



the bushland shire

creating a living environment

BUSINESS PAPER

PLANNING MEETING

**Wednesday, 4 August, 2010
at 6.30pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS**PRESENT****NATIONAL ANTHEM****OPENING PRAYER/S**

Rev. Bill Hayward of Dural Anglican Church, Dural will be opening the Meeting 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. 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**POLITICAL DONATIONS DISCLOSURE**

Statement by the Chairperson:

"In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."

If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."

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.

CONFIRMATION OF MINUTES

THAT the Minutes of the Planning Meeting held on 7 July, 2010 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 PLN47/10 DEVELOPMENT APPLICATION - REMOVAL OF TWO
HERITAGE LISTED BUNYA PINE TREES - 19C ETHEL STREET
HORNSBY**

RECOMMENDATION

THAT Development Application No. 546/2010 for the removal of two heritage listed Bunya Pine trees within a residential property at Lot 11 DP 853365 be approved subject to the conditions of consent detailed in Schedule 1 of this report.

B WARD DEFERRED**B WARD****Page Number 17**

**Item 2 PLN40/10 DEVELOPMENT APPLICATION - ERECTION OF A
CHILDCARE CENTRE AND USE OF AN EXISTING DWELLING AS A
MANAGER'S RESIDENCE - 206-208 CASTLE HILL ROAD
CHERRYBROOK**

RECOMMENDATION

THAT Development Application No. 317/2010 for the construction of a child care centre for 48 children and the change of use of an existing dwelling to a Manager's residence at Lot 4 DP 14282, Nos. 206 - 208 Castle Hill Road, Cherrybrook be approved subject to the conditions of consent detailed in Schedule 1 of this report.

Page Number 43

- Item 3 PLN55/10 DEVELOPMENT APPLICATION - CONSTRUCTION OF
FOURTEEN INDEPENDENT LIVING UNITS - 284 CASTLE HILL
ROAD CASTLE HILL**

RECOMMENDATION

THAT Development Application No. 505/2010 for the demolition of the existing laundry complex and the construction of fourteen independent living units, associated car parking, internal roads, driveways, paths and landscaping works at Lot 2005 DP 1 DP 1068072, No. 284 Castle Hill Road Castle Hill be approved subject to the conditions of consent detailed in Schedule 1 of this report.

C WARD DEFERRED**C WARD****Page Number 67**

- Item 4 PLN42/10 ALTERATIONS AND ADDITIONS TO AN EXISTING
DWELLING - 24 BAROMBAH ROAD EPPING**

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/566/2010 for the erection of alterations and additions at Lot 10, DP 841537, No. 24 Barombah Road, Epping subject to the conditions of consent detailed in Schedule 1 of this report.

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- Item 5 PLN48/10 DEVELOPMENT APPLICATION - ERECTION OF TWO
DETACHED DWELLINGS AND SUBDIVISION OF ONE LOT INTO
TWO - 48 RAY ROAD EPPING**

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. 620/2010 for the demolition of an existing dwelling, erection of two detached dwellings and subdivision of one lot into two at Lot 4 DP 9631 (No. 48) Ray Road Epping, subject to the conditions of consent detailed in Schedule 1 of this report.

GENERAL BUSINESS**Page Number 103****Item 6 PLN45/10 LOCAL HERITAGE ASSISTANCE FUND 2010/2011****RECOMMENDATION**

THAT:

1. Council endorse the expenditure of funds to the value of \$60,000 from the Local Heritage Assistance Fund budget to the following projects (to be completed and reimbursed prior to 30 June 2011).

Project No.	Property Address	Applicant Name	Project Description	Recommended Funding Amount and Comment
1	44 Beecroft Road, Beecroft	Phillip Backhouse	Replacing tin roof to front room and entry foyer, Facia's gully, guttering	\$2,245 (subject to hardwood or Oregon timber being used)
2	100 Beecroft Road Beecroft	Robert Olsen	Removal and replacement of all front veranda roofing iron. Removal and replacement of roof area above store and repainting	\$10,000 (subject to treated pine not being used for works and documentation being submitted to Council regarding traditional colour scheme for paintwork)
3	Lot 17 Collingridge Point, Berowra Waters	Annette Crowe	Restore coach ceiling in living room and the fascia on the north wall. This includes all necessary structural works	\$8,598 (subject to the retention of the timber ceiling profile and treatment of termites within roof cavity if observed during construction)
4	106 Bay Road Berrilee	Rhonda Ramsey	Replace rotten veranda and posts	\$8,360 (subject to hardwood or Oregon timber being used)
5	429 Galston Road, Dural	Margaret Hunter	Replacement of roof	\$10,000 (subject to appropriate guttering material being used such as zincalume or galvanised iron)
6	Cnr Chester or Oxford Street, Epping	Gordon Herriott	Replace pressed pattern ceiling that has rusted due to leaking roof	\$6,000
7	241 Pacific Highway, Hornsby	Max and Lorraine Lowery	Roof and gable repairs to north elevation. Repair of dormer windows	\$5,000 (subject to treated pine not being used for works)

8	368 Pacific Highway, Hornsby	Kellie Morle	Structural repairs to sub floor and rear veranda area	\$1,790 (recommended that the apparent inadequate subfloor drainage/ventilation be investigated by owner to ensure long term stability of item)
9	62 Malsbury Road Normanhurst	Martyn Goundry	Footing stabilisation	\$6,500 (recommended that the apparent inadequate drainage be investigated to ensure addressed in the long term)
10	14 The Comenarra Parkway, Thornleigh	Sten and Clare Hopkins	Replacement/repair of consumer mains. Replacement of rotten timber window and ledge	\$1,507 (subject to treated pine not being used for works)

2. Applicants be advised of Council's resolution.
3. Should any applicant not accept the offer of financial assistance or the works are unable to be completed this financial year, the General Manager be authorised to endorse any additional allocation or redistribution of funds following a recommendation from the Executive Manager, Planning Division.

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Item 7 **PLN52/10 REPORTING VARIATIONS TO DEVELOPMENT STANDARDS**

RECOMMENDATION

THAT Council note the contents of Executive Manager's Report No. PLN52/10.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

SUPPLEMENTARY AGENDA

QUESTIONS WITHOUT NOTICE

**1 DEVELOPMENT APPLICATION - REMOVAL OF TWO HERITAGE LISTED BUNYA PINE TREES
19C ETHEL STREET HORNSBY**

Development Application No:	DA/546/2010
Description of Proposal:	Removal of two heritage listed Bunya Pine trees within a residential property.
Property Description:	Lot 11 DP 853365 (No. 19C) Ethel Street, Hornsby
Applicant:	Mr Robin Peter Gers
Owner:	Mr Robin Peter Gers Ms Koran Imelda Larkin
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density) zone
Estimated Value:	Nil
Ward:	A

RECOMMENDATION

THAT Development Application No. 546/2010 for the removal of two heritage listed Bunya Pine trees within a residential property at Lot 11 DP 853365 be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the removal of two heritage listed Bunya Pine trees within a residential property.
2. On 22 October 2008, Council refused Tree Application No. 1062/2008 for the removal of the two Bunya Pine trees at the subject site due to the health and heritage significance of the trees.
3. The removal of the Bunya Pines was considered by Council's Ordinary Meeting on 17 March 2010 following concerns raised by the residents about the danger presented by the shedding of cones. At this meeting it was noted that the heritage listing of the trees requires that a development application be lodged for any proposed removal.

4. The proposal demonstrates that the trees are incompatible with a residential environment having regard to the proximity of the existing dwelling on the site.
5. Five submissions have been received in respect of the application (four in support and one in opposition to the removal of the trees).
6. It is recommended that the application be approved.

HISTORY OF THE SITE

On 29 June 1993, DA/207/1993 was approved for the erection of two detached dwellings on an allotment known as 34 Galston Road. The site was subsequently subdivided creating the current allotment.

On 22 October 2008, Tree Application No. 1062/2008 was refused for the removal of two bunya pines on the property.

