



the bushland shire

creating a living environment

BUSINESS PAPER

PLANNING MEETING

**Wednesday, 3 February, 2010
at 6.30pm**

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QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**SUPPLEMENTARY AGENDA****QUESTIONS WITHOUT NOTICE**

AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

The Meeting shall be opened in Prayer.

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 / LEAVE OF ABSENCE**Page Number 78****Item 6 GM2/10 APOLOGIES / LEAVE OF ABSENCE**

Advice has been received from Councillor Chopra of an inability to attend the Planning Meeting on 3 February 2010 and the Ordinary Meeting on 17 February 2010 together with a request that Council accept an apology for non attendance and grant leave of absence from those meetings. Councillor Chopra stated an inability to attend these meetings is as a consequence of travelling overseas from 27 January 2010 to 28 February 2010. Councillor Chopra indicated that during his overseas visit, he planned to study local government issues and related matters, such as planning, infrastructure and housing.

RECOMMENDATION

THAT the apology and request for leave of absence from Councillor Chopra in respect of an inability to attend the Planning Meeting on 3 February 2010 and the Ordinary Meeting on 17 February 2010 be accepted and leave of absence be granted.

DECLARATIONS OF INTEREST

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

The Councillor or member of a Council committee must not be present at, or in sight of, the meeting of the Council or committee:

- (a) at any time during which the matter is being considered or discussed by the Council or committee.*
- (b) at any time during which the Council or committee is voting on any question in relation to the matter.*

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

If the non-pecuniary interest is significant, the Councillor must:

- a) remove the source of conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.*

OR

- b) *have no involvement in the matter by absenting themselves from and not taking part in any debate or voting on the issue as if the provisions of Section 451(2) of the Act apply.*

If the non-pecuniary interest is less than significant, the Councillor must provide an explanation of why they consider that the interest does not require further action in the circumstances.

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

“I advise all present that a Political Donations Disclosure Statement pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979 must be made in the event that a person has made or a Councillor or political party has received a gift or political donation from any person or organisation, including a person or organisation making a submission to an application or other planning matter, listed on the Planning Meeting agenda.”

CONFIRMATION OF MINUTES

THAT the Minutes of the Planning Meeting held on 2 December, 2009 be confirmed; a copy having been distributed to all Councillors.

PETITIONS

MAYORAL MINUTES

NOTICES OF MOTION

RESCISSION MOTIONS

MATTERS OF URGENCY

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

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

DEVELOPMENT APPLICATIONS**A WARD DEFERRED****A WARD****Page Number 1**

- Item 1 PLN69/09 DEVELOPMENT APPLICATION - ERECTION OF A RESIDENTIAL OFFICE, SHED AND FRONT FENCE - 8 TAYLORS ROAD DURAL**

RECOMMENDATION

THAT Development Application No. 384/2009 for the erection of a residential office, shed and front fence at Lot 14 DP 238481 (No. 8) Taylors Road, Dural, be approved subject to the conditions detailed in Schedule 1 of this report.

B WARD DEFERRED**B WARD****Page Number 23**

- Item 2 PLN107/09 DEVELOPMENT APPLICATION - EDUCATIONAL ESTABLISHMENT AND CHILD CARE CENTRE - 1-25 CLARKE ROAD AND 1-3 MARILLIAN AVENUE, WAITARA AND NOS. 28A, 30, 30A AND 32A UNWIN ROAD WAHROONGA**

RECOMMENDATION

THAT Development Application No. 83/2009 for demolition of existing structures and construction of an educational establishment and child care centre at Lot 1 DP 519826, Lot 2 DP 8245, Lot 3 DP 8245, Lot 4 DP 8245, Lot 5 DP 951017, Lot 6 DP 8245, Lot 7 DP 8245, Lot 8 DP 8245, Lot 9 DP 8245, Lot 10 DP 8245, Lot 2 DP 226796, Lot 1 DP 226796, Lot 11 DP 635739, Lot 12 DP 635739, Lot 4 DP 226796, Lot 3 DP 564798, Lot 2 DP 528800, Lot 4 DP 236907 and Lot 6 DP 236907, Nos. 1-25 Clarke Road and Nos. 1-3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A & 32A Unwin Road, Wahroonga be approved subject to the conditions of consent detailed in Schedule 1 of this report.

C WARD DEFERRED**C WARD****Page Number 57**

- Item 3 PLN102/09 DEVELOPMENT APPLICATION - ERECTION OF A DWELLING-HOUSE - 30 FIONA ROAD, BEECROFT**

RECOMMENDATION

THAT Development Application No. 298/2009 for the demolition of a dwelling-house and carport and the erection of a single storey dwelling-house, pool, gazebo, front fence and

retaining walls at Lot A, DP 337026, No. 30 Fiona Road, Beecroft be refused for the reasons detailed in Schedule 1 of this report.

GENERAL BUSINESS

Page Number 69

Item 4 **PLN108/10 EPPING TOWN CENTRE STUDY - MEMORANDUM OF UNDERSTANDING AND PLANNING PROPOSAL**

RECOMMENDATION

THAT:

1. Council endorse the draft Memorandum of Understanding and project workplan.
2. The General Manager be delegated authority to sign the Memorandum of Understanding subject to any minor amendments agreed to by Parramatta City Council and the Department of Planning.
3. A Councillor (***Council to nominate a Councillor***) be elected as the Hornsby Shire Council Councillor representative on the Project Steering Committee to provide stakeholder input into the *Epping Town Centre Study*.
4. Council facilitate the commencement of the *Epping Town Centre Study* by forwarding the Planning Proposal, attached to Executive Managers Report PLN 108/10, to the Minister of Planning seeking a “gateway” determination pursuant to Section 56(1) of the *Environmental and Planning Assessment Act 1979*.

Page Number 76

Item 5 **PLN109/10 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS**

RECOMMENDATION

THAT Council note the contents of Executive Manager’s Report No. PLN109/10.

GENERAL BUSINESS

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

SUPPLEMENTARY AGENDA

QUESTIONS WITHOUT NOTICE

1 DEVELOPMENT APPLICATION - ERECTION OF A RESIDENTIAL OFFICE, SHED AND FRONT FENCE - 8 TAYLORS ROAD DURAL

Development Application No: DA/384/2009

Description of Proposal: Erection of a residential office, shed and front fence.

Property Description: Lot 14 DP 238481 (No. 8) Taylors Road, Dural

Applicant: Mr Vanick Yedgar

Owners: Mr Javid Rahiminia
Mr Yousef Rahiminia

Statutory Provisions: Hornsby Shire Local Environmental Plan 1994:
Rural BA (Small Holdings – Agricultural Landscapes) zone
Environmental B (River Catchment) zone

Estimated Value: \$195 000

Ward: A

RECOMMENDATION

THAT Development Application No. 384/2009 for the erection of a residential office, shed and front fence at Lot 14 DP 238481 (No. 8) Taylors Road, Dural, be approved subject to the conditions detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the erection of a residential office, shed and front fence at a rural property.
2. The proposal complies with the Hornsby Shire Local Environmental Plan 1994 and is generally consistent with the Rural Lands Development Control Plan. There is a non compliance with the ‘Setbacks’ element of the Rural Lands Development Control Plan however this non compliance would have no significant impact on adjoining land and a variation to the development standard is supported.
3. Twenty submissions from fourteen people and one petition with eight signatures have been received in respect of the application.

4. A Red Sticker has been placed against the application resulting in it being referred to Council for determination.
5. It is recommended that the application be approved.

HISTORY OF THE SITE

In October 2008, Council was notified by a person of the community that a demountable building had been transported to the site.

On 2 February 2009, following the investigation of the site, Council issued an order for the removal / demolition of the unauthorised demountable building from the site.

On 8 April 2009, Development Application No. 384/2009 was lodged for the use of the demountable building as a residential office, as well as the construction of a shed and front fence. This application is the subject of this report.

THE SITE

The site has an area of 2.23 hectares and is located on the southern side of Taylors Road. The site slopes to the rear boundary and experiences an average grade of 15%. The site has a frontage of 98 metres to Taylors Road and a depth of 200 metres.

The front portion of the site is zoned rural and contains a single storey dwelling, a workshop, a swimming pool and landscaped lawns. The rear portion of the site is zoned environmental protection and contains dense bushland and a watercourse adjacent to the rear boundary. There are no agricultural activities presently being carried out on the site and the site is within a bushfire prone area.

The site is affected by a 60 metre wide transmission line easement which traverses the property from the north-west to the south-east section of the site.

The locality is characterised by similar sized rural holdings, containing one and two storey dwelling-houses.

THE PROPOSAL

The application proposes a residential office, storage shed and front fence at the property. The application has been significantly amended from the original proposal to address concerns raised by Council officers and nearby residents.

Residential Office

The application proposes the erection of a residential office 92 square metres in area (9.2 x 10m) with a maximum height of 5 metres. The proposed office would comprise the demountable building, which would be renovated to include the construction of brick walls and a pitched tile roof. The building would be positioned to the rear of an existing brick workshop on the site.

The facilities within the proposed office include a toilet, basin, tea area and photocopy room. The residential office would be accessible through the existing brick work shop at the front of the site, through two access doors on the western elevation, and through a sliding door on the eastern elevation adjacent to the dwelling.

The application has provided the following details with respect to the operation of the proposed residential office.

- The residential office is for an existing painting business 'Arrow Painting'.
- The business would employ no more than two staff members other than the permanent residents to work within the residential office.
- 10 to 15 painters are employed or subcontracted by the business who work off site.
- No painting for the purpose of the business would be carried out on the site.
- The site would not be used as a meeting place for clients.
- The site would not be used for subcontractor gatherings or meetings.

Storage Shed

The proposed storage shed is 120 square metres in area (12m x 10m) with a maximum height of 5.5 metres.

The storage shed is proposed to be located 80 metres from the front boundary and setback 5 metres from the western boundary. The application proposes the construction of a driveway to access the shed and a parking area in front of the shed. The proposed storage shed would not be used for storage of paints or other items in relation to the business.

Front Fence

The application proposes the erection of a 1.8 metre high front fence constructed of timber posts and horizontal timber panels.

ASSESSMENT

The development application has been assessed having regard to the '2005 City of Cities Metropolitan Strategy', the 'North Subregion (Draft) Subregional Strategy' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). Subsequently, the following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Strategy – (Draft) North Subregional Strategy

The Metropolitan Strategy is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2031; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The draft North Subregional Strategy acts as a framework for Council in the preparation of a new Principal LEP by 2011.

The draft Subregional Strategy sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the draft Strategy by providing employment within the locality.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and other prescribed matters*”.

2.1 Hornsby Shire Local Environmental Plan 1994

The proposed development is located within land zoned Rural BA (Small Holdings) under Hornsby Shire Local Environmental Plan 1994 (HSLEP). The objectives of the zone are:

- (a) *to restrain population growth, maintain the rural character of the area and ensure that existing or potentially productive agricultural land is preserved.*
- (b) *to promote agricultural use of land and provide for a range of compatible land uses which maintain the agricultural and rural environment of the area.*
- (c) *to ensure development is carried out in a manner that improves the environmental qualities, and is within the servicing capacity, of the area.*

The proposed development is defined as ‘residential office’ and ‘rural structure’ which is permissible in the zone with Council’s consent. The proposal’s compliance with the requirements for residential offices and rural structures is addressed in Section 2.3.2 and 2.3.3 of this report.

The proposal maintains the rural character of the locality and would not detract from the environmental qualities of the area. The amended design of the residential office is in keeping with the character of the existing dwelling on the site and the nearby adjoining properties. The proposed residential office is permissible in the zone and is within the servicing capacities of the area. The proposal is consistent with the zone objectives in this regard.

2.1.1 Clause 13 – Suspension of Restrictions on Land

The objective of Clause 13 of the HSLEP is to ensure private restrictions do not restrict development or activities being carried out in accordance with the HSLEP.

Restrictions on the 88B instrument were applied at the approval of subdivision within Taylors Road in 1969. Restriction No. 3 outlines a number of prohibited structures and land uses for the subject site and surrounding properties. Restriction No. 3 (i) of the instrument requires that no commercial non agricultural activity be carried out on the allotments. Restriction no. 3 (f) of the instrument requires that no main building be erected other than as a single private dwelling house.

The proposed development is defined as ‘residential office’ which is permissible in the Rural BA (Small Holdings) zone with Council’s consent. Given the proposed use is permissible in the zone and complies with the HSLEP, the restrictions within the 88B instrument do not apply to this development for the purpose to the assessment of the development application.

It should be noted that the restrictions within the 88B instrument are not released as a result of this consent. In that regard, a development consent would not remove the risk of civil action against the land owner of a breach of the restriction.

2.2 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean Catchment

The application has been assessed against the requirements of Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean Catchment. This Policy provides State-wide planning controls for the protection of the Hawkesbury Nepean Catchment including its water quality.

The proposed residential office is for the administrative aspects of the business only and the site would not be used for the storage or disposal of paints in association with the business. There would therefore be no detrimental impact on the water quality of the catchment as a result of the operation of the business.

As a result of the additional bathroom proposed as part of this development the waste water system is proposed to be upgraded. Conditions of consent have been recommended for the installation of the upgraded waste water system.

The application included a sediment and erosion control plan. A condition has been recommended to ensure the sediment and erosion control measures are implemented before commencement of any construction works.

Subject to the fulfilment of conditions the proposal would have no significant impact on the water quality of the Hawkesbury Nepean Catchment and the development is considered acceptable in this regard.

2.3 Sydney Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been assessed against the requirements of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, which aims to ensure consistency in the implementation of the BASIX scheme throughout the State.

A BASIX Certificate was submitted as part of this application. A condition has been recommended for applicant to demonstrate the fulfilment of BASIX commitments pertaining to the development.

2.4 Rural Lands Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design standards within the Rural Lands Development Control Plan (Rural Lands DCP). The following table sets out the proposal's compliance with the prescriptive standards of the Plan:

Rural Lands Development Control Plan			
Control	Proposal	Requirement	Compliance
Setbacks			
Proposed shed:			
Front	80m	15m	Yes
Side (west)	5m	15m	No
Side (east)	75m	15m	Yes
Rear	90m	15m	Yes
Residential office:			
Front	12m	15m	No
Side (west)	44m	15m	Yes
Rear	180m	15m	Yes

As detailed in the above table, the proposed shed does not comply with the prescriptive measures of the 'Setbacks' element of the Rural Lands DCP. The relevant matters of the Plan are addressed below.

2.4.1 Setbacks

The proposed shed is setback 5 metres from the western boundary which does not comply with the prescriptive measures of the 'Setbacks' element that requires structures to be setback 15 metres from all property boundaries.

Existing vegetation located along the western boundary provides a sufficient level of screening for the shed when viewed from the western adjoining property. The proposed location of the shed is considered acceptable as it would have no detrimental impact on the streetscape or adjoining properties and would not impact on the bushland located 10 metres to the south of the proposed shed. The non compliance with the side setback requirement is considered acceptable in this regard.

