

**SUPPLEMENTARY
BUSINESS PAPER**

PLANNING MEETING

**Wednesday, 3 December, 2008
at 6:30 pm**

TABLE OF CONTENTS

SUPPLEMENTARY ITEMS

Item 7	RM9/08 Rescission Motion - Development Application - Demolition of Outbuildings, Alterations to the Existing Dwelling and Subdivision of One Allotment into Two Allotments - 20 Nyara Road Mt Kuring-Gai	1
Item 8	PLN243/08 Supplementary Information Report - Demolition of outbuildings, alterations to the existing dwelling and subdivision of one allotment into two allotments 20 Nyara Road, Mt Kuring-gai.....	2

7 RESCISSION MOTION - DEVELOPMENT APPLICATION - DEMOLITION OF OUTBUILDINGS, ALTERATIONS TO THE EXISTING DWELLING AND SUBDIVISION OF ONE ALLOTMENT INTO TWO ALLOTMENTS - 20 NYARA ROAD MT KURING-GAI

COUNCILLOR HUTCHENCE TO MOVE

THAT the resolution adopted at the Planning Meeting held on 19 November 2008 in respect of Item 1, Development Application – Demolition of Outbuildings, Alterations to the Existing Dwelling and Subdivision of One Allotment into Two Allotments – 20 Nyara Road Mt Kuring-Gai namely:-

"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."

be, and is hereby rescinded.

NOTE: THE ABOVE RESCISSION MOTION IS SUPPORTED BY COUNCILLORS RUSSELL AND EVANS.

NOTE: In the event of the proposed Rescission Motion being adopted, the following motion is proposed.

"THAT Council defer the decision on the Section 82 Review to allow the Applicant to work with Council officers to further address the objections raised by concerned residents."

File Reference: DA/552/2008

Document Number: D01051040

**8 SUPPLEMENTARY INFORMATION REPORT - DEMOLITION OF OUTBUILDINGS, ALTERATIONS TO THE EXISTING DWELLING AND SUBDIVISION OF ONE ALLOTMENT INTO TWO ALLOTMENTS
20 NYARA ROAD, MT KURING-GAI**

Development Application No:	552/2008 – Section 82A Review (Supplementary Information Report)
Description of Proposal:	Demolition of outbuildings, alteration to the existing dwelling and subdivision of one allotment into two allotments.
Property Description:	Lot 27 DP 6358, No. 20 Nyara Road, Mt Kuring-gai
Applicant:	McKittrick Fry And O’Hagan
Owner:	Quantum Extracts Pty Ltd
Statutory Provisions:	Hornsby LEP 1994 Residential A (Low Density) SREP 20 – Hawkesbury Nepean River
Estimated Value:	\$4000
Ward:	A

RECOMMENDATION

THAT Development Application No. 552/2008 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 approved subject to conditions of consent as detailed in Schedule 1 of this report.

HISTORY OF THE APPLICATION

The subject development application was considered by Council at its Planning Meeting on 19 November 2008. At the meeting, Council resolved:

“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.”

Immediately following the Planning Meeting, a Rescission Motion was lodged against Council's resolution:

“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.”

Having regard to the comments received at the Planning Meeting on 19 November 2008, the following additional information is provided to assist Council in its consideration of the development application, should council adopt the Rescission Motion.

This Supplementary Information Report should be read in conjunction with Planning Report No. PLN 216/2008, which was listed as Item 1 in the Planning Meeting agenda of 19 November 2008 and is held at Attachment 4 to this report.

1. COMPARISON TO ORIGINAL PROPOSAL

On 2 July 2008, Council refused DA/552/2008 (the original proposal). The following table sets out a comparison of the original proposal and the amended proposal in respect of each application's compliance with the prescriptive measures of Council's Residential Subdivision Development Control Plan:

Control	Requirement	Original proposal	Compliance	Amended proposal	Compliance
Density					
Lot 1	500m ²	548m ²	Yes	548m ²	Yes
Lot 2	500m ²	545m ²	Yes	545m ²	Yes
FSR					
Lot 1	0.4:1	0.3:1	Yes	0.3:1	Yes
Site cover					
Lot 1	40%	45%	No	38%	Yes
Building Envelope					
Lot 2	200m ²	200m ²	Yes	218m ²	Yes
Building Envelope minimum dimension					
Lot 2	10m	12m	Yes	12m	Yes
Car parking					
Lot 1	2 spaces	2 spaces	Yes	2 spaces	Yes
Lot 2	2 spaces	2 spaces	Yes	2 spaces	Yes