THE SITE

The site has an area of 488.6 square metres and is located on the corner of Ethel Street and Galston Road, Hornsby. The site has frontage to Ethel Street to the north, secondary frontage to Galston Road to the west and adjoins residential properties to the south and east of the site. The site comprises a single storey brick dwelling with a tile roof. Colourbond fencing is located along the side and rear boundaries. Vehicular access to the site is via Ethel Street.

The property is listed as a heritage item (*garden trees*) of local significance under the provisions of Schedule D (Heritage items) of the HSLEP 1994. The garden comprises two Bunya Pines (*Araucaria bidwillii*) and a Maritime Pine (*Pinus pinaster*) that are located along the Galston Road frontage of the property. The Bunya pines are estimated to be 80-100 years old and are approximately 27 – 30 metres high.

The first Bunya Pine is located within the front section of the site, 3.8 metres west of the dwelling and 2.5 metres from the western boundary adjoining Galston Road. The second Bunya Pine is located 4.7 metres from the dwelling and 0.5 metres from the western boundary. The canopies of these trees overhang the dwelling on the site and the Council footpath on Galston Road.

BACKGROUND TO THE PROPOSAL

The current owners purchased the subject property in May, 2007. In October 2008, the owners applied for permission to remove the two Bunya Pines within the property under Council's Tree Preservation Order (TA/1062/2008). Permission was denied due to the health and heritage significance of the trees.

The owners contacted Council in February 2009 reporting that several large cones had fallen from the trees onto the road and the property. The owners reported damage to the roof of the dwelling and a car parked in the driveway. The residents reported further fruit fall in February 2010, which broke through the roof and into the living room of the dwelling

Council, at its meeting on 17 February 2010, adopted a Matter of Urgency which called for the submission of a report to the March Ordinary Meeting of Council in relation to the trees. The matter arose from the current owner's concerns about the ongoing danger to life

presented by the shedding of cones and the high cost of de-nutting the trees. At this meeting Council resolved:

‘That the Executive Manager, Environment Division submit a report to the next Ordinary Meeting of Council providing the following details regarding the Bunya trees located at 19c Ethel Street, Hornsby:

- 1. The cost associated with the removal of fruit from the trees.*
- 2. The heritage value of the trees and the implications of the associated heritage provisions.*
- 3. The contribution of the trees and the streetscape and the Hornsby local government area.*

At Council’s Ordinary Meeting on 17 March 2010, Report No. EN9/10 was submitted addressing the matters raised in Council’s resolution. The report advised that the estimated cost associated with de-nutting the trees would be approximately \$2000 to \$4500 per annum. The report noted that the trees contribute significantly to the streetscape. The report advised that due to the heritage listing of the trees, a development application would be required to be lodged prior to Council considering whether the trees should be removed.

In respect of the report, Council resolved:

“THAT the contents of the Executive Manager’s Report No. EN9/10 be received and noted.”

On 10 May 2010, the current application was lodged for the removal of the two Bunya Pines at the subject site.

THE PROPOSAL

The application proposes the removal of the two Bunya Pines located within the site to eliminate the danger presented by the shedding of cones and the high costs associated with the de-nutting of the trees. The information provided by the applicant in support of the proposal is summarised as follows:

- In February 2009, approximately 15-20 cones fell from the trees.
- In February 2010 approximately 10 cones fell from the trees.
- The owners have small children and fear for their safety as a result of the falling cones.
- Falling braches and cones have lead to significant roof damage to the dwelling. In February 2010, a cone fell through the roof of the dwelling into the living room.
- The last time trees were de-nutted (approximately 5 or 6 years ago), 50- 60 roof tiles were broken in the process.

- The falling cones have damaged cars parked within the property and on Galston Road.
- The cost of maintaining the trees ranges from \$2000 to \$4500. The owners advised they cannot afford the annual costs to de-nut and maintain the trees.

The application was accompanied by photographs of the site and the damage incurred to the property as a result of falling cones.

BUNYA PINES

Araucaria bidwillii (Bunya Pine) are native to Queensland and grow to a mature height of 35-40 metres. Mature trees bear pineapple like cones weighing up to 10kgs. The cones are shed between summer and autumn on an annual basis.

Bunya Pines are not indigenous to the Hornsby region. They are indigenous to parts of Queensland and appear to have been planted in the Hornsby Shire on large properties, particularly around the early 1900's. They were also used as "marker trees" due to their size and distinct shape.

Council maintains fourteen Bunya Pines growing either in parks or on nature strip/footpath areas. They are "de-nutted" every December/January to address the safety risks presented by the shedding of cones. It is not known how many exist on private property within Hornsby Shire, however Council is aware of at least eight properties within the built up areas of the Shire that contain Bunya Pines. More Bunya Pines are believed to exist in the rural areas of the Shire.

De-nutting of the trees requires either a tree climber to scale the tree or an elevated work platform (EWP) to reach the top of the canopy where the nuts grow. Due to the height of the mature tree, most tree firms do not carry an EWP large enough to reach this height and would hire the specific vehicles. This adds to the cost of carrying out the works. Additional cost is involved if the trees are located near power lines. Quotes provided indicate the cost of de-nutting can range from \$2000 to \$4500.

As evidenced by the incidents at the subject property in February 2009 and 2010, injury or death to humans and damage to buildings on vehicles may be caused by the impact of a cone falling from the tree. At the Queensland Department of Primary Industry forest plantations, the public is forbidden to enter bunya zones during the cone falling period. The force of the impact of the cone hitting the ground can be felt up to 20 metres away.

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 not impact on the objectives of the draft Strategy.

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 the 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.*
- to provide for development that is within the environmental capacity of a low density residential environment.*

The proposal has been considered with respect to the objectives of the zone and compatibility with the low density residential environment.

The trees originally formed part of a much larger garden. The subdivision of the site into smaller lots and the construction of dwellings beneath the canopy of the trees in the 1990s has resulted a built environment that is not conducive to the retention to the trees given the hazard the trees present as a result of falling cones. The current allotment is 488.5 square metres in area, which does not satisfy the present density requirements of the Residential A (Low Density) zone where a minimum allotment size of 500 square metres is required. The canopies of the trees cover a substantial portion of the landscaped area of the site, a portion of the dwelling, as well as a section of the Council footpath on Galston Road.

Unless trees are de-nutted and maintained to a safe standard, they would pose a significant threat to property and safety and are considered to be incompatible with the residential environment. In that regard, it is suggested that the trees are incompatible with the objective of the zone which seeks to promote land uses compatible with a low density residential environment.

The removal of the Bunya Pines would permanently eliminate the safety risks presenting by the shedding of cones to the residents of the property and pedestrians using Council's public footpath.

2.1.1 Clause 18 - Heritage

Clause 18 of the HSLEP sets out heritage conservation provisions within the Hornsby area. The property is listed as a heritage item (*garden trees*) of local significance under the provisions of Schedule D (Heritage items) of the HSLEP 1994. The two Bunya Pine trees were included as a heritage item when the *Hornsby Shire Local Environmental Plan 1994* was gazetted and were estimated to be between 80-100 years old. They were again identified as being worthy of retention as part of the Heritage Review Stage 4 currently in draft form.

The recent Heritage Review Stage 4 (2008) reviewed the tree listing and noted that:

The cluster of two Bunya Pines (Araucaria bidwillii) and a Maritime Pine (Pinus pinaster) are prominently located along the Galston Road frontage in the small garden of 19C Ethel Street. These cultivated pines are believed to be the remnants of a much larger garden dating from the late nineteenth century (prior to the existing subdivision). This group is considered to have local significance in terms of its historic/cultural associations, visual, aesthetic, landmark and representative values. They are important contextual elements of considerable scale and integrity. Although planted in large private gardens and public planting schemes throughout Sydney since the early nineteenth century, older specimen Bunya Pines are now somewhat rare in the Hornsby Shire.