The proposed office is setback 12 metres from the front boundary which does not comply with the minimum 15 metre prescriptive setback requirement. As the proposed office would be positioned behind an existing brick workshop setback 7 metres from the front boundary, the proposal would have any significant impact on the streetscape. The residential office is consistent with the setbacks of the existing dwelling and the proposed location of the office is considered suitable for the site.

2.4.2 Land Use: Agricultural and Rural Structures

The proposed shed has been considered with respect to the 'Land Use: Agricultural and Rural Structures' element of the Rural Lands DCP.

The storage shed was originally proposed to be located within the front portion of the site, setback 7 metres from the front boundary. Due to concerns raised with respect the visual impact of the structure, amended plans were submitted showing a revised location of the shed, setback 80 metres from the front boundary and setback 5 metres from the western boundary. As addressed in Section 2.4.1 of this report, the proposed location of the shed is

considered acceptable and would have no detrimental impact on the streetscape or adjoining properties.

The application does not indicate the proposed colour of the shed. To ensure the colour used in the construction of rural shed is consistent with the dominant colours of the rural area and surrounding bushland, a condition has been recommended requiring that the shed be a green colour consistent with those shown in Appendix D of the Rural Lands DCP.

A parking area 60 square metres in area is nominated to be located in front of the proposed shed. As the proposed shed is used as a rural structure and would not be used in association with the business, it is not considered necessary that a parking area be provided in this location. Accordingly, the parking area illustrated on the site plan is recommended to be deleted.

Subject to the imposition of relevant conditions, the proposed shed would be consistent with the 'Land Use: Agricultural and Rural Structures' element of the Rural Lands DCP and would not result in any significant impact on the rural environment.

2.4.3 Land Use: Home Industry, Home Occupation and Residential Office

The proposed residential office has been assessed having regard to the 'Land Use: Home Industry, Home Occupation and Residential Office' of the Rural Lands DCP.

The requirements for residential offices as outlined in the Rural Lands DCP and Clause 23 of the HSLEP is outlined below:

'residential office' means a dwelling in which an occupation is carried out by the permanent residents of the dwelling which does not involve any of the following:

- (a) the employment of more than 3 persons other than the permanent residents;*
- (b) the interference in any way with the amenity of adjoining properties or the locality in which the dwelling is situated;*
- (c) the exhibition of any notice; advertisement or sign (other than a notice or sign which would fit within a rectangular figure 1.2 metres in length and 0.6 metres in height and exhibited on that dwelling or land to indicate the name and occupation of the resident);*
- (d) exposure to view from any public place or any matter, except as provided by paragraph (c);*
- (e) a change in the appearance of the dwelling or the land on which it is erected out of character with that of the adjoining land;'*

With respect to (a), the applicant has advised the business would employ two people to work within the residential office other than the permanent residents of the dwelling. The business subcontracts / employs 10 – 15 painters who would work off site. The applicant has advised the painters would not be visiting the site for meetings or gatherings. In this regard, the proposal is consistent with the maximum number of employees as only two staff members would visit the site for business purposes.

With respect to (b) the applicant has advised the proposal would not interfere with the amenity of adjoining properties or the locality, as site would be used for administrative aspects of the business only.

The perceived amenity impacts of the business, including noise and fumes, were some of the concerns outlined in the community submissions. It is unlikely the proposal would have any amenity impacts in terms of fumes or noise as no painting works or storage of materials in relation to the business would be permitted on site. A condition has been recommended for noise levels to not background noise levels by more than 5dB(A).

With respect to (c), no signage is proposed as part of this application.

With respect to (d), the amended design of the proposed office would be consistent with the appearance of the existing dwelling house and existing workshop on the site. The office would not be easily visible from the street due to the proposed location of the office behind the existing workshop. A condition is also recommended for screen planting to be erected on the north-western side of the site to screen the office from Taylors Road. Furthermore, the day to day business operations would be within the office and would therefore not be viewed from any public place.

With respect to (e) the proposal would not result in any significant change in the appearance of the dwelling and would not be out of character dwellings on adjoining properties. The proposed office would consist of brick walls and a pitched tile roof consistent with the existing dwelling on the site and the surrounding properties.

A number of concerns were raised in community submissions regarding the appearance of the office originally proposed as part of this application. The proposed office was initially to utilise a white metal demountable structure transported to the site. The original proposal for the office was considered out of character with the existing dwelling on the site and general character of the area, however, the amended proposal is considered to significantly address the concerns raised.

The amended design involved a change to the external materials and appearance of the structure to brick walls and tile roof and proposed to reduce the total area of the proposed office from 121 square metres (13.2m x 9.2m), to 92 square metres (9.2 x 10m). The applicant advised it is the intention to utilise two of the three parts of the temporary building on the site as a frame for the development.

The proposal has demonstrated compliance with the definition of 'residential office' as outlined in the HSLEP and the Rural Lands DCP. Conditions have been recommended to ensure the structure is used for the approved use and maintains compliance with the definition of 'residential office' pursuant to Schedule D of the HSLEP.

2.4.4 Dwelling Design

The proposed design of the residential office is acceptable as it is in keeping with the existing dwelling and rural character of the area as addressed in Section 2.4.3 of this report.

2.4.5 Fences and Gates

The application originally proposed a 1.8 metre front fence consisting of masonry piers and

metal pole infill. Council recommended changes to the proposed fence to be consistent with the 'Fences and Gates' element of the Rural Lands DCP.

The amended fence design consists of timber posts and horizontal timber panels. The amended design maintains the proposed height of 1.8 metres and would extend for 98 metres along the length of the front boundary.

Taylor's road is largely characterised by open fencing constructed of timber and wire. It is considered that the proposed 1.8 metre high fence along the front boundary would be excessive in height and inconsistent with adjoining properties. It is considered that a 1.5 metre high fence with openings of at least 50% would reduce the perceived impacts on the streetscape and be in keeping with the character of the area. Conditions have been recommended that require amendments to the front fence.

The original plans submitted as part of the application nominated a metal fence to be erected on the western side boundary of the site. Concerns were raised from the adjoining property regarding this proposed fencing. The applicant was advised that side fencing is regulated under the Dividing Fences Act 1991 and that consideration can be given to Council's Exempt and Complying Development DCP and the State Environmental Planning Policy (Exempt and Complying Development) 2008. The side boundary fencing no longer forms part of this application.

2.4.6 Visual Amenity

The proposed office would have no detrimental impact on the visual amenity of the area due to the location behind the existing workshop and additional screen planting required, as addressed in Section 2.4.3 of this report.

The proposed shed would have no detrimental impact on the visual amenity of the area due to the significant setback from the street and existing screen vegetation as addressed in Section 2.4.2 of this report.

2.5 Waste Minimisation and Management Development Control Plan.

A Waste Management Plan was submitted with the application in accordance with the Waste Minimisation and Management Development Control Plan.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*".

3.1 Natural Environment

The proposed shed would necessitate the removal of one tree from the site. This tree has not been identified as being significant and is considered acceptable for removal. A recommended condition requires tree fencing to be constructed in a manner to ensure protection of trees located along the western boundary adjacent to the proposed shed.

The rear portion of the site is zoned Environmental B (River Catchment) and contains bushland and a creek along the rear boundary. The proposed location of the shed is

considered suitable as it would be located 10 metres from the bushland on site and 90 metres from the watercourse. The proposed construction of the shed and office would not have any significant impact on the environment subject to conditions for sediment and erosion control measures being implemented.

The approval for a residential office does not permit the storage or disposal of if paints, solvents and other potentially toxic materials for the purpose of the business on site and is for the administrative aspects of the business only. Subject to conditions, the proposal would have no significant impact on the natural environment.

3.2 Built Environment

The amended proposal is considered acceptable with respect to the built environment as addressed in Section 2.4.2 and 2.4.4 of this report.

3.3 Social Impacts

The proposal would not result in any adverse impacts on the social environment.

3.4 Economic Impacts

The proposal would have a positive economic impact by generating employment.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider “*the suitability of the site for the development*”.

4.1 Bushfire Risk

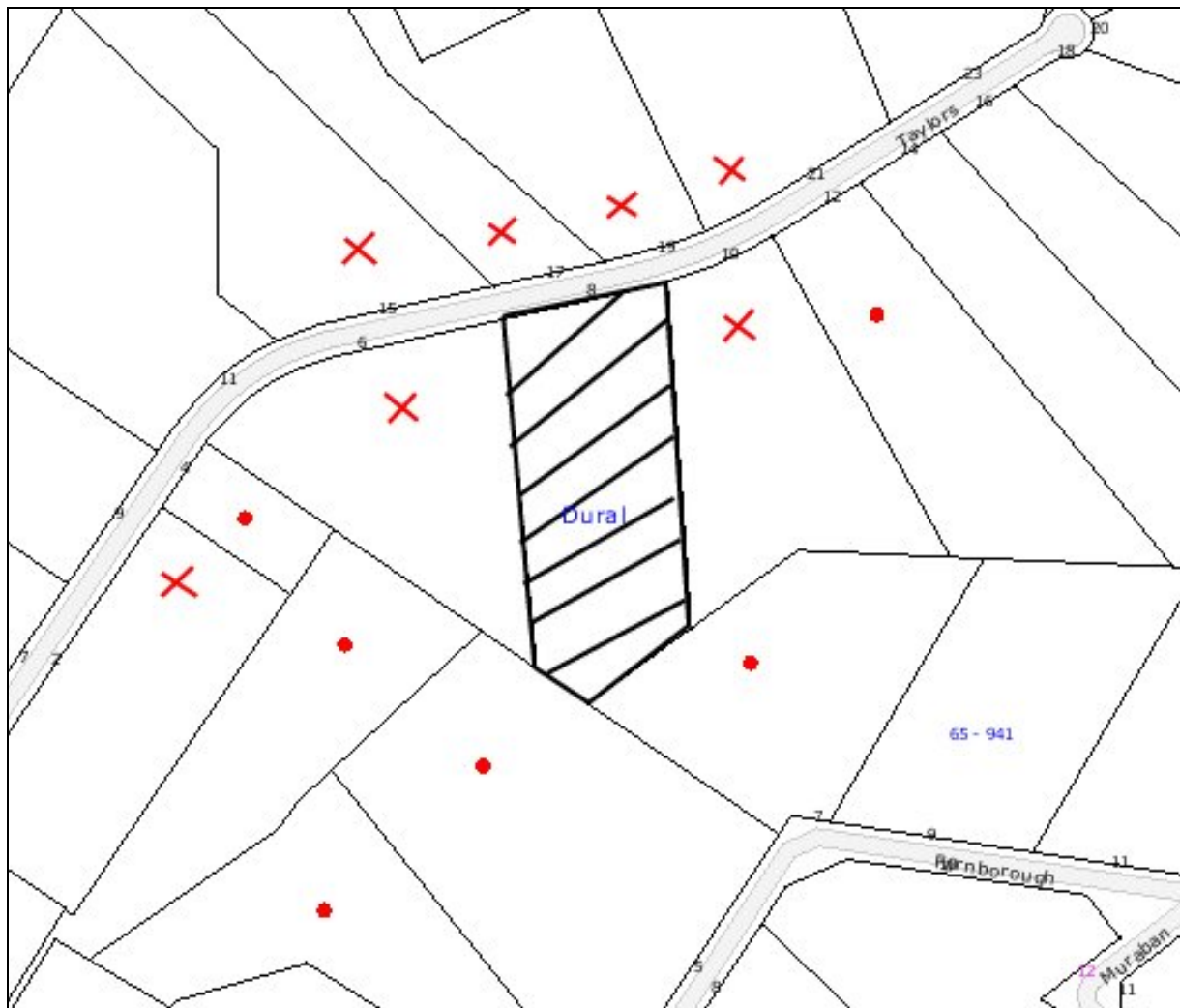
The land is identified as being subject to bushfire risk and was referred to the Rural Fire Service for comment. The Rural Fire Service raised no objections to the proposal subject to conditions relating to design and construction of structures.

5. PUBLIC PARTICIPATION

Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 21 April 2009 and 27 May 2009 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received fourteen submissions and one petition with eight signatures. Amended plans were lodged demonstrating a revised location of the proposed shed. The application was re-notified between 19 June 2009 and 3 July 2009. During this period Council received an additional six submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<ul style="list-style-type: none"> X SUBMISSIONS RECEIVED 	 PROPERTY SUBJECT OF DEVELOPMENT	
<p>7 SUBMISSIONS RECEIVED OUT OF MAP RANGE</p>			

Twenty submissions from fourteen residents objected to the development, generally on the grounds that the development would result in:

- *An office out of character with the area and detrimental to the streetscape.*
- *A shed positioned too close to the street that would detrimentally impact on the streetscape.*
- *Unacceptable traffic on Taylors Road and on street parking congestion.*
- *Unacceptable noise resulting from the operation of the business and additional cars and trucks on the street.*
- *Fumes from the painting business that could pose a risk to nearby residents.*
- *Detrimental environmental impacts to the bushland and water course on the site should paints, solvents and other potentially toxic materials be incorrectly stored, managed and disposed of.*
- *A fire hazard as a result of the storage of paints and materials for the business.*

- *Colourbond fencing along the western side boundary that would be out of character with the rural environment.*

On 16 December 2009, amended plans were submitted showing a reduction in the scale of the proposed residential office and a change in the external appearance of the structure to be in keeping with the existing dwelling on the site. These recent amendments were not re-notified to adjoining properties. It is considered that these amendments address the issues raised with respect to the appearance of the proposed office. The relocation of the proposed shed also addresses the issues raised with respect to the impact of the shed on the streetscape.

The merits of the matters raised in community submissions have been addressed in the body of the report with the exception of the following:

5.1.1 Additional traffic on local streets

The business would employ two part time staff to work within the office. The applicant has advised the site would not be used for a meeting place for contractors or clients, nor would any deliveries of paints or materials for the purpose of the operation of the business occur. In this regard, the additional traffic load resulting from two employees visiting the site is not considered significant.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*”.

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

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

CONCLUSION

The application proposes the construction of a residential office, a storage shed and front fence at an existing rural property. The application was significantly amended to satisfy Council’s requirements and reduce the perceived detrimental impacts of the development.

The proposal has been assessed as satisfactory against the provisions of the Environmental Planning and Assessment Act 1979, the Hornsby Shire Local Environmental Plan 1994 and the Rural Lands Development Control Plan. There is a non compliance with the ‘Setbacks’ element of the Rural Lands Development Control Plan however this non compliance would not have any significant impact on adjoining properties or the streetscape and is acceptable. Subject to conditions the proposed development not result in any negative social, economic or environmental impacts and is recommended for approval.