Private Open Space					
Lot 1	120 m ²	82 m ²	No	140m ²	Yes
Lot 2	120 m ²	147 m ²	Yes	147m ²	Yes
Landscaping					
Lot 1	45%	48%	Yes	48%	Yes
Lot 2	45%	45%	Yes	45%	Yes
Setbacks					
Lot 1					
Front (Nyara Road)	6m	No change	Yes	No change	Yes
Western side	1m	0m	No	0m	No
Eastern side	1m	No change	Yes	No change	Yes
Rear	5m	5 m	Yes	5 m	Yes
Lot 2					
Front	1m	4m	Yes	4m	Yes
Western side	1m	7.5m	Yes	7.5m	Yes
Eastern side	1m	1m	Yes	1m	Yes
Rear	5m	4.7m	Yes	5m	Yes
Cut and Fill					
Lot 2	1m	1.7 m	Yes	0.8m	Yes
Width of Access Handle					
	4m	3.5m-4m	No	3.5m – 4m	No

2. REASONS FOR REFUSAL – ORIGINAL PROPOSAL

The amended proposal has sought to address Council's previous reasons for refusal as follows:

Reason No. 1: The development does not comply with objective (c) of the Hornsby Shire Local Environmental Plan 1994 as the development is not within the environmental capacity of the site.

Amended proposal

The amended proposal would provide a method of stormwater drainage that would improve the current drainage situation on the site and in the street. The proposed width of the new access handle servicing the rear allotment is considered adequate, given the landscaping opportunities. The proposed land fill is within the prescribed measures of Council's Residential Subdivision Development Control Plan. The amended proposal would therefore result in a development within the environmental capacity of the site and complies with objective (c) of the zone and satisfactorily addresses reason No. 1 for refusal of the original application.

Reason No. 2: The proposal does not comply with the “Drainage Control” element of the Residential Subdivision Development Control Plan as it proposes to fill a portion of the proposed rear allotment by 1.7m. This will result in landform modification and any future dwelling house on the allotment will have adverse impact on the privacy and views of the neighbouring properties.”

Amended Proposal

The amended proposal demonstrates that the development would drain the stormwater to Council’s drainage system within Nyara Road, which has adequate capacity to accommodate the flow from any on-site detention system to be built with any future dwelling house within proposed lot 2. A section of the site at the rear would be filled to achieve the stormwater drainage. The fill would attain a maximum height of 800 mm along the western boundary. The amended proposal therefore reduces the height of the proposed fill from 1.7m under the original proposal. Further, the proposed fill on site would effectively improve the stormwater management of the land and Nyara Road and is therefore considered suitable.

The engineering assessment of the proposal concludes that the amount of stormwater generated by rainfall to downstream properties would be reduced by the proposed retaining wall at the rear. In absence of this wall, the overland flows would normally enter the downstream properties. A positive covenant would be created for provision of an on-site detention system with any future dwelling within proposed lot 2 in addition to an interallotment drainage easement.

The applicant addresses reason No. 2 for refusal satisfactorily by proposing a suitable method of stormwater disposal and reducing the height of the proposed fill in the amended plans.

Reason Nos. 3, 7 and 8: The proposed development fails to comply with the ‘Accessway Design’ element of the Residential Subdivision Development Control Plan with the regard to the effective width of the access handle.

The proposal is unsatisfactory as a landscape plan is not included for the accessway design and the proposed private open space area in the front setback of lot 1.

Insufficient information has been provided regarding the details of the covered patio and any possible obstruction to the driveway due to the location of a post/column supporting the roof of the patio.

Amended Proposal

The Residential Subdivision Development Control Plan requires the minimum width of access handles to be 4m. The proposed access handle maintains an effective width of 4m for the majority of its length. However, the width reduces to 3.5m in the section of the site accommodating the existing dwelling. Given that the dwelling house is existing and that 0.3m -0.5m of landscaping could be provided between the driveway and the dwelling in addition to the 3m wide driveway, the non-compliance is considered acceptable. The amended application involves the removal of the post located within the driveway to comply with the driveway width and addresses reason No. 8 for refusal of the original application.