The Bunya Pines appear to be in good condition and health with relatively dense crowns and minimal dead wood. One specimen Bunya Pine has a damaged upper crown (possibly storm damage) with dense apical growth and renewed vigour. The Maritime Pine has a thinning canopy and some dead wood in the lower crown.

A report outlining issues regarding the trees was considered previously by the Heritage Advisory Committee at its meeting on 17 March 2010. At its Meeting on 31 May 2010, the Committee considered the proposal for the removal of the two heritage listed bunya pines. The Committee noted that a Heritage Impact Assessment has not been submitted with the development application and that the application does not justify the removal of the trees on heritage grounds.

The Committee also noted that a review of the significance of the item was recently undertaken as part of Heritage Review 4. The Review noted that the cultivated pines are believed to be the remnants of a much larger garden and the group is considered to have local significance in terms of its historic/cultural associations, visual, aesthetic, landmark and representative values. The Committee agreed that no evidence has been submitted to indicate the significance of the item has altered since the previous review was completed. Accordingly, the Committee resolved that objections be raised to the proposal, as there are no heritage grounds on which removal of the items can be supported.

The applicant has not sought to argue that the trees do not have local heritage significance. The applicant requests that the trees be permitted to be removed notwithstanding the heritage significance.

In assessing the application, 'heritage significance' is a matter that must be considered having regard to the circumstances of the case. Heritage impacts are not necessarily the determining factor in assessing whether or not the application should be supported and Council must have regard to the overall merits of the proposal.

In this circumstance, it is considered that the retention of the trees would pose an unacceptable risk to the public, notwithstanding their heritage significance. Mitigating measures such as annual de-nutting of the trees are considered to be an onerous and unsatisfactory means to ensure the safety of the public. Accordingly it is recommended that the trees be removed in light of the Heritage Committee's recommendations.

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. Subject to conditions, approval of the proposal would not have any significant impact on the water quality of the Hawkesbury Nepean Catchment.

2.3 Heritage Development Control Plan

The impact the proposal on the heritage significance of the site has been addressed in Section 2.1.1 of this report.

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

3.1.1 Tree Health

An inspection of the trees has revealed the Bunya Pines within the site are mature and in good health. It is recognised the shedding of nuts is part of the trees' natural process and the hazard presented by the trees would be alleviated by de-nutting on an annual basis.

The application was accompanied by a letter of advice from Bolans Tree Service, who recommend the trees at 19C Ethel should be inspected annually with the owners willing to take action to de-nut the trees should seeds be identified. It was advised that the trees on the property do not seem to seed every year, therefore de-nutting each year may not be essential. Bolans Tree Service was engaged by the previous owners of the property to complete the de-nutting/tree maintenance work.

The Bunya Pine trees have been identified as healthy, mature trees and the shedding of cones is part of the tree's natural process. Under Council's Tree Management Plan, it is stated that approval for the removal of trees would generally not be given for the shedding of leaves, fruit, bark, cones or twigs as this is considered a natural process. In Council's assessment of the application, concerns were raised that the removal of the Bunya Pines may set an undesirable precedent for the removal of other healthy trees within the Shire.

Notwithstanding Council's Tree Management Plan, it is recognised that in this situation, the frequency of the cones shedding from the trees coupled with the location of the 'drop zone' in relation to the dwelling and public footpath on a busy road that an exception should be made on this occasion. In this regard, it is considered that Council's approval to remove the trees would not set an undesirable precedent for the removal of other trees within the Shire.

3.1.2 Contribution to the Streetscape

The Bunya Pines contribute to the streetscape, aesthetic value and public amenity of the area. The trees are among the largest in the locality and link both visually and physically with a Bunya Pine and several Coral Trees located opposite the property. The trees are also part of a corridor running along Ethel Street into both Galston Road and Ida Street. This corridor is beneficial to both birds and small animals in allowing safe crossing of Galston Road, a major secondary road linking Hornsby with Galston.

The removal of the trees would have an impact upon the existing streetscape. Should Council consent to their removal, it is recommended that new trees be planted to compensate for their loss. It is considered that a locally native species such as a Scribbly Gum or Blueberry Ash would be an appropriate species to contribute to the future streetscape and co-exist within the residential environment.

3.2 Built Environment

The trees have a positive impact on the built environment by contributing positively to the streetscape, as discussed in Section 3.1.1 of this report.

3.2.1 Safety Issues and Property Damage

Bolans Tree Services confirm that given the location of the trees near the footpath and the location of the dwelling under the canopy, the failure to attend to the seeds will result in substantial damage being caused to the home and possibly a major injury or fatality taking place within the site or on the footpath.

The photographs submitted as part of this application demonstrate the damage incurred to the property as a result of falling cones. It is recognised that the shedding of cones has caused significant damage to the roof of the dwelling, with an incident of particular concern where a cone fell through the roof of the dwelling. The photos also show the damage incurred to parked vehicles and show the locations where cones have fallen within the property and on Galston Road adjacent to the public footpath. The serious safety concerns expressed by the owners and nearby residents are understandable, particularly considering the owners of the property have young children and a number of children use on the footpath on their way to and from school.

The applicant has advised the previous time the trees were de-nutted, approximately 50-60 roof tiles were broken in the process. The repair work required to the roof was an unforeseen expense in addition to the expense incurred by the owners for the tree maintenance. Should the trees be retained, it would be necessary to undertake measures to ensure the property is not damaged in the process of de-nutting.

The application states that the last time the trees were de-nutted was approximately 5 or 6 years ago. Considering that Council recommends de-nutting to occur on an annual basis, the maintenance of the trees has been significantly neglected by the owners. This neglect in maintaining the trees attributes to the extensive damage incurred to the dwelling, parked vehicles and threat to safety presented by shedding nuts as reported to Council over the past few years. The inability of the owners to pay for the costs associated with maintaining the trees, as well as the limited capacity for Council to order the owners to maintain the trees, presents a situation where the safety of residents and pedestrians would possibly continue to be jeopardised in the future should the trees be retained. The removal of the trees presents a permanent solution to address property damage and safety issues presented by the trees.

3.2.2 Owners Liability

Pursuant to Section 102 of the Roads Act 1993, the owners of the property would be liable for any damage incurred to the public footpath or road as a result of the falling cones. Furthermore, the owners may have personal liability should the falling cones result in injury or death. Consideration should be made as to whether it is reasonable for the owners to bear the responsibility for the potential damage to the footpath and the threat to public safety. Council may also share in the liability in the knowledge of the hazard presented by the trees and does not actively seek a maintenance regime.

3.2.3 Residential Environment

The trees originally formed part of a much larger garden. The subdivision into smaller lots and the construction of dwellings beneath the canopy of the trees has resulted in a built environment that is not conducive to the retention to the trees. Given the small size of the residential allotment, the location of the dwelling under the canopy and the hazard associated with the trees, the retention of the trees is considered to be incompatible with the built residential environment.

3.3 Social Impacts

The proposal has been considered with respect to the social environment.

The trees have a positive impact on the social environment due to the heritage and landscape significance and their positive contribution to the streetscape. If the trees are maintained to a safe standard by the property owners they would not present a significant safety risk or threat to property and would therefore not have any detrimental social impact.

Should the Bunya Pines not be de-nutted and maintained to a safe standard by the property owners, the retention of the trees would present a risk to public safety which would be detrimental to the social environment. In this circumstance, the removal of the trees would have a positive impact on the social environment by improving the safety for residents and pedestrians by permanently addressing the risk of falling nuts.

3.4 Economic Impacts

The trees are located within a residential property and therefore the costs associated with the maintenance or the removal of the trees (should this application be approved), would be borne by the owners.

A verbal quote of \$2,000 to remove the nuts was obtained from one of Council's recommended contractors. This price includes sheathing the overhead electricity wires and is based on carrying out the de-nutting at the same time as the de-nutting of Council's Bunya Pines. It has been suggested that the cost of de-nutting the trees as a stand-alone job could cost in excess of \$4,500.