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Site Plan/Shed Fence Evaluation
3. Office Floor Plan/Elevations

File Reference: DA/384/2009
Document Number: D01208518

SCHEDULE 1**GENERAL CONDITIONS**

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

Note: For the purpose of this consent, the term ‘applicant’ means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

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

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
AO/1209 (Site Plan)	NY Solutions Pty Ltd	14/12/2009
AO/1209 – sheet 2A	NY Solutions Pty Ltd	Revision A-1 dated 14/12/09
AO/1209 – Sheet 3	NY Solutions Pty Ltd	14/12/2009

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
REP-07709-A – ‘On-site Wastewater Management Report’ for 8 Taylors Road, Dural.	EnviroTech Pty Ltd	28 May 2009

2. Front Fence

The front fence is to be no greater than 1.5 metres in height above natural ground level. To achieve an open appearance, the width of each opening is to be equal to or greater than the width of each railing, as marked in red on the approved plans.

3. Rural Structure

The colour used in the construction of rural shed is to be a green colour consistent with those shown in Appendix D of the Rural Lands Development Control Plan.

4. Removal of Existing Trees

This development consent only permits the removal of tree numbered T7 (located within the building envelope) as identified on Site Plan No. AO/1209 prepared by NY Solutions dated 14/12/09. The removal of any other trees requires separate approval under Council’s Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a 'Construction Certificate' by either Hornsby Shire Council or an accredited certifier. All necessary information to demonstrate compliance with the following conditions of consent must be submitted with the application for a construction certificate.

5. Building Code of Australia

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

6. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the *Home Building Act, 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Note: This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.

7. Notification of Home Building Act, 1989 Requirements

Residential building work within the meaning of the *Home Building Act, 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor.
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder.
 - ii. If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The conditions have been imposed to ensure that the works are carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

8. Erection of Construction Sign

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 demolition or 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.

9. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual 'Soils and Construction 2004 (Bluebook)', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

10. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered T5, T6, T8, and T9 to be retained at a three metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent must be complied with during the construction of the development. The conditions have been imposed to ensure that the works are carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

11. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

12. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within four metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an 'AQF Level 5 Arborist' and a certificate submitted to the principal certifying authority detailing the methods used to preserve the trees.

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.

13. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.

14. Environmental Management

The site must be managed in accordance with the publication '*Managing Urban Stormwater – Landcom (March 2004)*' and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

15. Landfill

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*'. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

16. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

17. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate' or 'Subdivision Certificate'

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

18. Fulfilment of BASIX Commitments

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

19. Stormwater Drainage – Dwellings

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

Roof water is to be connected to a rainwater tank having a minimum capacity of 3,500 litres (in addition to any BASIX requirements). The overflow from the rainwater tank and collected surface water must be disposed of in accordance with Council's design specification; "*On Site Absorption System*", and the following requirements:

- i. The trench located a minimum of 5 metres from any down stream properties and 1 metre from the side boundaries;
- ii. The trench laid on contour;
- iii. The trench be a minimum of 0.5 metres wide, 0.5 metres deep and 2 metres long for every 50 square metres of impervious area; and
- iv. Overland flow from the trench be spread evenly over the site so as not to discharge water in a concentrated manner onto adjoining land.

20. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.

21. Wastewater System Approval

An on-site sewage management system, separately approved under the Local Government Act 1993, must be installed, commissioned and certified by a licensed plumber in accordance with Australian Standard 1547 – Onsite Domestic Wastewater Management (2000) and Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998).

22. Maintain Canopy Cover

To maintain canopy cover, two (2) medium to large trees selected from Council's booklet '*Indigenous Plants for the Bushland Shire*' such as *Syncarpia glomulifera* (Turpentine) 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 until they reach the height of 3 metres. Trees must be native to Hornsby Shire and reach a mature height greater than ten metres (10m).

23. Screen Planting

A screen of trees or shrubs (minimum mature growth height of 3-4 metres), as listed in Council's "*Indigenous Plants for the Bushland Shire*" publication must be planted to the west of the proposed residential office in the location nominated in red on the approved plans.

OPERATIONAL CONDITIONS

The following conditions have been applied to ensure that the ongoing use of the land is carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

24. Use of Premises

The development approved under this consent adjacent to the existing dwelling shall be used for a 'residential office' and not for any other purpose without Council's separate written consent.

Note: Pursuant to Clause 23 of the HSLEP, 'residential office' is defined as 'a dwelling in which an occupation is carried out by the permanent residents of the dwelling which does not involve any of the following:

- (a) *the employment of more than 3 persons other than the permanent residents;*
- (b) *the interference in any way with the amenity of adjoining properties or the locality in which the dwelling is situated;*

- (c) *the exhibition of any notice; advertisement or sign (other than a notice or sign which would fit within a rectangular figure 1.2 metres in length and 0.6 metres in height and exhibited on that dwelling or land to indicate the name and occupation of the resident);*
- (d) *exposure to view from any public place or any matter, except as provided by paragraph (c);*
- (e) *a change in the appearance of the dwelling or the land on which it is erected out of character with that of the adjoining land;'*

25. Operation of Painting business

No painting work for the purpose of the business is to be carried out on site. Paints or other materials used in association with the business must not be stored or disposed of on site. The site must not be used as a display room or meeting place for painting contractors or clients.

26. Use of Shed

The shed approved under this consent shall only be used as a 'rural structure' and not for any other purpose without Council's separate written consent. The shed must not be used for the storage of paints, materials or any other items in association with the business.

27. Hours of Operation

The hours of operation of the residential office are restricted to those times listed below:

Monday to Saturday	7 am to 6 pm
Sunday & Public Holidays	No work

28. Noise

All noise generated by the residential office must 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).

CONDITIONS OF CONCURRENCE – NSW RURAL FIRE SERVICE

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

29. Design and Construction

All proposed Class 10 structures as defined per the 'Building Code of Australia' 2006 attached to or within 10 metres of the habitable building must comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.

- END OF CONDITIONS -

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 legislation and Council's policies and specifications. 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

- The Environmental Planning and Assessment Act, 1979 requires:
- The issue of 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 Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under British Standard BS 5837: 2005, "Trees in Relation to Construction – Recommendations".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works you are advised to seek advice and information should be prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

2 DEVELOPMENT APPLICATION - EDUCATIONAL ESTABLISHMENT AND CHILD CARE CENTRE 1 - 25 CLARKE ROAD AND 1 - 3 MARILLIAN AVENUE, WAITARA AND NOS. 28A, 30, 30A AND 32A UNWIN ROAD WAHROONGA

Development Application No:	DA/83/2009
Description of Proposal:	Demolition of existing structures and construction of an educational establishment and child care centre.
Property Description:	Lot 1 DP 519826, Lot 2 DP 8245, Lot 3 DP 8245, Lot 4 DP 8245, Lot 5 DP 951017, Lot 6 DP 8245, Lot 7 DP 8245, Lot 8 DP 8245, Lot 9 DP 8245, Lot 10 DP 8245, Lot 2 DP 226796, Lot 1 DP 226796, Lot 11 DP 635739, Lot 12 DP 635739, Lot 4 DP 226796, Lot 3 DP 564798, Lot 2 DP 528800, Lot 4 DP 236907 and Lot 6 DP 236907, Nos. 1-25 Clarke Road & Nos. 1-3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A & 32A Unwin Road, Wahroonga
Applicant:	The Council of Barker College
Owner:	Barker College
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density)
Estimated Value:	\$12,092,000
Ward:	B

RECOMMENDATION

THAT Development Application No. 83/2009 for demolition of existing structures and construction of an educational establishment and child care centre at Lot 1 DP 519826, Lot 2 DP 8245, Lot 3 DP 8245, Lot 4 DP 8245, Lot 5 DP 951017, Lot 6 DP 8245, Lot 7 DP 8245, Lot 8 DP 8245, Lot 9 DP 8245, Lot 10 DP 8245, Lot 2 DP 226796, Lot 1 DP 226796, Lot 11 DP 635739, Lot 12 DP 635739, Lot 4 DP 226796, Lot 3 DP 564798, Lot 2 DP 528800, Lot 4 DP 236907 and Lot 6 DP 236907, Nos. 1-25 Clarke Road and Nos. 1-3 Marillian Avenue, Waitara and Nos. 28A, 30, 30A & 32A Unwin Road, Wahroonga be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the demolition of existing structures and the construction of an educational establishment and child care centre.

2. The proposal complies with the requirements of Hornsby Shire Local Environmental Plan 1994 and the relevant Development Control Plans.
3. Six submissions have been received in respect of the application.
4. It is recommended that the application be approved

THE SITE

The site comprises 19 allotments and covers an area of approximately 1.8 hectares. The site has a frontage of 192 metres to Clarke Road, 114 metres to Marillian Avenue and 64 metres to Unwin Road.

Existing development on the site comprises predominantly single storey dwellings on each of the allotments except for Nos. 1 and 1A Marillian Avenue which contain two storey dwellings and No. 17 Clarke Road which is vacant and planted with grape vines, vegetable gardens and orchard trees.

The site has an average slope of 1:15 from Clarke Road down to the south and south-east and contains a mix of exotic and native trees.

Residential development is located south, east and west of the site and the main campus of Barker College is located to the north of the site.

THE PROPOSAL

The application proposes the demolition of a number of the existing buildings and erection of an early learning centre (ELC) comprising an educational establishment and child care centre. A description of the proposed works is provided below.

The development is located mainly on the western part of the site and involves demolition of nine cottages (Nos. 11-25 Clarke Road and Nos. 1, 1A and 3 Marillian Avenue). No. 9 Clarke Road would be retained in its existing format and used for caretaker's accommodation and for archive and storage of ELC records and materials.

The five existing cottages Nos. 1-7 Clarke Road would be retained in their existing form for use as staff housing and potential future development. The rear 10 metres of these existing allotments would be excised and used for the main access drive to the ELC off Unwin Road.

Nos. 28A, 30, 30A and 32A Unwin Road would also be retained for potential future development. A strip along the northern and western boundary of No. 28A would be excised and used for parking and landscaping of the ELC, together with a small triangular corner of No. 30 Unwin Road. Nos. 30A and 32A are unaffected by the development.

The ELC comprises three main elements:

- Pre-school childcare centre;
- Infants school (kindergarten - Year 2); and
- Out of school hours (OOSH) infants and junior care facility.

The proposed development generally has a V-shaped form oriented east-west on the site, with the space inside the V occupied by a roofed piazza.

The child care centre occupies the eastern part of the development and the infants school the western part, these being divided by the main pedestrian access from Clarke Road and connecting through to the main Barker College campus.

The child care centre comprises four activity rooms (1 x age 0-2, 1 x age 2-3 and 2 x age 3-5), an atelier (art and craft studio), kitchen and administration rooms, all at the level of Clarke Road.

The infants' school to the west of the child care centre comprises a library, central administration building, two kindergarten classrooms and four classrooms for Years 1-2. It is anticipated that 120 children will attend Years K-2 at the campus.

The development is on two levels to accommodate the slope of the site, with the buildings on eastern part of the development built over a basement carpark. From the lower ground car park level, access is gained to the ground level via a circular 'tree walk' ramp or via stairs and lift within the central administration building.

The applicant proposes to stage the development as follows:

Stage 1 Construction of the entry and accessway off Unwin Road and construction the parking areas and drop off and pick-up zone and provision of demountable buildings for use by Kindergarten, Year 1 and Year 2. The boundary adjustment for proposed Lots A, B, C, D, E and 2 would also be undertaken at this time.

Stage 2 Construction of the permanent building for Kindergarten, Year 1 and Year 2 and the administration block.

Stage 3 Construction of the child care centre.

ASSESSMENT

The development application has been assessed having regard to the '2005 City of Cities Metropolitan Strategy', the 'North Subregion (Draft) Subregional Strategy' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). Subsequently, the following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Strategy – (Draft) North Subregional Strategy

The Metropolitan Strategy is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2031; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The draft North Subregional Strategy acts as a framework for Council in the preparation of a new Principal LEP by 2011.

The draft Subregional Strategy sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the draft Strategy by providing additional jobs in the locality.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*”.

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Residential A (Low Density) under Hornsby Local Environmental Plan 1994 (HSLEP). The objectives of the zone are:

- (a) *to provide for the housing needs of the population of the Hornsby area.*
- (b) *to promote a variety of housing types and other land uses compatible with a low density residential environment.*
- (c) *to provide for development that is within the environmental capacity of a low density residential environment.*

The proposed development is defined as ‘*educational establishment*’ and ‘*child care centre*’ under the HSLEP and is permissible in the zone with Council’s consent.

Clause 15 of HSLEP prescribes that the maximum floor space ratio (FSR) of development within the Residential A (Low Density) zone is 0.4:1. The proposed development complies with this requirement.

Clause 18 of HSLEP sets out heritage conservation provisions within the Hornsby area. The property is within the vicinity of properties No. 1A Clarke Road (house) and Nos. 27-31 Clarke Road, Waitara (house and garden) which are listed as heritage items of local significance under the provisions of Schedule D (Heritage Items) of the HSLEP. The property is also within the vicinity of the Barker College Heritage Conservation Area listed under the provisions of Schedule E (Heritage Conservation Areas) of the HSLEP.

At its meeting on 2 March 2009, the Heritage Advisory Committee commented that the proposal is adequately separated from the heritage listed property at Nos. 27-31 Clarke Road and located a sufficient distance from the heritage item at No. 1A Clarke Road that the proposal would not have an adverse impact upon the significance of these properties. Furthermore, the proposal is commensurate in its use and scale to the adjacent Barker College Heritage Conservation Area. Accordingly, the Committee resolved that no objections be raised to the proposal on heritage grounds.

2.2 State Environmental Planning Policy (Infrastructure) 2007

The application was referred to the RTA pursuant to Clause 104 of the Infrastructure SEPP as Schedule 3 applies to educational establishments that accommodate 50 or more students. The application was considered by the Sydney Regional Development Advisory Committee (SRDAC) on 11 March 2009 which raised no objections to the proposed development subject to the imposition of conditions, detailed in Schedule 1.

2.3 State Environmental Planning Policy No. 44 – Koala Habitat

State Environmental Planning Policy No 44 (SEPP 44) applies to land that has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land.

The subject site has an area of approximately 1.8 hectares. Accordingly, Council is required to consider whether the land is a potential core koala habitat.

The site has long been developed for residential purposes and is largely cleared with isolated remnant native forest trees in some rear yards. The site does not contain any potential habitat for koalas and no further assessment is required under the provisions of SEPP 44.

2.4 State Environmental Planning Policy No. 55 – Remediation of Land

The application has been assessed against the requirements of *State Environmental Planning Policy No. 55*. This Policy provides State-wide planning controls to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment.

Historical information and an inspection of the site and surrounding areas indicates that the site has been used for residential purposes and there is no known history of uses that might result in soil contamination such as industry, commercial horticulture or agricultural purposes

The site contamination report submitted with the application states that based on the historical review, site inspection and laboratory analysis of the soil samples, there appears no reasonable grounds upon which to suspect that any significant soil contamination exists on the site and that no remedial works are deemed necessary.