The application also provides details of the landscaping along the eastern and western boundaries to ensure that the privacy of the dwelling house at 22 Nyara Road is retained. The application therefore adequately addresses reasons Nos. 3 and 7 of the original application by providing details of landscaping opportunities on either side of the driveway.

Reason No. 4: The proposed does not comply with the 'Private Open Space' element of the Dwelling House Development Control Plan, as it fails to demonstrate that appropriate private open space can be provided for the existing dwelling on lot 1.

Amended Proposal

The amended proposal involves the demolition of the patio attached to the existing dwelling. The private open space area for proposed lot 1 would be wholly contained behind the front building line and is therefore considered suitable. A condition is recommended to require screen planting along the eastern boundary of the access handle to retain the privacy of the open space. A condition is also recommended that no fence be erected on the front boundary of the allotment to avoid any detrimental impact on the streetscape.

The amended application addresses reason No. 4 for refusal of the original application with regard to private open space areas and is considered satisfactory.

Reason No. 5: The proposed development does not comply with the "Site Coverage" element of the Dwelling House Development Control Plan.

Amended Proposal

The amended proposal includes the demolition of the covered patio. Therefore, proposed lot 1 would comply with the 'Site Coverage' control of Council's Residential Subdivision DCP. The amended proposal addresses reason No. 5, of refusal of the original application and is considered satisfactory.

Reason No. 6: The proposed lot 2 does not comply with the prescriptive measure of the Residential Subdivision DCP in relation to the rear setback.

Amended Proposal

The building envelope on proposed lot 2 is setback at a distance of 5m from the rear boundary and the private open space area of located within the setback to the western side of the proposed building envelope. The proposal complies with Council's Residential Subdivision Development Control Plan in this regard. The amended application therefore addresses reason No. 6 of refusal of the original application.

3. PLANNING MATTERS FOR CONSIDERATION (DEBATED AT PLANNING MEETING ON 19/11/2008)

Privacy

The proposal would result in filling a section of the site at the rear from between 0 and 800 mm (centre to the western boundary). The maximum height of the retaining wall at the rear would be similar to the existing retaining wall in the front section of the site. The increase in the level of this section of the site complies with Council's development standards.

Currently, a dwelling house and an outbuilding (used as a habitable area) are located on the neighbouring property to the west of the site. The dwelling house is located at an angle to the western boundary of the site with the minimum distance being 700 mm, which does not comply with the prescriptive measures of Council's Dwelling House Development Control Plan (minimum side setback requirement is 1m). A window of a bedroom of this dwelling

house is located very close to the site and in absence of a fence it overlooks into the rear yard of the subject property and has an impact on the privacy and views of the occupants of 20 Nyara Road. Similarly the windows of the rooms within the outbuilding at the rear also overlook into the rear yard of the site. It is further noted that the existing dwelling on the property located to the west is sufficiently raised above the ground level due to a pole construction design which increases the impact on the privacy of the residents of the subject site. The current situation with regard to the impact of the neighbouring property on the privacy of the site is considered unacceptable having regard to contemporary development standards.

Should the subdivision be approved and a future dwelling house be built on the rear allotment, a boundary fence would be constructed along the western boundary over the retaining wall which would improve the current situation for both the properties in relation to privacy and overlooking. The height of the fence could be determined during a detailed assessment of the future dwelling house.

Further, any future dwelling would likely be constructed generally within the footprint of the proposed building envelope and would be located at a distance of approximately 9.5m from the outbuilding at the rear. As detailed in this report, landscaping opportunities have been provided along the length of the access handle to reduce the negative impact on the privacy of the adjoining dwelling due to proposed driveway. Therefore it is not considered that the current proposal for subdivision and a future dwelling house on the battleaxe allotment would have unacceptable privacy impacts on the neighbouring property located to the west.

Solar Access

Council's Dwelling House DCP requires that dwelling houses should be designed to allow at least 4 hours of sunshine to the private open space required for adjacent and proposed dwellings between 9 am and 3 pm on 22nd June.