The application was accompanied by a letter from Bolans Tree Service who estimated the costs for the de-nutting of the trees would be approximately \$2500. Should the trees be approved for removal, Bolans Tree Service estimates that removal would be in the vicinity of \$9000-10,000 for a contractor to complete the operation safely.

The removal of the trees cannot be justified on financial grounds as this is not a valid planning consideration under Section 79C of the Environmental Planning and Assessment

Act. Notwithstanding, it is considered reasonable that the owners request the removal of the trees given the small size of the allotment and the location of the dwelling under the canopy, to permanently eliminate the threat to safety and property.

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 identified as flood prone land or subject to bushfire risk.

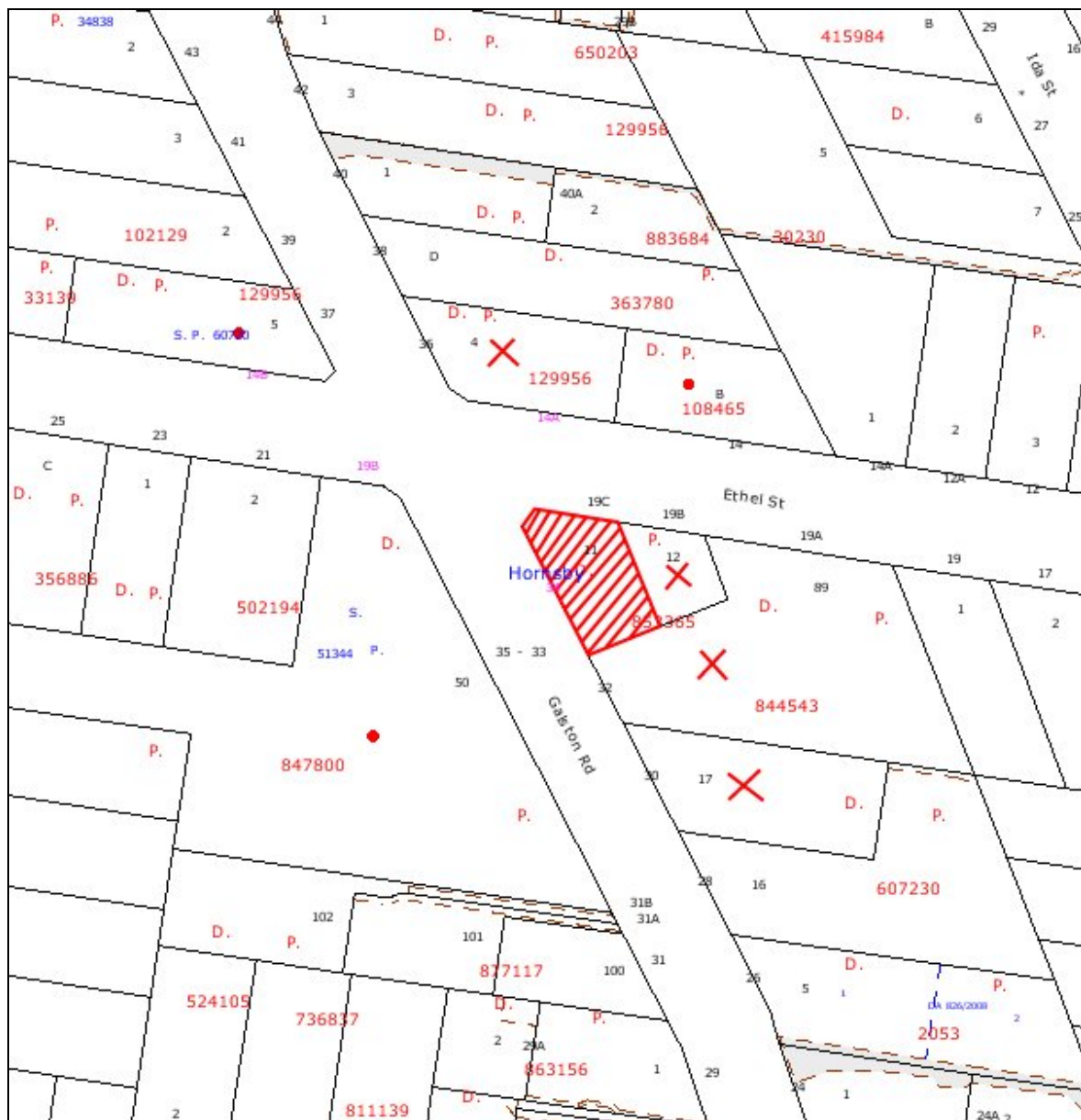
The canopies of the trees cover a substantial portion of the landscaped area of the site, the dwelling and a section of the Council footpath on Galston Road. The site is a small allotment with an area of 488.5 square metres, less than the current density requirements of the Residential A (Low Density) zone where a minimum lot area of 500 square metre is required. The subdivision and the construction of dwellings beneath the canopy of the trees create a built environment that is not conducive to the retention to the trees. Given the built residential environment, the removal of the trees is considered suitable to eliminate the threat to property and safety.

5. PUBLIC PARTICIPATION


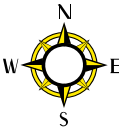
Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 17 May 2010 and 27 June 2010 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received five submissions. One submission objected to the removal of the trees and four submissions supported the removal of the trees. 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 	<p>X SUBMISSIONS RECEIVED</p>	 PROPERTY SUBJECT OF DEVELOPMENT	
<p>ONE SUBMISSIONS RECEIVED OUT OF MAP RANGE</p>			

The issues raised by the resident in opposition to the removal of the trees are:

- *Heritage*
- *Streetscape*
- *Health of the trees*
- *Expense of maintenance not a valid matter to consider*

Four submissions were received in support of the application. The matters raised in the submissions are summarised in italics below:

- *Threat to lift (public and owners)*
- *Danger to children walking to school*
- *Property damage*
- *Trees inconsistency with residential environment*

The matters raised in the support and opposition to the removal of the trees have been addressed in the body of this report.

5.2 Public Agencies

The application was not required to be referred to any external agencies.

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.

In this matter, the public interest is a dominant consideration. The removal of the Bunya Pines would be in the public interest to permanently eliminate the safety risks to pedestrians using Council’s public footpath, associated with the shedding of nuts. As the canopy of the trees overhang the footpath on Galston Road, failure to maintain the trees would present a risk to public safety.

The loss of the heritage garden would be unfortunate, but justified in the circumstances. The impact on the streetscape would be temporary and can be addressed via new plantings.

CONCLUSION

The application proposes the removal of two heritage listed Bunya Pine trees within a residential property known as 19C Ethel Street. The canopy of the trees overhangs the dwelling within the site and the Council footpath on Galston Road. The owners propose to remove the trees to eliminate the safety risks presented by the shedding of cones and the high costs associated with the maintenance of the trees.

The application was considered by Council’s Heritage Committee who noted that a Heritage Impact Assessment has not been submitted with the development application and that the application does not justify the removal of the trees on heritage grounds.

The assessment notes that the trees are healthy and annual de-nutting would alleviate the safety risks presented by the trees. However, the failure to maintain the trees presents a serious threat to property and public safety.

Whilst the financial burden incurred by the owners of the property is not a valid planning consideration to support the removal of the trees, the inability of the present or future owners to pay for the de-nutting would jeopardise the safety of residents and pedestrians using the public footpath.

Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, it is considered that the removal of the trees would be in the public interest by permanently eliminating the risk presented to public safety.

Approval of the application is recommended.

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

ROD PICKLES
Manager - Assessment Team 2
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Photographs To be Printed Separately

File Reference: DA/546/2010
Document Number: D01434166

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.

1. Removal of Existing Trees

This development consent only permits the removal of the two Bunya Pine trees within the site. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**2. 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.

3. 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.

REQUIREMENTS DURING CONSTRUCTION

4. 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.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR 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.

5. 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.