2.5 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

The site is located within the catchment of the Hawkesbury River. Any development works associated with the construction of the proposed development have the potential to impact on the integrity of downstream watercourses. The proposal involves works that would require specific conditions to be imposed regarding erosion and sediment control measures. These are addressed in Schedule 1.

2.6 Community Uses Development Control Plan

The proposed '*educational establishment*' and '*child care centre*' component of the development has been assessed having regard to the relevant performance and prescriptive design standards within Council's Community Uses Development Control Plan (Community Uses DCP). The following table sets out the proposal's compliance with the prescriptive standards of the Plan:

Community Uses Development Control Plan			
Control	Proposal	Requirement	Compliance
Site Area	10,876m ²	500m ²	Yes
Floor Area	2369m ²	N/A	N/A

FSR	0.22:1	0.4:1	Yes
Height	4.2m - 7.4m	9m	Yes
Recreation Space			
- Educational establishment (20m ² per student)	2405m ²	2400m ²	Yes
- Child care: Outdoor (7m ² per child)	1237m ²	462m ²	Yes
- Child care: Indoor (3.25m ² per child)	450m ²	214.5m ²	Yes
Landscaping	56%	45%	Yes
Car Parking	70 spaces	30 spaces	Yes
Setbacks			
- Clarke Road	12-16.5m	6m	Yes
- Unwin Road	84m	6m	Yes
- Marillian Avenue	6m	6m	Yes
- Southern boundary	23.5m	1m	Yes

As detailed in the above table, the proposed development complies with the prescriptive standards contained within Council's Community Uses DCP. A brief discussion on compliance with relevant performance standards is provided below.

2.6.1 Maximum Size of Child Care Centres

The '*density element*' of the Community Uses DCP states that child care centres on land zoned Residential should be limited to 50 children of which no more than 30 should be in the 2 years and over age group. The proposed development is for 66 children, including 56 aged 2 years or over, which exceeds the level recommended by the DCP.

The objective of the prescriptive measure is to maintain the character of residential areas and minimise the impact of noise on adjacent properties.

The proposed child care centre is located within the centre of the site away from adjoining residential development and opposite the main Barker campus. Notwithstanding that the current proposal is for 66 children, the environmental capacity of the site would readily cater to 80 children, whilst satisfying the requirements for recreation space and car parking on-site and would not have a detrimental acoustic impact on the locality. (Further discussion on the acoustic impact of the proposal is provided in Section 2.6.8 under the heading 'Acoustics'.) It is considered that the scale of the development is in keeping with the low density scale of the surrounding residential development and the proposed increase in the number of children for the proposed child care centre to 80 children is considered appropriate in the circumstances of the case.

2.6.2 Site Cover

Under the DCP, site coverage should not exceed 40% of the site area. The performance criteria states that site coverage should allow adequate areas for access, car parking, landscaping and useable outdoor recreation. Furthermore, the area of the site covered by impervious surfaces (including roofed areas, paving, driveways etc) should be minimised to reduce stormwater runoff from the site.

Approximately 33% of the site is to be used as open space for recreation by both the educational establishment and the child care centre. Furthermore over 50% of the site is proposed to be landscaped. Accordingly, the proposed development will not exceed the maximum site coverage requirement of 40%.

2.6.3 Masterplan

The *'density element'* of the Community Uses DCP requires applications for special use developments to be accompanied by a masterplan.

The school submitted a masterplan in 1998 for consideration in the assessment of the Science Building (DA/393/1998) and the masterplan was updated in 2005. The masterplan whilst primarily for the main campus includes the adjacent sites owned by Barker College in Clarke Road. The siting of the proposed ELC is generally consistent with the intent of the masterplan to redevelop the land for educational facilities.

2.6.4 Site Selection

The 'Site Selection' element of the Community Uses DCP aims to provide site selection criteria that will encourage the location of special use developments on sites with the lowest potential social and environmental impacts.

The site adjoins the main campus of Barker College and is well served by train and bus services. The proposed ELC site is large enough to provide extensive recreation areas and adequate car parking for the proposed school population.

Accordingly, the site's attributes are considered conducive to the proposed development.

2.6.5 Parking and Access

Under the DCP, the proposed development would require 30 car spaces. The application has been supported by a Traffic and Parking Report and the proposal includes 70 spaces and provision for a vehicle drop-off/pick up area located within the site.

Resident submissions received raise concerns with regards to the proposed access arrangements and traffic impacts on Clarke Road and Unwin Road with particular regard to traffic queuing and on-street car parking.

- The SIDRA analysis contained within the submitted Traffic and Parking Report indicates that operation of intersections in the area would be affected by the proposed ELC during the morning and afternoon peak periods, however the current level of service at most intersections would not change over a one hour period. The Level of Service (LOS) at the intersection of Unwin Road and Clarke Road would change from LOS A to LOS B in the AM peak hour period. LOS B is considered acceptable for stop sign control which currently exists at the intersection.
- Peak volumes distributed over one hour period in the simulation suggest queuing in Unwin Road extending 95 metres south of the Pacific Highway (with development). Council staff observations of queues in excess of 200 metres at this location have been confirmed with residents reporting queues reaching Clarke Road to be more common. These extensive queues observed on site by staff and residents represent the 15 minute peak generated by combination of existing educational establishments in

the immediate area. Whilst this congestion and queuing would further increase with the development, designing a road network to cater for the 15 minute peak is not standard practice as the congestion is averaged over a one hour period.

Officers assessment of the proposal concluded that parking needs were currently met, and that traffic generated by this development would not adversely affect the local road network,

2.6.6 Design

The Community Uses DCP does not prescribe a height control for the land zoned Residential A and Special Uses A. Notwithstanding, the proposed development would emulate the overall bulk, height and scale of adjoining residential development.

Submissions received raise concerns with regards to the proposed design of the building fronting Marillian Avenue and that it is unsympathetic with the streetscape.

The development comprises two arms arranged in a V-shaped formation. The elevation to Clarke Road has been modulated to present as a series of smaller buildings with similar scale and spacing as the existing cottages.

The design of the buildings employing raked roofing and high level glazing reflects contemporary domestic architecture of modern homes and high density residential development in the surrounding area.

The two buildings which front Marillian Avenue are single storey in height, are articulated and have a width of 10.6 metres and 20.2 metres, respectively. The proposed landscaping works include trees and shrubs which will screen the buildings.

The proposal complements the existing Barker College Campus and adjoining residential development and would not have a detrimental impact upon the existing streetscape of Marillian Avenue or Clarke Road.

2.6.7 Landscaping

Submissions received raise concerns with regards to the proposed landscaping of the development.

The 'landscaping' element of the Community Uses DCP requires 45% of the site to be landscaped. The proposed development exceeds the minimum required landscape area. A landscape buffer of approximately 5 metres in width surrounds the development, which exceeds the minimum of 2 metres prescribed in this element. The development aims to retain a number of the existing large trees to provide a suitable landscape setting for the buildings.

2.6.8 Acoustics

Submissions raised concern regarding potential acoustic impacts arising from the operation of the child care centre and educational establishment.

Whilst it is recognised that there would be some increase in noise associated with an increase in development on the site, it is considered that the noise increase would not be significant as to warrant refusal of the application in itself. Noise restrictions are set out in the *Protection of the Environment Operations Act 1997* and noise generated by the development could be reasonably managed on site.

The proposed child care centre and educational establishment are set well back from the boundaries and are located adjacent to a long established school. They do not present any significant potential to increase noise arising from operation of the school.

Furthermore, an Acoustic Assessment Report for the proposed ELC was submitted with the application, and subject to compliance with the recommendations of the acoustic report and conditions contained in Schedule 1, the proposal is considered satisfactory with respect to potential acoustic impacts.

2.6.9 Solar Access

The development is centrally positioned on the site and is set well back from private boundaries. The single and two storey building height ensures that no overshadowing of neighbouring properties would occur.

2.6.10 Crime Prevention

The proposed development has been designed to minimise crime in accordance with *Crime Prevention through Environmental Design* (CPTED) principles by way of clear sightlines, windows that overlook the street, suitable pedestrian access for the users of the school and clearly defined building entry and access.

The proposal complies with the Community Uses DCP crime prevention element objective.

2.7 Residential Subdivision Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design standards within Council's Residential Subdivision Development Control Plan (Residential Subdivision DCP). The following table sets out the proposal's compliance with the prescriptive standards of the Plan:

Residential Subdivision Development Control Plan			
Control	Proposal	Requirement	Compliance
Site Area by Allotments			
- Lot A (Early Learning Centre)	13468m ²	500m ²	Yes
- Lot B (7 Clarke Road)	612m ²	500m ²	Yes
- Lot C (5 Clarke Road)	620m ²	500m ²	Yes
- Lot D (3 Clarke Road)	620m ²	500m ²	Yes
- Lot E (1 Clarke Road)	632m ²	500m ²	Yes
- Lot 2 (28A Unwin Road - exc. access handle)	917m ²	500m ²	Yes
Floor Area			
- Lot A (Early Learning Centre)	2369m ²	N/A	N/A
- Lot B (7 Clarke Road)	130m ²	N/A	N/A
- Lot C (5 Clarke Road)	100m ²	N/A	N/A
- Lot D (3 Clarke Road)	130m ²	N/A	N/A
- Lot E (1 Clarke Road)	110m ²	N/A	N/A
- Lot 2 (28A Unwin Road)	150m ²	N/A	N/A

FSR			
- Lot A (Early Learning Centre)	0.22:1	0.4:1	Yes
- Lot B (7 Clarke Road)	0.21:1	0.4:1	Yes
- Lot C (5 Clarke Road)	0.16:1	0.4:1	Yes
- Lot D (3 Clarke Road)	0.21:1	0.4:1	Yes
- Lot E (1 Clarke Road)	0.17:1	0.4:1	Yes
- Lot 2 (28A Unwin Road)	0.16:1	0.4:1	Yes
Height			
- Early Learning Centre	4.2m - 7.4m	9m	Yes
- Dwellings on remaining lots	unchanged		
Private Open Space			
- Lot B (7 Clarke Road)	240m	120m	Yes
- Lot C (5 Clarke Road)	264m	120m	Yes
- Lot D (3 Clarke Road)	268m	120m	Yes
- Lot E (1 Clarke Road)	>200m	120m	Yes
- Lot 2 (28A Unwin Road)	>200m	120m	Yes
Landscaping			
- Lot A (Early Learning Centre)	56%	45%	Yes
- Lot B (7 Clarke Road)	58%	45%	Yes
- Lot C (5 Clarke Road)	60%	45%	Yes
- Lot D (3 Clarke Road)	60%	45%	Yes
- Lot 3 (1 Clarke Road)	69%	45%	Yes
- Lot 2 (28A Unwin Road)	>45%	45%	Yes
Car Parking			
- Lot A (Early Learning Centre)	70 spaces	30 spaces	Yes
- Lot B (7 Clarke Road)	2 spaces	2 spaces	Yes
- Lot C (5 Clarke Road)	2 spaces	2 spaces	Yes
- Lot D (3 Clarke Road)	2 spaces	2 spaces	Yes
- Lot E (1 Clarke Road)	2 spaces	2 spaces	Yes
- Lot 2 (28A Unwin Road)	2 spaces	2 spaces	Yes
Setbacks			
<i>Lot A (Early Learning Centre)</i>			
- Clarke Road	12-16.5m	6m	Yes
- Unwin Road	84m	6m	Yes
- Marillian Avenue	6m	6m	Yes
- Southern boundary	23.5m	1m	Yes
<i>Lot B (7 Clarke Road)</i>			
- Clarke Road	Unchanged	6m	Yes
- East (side)	Unchanged	1m	Yes
- West (side)	Unchanged	1m	Yes
- South (rear)	15.5m	3m	Yes
<i>Lot C (5 Clarke Road)</i>			
- Clarke Road	Unchanged	6m	Yes
- East (side)	Unchanged	1m	Yes
- West (side)	Unchanged	1m	Yes
- South (rear)	16m	3m	Yes

<i>Lot D (3 Clarke Road)</i>			
- Clarke Road	Unchanged	6m	Yes
- East (side)	Unchanged	1m	Yes
- West (side)	Unchanged	1m	Yes
- South (rear)	16.5m	3m	Yes
<i>Lot E (1 Clarke Road)</i>			
- Clarke Road	Unchanged	6m	Yes
- Unwin Road	Unchanged	6m	Yes
- West (side)	Unchanged	1m	Yes
- Southern (side)	21.5m	1m	Yes
<i>Lot 2 (28A Unwin Road)</i>			
- Unwin Road	Unchanged	6m	Yes
- North (side)	Unchanged	1m	Yes
- South (side)	Unchanged	1m	Yes
- West (rear)	15m	3m	Yes

As detailed in the above table, the proposed development complies with the prescriptive standards contained within Council's Residential Subdivision DCP. The relevant performance standards of the Residential Subdivision DCP are consistent with those contained in the Community Uses DCP and have been addressed in Section 2.6 above.

2.8 Car Parking Development Control Plan

The primary purpose of this DCP is to provide parking controls for the development.

A total of 70 car parking spaces are proposed on site. The car parking rate for educational establishments is one car parking space per full time teacher, accordingly, 10 car parking spaces are required. The car parking rate for child care centres is one car parking space per four children, resulting in 20 car parking spaces being required. The proposed development includes provision for a further 40 car parking spaces on-site which well exceeds the minimum car parking requirements of the DCP.

2.9 Access and Mobility Development Control Plan

The objective of this DCP is to ensure that new development is accessible and usable by all people in Hornsby Shire, including those people with disabilities. The applicant submitted an Access Report prepared by 'Morris-Goding Accessibility Consulting'. The application proposes a continuous path of travel and incorporates disabled toilets and a lift between floors in the two storey building.

2.10 Waste Minimisation and Management Development Control Plan

The primary purpose of this Development Control Plan is to provide planning strategies and controls to promote waste minimisation and management. The applicant has submitted a waste management plan in accordance with the requirements of the DCP.

Council's waste assessment of the proposal noted that vehicle turning paths have been provided for a 10.5m medium rigid vehicle turning on site. The swept path analysis indicates that the driveway/turning area would need to be modified at several points to accommodate

waste collection vehicles. The turning path of waste collection vehicles makes use of several car parking spaces, hence service timing and parking restrictions would need to be carefully managed to ensure services are not prevented by parked cars, and trucks are not forced to reverse in or out of the site.

The bin collection point would be completed in Stage 1 and interim bin storage areas would be established prior to completion of Stages 1 and 2. Bin storage and collection arrangements for each of the three stages are adequate.

Conditions are recommended for implementation of the Waste Management Plan, for the construction of the development to be carried out in accordance with Council's waste minimisation and management guidelines, for the bin collection point to be suitably screened and for the internal layout of the driveway to be redesigned so that waste vehicles can be accommodated on-site.

