the photograph of the Hornsby Radio Astronomy Station attached to Executive Manager's Report No. PLN219/08 to be used on the postcard to advertise the Heritage Festival 2009.

FOR: COUNCILLORS BROWNE, CHOPRA, EVANS, HUTCHENCE, MARTIN, MCMURDO, MILLS, RUSSELL AND SMART.

AGAINST: NIL.

SUPPLEMENTARY AGENDA

Nil.

CONFIDENTIAL ITEMS

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE,

THAT Council move into Confidential Session to consider Mayoral Minute No. MM7/08 (Item 12) in accordance with Section 10A(2)(c) of the Local Government Act as the Minute contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RESOLVED ON THE MOTION OF COUNCILLOR RUSSELL, seconded by COUNCILLOR HUTCHENCE,

THAT Council move out of Confidential Session.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil.

QUESTIONS WITHOUT NOTICE

Nil.

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THE MEETING terminated at 10.17 pm.

These Minutes were confirmed at the meeting held on Wednesday, 3 December, 2008, at which meeting the signature hereunder was subscribed.

CONFIRMED

CHAIRMAN

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GENERAL MANAGER

CHAIRMAN