The allotment is north-south orientated. A future dwelling house on the site would likely be orientated in the north-south direction with a car turning area and the private open space area located adjoining the western boundary. This would provide an adequate distance of separation between a new dwelling house and the existing dwelling to the west and therefore would reduce the opportunities for overshadowing. Further, the private open space area for the adjoining western dwelling is primarily north facing. Therefore it is most unlikely that the yard would be overshadowed during winter solstice due to a future development on the adjoining property.

It is noted in this regard that Council's Dwelling House DCP indicates that the height of the dwelling house the battleaxe allotment should be single storey. If a future dwelling house on proposed lot 2 complies with this requirement, it would have negligible additional impact on the solar access received by the north-facing rear yard the east facing windows of the adjoining dwelling.

Setback

The dwelling on proposed lot 1 currently exists on the site. The provision of the access handle along the western boundary would result in a nil setback of a section of the dwelling house from the boundary. This section of the dwelling house includes the western wall of the garage with a window opening.

The effect of the nil setback of the window from the boundary can be mitigated via a condition to protect the opening in accordance with the fire separation requirements of the Building Code of Australia. Given the above, the non-compliance with the prescriptive measure regarding the setbacks is acceptable.

The building envelope on proposed lot 2 is setback at a distance of 3m from the rear boundary and complies with Council's RSDCP. The amended application therefore addresses reason No. 6 of refusal of the original application.

Precedent

An aerial photograph illustrating the subject property in relation to nearby allotments with a similar subdivision pattern is held at Attachment 2 to this report.

An assessment of the aerial photographs concludes that Nyara Road and the adjoining streets such as Glenview Road and Alicia Road accommodate several allotments that have been subdivided recently and historically creating battleaxe allotments, similar to the proposed development. Given that a number of nearby allotments function in a similar manner, it is considered the proposal would not create an undesirable precedent for the area.

Tree Retention

A gum tree is located on the adjoining northern property, at a distance of 3m from the fence of the site at the rear. Council's additional assessment included a further examination of the tree and concludes that the tree is significant and would require a minimum setback of 5m from any building or fill to prevent damage to the critical root zone. Therefore a condition is recommended that no fill be placed in the area as marked in the attached site plan. This would ensure the long term survival of the tree. Placement of the retaining wall and timber deflectors in this zone would prevent stormwater entering this section of the site and stored in the long-term and this area would be depressed. Based on the above design, the proposal is considered acceptable.

4. CONCLUSION

The application proposes the demolition of outbuildings and patio, alterations to existing dwelling and subdivision of one allotment into two allotments with the retention of the existing dwelling on proposed lot 1.

The original application did not comply with the 'site cover', 'private open space' and 'access handle' elements within the RSDCP. Further, the application proposed to fill a section of the site at the rear, to a height of 1.7m and did not comply with the 'soil and water management' element and the 'drainage control' element of the DCP.

The amended proposal has addressed the reasons for refusal of the original application by addressing the issues of non-compliance with the above development standards. The submitted additional information involves the demolition of the patio and demonstrates compliance of proposed lot 1 with the elements 'site cover' and 'private open space'. Landscaping opportunities are provided along the majority of the access handle and the non-compliance with regard to the width for a section of the site is considered acceptable. The amended application reduces the fill on site, proposes appropriate drainage of the site to Nyara Road and would not set a precedent for the locality. Accordingly, the amended proposal has addressed the reason for refusal of the original application in relation to the above matters.

ROD PICKLES
Manager - Assessment Team 2
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Site Plan indicating tree protection area
2. Aerial Photograph indicating the site and nearby allotments with similar subdivision pattern
3. Plan showing existing drainage pattern and the impact of the proposed development
4. Minutes to Report No. PLN216/2008
5. Planning Report No. PLN216/2008

File Reference: DA/552/2008
Document Number: D01053411

SCHEDULE 1**Approved Plans and Supporting Documentation (applicable to all stages)**

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>
Plan of Subdivision	McKittrick Fry and O'Hagan	9/09/2008
Erosion and Sediment Control Plan	McKittrick Fry and O'Hagan	9/09/2008
Landscape Concept Plan	McKittrick Fry and O'Hagan	9/09/2008
Floor Plan	McKittrick Fry and O'Hagan	9/09/2008

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
Waste Management plan	McKittrick Fry and O'Hagan	9/09/2008

Building Code of Australia

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

Fencing

3. No fencing shall be erected on the front boundary of proposed lot 1.

Screen planting

4. The area adjoining the access handle, as indicated in the approved plan, shall be provided with screen planting to retain the privacy of the open space area of proposed lot 1. The landscaping works shall be undertaken prior to the release of the subdivision certificate.