2.11 Sustainable Water Development Control Plan

The objective of this DCP is to ensure the sustainability of water as a renewable resource and adopt the principles of Ecologically Sustainable Development to achieve this goal. The development site is not located in close proximity to an existing creek. Recommended conditions of consent address erosion and sediment control and stormwater management.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*".

3.1 Natural Environment

The site comprises a number of exotic, native planted trees and locally indigenous specimens.

The proposed development would necessitate the removal of 24 trees from the site. The application has been supported by an Arborist Report and Council's assessment of the proposal concluded that no trees which would be removed or adversely affected are considered to be significant. Furthermore, the proposed landscaping works would ensure that local tree canopy cover is maintained after the completion of the works.

3.2 Built Environment

The development would not have an adverse visual impact as the buildings are not in a visually sensitive location and the view from land used for residential purposes would be moderated by distance. The bulk of the development would be single storey, with one two storey building which is consistent with adjoining residential development.

3.3 Social Impacts

The proposed child care centre would provide an extra 66 child care spaces in the locality and the development would make a positive social contribution to the local community by providing a modern educational establishment with improved facilities to service the needs of the school community.

3.4 Economic Impacts

The proposed development would not have a negative economic impact on the locality.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider “*the suitability of the site for the development*”.

There is no known hazard/risk associated with the site with respect to bushfire, landslip, subsidence and flooding that would preclude approval of the proposed development and the attributes of the site are conducive to the proposed development.

5. PUBLIC PARTICIPATION

Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 3 February 2009 and 5 March 2009 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received six submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<ul style="list-style-type: none"> X SUBMISSIONS RECEIVED 	 PROPERTY SUBJECT OF DEVELOPMENT	
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Six submissions objected to the development, generally on the following grounds that the development would result in:

- Unacceptable traffic on local streets;
- Access and Parking impacts;
- Acoustic impacts;
- Design of the building fronting Marillian Avenue;
- Demolition of existing dwellings at Nos. 1 and 3 Marillian Avenue;

The merits of the matters raised in community submissions have been addressed in the body of the report with the exception of the following:

5.1.1 Demolition of existing dwellings at No. 1 and 3 Marillian Avenue

The submission raised concerns that the proposed development includes the demolition of the existing dwellings at Nos. 1 and 3 Marillian Avenue, which the writer considers are in 'immaculate' condition and would provide accommodation in the current housing shortage. Notwithstanding, the location of the dwellings is required to provide the necessary recreation space for the ELC and adequate landscaping and screening for the development and surrounding properties. Accordingly, the concerns raised do not warrant refusal of the application.

5.2 Public Agencies

As stated previously in the report, the application was referred to the RTA pursuant to Clause 104 of the Infrastructure SEPP. The application was considered by the Sydney Regional Development Advisory Committee (SRDAC) and no objections were raised to the proposed development.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider "*the public interest*".

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

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

CONCLUSION

The application proposes demolition of existing structures and construction of an educational establishment and child care centre adjacent to the main campus of Barker College.

The proposal is consistent with the relevant aims and objectives contained within the relevant State and Regional Environmental Planning Policies, the Hornsby Shire Local Environmental Plan 1994, and the Development Control Plans which are applicable to the site.

The development is unlikely to result in any significant impacts upon the natural or built environments, or have any negative social or economic impacts. The development provides for improved educational and child care facilities for the school and broader community. Given this, and the recommended conditions, it is recommended that the application be approved.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Subdivision Plan
3. Staging Plan
4. Site/Floor Plans
5. Elevations and Sections
6. Landscape Plan

File Reference: DA/83/2009
Document Number: D01309575

SCHEDULE 1**GENERAL CONDITIONS**

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

CONDITIONS APPLICABLE TO ALL STAGES**1. Approved Plans and Supporting Documentation**

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

Subdivision Plan prepared by PMDL Architecture + Design Pty Ltd

Plan No.	Title	Rev	Dated
DA E109	Barker ELC Subdivision Plan	B	23 December 2009

Architectural Plans prepared by PMDL Architecture + Design Pty Ltd

Plan No.	Title	Rev	Dated
DA E101	Demolition Plan	A	18 November 2008
DA E103	Lower Level Plan	B	19 November 2008
DA E104	Ground Level Plan	C	19 November 2008
DA E105	Roof Plan	B	19 November 2008
DA E106	Separable Stage - Lower Level	B	2 November 2009
DA E107	Separable Stage - Upper Level	A	19 November 2008
DA E108	Site Survey	A	4 December 2008
DA E201	Elevations - Sheet 1	A	21 November 2008
DA E202	Elevations - Sheet 2	A	20 November 2008
DA E301	Sections	A	23 November 2008

Landscape Plans prepared by DEM (Aust) Pty Ltd

Plan No.	Title	Rev	Dated
lask 0501	Significant Tree Locations	-	30 January 2008
lask 0502	Site Analysis Plan	A--	1 February 2008
lask 0503	Slope Analysis Plan	A--	1 February 2008
laEL 0501	Landscape Plan - Sheet 1	a04	6 January 2009

laEL 0502	Landscape Plan - Sheet 2	a04	6 January 2009
laEL 2201	Landscape Sections - Sheet 1	a03	6 January 2009
laEL 2202	Landscape Sections - Sheet 2	a03	6 January 2009
laEL 8901	Landscape Details - Sheet 1	a03	6 January 2009
SKEL001	Landscape Precedents & Material Images	a01	19 December 2008

Civil Engineering Plans prepared by Hughes Trueman

<i>Plan No.</i>	<i>Title</i>	<i>Rev</i>	<i>Dated</i>
07P847-01-DAC110	Siteworks Plan - Lower Level	C	30 October 2009
07P847-01-DAC111	Siteworks Plan - Upper Level	C	30 October 2009
07P847-01-DAC120	Erosion & Sediment Control Plan	C	30 October 2009
07P847-01-DAC130	Details	C	30 October 2009

Supporting Documentation

<i>Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
Statement of Environmental Effects	Mark Shanahan Planning Pty Ltd	12 January 2009
Traffic Report 073583r03-ELC	Masson Wilson Twiney	29 January 2009
Heritage Impact Statement Project No. SYH-000334	HBO+EMTB Heritage Pty Ltd	21 November 2008
Civil Engineering Report No. 070847 091030	Hughes Trueman Pty Ltd	30 October 2009
Landscape Report Project No. 3999-01	DEM (Aust) Pty Ltd	6 January 2009
Ecological Assessment	Molino Stewart Pty Ltd	January 2009
Noise Assessment Report No. 3446	RSA Acoustics Pty Ltd	November 2008
Accessibility Report	Morris-Goding Accessibility Consulting	11 December 2009
Waste Management Plan	Warren Marsh	4 December 2008
Barker After School Program Management Plan	Neil Harrison – Head of Barker Junior School	undated
Indicative Fence Detail DA E110A	PMDL Architecture + Design Pty Ltd	undated

2. Removal of Existing Trees

This development consent only permits the removal of trees numbered 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 44, and 45 as identified on Plan No. lask0501 - Significant Tree Locations, prepared by DEM, dated 30 January 2008. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

CONDITIONS APPLICABLE TO ALL STAGES

3. Building Code of Australia

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

4. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a. *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the *Sydney Water Act 1994*.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

5. Wombat Crossing Design

A detailed design of the necessary works to provide for the relocation of the Wombat Crossing must be approved by Council.

6. Construction Management Plan

A Construction Management Plan must be submitted covering traffic impact and safety on the Clarke Road and Unwin Road for Council’s approval.

7. Access and Mobility

The development must be carried out in accordance with the recommendations provided in the Accessibility Report prepared by Morris-Goding Accessibility Consulting, dated 11 December 2009. Details are to be provided to the accredited certifier with the application for a Construction Certificate.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 1

8. Design of Waste Vehicle Entry/Exit and Turning Area

The sections of driveway/road that will be used by waste collection vehicles (including site entry/exit and vehicle turning area) must be designed in accordance with *Australian Standard AS 2890.2 – 2002 Parking Facilities Part 2: Off-street commercial vehicle facilities*. The minimum design vehicle dimensions to be used in the driveway/roadway design are: heavy rigid vehicles of 10.5 metres overall length, design width of 2.5 metres, design turning radius of 11.25 metres, and 4.5 metre clearance height.

Notes:

- *The ‘Waste Minimisation and Management Development Control Plan’ requires a minimum turning radius of 11.25 metres.*
- *The driveway plans will require amendments in order to comply with this condition.*

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 3**9. Bin Room Design**

The bin rooms, garbage chute and related devices must be designed in accordance with the provisions of Hornsby Shire Council's *Waste Minimisation and Management Development Control Plan*.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**CONDITIONS APPLICABLE TO ALL STAGES****10. Erection of Construction Sign**

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 demolition or 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.

11. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

12. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

- a. be a standard flushing toilet connected to a public sewer; or
- b. be a temporary chemical closet approved under the *Local Government Act, 1993*; or
- c. have an on-site effluent disposal system approved under the *Local Government Act, 1993*

13. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

14. Tree Protection Barriers

Tree protection fencing must be erected around trees to be retained at a 3 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

REQUIREMENTS DURING CONSTRUCTION

CONDITIONS APPLICABLE TO ALL STAGES

15. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

16. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 1996*.

- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

17. Environmental Management

The site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

18. Landfill

Landfill must be constructed in accordance with Council's *'Construction Specification, 2005'*. All fill material imported to the site must wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

19. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

20. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within 4 metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an *'AQF Level 5 Arborist'* and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.

21. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

22. Waste Management Plan Work Practices

Appropriate work practices shall be employed to implement the *Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage* as applicable.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, any reference to ‘occupation certificate’ shall also be taken to mean ‘interim occupation certificate’ unless otherwise stated.

CONDITIONS APPLICABLE TO ALL STAGES

23. Maintain Canopy Cover

To maintain canopy cover, replanting must be undertaken as per the submitted Landscape Plans, Drawing Nos. laEL0501 and laEL 0502, Revision a04, dated 6 January 2009.

24. Completion of Landscaping

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

25. Wombat Crossing

The Wombat Crossing in Clarke Road must be relocated in accordance with Council’s requirements prior to the enrolment of any children at the campus.

26. Retaining Walls

All required retaining walls must be constructed as part of the development.

27. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*. Certification of compliance with the Standard must be obtained from a suitably qualified person.

28. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2004*.

Note: Reference should also be made to the Food Safety Standards and the 'Safe Food Australia - A guide to the Food Safety Standards 2nd Edition January 2001'.

29. Grease Trap & Dry Basket Arrestor Installation

An application must be submitted to *Sydney Water* for the installation of a grease trap and dry basket arrestor (floor and sink) in accordance with the '*Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharges – Sydney Water (May 2004)*'.

30. Kitchen Exhaust Installation

A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 1

31. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

32. Stormwater Drainage

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for the construction of any stormwater works in public roads. The stormwater drainage system for the development must be designed and constructed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a. Connected directly to Council's street drainage system.
- b. A Council drainage system is to be constructed in Marillian Avenue from the proposed outlet of the OSD to the existing Council drainage pit adjacent to No. 9 Marillian Avenue. The pipeline is to be located under the kerb & gutter. The existing kerb and gutter is to be removed and reconstructed after the construction of the pipeline. A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for the construction of the stormwater pipeline in Marillian Avenue.
- c. An inter-allotment stormwater drainage system is to be constructed to service Nos 1-7 Clarke Rd with pits being constructed in situ.

33. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a. Have a capacity of not less than 150 cubic metres, and a maximum discharge (when full) of 220 litres per second.
- b. Have a surcharge/inspection grate located directly above the outlet.
- c. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply

drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.

34. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed and constructed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a. Design levels at the front boundary are to be obtained from Council.
- b. The driveway be a rigid pavement.
- c. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
- d. The driveway pavement be a minimum 3 metres wide, 0.15 metres thick reinforced concrete with F72 steel reinforcing fabric and a 0.15 metre sub-base.
- e. Retaining walls required to support the carriageway and parking areas and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- f. The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter can not be achieved.

35. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* and the following requirements:

- a. All redundant crossings to be replaced with integral kerb and gutter.
- b. The footway area to be restored by turfing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

36. Road Works

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for all construction works in Clarke Road and Marillian Avenue. All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. A Wombat crossing is to be constructed within Clarke Road.

- b. A concrete footpath to be constructed within the road verge of Clarke Road from the intersection of Unwin Road to the intersection of Marillian Avenue. The verge is to be regarded from the property boundary to the top of kerb in Clarke Rd at a grade of 4%. Batters and or retaining walls are to be constructed within the property boundaries where necessary.
- c. All redundant access crossing are to be removed and reinstated with kerb and gutter
- d. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

37. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following:

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans addressing all construction aspects of the project.
- f. Pedestrian and cyclist access/safety.

38. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

39. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a. An inter-allotment drainage easement(s) over each of the burdened lots.
- b. 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 in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- c. To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in

accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the “works-as-executed” plan and supported by calculations.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

40. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

41. Subdivision

The proposed subdivision is to be registered with the Department of Lands.

Note: The applicant is recommended to submit the plan of subdivision to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.

42. Certification of Access for Waste Collection Vehicles

- a. A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the issue of the Subdivision/Occupation Certificate, certifying that:
- b.
 - a. The finished road/access way (including vehicle turning area and site entry/exit) complies with *Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities* for heavy rigid vehicles with minimum design vehicle dimensions of 10.5 metres overall length, width of 2.5 metres, turning radius of 11.25 metres, and 4.5 metre clearance height; and
 - b. The finished road/access way (including vehicle turning area and site entry/exit) complies with the *Waste Minimisation and Management Development Control Plan* with a minimum radius of 11.25 metres and minimum width of 4 metres.

43. Management Plan for Waste Collection Vehicles

Submit to the Principal Certifying Authority, a management plan for the car parking spaces within the turning path of waste collection vehicles which ensures that waste services are not prevented from taking place by obstruction from parked cars and ensures that waste collection vehicles are able to enter and leave the site in a forward direction.

44. Screen Bin Collection Point

The bins placed at the bin collection point for servicing must be screened from public view.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 2

45. Landscape treatment of acoustic fence in Marillian Avenue

The screen planting to on-grade landscape setback areas in front of acoustic fence to Marillian Avenue must include a 24 x *Syzygium* 'Royal Flame' planted at 1 metre centres in mulched planter beds. Shrubs be installed at minimum 25 litre pot size.

The acoustic fence must be 2.1 metre high solid timber with a 600 high lattice above. The lattice must include a flat polycarbonate sheet to one side.

46. Road Works

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for all construction works in Clarke Road and Marillian Avenue. All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. A concrete footpath to be constructed within the road verge of Marillian Avenue from the intersection of Clarke Road across the frontage of the site in Marillian Avenue. The verge is to be regarded from the property boundary to the top of kerb in Clarke Rd at a grade of 4%. Batters and or retaining walls are to be constructed within the property boundaries where necessary.
- b. All redundant access crossings to be removed and reinstated with kerb and gutter.
- c. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

47. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following:

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans.
- f. Pedestrian and cyclist access/safety.

48. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

49. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 3**50. Traffic Control Plan**

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following:

- a. Permanent post-construction signage.
- b. Vehicle movement plans.
- c. Traffic management plans.
- d. Pedestrian and cyclist access/safety.

51. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

52. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

53. Bin Storage Room Design

The bin storage room must be designed and constructed in accordance with the *Waste Minimisation and Management Development Control Plan* with regards to water/hose for cleansing, graded floors with drainage to sewer, robust door(s), sealed/impervious surfaces, adequate lighting and ventilation.

There must be no steps along the bin carting route(s).

54. Waste Management Plan Compliance

A report(s) covering each stage of the development (either separately or together), must be prepared by an appropriately qualified person certifying that:

Either:

- a. The Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage was implemented and at least 60 % waste generated was reused or recycled; or
- b. If the 60% diversion from landfill was not achieved in the Demolition Stage and/or Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed in the demolition and construction stages to implement the Waste Management Plan.

The report(s) must be based on documentary evidence (i.e. tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc) which have been attached to the Report.

OPERATIONAL CONDITIONS

CONDITIONS APPLICABLE TO ALL STAGES

55. Number of Children

The maximum number of children in attendance at any one time at the Child Care Centre shall be 80 children.

56. Hours of Operation

The hours of operation of the Child Care Centre are Monday to Friday, 7am to 6.30pm.

57. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

58. Out of School Hours (OOSH) program

The Out of School Hours (OOSH) program must be conducted in accordance with an OOSH Management Plan that details the hours of operation of the service, which must be no later than 6:00 pm, Monday to Friday, and the measures undertaken to ensure minimal noise impact on surrounding residential properties.

59. Noise

The development must be carried out in accordance with the recommendations provided in *Report No. 3446 - Noise Assessment – Barker College Proposed Early Learning Centre, prepared by Brian Marston (MAAS), Senior Consultant, RSA Acoustics Pty Ltd, dated November 2008* except where amended by Council and/or other conditions of this consent.

60. Noise

All noise generated by the proposed development must 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).

Note: Council accepts that all reasonable efforts to reduce noise, including the construction of acoustic barriers to reduce noise to 26 Clarke Road and No. 6 through No. 14 Marillian Avenue, may exceed background levels by more than 5dB(A). Therefore, for this area only, the criterion to be applied is that noise must 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 10dB(A).

61. Noise - Child Care Centre Outdoor Play

In order to minimise the impacts on the adjoining property, the total number of children permitted to play outside at any one time at the Child Care Centre is limited to a maximum total of 40 children.

62. Landscape establishment

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. This shall include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

63. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 – 2002 – Off Street Commercial* and the following requirement:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d. All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e. Bicycle parking racks for staff shall be provided on site at the rate recommended by Austroads bicycle guidelines. (RTA recommendation)
- f. The waste vehicle is not to enter the site during peak school periods, 8:00am - 9:30am and 2:30pm - 4:00pm.

64. Evidence of a Valid Contract with a Licensed Waste Contractor

All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.

ADDITIONAL CONDITIONS APPLICABLE TO STAGE 2 AND 3**65. Noise – Acoustic Assessment**

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the *Environment NSW Industrial Noise Policy (2000)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government (2004)*. The assessment must be submitted to Council for review. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.

CONDITIONS OF CONCURRENCE – ROADS AND TRAFFIC AUTHORITY

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

CONDITIONS APPLICABLE TO ALL STAGES

- 66.** A clear vision of sight to pedestrians, cyclists and other vehicles is to be maintained at all times for the driveway entry and exit points and car parking area.
- 67.** Off street parking associated with the proposed development (including driveways, grades, aisle widths, aisle lengths, turning paths, sight distance requirements, and parking bay dimensions) should be designed in accordance with AS 2890.1 – 2004.
- 68.** Suitable provision should be made on-site to accommodate all demolition/construction vehicles.
- 69.** All vehicles are to enter and exit the development in a forward direction.
- 70.** All works associated with the proposed development shall be at no cost to the RTA.

- END OF CONDITIONS -

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 legislation and Council's policies and specifications. 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

- The Environmental Planning and Assessment Act, 1979 requires:
- The issue of 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 Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under British Standard BS 5837: 2005, "Trees in Relation to Construction – Recommendations".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Advertising Signage – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Subdivision Certificate Requirements

A subdivision certificate application is required to be lodged with Council containing the following information:

- a. A surveyor's certificate certifying that all structures within the subject land comply with the development consent in regard to the setbacks from the new boundaries.
- b. A surveyor's certificate certifying that all services, drainage lines or access are located wholly within the property boundaries. Where services encroach over the new boundaries, easements are to be created.
- c. Certification that the requirements of relevant utility authorities have been met; and
- d. a surveyor's certificate certifying finished ground levels are in accordance with the approved plans.

Note: Council will not issue a subdivision certificate until all conditions of the development consent have been completed.

Fees and Charges – Subdivision

All fees payable to Council as part of any construction, compliance or subdivision certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the subdivision certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works you are advised to seek advice and information should be prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

House Numbering

House numbering can only be authorised by Council. Before proceeding to number each premise in the development, the allocation of numbers is required to be obtained from Council's Planning Division. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.

Food Authority Notification

The *NSW Food Authority* requires businesses to electronically notify the Authority prior to the commencement of its operation.

Note: NSW Food Authority can be contacted at www.foodnotify.nsw.gov.au.

Council Notification – Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.

Waste Bin OH&S

When full, 660 litre and 1100 litre bins will weigh more than the person trying to manoeuvre them and considering the very large distance in which they are required to be moved, there are significant occupational health and safety risks involved in transferring bins from the bin storage area to the collection point which must be mitigated.

**3 DEVELOPMENT APPLICATION - ERECTION OF A DWELLING-HOUSE
30 FIONA ROAD, BEECROFT**

Development Application No:	DA/298/2009
Description of Proposal:	Demolition of a dwelling-house and carport. Erection of a dwelling-house, pool, gazebo, front fence and retaining walls.
Property Description:	Lot A, DP 337026, No. 30 Fiona Road, Beecroft
Applicant:	Mr P W Watkins
Owner:	Mr P W Watkins
Statutory Provisions:	Hornsby Shire Local Environmental Plan, 1994
Estimated Value:	\$559,000
Ward:	C

RECOMMENDATION

THAT Development Application No. 298/2009 for the demolition of a dwelling-house and carport and the erection of a single storey dwelling-house, pool, gazebo, front fence and retaining walls at Lot A, DP 337026, No. 30 Fiona Road, Beecroft be refused for the reasons detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the demolition of a dwelling-house and carport and the erection of a single storey dwelling-house, pool, front fence, gazebo and retaining walls.
 2. The proposal does not comply with the objectives of the Landscaping, Environment Protection and Flora and Fauna Protection elements of the Dwelling House Development Control Plan (DCP) and fails to meet the objectives of the Residential AS (Low Density – Sensitive Lands) zone.
 3. An Assessment of Significance (Seven Part Test) conducted by Wildsearch Consultants on behalf of the applicant under Section 5A of the Environmental Planning and Assessment Act, 1979 found that the proposed development is likely to cause a significant impact upon the long-term viability of the local occurrence of Sydney Turpentine Ironbark Forest (STIF) which is an endangered ecological community (EEC) growing on the site.
-

4. A Red Sticker has been placed against the application requiring it to be referred to Council for determination.
5. One objection and one submission of support have been received in respect of the application.
6. Council at its meeting on 2 September, 2009 deferred the determination of the application to allow the applicant the opportunity to address the issues identified in the Planning Report.
7. At subsequent meetings between the applicant and Council officers, several development options were explored. However, consensus on development outcomes was not achieved and the application is re-submitted to Council for determination.
8. It is recommended that the application be refused.

HISTORY OF THE APPLICATION

The application was lodged on 23 March, 2009. The application was initially referred to Council's Planning Meeting on 2 September, 2009. At that meeting, Council resolved that consideration of the application be deferred to allow the applicant to:

1. *Submit a Species Impact Statement that is consistent with the findings of the applicant's environmental expert 'Wildsearch Consultants' which determined that "the proposed development is likely to cause a significant impact upon the long term viability of the local occurrence of STIF".*
2. *Upon completion of the evaluation of a satisfactory Species Impact Statement, the applicant be invited to discuss with Council officers and interested Councillors, an outcome suitable to all stakeholders.*

In response to Council's resolution, Council officers have had telephone discussions and have met with the applicant and his environmental consultant on several occasions, most recently on 8 December, 2009.

During discussions, the applicant expressed a willingness to reach a compromise with Council by way of increasing the front setback of the building from the original 5.7 metres. The applicant first proposed increasing the front setback to 6.5 metres and thereafter to 7.8 metres. It was recognised that should Council be prepared to consider the increased setback, a new Seven Part Test would need to be prepared. The applicant advised that he was unable to further increase the setback as it would require the sewer line to be encased which in the applicant's opinion is an excessive expense.

However, the officers advised that any front setback less than 12.5 metres would be unacceptable. Council officers also noted that based on the environmental assessment, a Species Impact Statement may be required to determine the significance of the impact of the development upon the long-term viability of the local occurrence of Sydney Turpentine Ironbark Forest (STIF) growing on the site. The applicant advised that he was not prepared to submit a Seven Part Test.

The outcome of the discussions was that the parties agreed as follows:

- That all reasonable development options had been explored.
- That the meeting resulted in the certainty of the officer's recommendation to Council concerning the determination of the DA.
- That consensus on development outcomes was not achieved.
- That having regard to the opinions expressed at the meeting, there would be no value in holding further discussions.
- That Council should proceed to determine the DA and the applicant should proceed to consider his options.

Having regard to the above, Council is requested to determine the original application.

THE SITE

The rectangular shaped site is located on the northern side of Fiona Road, with a total area of 1,839m², a width of 22.86 metres and length of 80.46 metres. The site has a 5% fall from the rear, north-west to the front, south-east corner.

A single storey dwelling-house, carport and shed are currently located on the site.

The site supports the growth of 156 trees comprising 72 different plant species, both exotic and native and containing remnant Sydney Turpentine Ironbark Forest Endangered Ecological Community which is listed under the *Threatened Species Conservation Act, 1995*.

The site is primarily surrounded by post-war style, weatherboard and brick, one and two storey dwelling-houses, surrounded by well established trees and landscaped areas and is located outside the Beecroft-Cheltenham Heritage Conservation Area.

A small section of the site in the front, south-west corner is mapped as being bushfire prone.

THE PROPOSAL

The proposal is for the demolition of the existing dwelling-house, carport and shed and the erection of a single storey dwelling-house consisting of a study, four bedrooms with ensuite, a family room, kitchen, lounge room with a gas fire place, dining room, workshop and garage, laundry, external dining area, drying court, internal courtyard, pond and a lap pool.

A basement area is also proposed containing a storeroom and a "services room" for air-conditioning equipment and four 10,000 litre rain and surface water tanks.

An extensive turfed area, gazebo and block retaining wall are proposed in the rear yard. A pergola is proposed along the eastern side of the property. A 1.8 metre high masonry fence is proposed along a section of the eastern boundary and a 1.5 metre high chain wire fence is proposed along the western side of the site.

A fence consisting of perforated metal panels fixed to masonry supports up to 2.7 metres in height, is proposed along the Fiona Road boundary. The existing driveway and crossover which access the middle of the site would be removed and replaced by similar structures adjacent to the western side of the site.

The application proposes the removal of 110 trees and the transplanting of 6 trees to accommodate the development.

ASSESSMENT

The development application has been assessed having regard to the '2005 City of Cities Metropolitan Strategy', the 'North Subregion (Draft) Subregional Strategy' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act, 1979* (the Act). Subsequently, the following issues have been identified for further consideration:

1. STRATEGIC CONTEXT

1.1 Metropolitan Strategy – (Draft) North Subregional Strategy

The Metropolitan Strategy is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2031, the challenges faced, and the directions to follow to address these challenges and achieve the vision. The draft North Subregional Strategy acts as a framework for Council in the preparation of a new Principal LEP by 2011.

The draft Subregional Strategy sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the draft Strategy by contributing to the housing choice in the locality.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and other prescribed matters.*"

2.1 Hornsby Shire Local Environmental Plan, 1994

The subject land is zoned Residential AS (Low Density – Sensitive Lands) under Hornsby Shire Local Environmental Plan, 1994 (HSLEP). The objectives of the zone are:

- To provide for the housing needs of the population of the Hornsby area.*
- To promote a variety of housing types and other land uses compatible with a low density residential environment and sensitive to the land capability and established character of this environment.*
- To provide for development that is within the environmental capacity of a sensitive low density residential environment.*

The proposed development does not achieve the objectives of this zone in that it is not sensitive to the land capability and established character of the environment and is not within the environmental capacity of the site.

The Flora and Fauna Survey prepared by Wildsearch Consultants (March 2008) on behalf of the applicant found that:

- *“The vegetation that occurs on the subject site is an example of Sydney Turpentine Ironbark Forest (STIF) which is an endangered ecological community.*
- *Of the 1671m² of STIF that occurs on the site outside of existing structures, 264m² (16%) will be retained and managed and 1407m² (84%) will be removed.*
- *According to the Seven Part Test, the proposed development is likely to cause a significant impact upon the long-term viability of the local occurrence of STIF.”*

The results of the fauna and flora survey indicate that the proposed development does not achieve the objectives of the Residential AS (Low Density – Sensitive Lands) zone.

Clause 15 of HSLEP prescribes that the maximum floor space ratio (FSR) of development within the Residential AS zone is 0.4:1. The applicant has addressed this requirement by proposing a floor space ratio of 0.19:1 which complies with Clause 15.

2.2 State Environmental Planning Policy No. 19 - Bushland in Urban Areas

The application has been assessed against the requirements of State Environmental Planning Policy 19 – Bushland in Urban Areas. This Policy provides State-wide planning controls for protecting urban bushland.

The Flora and Fauna Survey prepared by Wildsearch Consultants concluded *“that there is sufficient native species in the tree, shrub and groundcover layers for the vegetation to be considered bushland, according to the SEPP 19 definition.”*

The applicant has not addressed this site constraint, as the development proposes the clearing of 84% of the STIF present on the site, resulting in a significant detrimental effect on the endangered ecological community.

2.3 Dwelling House Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design standards within Council’s Dwelling House DCP. The following table sets out the proposal’s compliance with the prescriptive standards of the Plan:

Dwelling House Development Control Plan			
Control	Proposal	Requirement	Compliance
Floor Space Ratio	0.19:1	0.4:1	Yes
Site Cover	29%	40%	Yes
Dwelling Height	6.2 m	9 m	Yes

Storeys	1	2	Yes
Building Length	34.7 m	24 m	No
Wall Length	27.4 m	10 m	No
Private Open Space	850 m ²	120 m ²	Yes
Landscaping	66%	45%	Yes
Car parking	2 spaces	2 spaces	Yes
Setbacks - Dwelling			
Front	5.7 m	6 m	No
Side (east)	1 m	1 m	Yes
Side (west)	4.4 m	1 m	Yes
Rear	31 m	3 m	Yes
Gazebo			
Side (west)	4.5 m	1 m	Yes
Rear	4.5 m	3 m	Yes

As detailed in the above table, the proposed development does not comply with a number of prescriptive standards within Council's Dwelling House DCP. These matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant performance standards.