6. Maintain Canopy Cover

To maintain canopy cover, two medium to large trees selected from Council's booklet '*Indigenous Plants for the Bushland Shire*' are to be planted on the subject site. The planting location shall not be within 4 metres of the foundation walls of a dwelling. The pot size is to be a minimum 25 litres and the trees must be maintained until they reach the height of 3 metres. Trees must be native to Hornsby Shire.

Note: Consideration should also be given to the selection of a locally native species as specified in the 'Street Tree Species Matrix' within Council's 'Tree Management Plan'. It is recommended the owners consult with Council's Parks and Landscape Team to ascertain the most suitable species for the site given the site's constraints.

- 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.

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.

2 DEVELOPMENT APPLICATION - ERECTION OF A CHILDCARE CENTRE AND USE OF AN EXISTING DWELLING AS A MANAGER'S RESIDENCE 206-208 CASTLE HILL ROAD CHERRYBROOK

Development Application No:	DA/317/2010
Description of Proposal:	Construction of a child care centre for 48 children and change of use of an existing dwelling to a Manager's residence.
Property Description:	Lot 4 DP 14282, Nos. 206 - 208 Castle Hill Road, Cherrybrook
Applicant:	Mr Tirandaz Jehangir Kermani Mrs Hoomayun Tirandaz Kermani
Owner:	Mr Tirandaz Jehangir Kermani Mrs Hoomayun Tirandaz Kermani
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density) zone
Estimated Value:	\$600,000
Ward:	B

RECOMMENDATION

THAT Development Application No. 317/2010 for the construction of a child care centre for 48 children and the change of use of an existing dwelling to a Manager's residence at Lot 4 DP 14282, Nos. 206 - 208 Castle Hill Road, Cherrybrook be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the construction of a child care centre for 48 children and the change of use of an existing dwelling to a Manager's residence.
2. The proposal complies with the provisions of the Hornsby Shire Local Environmental Plan and is generally consistent with the provisions of Council's Community Uses Development Control Plan and Car Parking Development Control Plan.
3. Fifteen submissions have been received in respect of the application.
4. It is recommended that the application be approved.

HISTORY OF THE SITE

On 8 December 2009, Development Application No. 706/2009 for the demolition of an existing garage, deck and the subdivision of two allotments into five at Lots 4 and 5 DP 14282 (Nos. 202, 204, 206 and 208) Castle Hill Road, Cherrybrook was approved under delegated authority as a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979.

THE SITE

The site has a total area of 1,854m² and is situated on the northern side of Castle Hill Road at the corner of Robert Road. The site has a splayed corner at the Robert Road and Castle Hill Road and is irregular in shape with a cross fall of approximately 18% to the north eastern boundary.

There is a single storey brick dwelling, attached single garage and a detached double garage located on the land. Access to the existing dwellings is gained via an existing driveway fronting Castle Hill Road. Castle Hill Road is a classified road under the care and control of the Roads and Traffic Authority.

The vegetation on the site comprises a number of exotic and locally indigenous trees. The site is surrounded by one storey residential dwellings.

THE PROPOSAL

The applicant has provided the following information in regard to the proposed works:

The proposal is to:

1. *Retain the existing dwelling and use it as a Manager's residence associated with the child care centre. Provide two car parking spaces for the development.*
2. *Create a curtilage around the Manager's residence of sufficient area for it to be used as a single dwelling, but also of sufficient size that if the residence were to be sold for separate living in the future and if circumstances change for the child care centre, the resulting lot would be compliant with Council's current controls. In the event that this might occur, the number of children in the child care centre would have to be reduced in order to comply with Council's car parking requirements.*
3. *Construct a child care centre for forty-eight children in the following age groups:*
 - *0-2 year olds - 16 children*
 - *2-3 year olds - 15 children*
 - *3-5 year olds - 17 children*
4. *Provision of ten off-street car parking spaces with a combined entry/exit off Robert Road. An additional two car parking spaces are provided for the Manager's residence.*

5. *Perimeter landscaping and new fencing to be provided to the allotment boundaries.*

The new child care centre is a single storey L-shaped masonry building with a colourbond skillion/pitched roof and includes clerestory windows on the northern elevation. Separate rooms are provided for each age group and proposal includes the erection of shade structures at the southern and eastern ends of the building.

The new boundary fences along the Castle Hill Road and Robert Road frontages would be constructed of rendered blockwork which is not inconsistent with existing fencing in the immediate vicinity of the development and the locality in general.

The works would also include the demolition of an existing garage located adjacent to the northern boundary.

The hours of operation of the proposed child care centre are 7.00am to 6.30pm Monday to Friday with two scheduled outdoor play times for one hour between 10.00am to 11.00am and 3.30pm to 4.30pm daily.

Nine full-time staff would be employed (including the manager who is also a carer) and one part-time cook.

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 an additional nine 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 Shire Local Environmental Plan 1994 (HSLEP). The objectives of the Residential A (Low Density) 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 a 'child care centre' under the HSLEP and is permissible in the zone with Council's consent.

Clause 15 of the HSLEP prescribes that the maximum floor space ratio (FSR) of development within the Residential (Low Density) zone is 0.4:1. The proposed development would have an FSR of 0.26:1, which satisfies the development standard.

Clause 18 of the HSLEP sets out heritage conservation provisions within the Hornsby area. The site is not a heritage item or located in the vicinity of a heritage item. The site is not located in a heritage conservation area.

2.2 Children's Services Regulation 2004

Compliance with the Regulation is required for the licensing of child care centres by the NSW Department of Community Services.

The proposed development has been designed for the proposed number of child care centre places in accordance with the space requirements of the Regulation for the provision of indoor and outdoor play areas, cot room and staff room. The proposed number of nine staff exceeds the requirement of the Regulation for the ratio of staff to children according to age group, i.e.:

16 places 0 - 2 years	Staff ratio 1 per 5 children	= 4
15 places 2 - 3 years	Staff ratio 1 per 8 children	= 2
17 places 3 - 6 years	Staff ratio 1 per 10 children	= 2
48 places TOTAL		8

The prescribed indoor and outdoor play area requirements under Clause 30 of the Regulation are reiterated under Council's Community Uses Development Control Plan (Community Uses DCP).

2.3 State Environmental Planning Policy No. 55 - Contaminated Lands

Clause 7 of *State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

The applicant submitted a Stage 1 Preliminary Site Investigation Report prepared by AD Envirotech Australia Pty Ltd which concluded that the site is suitable for its proposed use as a child care centre. Council's review of the submitted information determined that the required number of points were sampled as per the *Contaminated Sites – Sampling Design Guidelines* produced by the NSW EPA 1995 and tested at the site and based on the information provided within the report, a Stage 2 - Detailed Environmental Site Assessment is not required.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure). This Policy contains State-wide planning controls for developments adjoining rail-corridors and busy roads.

The development is located immediately adjoining a classified road corridor (Castle Hill Road) and the following matters are considered in this regard:

2.4.1 Development with frontage to a classified road

The proposal is assessed against the requirements of Clause 101 of the SEPP (Infrastructure) as the site has frontage to Castle Hill Road. In accordance with the requirements of the Policy, the development does not propose any new vehicular access from Castle Hill Road and includes an acoustic report addressing the noise attenuation measures to mitigate the noise from traffic on this road.

Council's assessment of the proposal considers that the development is satisfactory subject to the implementation of recommended conditions.

2.4.2 Impact of Noise

Clause 102 of the SEPP (Infrastructure) applies to the development as Castle Hill Road is identified as a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and the proposed development has the potential to be adversely affected by road noise or vibration.

In accordance with the requirements of the SEPP, the application has been assessed against the noise related controls contained within the Department of Planning's publication '*Development near Rail Corridors and Busy Roads - Interim Guidelines*'.

The applicant has addressed this requirement by submitting an acoustic report which details the construction techniques to attenuate road noise and vibration and concludes that the development would satisfy the recommended guidelines for acceptable levels.

Council's assessment of the application with regard to noise included a detailed examination of the acoustic report and is considered satisfactory.