Fill

5. All fill, including existing fill, must be compacted in accordance with the Hornsby Shire Council Civil Works - Construction Specification 2005. The fill material imported to the site is to consist of clean fill material only, that is, non-contaminated excavated material (i.e. soil, rock or similar material). Putrescible and non-putrescible solid waste (including demolition material) is not permitted.
6. A compaction certificate is to be obtained from a chartered civil engineer / geotechnical engineer verifying that the correct compaction requirements have been met.
7. At the completion of filling works, a certificate prepared by a registered surveyor shall be submitted to Council certifying finished ground levels are in accordance with the approved plans.

Sydney Water

8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au or telephone 13 20 92 for assistance.
9. The concrete vehicular crossing shall be a minimum of 150mm in depth reinforced with F72 steel reinforcing fabric. The vehicular crossing shall have a minimum width of 3.0m at the property boundary alignment.
10. The driveway is to be constructed with a turning area within the proposed lot 2 to ensure that vehicles can come out to the premises using Australian Standard AS 2890.1-2004 85th percentile car turning template.
11. The vehicular crossing and the internal driveways are to be designed and constructed in accordance with Hornsby Shire Council Civil Works Specifications and AS 3727 and shall comply with the following requirements:
 - a) Longitudinal sections through the centrelines of the driveways from the street /road to the proposed garages, showing proposed driveway grades and allowing or suitable transition at changes of grades, are to be submitted for consideration with a construction certificate application.
 - b) The maximum grade is to be 25% with maximum transition for changes of grade to be 8% per plan meter.

Kerb and gutter

12. The kerb, gutter and pavement would be constructed in line with the adjoining property laybacks and gutters with footpath formation, necessary drainage and sealing of road pavement between the existing pavement and lip of the gutter. The existing road pavement is to be saw-cut, a minimum of 300mm from the existing edge of bitumen and reconstructed. The work is to be completed prior to the issue of the occupancy or subdivision certificate, whichever is first. The footpath is to be graded at 4% from the kerb to the property boundary.

Drainage

13. An interallotment drainage system is to be constructed for drainage of any future dwelling on the proposed lot 2 and stormwater discharged to Council drainage system in accordance with the plan, prepared by Mckittrick Fry and O'Hagan, Reference No 08/38A1. The system is to be designed with a provision for connection of a discharge pipe from a future on-site detention facility. The drainage lines shall be designed to satisfactorily drain rainfall intensities for an average recurrence interval of 20 years. The design shall be:

- a) be in accordance with Hornsby Shire Council Civil Works – Design Specification 1999;
 - b) be in accordance with Australian/New Zealand Standard 3500.3; and
 - 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. Each of the proposed lots serviced by the proposed interallotment drainage easement shall have burden and benefit created pursuant to Section 88B of the Conveyancing Act 1919.

Subdivision Certificate

15. A surveyor's certificate stating that no services, drainage lines or access way encroach over the proposed boundary other than as provided for by easements created by the final plan of subdivision shall be submitted to Council at the completion of works.

Rights of Access and Easement for Services

16. Reciprocal rights of access and easement for services are to be created over the common driveway (access corridor) under Section 88B of the Conveyancing Act 1919.

Positive Covenant

17. A "Positive Covenant" is to be created over the proposed lot 2 requiring that any future development is to provide an on-site detention system. The on site detention system is to have a storage capacity of 5 cubic meters and a maximum discharge of 8 litres per second into Council's drainage system in accordance with Council's standard wording.

Works as Executed Plan

18. A works-as-executed plan prepared by a chartered engineer or a registered surveyor must be lodged with Council when the engineering works are complete with the Subdivision Certificate application. The works-as executed plan shall clearly show the location of all public utility service pipes, mains and conduits (provision of services).