2.3.1 Setbacks

The proposed front boundary setback of 5.7 metres to the dwelling-house does not comply with the 6m prescriptive measure. The 300 mm encroachment by the garage is acceptable in this instance, given that it is a minor variation and noting that the articulation within the front façade has been designed to complement the streetscape.

However, as determined by the flora and fauna survey, this 5.7 metre setback would require the removal of a significant proportion of the higher quality STIF present in the front yard.

This issue is further discussed in Section 3.1 of this report.

2.3.2 Design

Whilst the 34.7 metres total building length exceeds the 24 m prescriptive measure by 10.7 metres, this length is in proportion with the 80 metre length of the site and includes, with the design, an open, internal courtyard and a pond. This space forms part of the private open space for the development, exploits solar access in relation to active living rooms and is considered acceptable.

The unbroken eastern wall length of 27.4 metres is a significant increase in excess of the 10 metre maximum length development standard without a 'physical break'. In this instance, the wall is single storey in height and the solid wall sections are broken up by asymmetrical

glazing. This wall is also screened from the adjoining property by the proposed 1.8 metre masonry fence and is considered acceptable.

The proposal, however, fails to meet the performance criteria of the Design element in that it is not sympathetic to the natural features of the land, including trees and bushland. These issues are further discussed in Section 3.1 of this report.

2.3.3 Privacy

Although the proposal is single storey in height, the finished floor level potentially allows for the overlooking of the adjoining western property, No. 34 Fiona Road. The applicant has addressed this issue by proposing the screening of windows within the western façade and the internal courtyard.

With these screens, the proposal meets the objectives of the Privacy element and is considered acceptable.

3. ENVIRONMENTAL IMPACTS

Section 79C (1) (b) of the Act requires Council to consider “*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*”.

3.1 Flora and Fauna Protection

The application includes an assessment by consulting arborist Stuart Pittendrigh of the trees on the site. This assessment lists 156 trees, including 7 Sydney Turpentine trees numbered 13, 22, 31, 33, 34, 43 and 84. Five of these trees (22, 31, 33, 34 and 43) are in the front portion of the site and would be impacted by the development in its current form. The arborist’s report also noted that no trees are rated as either rare or endangered. There is no specific reference to any dangerous trees on the site, though 13 were considered to be in poor or very poor condition and one is dead.

A Flora and Fauna Survey undertaken by Wildsearch Consultants (March 2008) on behalf of the applicant was also submitted, which determined from the Assessment of Significance (Seven Part Test) under Section 5A of the Act, that “*the proposed development is likely to cause a significant impact upon the long-term viability of the local occurrence of STIF.*” The Ameliorate Strategies of the report also identified the need to minimize the area of STIF to be cleared.

The survey considered the threat of the development to fauna and determined that the proposed development is unlikely to cause a significant impact on any fauna species.

The nature strip in front of the site also contains a corridor of STIF trees and understorey, providing a vegetative link between the property and the road.

The assessment of the proposal by Council’s officers concurs with the findings of the survey, which concludes that the proposed siting of the dwelling-house and garage and the landscaping of the front yard does not allow for the retention of the vegetative link between the property and the road. Subject to a revised Seven Part Test, the repositioning of the dwelling-house further back on the site would allow for the retention of this link.

The proposal would have a significant effect on the remnant STIF, which is listed as an endangered ecological community under the *Threatened Species Conservation Act, 1995* and is considered unacceptable. As a consequence of the environmental assessment, a Species Impact Statement (SIS) is required to be prepared and Council has no power to approve the application unless Council forms the opinion that the impact of the development is not significant.

3.2 Built Environment

The design of the dwelling-house has attempted to minimise its visual impact by proposing a low roofed, single storey structure. The proposal is not out of character with the established built form of residential development in the area and is consistent with the form of development permitted in the locality.

The design of the proposed front fence up to 2.7m in height is inconsistent with the character of the surrounding streetscape, which is typified by low, if any fencing. A condition would be included in the consent, limiting the height of the front fence to a maximum of 1.5m, should Council resolve to approve the application.

3.3 Social and Economic Impacts

There are no anticipated social or economic impacts resulting from the proposed development.

4. SITE SUITABILITY

Section 79C (1) (c) of the Act requires Council to consider “*the suitability of the site for the development*”.

The site is not subject to flooding or landslip, is not in a heritage conservation area or in the vicinity of a heritage listed item. The site contains remnant STIF, an endangered ecological community and a small section of the site in the front, south-west corner is bushfire prone. Following a review of the plans and documents submitted, the NSW Rural Fire Service has advised that it raises no concerns or issues in relation to bushfire risk.

The proposed development is not suitable for the site in its proposed form as the extensive single storey layout comprising two pavilions surrounding an internal courtyard would involve the clearing of most of the remnant STIF community on the site resulting in a significant effect on the long-term viability of the local occurrence of STIF.

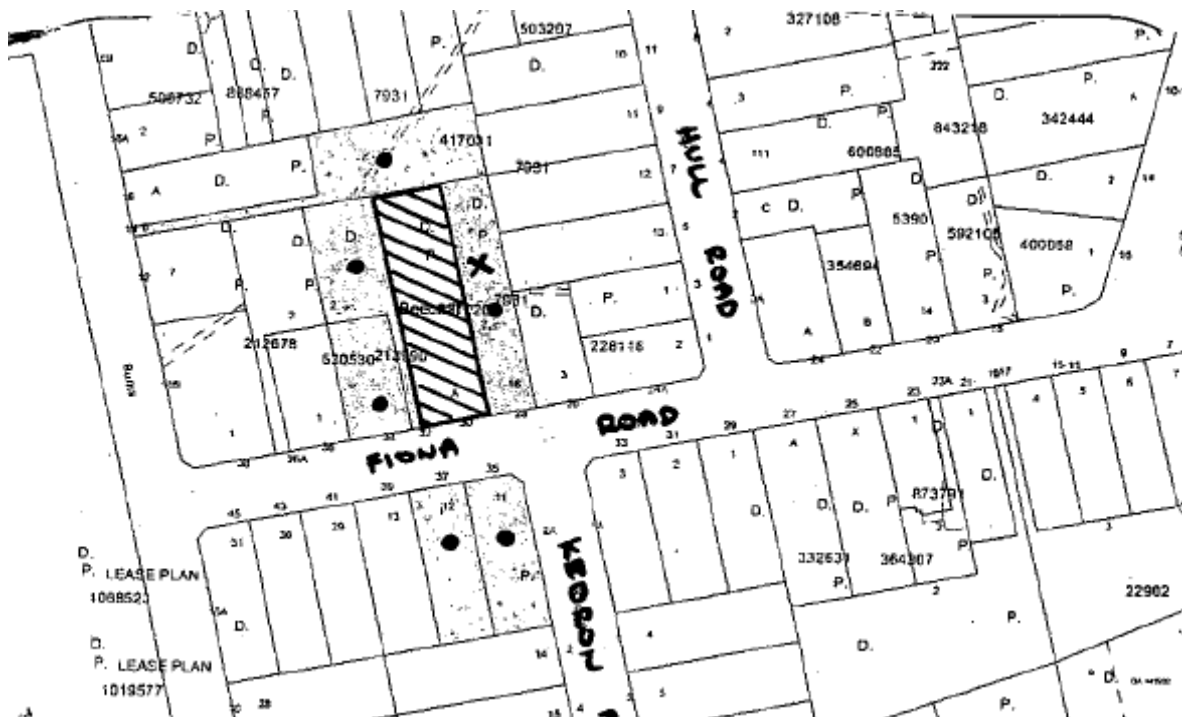
5. PUBLIC PARTICIPATION

Section 79C (1) (d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.


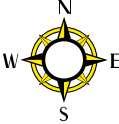
5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 24 March and 6 April 2009 in accordance with Council’s Notification and Exhibition DCP. During this period, Council received one submission objecting to the proposal. A submission was also received after the notification period in support of the development.

The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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One submission from the Beecroft-Cheltenham Civic Trust objected to the development on the grounds that the building footprint would result in an unacceptable loss of remnant bushland. The Trust also requested that Council seek a photographic recording of the property prior to its demolition, as a condition of consent.

A submission was received from an adjoining property owner after the notification period, which supported the development on the grounds that it proposed the removal of several trees considered to be unsafe, at the same time reducing the costs involved with the maintenance of such trees and lowering the bushfire risk whilst still maintaining a group of trees at the front of the property.

The merits of the matters raised in these submissions have been addressed in the body of the report under the headings “Setbacks”, Design, “Heritage” and “Flora and Protection”.

The request for a photographic record of the existing site, based on heritage protocols, is addressed as follows:

5.1.1 Heritage

The property is not listed as a heritage item, nor is it located within a heritage conservation area.

Generally, Council requires the submission of a photographic recording in the case of the demolition of an identified heritage item. The purpose of a photographic record is to provide detailed documentation of a building, or to a lesser extent, landscape, to assist in likely future research and/or education.

The existing dwelling-house at No. 30 Fiona Road represents a circa 1943-55 brick and tile structure. It is understood that the property was the former residence of local nature conservationist, John Noble and his legacy of a heavily vegetated site is clearly discernable.

A photographic recording of the dwelling-house is considered unreasonable in this instance, given its limited architectural merit. Moreover, a photographic recording of the vegetated grounds is unlikely to provide any greater research and/or educational benefit than publically-available aerial photography and the tree survey submitted as part of the development application.

Accordingly, a photographic recording would not be required as a condition of consent should Council resolve to approve the application.

6. THE PUBLIC INTEREST

Section 79C (1) (e) of the Act requires Council to consider “*the public interest.*”

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

The application has failed to satisfactorily address Council’s criteria in relation to this environmentally sensitive site. The development as submitted would result in a negative impact for the community. Accordingly, it is considered that the refusal of the proposed development would be in the public interest.

CONCLUSION

Consent is sought to demolish a dwelling-house and carport and erect a dwelling-house, pool, gazebo, front fence and retaining walls on an environmentally sensitive site.

Following the submission of the application, Council officers have sought to negotiate with the applicant to have the proposal modified to address this environmental sensitivity, by increasing the front boundary setback of the dwelling-house from 5.7 metres to 12.5 metres.

Subject to conformation in a revised Seven Part Test, this increased setback (in line with the existing dwelling-house on the site) would allow for the retention of a greater proportion of the environmentally sensitive STIF ecological community located in the front yard. The 12.5m setback would also be in accordance with one of the conclusions from the Flora and Fauna Survey prepared on behalf of the applicant, which concluded that “*according to the Seven Part Test, the proposed development is likely to cause a significant impact upon the long-term viability of the local occurrence of STIF.*” Therefore, a SIS is required to be submitted in support of the application prior to Council being able to approve the application.

The impacts of the development have been assessed in accordance with Section 79C (1) of the *Environmental Planning and Assessment Act, 1997*. It is considered that approval of the proposal in its current configuration would significantly compromise the environmental qualities of the site and would set an undesirable precedent for further environmentally insensitive development.

Having regard to the assessment of the proposed development, it is recommended that Development Application No. 298/2009 for the demolition of a dwelling-house and carport and the erection of a dwelling-house, pool, gazebo, front fence and retaining walls at Lot A, DP 337026, No. 30 Fiona Road, Beecroft be refused for the reasons detailed in Schedule 1 of this report.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147(3) of the Environmental Planning and Assessment Act, 1979 in respect of the subject planning application.

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Existing Site Plan
3. Floor Plan
4. Basement Floor Plan
5. Elevation Plan
6. Gazebo Elevation
7. Fence Plan

File Reference: DA/298/2009
Document Number: D01284997

SCHEDULE 1

1. Pursuant to the provisions of Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development fails to satisfy the objectives of the Residential AS (Low Density-Sensitive Lands) Zone under the Hornsby Shire Local Environmental Plan, 1994 as it would not provide for development that is within the environmental capacity of the site.
2. Pursuant to the provisions of Section 79C (1)(b) and (c) of the Environmental Planning and Assessment Act, 1979, it is considered that the development is not suitable for the site as the extensive single storey layout comprising two pavilions surrounding an internal courtyard would involve the clearing of most of the remnant local occurrence of Sydney Turpentine Ironbark Forest (STIF) which is an endangered ecological community (EEC) growing on the site resulting in a significant effect on the long-term viability of the local occurrence of STIF.
3. Pursuant to the provisions of Section 79C (1) (e) of the Environmental Planning and Assessment Act, 1979, it is considered that the approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

4 EPPING TOWN CENTRE STUDY - MEMORANDUM OF UNDERSTANDING AND PLANNING PROPOSAL

EXECUTIVE SUMMARY

The Minister for Planning has approved a contribution of \$125,000 towards the *Epping Town Centre Study*. A draft *Memorandum of Understanding (MOU)* containing a revised project workplan and the terms and conditions of the funding has been prepared in consultation with the Department of Planning (DOP) and Parramatta City Council (PCC) representatives. A financial contribution of approximately \$100,000 will be required by Council to progress the revised *Study* over the next two financial years.

The Department has advised that the Councils and the DOP need to agree on the revised project workplan and sign the *MOU* to secure the funding. It is recommended that Council endorse the draft *MOU* and the General Manager be delegated authority to sign the *MOU* subject to any minor amendments required by PCC and the DOP.

The *Epping Town Centre Study Planning Proposal* should also be endorsed for the purposes of seeking “gateway” determination from the DOP to progress the preparation of a draft amending Local Environmental Plan (LEP). The amending LEP will be implemented when Council prepares its new Comprehensive LEP.

PURPOSE

The purpose of this report is to seek endorsement of a draft *MOU* (copy attached) between Hornsby and Parramatta Councils and the DOP for funding to prepare the *Epping Town Centre Study*. The report also presents a planning proposal (copy attached) for the purpose of seeking a “gateway” determination from the DOP to implement recommendations from the *Epping Town Centre Study*.

BACKGROUND

At its meeting on 2 September 2009, Council considered a Mayoral Minute advising of the outcome of a joint application with Parramatta Council for funding under the State Government’s Planning Reform Fund to progress the *Epping Town Centre Study*. The Minute notes that the Minister for Planning announced the allocation of \$125,000 towards the *Study*, which represents a shortfall in the total costs of the *Study*.

Council resolved to defer consideration of the funding offer pending discussions with the DOP and Parramatta Council concerning options for funding the *Study* and/or amendment to the project brief. Council also resolved that the Mayor and Councillors Browne, Hutchence and Martin be invited to participate in the discussions.