2.4.3 Traffic Generating Development

The proposed development includes direct vehicular or pedestrian access to a road that connects to a classified road, where the access is located within 90 metres of the connection. Notwithstanding, the development is not classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of the SEPP (Infrastructure) and referral to the Roads and Traffic Authority is not required.

Notwithstanding, Council's traffic assessment of the proposed development concludes that vehicular access to the site satisfactory and further discussion is provided in 2.6.4 of this report.

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

Hornsby Shire is located within the catchment of the Hawkesbury Nepean River. Part 2 of SREP 20 contains general planning considerations and strategies to be considered by Council as the consent authority as to the impacts of development on the scenic quality of the area, water quality, aquaculture, recreation and tourism.

Subject to recommended conditions of consent relating to sediment and erosion control measures being implemented and maintained, the proposed development is consistent with the objectives of the Sydney Regional Environmental Plan No. 20.

2.6 Community Uses Development Control Plan

The proposed 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
Density	48 places	max. 50 places	Yes
Height	1 storey	max. 2 storey	Yes
Car parking	12 Spaces	12 Spaces	Yes
Indoor Play Area	171m ²	156m ²	Yes
Outdoor Play Area	355m ²	336m ²	Yes
Site cover	36%	40%	Yes
Setbacks			
- Castle Hill Road frontage	10.5m	9m	Yes
- Robert Road frontage	3m	6m	No
- Side (north)	10m	1m	Yes
- Side (east)	7m	1m	Yes

As detailed in the above table, the proposed development does not comply with the Robert Road prescriptive setback within Council's Community Uses DCP. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant performance standards.

2.6.1 Density

The 'Density' element of the DCP aims to control the density and scale and development to ensure compatibility with the surrounding area.

The proposal complies with the 0.4:1 floor space ratio for the Residential A zone that applies to the site. Further, the site coverage is less than the permitted maximum of 40%. The Density element of the DCP states that child care centres on land zoned Residential should be limited to 50 children. The proposed development is for 48 children.

Submissions raised concern in respect of the potential impact on the amenity of the immediate area through the use of the site as a child care facility in a residential area. However, it is considered that the scale of the development is in keeping with the low density scale of the surrounding residential development and is a lawful use in the zone.

2.6.2 Site Selection

The 'Site Selection' element of the 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.

Whilst the DCP states that it is unlikely that a child care centre will meet all the selection criteria, the applicant has submitted a Traffic Impact Statement in support of the development application which demonstrates that access to the site is appropriate.

Submissions raised concern in regard to the safety and efficiency of the vehicular access to the site due to its location on the corner of Robert Road and Castle Hill Road.

The driveway entrance for the car park allows for the forward entry and exit of vehicles. Council's traffic engineering assessment included a review of the Traffic Impact Statement and concluded that the development is satisfactory on traffic and safety grounds.

2.6.3 Setbacks

The 'Setbacks' elements of the DCP aims to provide setbacks that complement the streetscape, provide for landscaping and protect the privacy of adjacent dwellings.

The applicant has demonstrated that sufficient setbacks would be provided to adjacent development and that acoustic measures would be implemented to mitigate potential noise impacts from the operation of the child care centre.

The proposal seeks approval for a secondary street frontage setback of 3 metres to Robert Road. The proposed development is located on a corner allotment with two street frontages. The Community Uses DCP does not specify a minimum front setback requirement for secondary street frontages. Notwithstanding the proposed 3 metre setback from Robert Road provides for sufficient area to landscape and screen the building and the development exceeds the minimum front setback requirements for the Castle Hill Road frontage. Accordingly, the variation is considered acceptable in this instance.

2.6.4 Car Parking and Access

The 'Parking and Access' element of the DCP aims to ensure that vehicular access to and through development is simple, safe and direct.

The Community Uses DCP requires one space per four children for childcare care centres. This gives a requirement of twelve car parking spaces. Twelve off-street car parking spaces have been provided, ten adjacent to the child care centre and two adjacent to the manager's residence. The manager is also a carer, so inclusion of the parking spaces adjacent to the manager's residence is appropriate.

Submissions raised concern regarding access and inadequate off-street parking to cater for the numbers of children and staff proposed and future impacts from the proposed North West Rail Link.

Council's traffic engineering assessment considered the following in relation to the submissions received:

- *Traffic Generation*

The RTA Guide to Traffic Generating Developments provides a table of "Environmental capacity performance standards on residential roads". For local streets the environmental goal is a maximum of 200 vehicles per hour (vph) in the AM peak, with a maximum of 300 vehicles per hour in the PM peak. Traffic counts in October 2007 show an AM peak of 58 vph and a PM peak of 46 vph. With the proposed development these flows have been estimated at 78 vph for the AM peak and 66 vph for the PM peak. This is substantially below the accepted environmental capacity of a local street.

- *Access*

The sight distance to a vehicle waiting to turn right into the child care centre from a vehicle turning left from Castle Hill Road into Roberts Road is 40 metres. Stopping sight distance for 40 km/h is 30 metres. From an on-site trial, the turning speed of a vehicle is about 30 km/h. Stopping sight distance to vehicles turning into the child care centre is considered adequate.

- *North West Rail Link*

The State Government has not finalised the proposal for the North West Rail Link (NWRL). The final location of station entrances, the location or provision of car parks and the proposed access routes to car parks is not known at present. Notwithstanding, a review of the Indicative Precinct Plan for the Franklin Road Station Precinct indicates that the site has not been identified for acquisition as part of the NWRL proposal and that the proposed child care centre is a relatively minor development that would not preclude future planning and implementation of the NWRL.

2.6.5 Recreation Space

The proposed child care centre complies with Clause 30 of the Children's Services Regulation 2004, in respect to spatial and functional requirements. The proposed outdoor play area exceeds the regulatory area requirement and meets the Community Uses DCP site selection requirement for extensive play areas. The proposed floor plan layout includes

sufficient suitable areas for activities and services ancillary to the operation of the child care centre.

2.6.6 Landscape

The 'Landscaping' element of the DCP aims to provide attractive landscapes which reinforce the function of the street and enhance the amenity of a building and to preserve significant stands of trees and natural vegetation.

A landscape plan has been submitted by the applicant which includes appropriate planting to complement the development in the streetscape and minimise the visual impact of the car park. Further, an acoustic wall is proposed around the site which would further screen the development.

2.6.7 Acoustics

The 'Acoustics' element of the DCP aims to provide a reasonable acoustic environment for residents.

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

The proposed hours of the centre are weekdays from 7 am to 6.30 pm. The primary sources of noise from the centre would be vehicle movements at the beginning and end of the day and outdoor children's activities periodically throughout the day.

The applicant has submitted an acoustic report prepared by RSA Acoustics Pty Ltd which includes recommendations to minimise noise impacts on adjoining residential property.

The applicant proposes to construct a combination of masonry fencing along the Robert Road and Castle Hill Road frontages and lapped and capped timber fencing to the side boundaries and the boundary between the Manager's residence and the child care centre to mitigate against noise impacts on neighbouring properties. The applicant has also proposed operational procedures that manage the outdoor play area.

A condition is included for the implementation of the report recommendations which includes masonry/lapped and capped timber fencing along the Robert Road and Castle Hill Road frontages and the side boundaries and the implementation of operational procedures for outdoor play.

2.6.8 Solar Access

The proposed child care centre satisfies Council's requirement for developments to maintain a minimum of 4 hours of sunshine to the open space areas of adjoining residential properties, in accordance with the Community Uses DCP solar access requirement.

2.6.9 Crime Prevention

The proposed development has been designed to minimise crime in accordance with CPTED principles by way of clear sightlines, windows that overlook the car parking area and pedestrian access and clearly defined building entry and access.