Council Property

19. 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 release of the linen plan.

Fire Upgrading

20. The window opening located in the western wall of the garage is to be protected in accordance with the fire separation requirements of Part 3.7.1.5 of the Building Code of Australia.

Demolition Works

21. All demolition work is to be carried out in accordance with the applicable provisions of Australian Standard 2601-2001 'The Demolition of Structures'.
22. In order to maintain the amenity of adjoining properties, demolition works shall be restricted to between 7.00 am and 6.00 pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays. Plant, goods or materials shall not be delivered to the site outside the approved hours of site works unless written Council gives consent.

Dust Control

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

Asbestos Removal

24. The collection, storage, transportation or disposal of any type of asbestos waste is to comply with the requirements of clause 29 of the Protection of the Environment Operations (Waste) Regulation 1996. Upon completion of disposal operations, the applicant must lodge with the principal certifying authority, within seven (7) days, all receipts (or certified photocopies) issued by the receiving landfill site as evidence of proper disposal.

Note: The person responsible for disposing of the asbestos material shall consult with the Environment Protection Authority to determine the location of an approved landfill site to receive asbestos material.

Tree Trunk Protection

25. To avoid mechanical injury or damage, tree numbered 1 is to have its trunk protected by 2m lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way). Trunk protection is to be installed prior to the issue of a construction certificate and maintained in good condition for the duration of the construction period. Affixing signage to trees located on site or located on the nature strip is not permitted.
26. 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 5m, Tree Protection Zone as marked in the approved site plan, of tree T21, is prohibited. Trunk protection is to be installed prior to the issue of a construction certificate and maintained in good condition for the duration of the construction period. Affixing signage to trees located on site or located on the nature strip is not permitted.
27. Tree roots between 10 mm and 40 mm diameter, revealed during excavation, shall be cut cleanly by a sharp hand saw. The severance of tree roots greater than 40 mm in diameter is strictly forbidden.

Materials

28. The applicant is to ensure that no building materials, stockpiles or fill encroaches upon retained trees for the duration of the works. No underground services (i.e. water, drainage, gas, and sewer) should be laid within 3m of any tree located on the property protected under Council's Tree Preservation Order.

Contribution

29. The payment of a contribution of \$ 19,205.85 for *one (1)* additional allotment, 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 \$ 19,205.85 per additional allotment and it is to be paid by the end of the 30 December 2008 and prior to the issuing of the subdivision 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.

Erection of Construction Sign

30. 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.

Hours of Construction

28. 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.

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:

- Obtain a construction certificate prior to the commencement of any works. Engineering design plans and specifications 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”. The information that is required to be submitted with a construction certificate is as follows:
 - Copies of any compliance certificates that are to be relied upon
 - Four (4) copies of the detailed engineering plans in accordance Hornsby Shire Council's Civil Works - Design Specification 1999. The detailed plans may include but are not limited to the earthworks, roadworks, road pavements, road furnishings, stormwater drainage, landscaping and erosion control works.
 - Hornsby Shire Council's approval is required for any works within the public road reserve of Oleander Road or Highlands Avenue prior to the issuing of a construction certificate for these works.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608

- a) Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works;
- b) Give Council at least two days notice prior to the commencement of any works;
- c) Have mandatory inspections of nominated stages of the construction inspected;
- d) Lodge separate applications under the Local Government Act 1993 and Roads Act 1993 to Council for approval for:-
 - The installation of vehicular footway crossings servicing the proposed lot 2 and the removal of any redundant crossings.
 - Note: You are advised to contact Council's Works Division on (02) 9847 6940 to obtain a list of Council's Authorised Vehicular Crossing contractors.
 - The undertaking of work within a public road (this includes laneways, public pathways, footways).

- e. Obtain a construction certificate from Council for approval of the kerb and gutter works (Council is the only authority that can issue such a certificate for its assets). Details are to be submitted by Chartered Professional Civil Engineer of the Institution of Engineers, Australia.

Fire Upgrading

2. Smoke alarms are required in the existing dwelling building in accordance with the Building Code of Australia. A certificate from a licensed electrician certifying that the smoke alarms have been connected to the consumer mains power is to be submitted to Hornsby Council

- END OF CONDITIONS -