In accordance with Council’s resolution, representatives from the Councils met with representatives of the Department’s Sydney North West Regional Office concerning the opportunity to amend the timing of the *Study* or stage the *Study* to reflect the funding offer.

At its meeting on 7 October 2009, Council reaffirmed its commitment to continue discussions to progress the *Study* and resolved to continue discussions with the DOP and PCC concerning options to refine the project brief and funding options before determining whether to accept the Minister's offer of funding.

On 19 October 2009, PCC resolved to accept the Department's funding offer subject to the funding being used for an integrated traffic and transport plan and PCC expending no further funds on the production of a new LEP.

A draft *MOU* and revised project workplan has been prepared in consultation with the PCC and the DOP. Both Councils' endorsement of the *MOU* is required prior to final allocation of funding by the Department.

DISCUSSION

This report presents the revised *Epping Town Centre Study MOU* and *Planning Proposal* for endorsement.

Epping Town Centre Study

A draft *MOU* between Hornsby and Parramatta Council's and the DOP for the preparation of the *Epping Town Centre Study* is attached for Council's consideration. The key components of the *MOU* are summarised as follows:

Purpose of the *MOU*: The purpose of the *MOU* is to undertake the *Epping Town Centre Study* in accordance with the agreed project plan and the specified terms and conditions.

Objectives of the Planning Reform Fund: The objectives of the Fund are to assist councils in preparing new principal LEPs, planning strategies to inform the preparation of LEPs and to identify solutions to broader issues that can be applied in other areas.

Schedule A - Project Workplan: The schedule is comprised of the aim, outputs, scope and constraints of the project, the resources, a project workplan, project management and communication details, payment details and special conditions. These are summarised as follows:

Aims: The aim of the *Epping Town Centre Study* is to explore the potential for the Epping Town Centre to accommodate increased residential and employment growth to fulfil its role as a Town Centre in the Metropolitan context and to maximise the benefits arising from State Government infrastructure investment. The *Study* will inform future planning controls and infrastructure requirements to accommodate this growth and provide certainty for Epping residents and businesses on the future of Epping.

Objectives: The objectives of the *Epping Town Centre Study* are to:

- analyse transport issues within the *Study* area and model transport outcomes;
- analyse the major issues, development opportunities and constraints for the *Study* area;
- explore two growth scenarios (short term and long term) for the Epping Town Centre;
- identify infrastructure (including transport) upgrades required to accommodate each scenario;
- develop planning controls for the Hornsby and Parramatta sides of the Epping Town Centre; and

- identify funding sources for the provision of any proposed works and facilities associated with development.

Outputs: There are four expected outcomes of the *Epping Town Centre Study*, namely:

- **Transport Capacity Analysis and Scoping:** A capacity analysis, traffic modelling and car parking analysis which address the traffic congestion and transport interchange issues which currently affect the Centre.
- **Opportunities and Constraints Analysis:** A land capability analysis in relation to identified opportunities and constraints (including land ownership, heritage, topography, urban design, geotechnical stability, flora and fauna, and building type and condition).
- **Urban Structure Plan:** A Structure Plan that identifies the appropriate footprint for development, recommends planning controls and identifies funding sources for the provision of any proposed works and facilities associated with anticipated development.
- **Draft Planning Controls:** Planning controls capable of being incorporated into Hornsby and Parramatta Councils' Comprehensive LEPs and Consolidated DCPs.

Scope: The preparation of the *Study* is anticipated to be undertaken over a twelve (12) month period. The *Study* will be completed in five steps as follows:

- Step 1 Transport Capacity Analysis and Scoping;
- Step 2 Opportunities and Constraints Analysis;
- Step 3 Development of Retail/Commercial Core - Structure Plan;
- Step 4 Development of Surrounding Residential Areas within Walkable Catchment - Review of controls; and
- Step 5 Finalisation and Implementation - Endorsement of revised planning controls, infrastructure contributions plan and public domain improvement plan.

For the Parramatta City side of Epping, the *Study* only requires a review of existing studies.

Assumptions, Constraints and Risks: It is assumed that, when finalised, the *North* and *West Central Subregional Strategies*, will maintain the status of Epping as a Town Centre in the commercial centres hierarchy.

The period identified for the completion of the project is proposed on the basis of the councils endorsing the various components of the project.

Resources: The resources identified to undertake the revised project include three Hornsby Council and two Parramatta Council internal project staff and a DOP representative to attend Steering Committee meetings on an as needs basis.

Project Budget: The total budget for the project is \$225,000, with \$125,000 being contributed by DOP and \$100,000 being contributed by Hornsby Council over two financial years.

Project Workplan: The revised project workplan identifies the tasks, milestones, timeframe, task responsibility and output to be achieved at the end of each milestone. The project workplan identifies that the project should commence in February 2010 with the planning proposal being submitted to the DOP. Consultants should be engaged by June 2010. The

Study should be endorsed for public exhibition in March 2011 and the *Study* recommendations (including planning controls for inclusion in Council's Comprehensive LEP and DCP) should be adopted in July 2011.

The revised workplan relies upon the review of planning studies already completed within the Parramatta City side of Epping. The majority of new work will be restricted to the Hornsby Shire side of Epping. The transport capacity analysis and scoping will be completed for both sides of Epping.

Management: The Manager, Town Planning Services of Hornsby Council will be responsible for overseeing the *Study* and ensuring the expected outputs are delivered in accordance with the project workplan.

A Project Steering Committee consisting of Councillor representatives and relevant officers from Council, PCC and the DOP will be established to prepare detailed briefs, select consultants, oversee the provision of information and aim to ensure the successful delivery of the *Study*. PCC and the DOP, with HSC will be involved in the critical decision making for the *Study* on an ongoing basis by representation on the Steering Committee. It is recommended that Council nominate a Councillor to participate on the Steering Committee.

In 2008, the DOP convened the Epping *Study* Project Control Group. The Group consisted of senior representatives from Hornsby and Parramatta Councils, Epping Chamber of Commerce and the Epping Civic Trust. Councillor Browne was Council's nominated representative on the Project Control Group. Councillors Hutchence and Martin were nominated as alternates. The Councillors have represented Council in discussions concerning the progression of the *Study* and the funding offer from the Minister.

Project Stakeholders: A Stakeholder Reference Group, with clear terms of reference and broad representation, will be established to assist in the *Study* on an as needs basis. The Reference Group may comprise community, industry, environmental and other groups.

Payment: Payment of funds by the Department will be made in three instalments, one at the commencement of the project and the others at key milestones. The instalments will be distributed to reflect the costs throughout the various stages of the project.

Schedule B - Terms and Conditions of Funding: The schedule is comprised of terms and conditions that address funding acceptance, timeframe for the project, changes to the project, payment, project management, project reporting, project review and evaluation, project finalisation, project responsibility, insurance and indemnity, project acknowledgement, electronic access to planning instruments, access to reports and documents, taxation, dispute resolution and breach of conditions.

Schedule C - Party Details: The schedule includes the details for the DOP and the Councils.

PLANNING REFORMS

In July 2009, the State Government announced changes to local plan making. A new system, known as the "gateway plan-making process", has been established. The first step in the process is known as a "planning proposal". Council is responsible for the preparation of a planning proposal for submission to the DOP, which explains the details of the proposal and outlines the community consultation that is to be undertaken.

The second step is known as the “gateway”. The Minister for Planning determines whether a planning proposal is to proceed. The “gateway” acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources allocated. If necessary, the proposal is amended. A community consultation process is determined, including consultation with relevant public authorities.

The third step is community consultation. The proposal is publicly exhibited for 14 days if deemed to be a “low impact proposal” or 28 days for “other proposals”. The Director-General’s approval must be obtained before any community consultation takes place.

After the exhibition period, Council must consider public submissions and can amend the planning proposal as necessary. Once the planning proposal is finalised, the legal instrument which implements the planning proposal (the LEP) is drafted and made by the Minister for Planning.

In addition to finalising the *MOU* with PCC and the DOP, Council must also undertake the first step in the new plan-making process. Accordingly, a planning proposal has been prepared. The *Epping Town Centre Study Planning Proposal* sets out Council’s objectives in preparing the *Study*, the intended outcomes of the *Study*, justification for the proposal and the intended community consultation to be carried out.

CONSULTATION

The draft *MOU* has been prepared in consultation with PCC and DOP. On 19 October 2009, PCC resolved to accept the Department’s funding offer subject to the funding being used for an integrated traffic and transport plan. The *MOU* requires Council’s endorsement prior to final agreement by the Department.

PCC has advised that the draft *MOU* is generally consistent with the terms of PCC’s resolution dated 19 October 2009 and raised a number of minor matters in the *MOU* that require clarification by the DOP prior to signing. In the event that PCC and the Department agree to further amendment to the draft *MOU* prior to finalisation, it is considered appropriate that the General Manager be delegated authority to make minor changes to the draft *MOU*.

FINANCIAL

The Minister for Planning has approved a contribution of \$125,000 towards the preparation of the *Epping Town Centre Study*, representing a shortfall in the total costs of the *Study* anticipated under the original project scope. The Department has advised that the *MOU* is required to be finalised to secure funding. In light of the previous studies undertaken by PCC, a revised project scope has been prepared in consultation with PCC and DOP.

A financial contribution of approximately \$100,000 is required by Council to progress the revised *Study* over the next two financial years, 2010/2011 and 2011/2012. The Town Planning Services Branch budget includes \$120,000 of funding in the consultants budget for 2010/2011 to progress projects. The Planning Division will need to reallocate funds within its budget to provide the necessary funding for the project.

No further financial contribution is expected to be made by PCC in light of contributions by that Council to previous studies.

POLICY

Once the *Epping Town Centre Study* is finalised and recommendations are adopted by Council, statutory and policy controls will be required to be prepared in accordance with the State Government's recent planning reforms. Any rezoning will be required to be incorporated into Council's Comprehensive LEP. New controls arising from the Study will be incorporated into Council's Comprehensive DCP.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. This TBL Statement forms part of Council's efforts towards "creating a living environment".

- *Working with our community:* Information on the *Epping Town Centre Study* will be accessible to all sectors of the community. A consultation strategy is outlined in this report which would involve letters being sent to residents in and around identified precincts. Details would also be available on Council's website and from Council's libraries and Administration Centre.
- *Conserving our natural environment:* The *Study* will investigate opportunities for increased residential density close to transport and shops to encourage walking and public transport. Bushland mapping will identify areas with high biodiversity value to be protected.
- *Contributing to community development through sustainable facilities and services:* Opportunity for increased housing will be investigated to maximise the use of existing facilities and services.
- *Fulfilling our community's vision in planning for the future of the Shire:* The *Study* will enable the future growth potential of Epping to be investigated on a holistic basis and facilitate development required to respond to the need to rejuvenate the Centre.
- *Supporting our diverse economy:* The *Study* will include input by economic analysts.
- *Maintaining sound corporate and financial management:* The *Study* will be completed with funding from the State Government's Planning Reform Funds and the Town Planning Services Annual Operating Budget.
- *Other Sustainability Considerations:* The *Study* will be prepared by Council using a triple bottom line approach to ensure a clear understanding of the social, environmental and economic factors being considered in decision making. Potential negative impacts will be considered through the evaluation process.

CONCLUSION

The Department has advised that Hornsby and Parramatta Councils and the DOP need to agree on a revised project workplan and sign the *MOU* to secure funding offered by the Minister for Planning under the NSW Government's Planning Reform Fund. It is recommended that Council endorse the draft *MOU* and the General Manager be delegated authority to sign the *MOU* subject to any minor amendments required by PCC and the DOP.

The *Epping Town Centre Study Planning Proposal* attached to this report should also be endorsed for the purposes of seeking “gateway” determination from the DOP to progress the preparation of a draft amending LEP. The amending LEP will be implemented when Council prepares its new Comprehensive LEP.

RECOMMENDATION

THAT:

1. Council endorse the draft Memorandum of Understanding and project workplan.
2. The General Manager be delegated authority to sign the Memorandum of Understanding subject to any minor amendments agreed to by Parramatta City Council and the Department of Planning.
3. A Councillor (***Council to nominate a Councillor***) be elected as the Hornsby Shire Council Councillor representative on the Project Steering Committee to provide stakeholder input into the *Epping Town Centre Study*.
4. Council facilitate the commencement of the *Epping Town Centre Study* by forwarding the Planning Proposal, attached to Executive Managers Report PLN 108/10, to the Minister of Planning seeking a “gateway” determination pursuant to Section 56(1) of the *Environmental and Planning Assessment Act 1979*.

JASON RAWLIN
Principal Strategic Town Planner - Town
Planning Services
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Epping Town Centre Memorandum of Understanding
2. Epping Town Centre Planning Proposal

File Reference: F2004/07521
Document Number: D01316585

5 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS

EXECUTIVE SUMMARY

In accordance with the Department of Planning's *Planning Circular PS 08-14*, Council is required to report variations to development standards for development applications approved under delegated authority, which relied upon State Environmental Planning Policy No. 1 - Development Standards (SEPP 1).

PURPOSE

The purpose of this report is to advise Council of determined development applications involving a SEPP 1 variation to a development standard relating to the period 1 October 2009 to 31 December 2009.

BACKGROUND

The Department of Planning issued Circular PS 08-014 on 14 November 2008. The purpose of the Circular was to remind councils of their responsibilities to monitor the use of the Director-General's assumed concurrence under State Environmental Planning Policy No. 1. Councils were reminded of the need to keep accurate records of the use of SEPP 1 and to report on a quarterly basis.

DISCUSSION

In accordance with the Department's Circular, attached hereto is a list of development applications determined under delegated authority involving a SEPP 1 variation to a development standard for the period 1 October 2009 to 31 December 2009.

A copy of the attachment to this report is also reproduced on Council's website.

BUDGET

There are no budget implications.

POLICY

There are no policy implications.

CONSULTATION

There was no consultation in the preparation of this report.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

As this report only provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

RECOMMENDATION

THAT Council note the contents of Executive Manager's Report No. PLN109/10.

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. SEPP 1 Return

File Reference: F2004/07599
Document Number: D01319553

6 APOLOGIES / LEAVE OF ABSENCE

Advice has been received from Councillor Chopra of an inability to attend the Planning Meeting on 3 February 2010 and the Ordinary Meeting on 17 February 2010 together with a request that Council accept an apology for non attendance and grant leave of absence from those meetings. Councillor Chopra stated an inability to attend these meetings is as a consequence of travelling overseas from 27 January 2010 to 28 February 2010. Councillor Chopra indicated that during his overseas visit, he planned to study local government issues and related matters, such as planning, infrastructure and housing.

RECOMMENDATION

THAT the apology and request for leave of absence from Councillor Chopra in respect of an inability to attend the Planning Meeting on 3 February 2010 and the Ordinary Meeting on 17 February 2010 be accepted and leave of absence be granted.

ROBERT BALL
General Manager
General Manager Division

Attachments:

There are no attachments for this report.

File Reference: F2010/00002
Document Number: D01323390