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

2.7 Dwelling House Development Control Plan

The proposed Manager's residence component of the development has been assessed having regard to the relevant performance and prescriptive design standards within Council's Dwelling House Development Control Plan (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
Height	unchanged	9m	Yes
Storeys	1 storey	2 storeys	Yes
Car parking	2 spaces	2 spaces	Yes
Private Open Space	130m ²	120m ²	Yes
Site cover	30%	40%	Yes
Setbacks			
- Castle Hill Road frontage	10.5m (existing)	9m	Yes
- Side (west)	1m	1m	Yes
- Side (east)	700mm (existing)	1m	Yes
- Rear (north)	3m	3m	Yes

As detailed in the above table, the proposed development complies with the prescriptive standards within Council's Dwelling House DCP.

2.8 Car Parking Development Control Plan

The proposed development complies with the provisions of Council's Car Parking Development Control Plan.

2.9 Access and Mobility Development Control Plan

The proposed child care centre is single storey and includes level access from the car parking area to the building entry. Accordingly, the proposed development is consistent with the objectives of the Access and Mobility Development Control Plan.

2.10 Waste Minimisation and Management Development Control Plan

The waste generated by the operation of the proposed development would be collected by commercial waste contractor at the street frontage.

A condition is recommended for compliance with project management best practice during demolition and construction in accordance with the Waste Minimisation and Management Guide.

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 development would necessitate the removal of four trees from the site. The trees to be removed are not identified as ‘significant trees’. An appropriate condition to protect the trees to be retained is recommended in Schedule 1.

3.2 Built Environment

The proposal is for a single storey child care centre with three internal play areas and two outdoor areas. The front of the building would be set back approximately 10.5 metres from Castle Hill Road. It is considered that the design approach is sympathetic to the character and amenity of the area.

In scale and appearance the proposed child care centre would be consistent with recently constructed low density residential development in the locality.

A schedule of finishes was provided that would compliment the existing streetscape and the surrounding area and the development includes construction of lapped and capped timber fencing to the side boundaries and masonry fencing to the Castle Hill and Robert Road frontages to address visual and acoustic privacy for adjoining properties.

In accordance with the RTA Guide to Traffic Generating Developments, the proposed development would generate approximately 40 vehicle trips in the AM peak hour period and 34 vehicle trips in the PM peak hour period.

From analysis carried out by the proponent at the intersection of Castle Hill Road and Robert Road, the intersection is currently operating at Level of Service (LoS) B. The intersection is projected to continue operating at LoS B with the proposed development.

Council’s engineering assessment of the traffic impacts of the development concludes that the proposal is satisfactory.

3.3 Social Impacts

The proposal would have a positive social impact in the provision of child care places in the Castle Hill and Cherrybrook area.

3.4 Economic Impacts

The proposal increases employment opportunities in child care and would contribute to the local economy.

The proposed centre provides opportunity for parents/carers to return to the workforce, increasing household income and benefiting the local economy.

Submissions received raised concerns with regard to the number of childcare centres within close proximity to the site, which may impact the viability of all businesses. However, the

economic impact of a proposed development upon individual traders is not itself a planning consideration and what is instead required is a more general consideration of the impact in the locality.

Consequently, it is not open to Council to refuse an application for a child care centre on the basis of the threat of economic competition between similar businesses in the vicinity of the proposal.

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 landslip, subsidence, flooding and bushfire that would preclude approval of the proposed development.

4.1 Drainage impacts upon downstream properties

The development includes the provision of an on-site detention system connected directly to Council’s piped drainage system and appropriate conditions of consent have been included in Schedule 1 to manage on-site stormwater.

5. PUBLIC PARTICIPATION


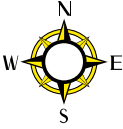
Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 1 April 2010 and 22 April 2010 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received fifteen 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

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
TWO SUBMISSIONS RECEIVED OUT OF MAP RANGE			

Fifteen submissions objected to the development, generally on the following grounds that the development would result in:

- Unacceptable traffic on local streets;
- Access and Parking impact in Robert Road;
- Several existing child care centre are in close proximity to the site;
- Drainage impacts upon downstream property;
- Requirement for a Manager’s residence;
- Unacceptable noise from activities at the centre including increased traffic;

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 Requirement for a Manager's residence

Submissions raised concerns with regard to the need for an on-site Manager's residence. This is a matter for the applicant/ operator of the child care centre to decide and is not a matter for consideration under section 79C of the Act. Notwithstanding, provision of a Manager's residence would ensure a greater level of security is provided for the child care centre after hours and therefore, is considered to be a positive element of the development.

5.2 Public Agencies

The application was referred to the Department of Planning for comment in relation to the proposed North West Rail Link. No response was received.

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 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 child care centre and manager's residence would be in the public interest.

CONCLUSION

The application proposes the construction of a child care centre accommodating forty-eight children and change of use of an existing dwelling to a Manager's residence. Fifteen submissions were received objecting to the proposal on grounds including traffic and parking, site selection and noise. The issues raised in the submissions are addressed in the report and by relevant conditions to ensure any potential impacts are mitigated.

The proposal generally complies with the Community Uses Development Control Plan and Car Parking Development Control Plan. The application is a permissible use in the zone and is considered to be within the environmental capacity of the site and the locality.

On balance, and having regard to the community benefit of the proposal, it is considered that the development is worthy of Council's consent. Accordingly, the proposed development is recommended for approval.

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

ROD PICKLES
Manager - Assessment Team 2
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plan and Elevations
4. Landscape Plan

File Reference: DA/317/2010
Document Number: D01424450

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.

1. Approved Plans and Supporting Documentation

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

Approved Plans

<i>Plan No.</i>	<i>Title</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>
DA 00	Site Analysis Plan	-	Paris John Spana Design	15 March 2010
DA 01	Ground Floor Plan	-	Paris John Spana Design	15 March 2010
DA 02	Roof Plan	-	Paris John Spana Design	15 March 2010
DA 03	Elevations and Sections	-	Paris John Spana Design	15 March 2010
10.2.2 L1	Landscape Plan	A	Wallman Partners Pty Ltd	11 February 2010
4390-1A	Concept Drainage Plan	A	J & F Designs	8 February 2010
4390-2A	Road Drainage Long Section and Details	A	J & F Designs	8 February 2010
4390-S1	Erosion and Sediment Control Plan	A	J & F Designs	8 February 2010
4390-S2	Erosion and Sediment Control Details	A	J & F Designs	8 February 2010

Supporting Documentation

<i>Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
Statement of Environmental Effects (P200005-SEE)	BTG Planning	March 2010
Traffic and Parking Assessment Ref: 10011	John Coady Consulting Pty Ltd	8 March 2010
Acoustical Assessment Report No. 4663R1	RSA Acoustics	16 February 2010
Stage 1 Preliminary Site Investigation v1	AD Envirotech Australia Pty ltd	17 March 2010
Ambient Air Quality Assessment Report No. 3974/AAQ	AD Envirotech Australia Pty ltd	26 May 2010
Schedule of Finishes	Paris John Spana Design	undated
Design Statement	Paris John Spana Design	15 March 2010
Plan of Management of Childcare Centre	unknown	undated

2. Removal of Existing Trees

This development consent only permits the removal of trees numbered 1, 2, 3 and 4 as marked in red on approved plan No. 10.2.2 L1 Landscape Plan prepared by Wallman Partners Pty Ltd dated 11 February 2010. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**3. Building Code of Australia**

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

4. Sydney Water – Quick Check

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**5. 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.

6. 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.

7. 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*

8. 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.

REQUIREMENTS DURING CONSTRUCTION**9. 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.

10. 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.

11. 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.

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 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.

13. 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.

14. 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.

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.

15. Stormwater Drainage

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 connected directly to Council's piped drainage system via an On Site Detention tank.

16. 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 36 cubic metres, and a maximum discharge (when full) of 50 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.
- d. Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

17. Road Works

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. The verge area of Robert Road is to be reconstructed with a maximum slope of 4% from the top of kerb to the property boundary. Retaining walls are to be constructed at the property boundary where required. All utility services are to be adjusted as necessary and a clearance from the public authorities is to be submitted to the PCA upon completion of the works certifying that the services have been adequately relocated.
- b. A concrete footpath must be constructed within the reconstructed road verge of Robert Road with the remaining area turfed.
- c. A minimum 375mm diameter concrete pipeline is to be constructed from the subject site to the existing stormwater drainage pit located adjacent to 2 Oliver Way. The pipeline is to be located under the kerb and gutter and the existing kerb, gutter and road pavement is to be reconstructed. The internal pipework is to discharge into a V grate located at the kerb line adjacent to the boundary line between Lot 4 DP 14282, No. 206-2208 Castle Hill Road and Lot 5 DP 22429, No. 2 Robert Road. The existing road pavement to be saw cut a minimum of 300mm from the existing lip of gutter and reconstructed to facilitate the construction of the drainage pipeline.

18. 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.

19. 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.

20. Creation of Easements

The following matter(s) must be created on the title of the property in accordance with the *Conveyancing Act 1919*:

- a. 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.
- b. 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.

21. 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.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

22. Boundary Fencing

Solid lapped and capped timber fencing must be erected along the northern and eastern property boundaries behind the front building alignment to a height of 1.8 metres at the sole cost of the applicant.

Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).

23. 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.

24. 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’.

OPERATIONAL CONDITIONS

25. Use of Premises

The development approved under this consent shall be used for a ‘*child care centre*’ and Manager’s residence and not for any other purpose without Council’s separate written consent.

26. 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 Vehicle Facilities* 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. Long stay staff parking must be distinguished from the short stay visitor parking by suitable signage and/or marking.

27. Hours of Operation

The hours of operation of the child care centre are restricted to Monday to Friday, 7am to 6.30pm.

28. 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).

29. 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.

- 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.

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.

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.

Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

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.

**3 DEVELOPMENT APPLICATION - CONSTRUCTION OF FOURTEEN INDEPENDENT LIVING UNITS
284 CASTLE HILL ROAD CASTLE HILL**

Development Application No:	DA/505/2010
Description of Proposal:	Demolition of the existing laundry complex and the construction of fourteen independent living units, associated car parking, internal roads, driveways, paths and landscaping works
Property Description:	Lot 2005 DP 1 DP 1088072, No. 284 Castle Hill Road Castle Hill
Applicant:	Anglican Retirement Villages - Castle Hill
Owner:	Anglican Retirement Villages - Castle Hill
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994: Residential A (Low Density) zone and Special Uses A (Community Purposes) zone
Estimated Value:	\$5,800,000
Ward:	B

RECOMMENDATION

THAT Development Application No. 505/2010 for the demolition of the existing laundry complex and the construction of fourteen independent living units, associated car parking, internal roads, driveways, paths and landscaping works at Lot 2005 DP 1 DP 1068072, No. 284 Castle Hill Road Castle Hill be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the demolition of the existing laundry complex and the construction of fourteen independent living units, associated car parking, internal roads, driveways, paths and landscaping works within the Anglican Retirement Village - Castle Hill.
2. The proposal complies with the provisions of the Hornsby Shire Local Environmental Plan 1994 and the design principles of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3. No submissions have been received in respect of the application.
4. It is recommended that the application be approved.

HISTORY OF THE SITE

The site has been used as a retirement village since 1959. The Castle Hill Village supports a range of independent living units plus a range of residential aged care facilities for residents needing low and high care services. ARV residents at Castle Hill in independent living units are supported by a 24 hour medical clinic, therapy centre, chapel, book library, listening library, hairdressers, bowling green, kiosks, community halls, hydrotherapy pool, café, restaurant, leisure centres, an on-site gymnasium, workshops, better balance centre and village bus.

THE SITE

The site is generally known as 'The Castle Hill Anglican Retirement Village' and has an area of approximately 43.672 ha. It comprises 13 separate land titles including property No. 146-150 David Road (Lot 74 DP 1067989), property No. 284 Castle Hill Road (Lot 1 DP 177433, Lot 2005 DP 1088072, Lot B DP 410898, Lot 1 DP 654242, Lot 2 DP 309991, Lot D DP 369584, Lot 72 DP 1067989 and Lot 73 DP 1067989), property No. 284A Castle Hill Road (Lot 10 DP 135926), property No. 296 Castle Hill Road (Lot E DP 369584), property No. 300 - 302 Castle Hill Road (Lot C DP 369584), and property No. 304 Castle Hill Road (Lot A DP 410898).

Of the above allotments, only one allotment - Lot 2005 DP 1088072, comprising an area of approximately 13.9682 hectares is affected by this application.

The Anglican Retirement Village is bound on the east by David Road, on the west by Old Northern Road and on the south by Castle Hill Road. The land subject of this proposal is located at the southwest corner of Lot 2005 adjacent to the Broughton Avenue entry road (west) and is bound by Blue Gums Way to the north and Cullen Crescent to the south.

The proposed development is to be located on land upon which the laundry complex is currently located and which is to be demolished as part of this proposal.

The existing trees within the site comprise several *Eucalyptus bicostata* (Southern Blue Gum) trees along the Broughton Avenue frontage, a row of *Agathis robusta*, (Queensland Kauri) at the intersection of Cobblestone Way and Cullen Crescent, together with a mass of approximately 60 evergreen native plantings comprising *Eucalyptus saligna* (Sydney Blue Gum), *Corymbia maculata* (Spotted Gum) and *Corymbia eximia* (Yellow Bloodwood).

THE PROPOSAL

The proposal involves the demolition of the existing laundry complex and the construction of fourteen independent living units, associated car parking, internal roads, driveways and paths and landscaping works.

The units include 2 x 2 bedroom dwellings and 12 x 3 bedroom dwellings. Eleven dwellings have vehicle access from the proposed new road (Ebbs Lane), two dwellings are accessed from Cullen Crescent and one unit is accessed from Broughton Avenue. All dwellings are single level and accessible from the adjacent ground level.

The proposed dwellings are consistent with the character of existing residential development within the ARV site with pitched roofs and brick walls reflecting the existing ARV villas adjoining the site.

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 an additional 14 seniors living dwellings and would improve 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 regulations*".

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is part Residential A (Low Density) zone and part Special Uses A (Community Purposes) zone under Hornsby Shire Local Environmental Plan 1994 (HSLEP).

The objectives of the Residential A (Low Density) 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.*
- to provide for development that is within the environmental capacity of a low density residential environment.*

The objectives of the Special Uses A (Community Purposes) zone are:

- to provide for the cultural needs of the community.*
- to identify land for the provision of community services and facilities.*

- (c) *to ensure that community uses are compatible with the amenity of the area in which they are located.*

The proposed development is defined as ‘*Housing for Aged and Differently Abled Persons*’ under HSLEP and is permissible in each of the zones with Council’s consent. The proposed development is located within the Anglican Retirement Village and is an extension of the current use of the site and complies with the objectives of each of the zones.

Certain provisions under the HSLEP are not applicable to the proposal as State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, prevails to the extent of any inconsistency with the Policy.

Clause 18 of HSLEP sets out heritage conservation provisions within the Hornsby area. The combined property, generally known as ‘The Castle Hill Villages’, is listed within Schedule D appended to the HSLEP as containing heritage items listed as being of Regional significance, which include ‘Lober House’, ‘Tower House’, the ‘Gate House’ entry gates, the dairy stables and grounds, located within the Mowll Village group in the western portion of the site.

The proposed development would be located at a sufficient distance from the heritage items within the property that the proposal would not result in an adverse impact upon their significance.

2.2 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The SEPP is the overriding planning instrument for the development of housing for aged and disabled people in NSW and provides for hostels, residential care facilities (nursing homes) self contained dwellings and multi-storey buildings. The SEPP is comprehensive in scope including land use planning provisions, design principles, development standards and standards specifically to meet the housing needs of aged and disabled people. The SEPP also includes design guidelines for infill development.

For the purposes of assessment against the SEPP the proposed development is defined as ‘*self-contained dwellings*’. The following table sets out the proposal’s compliance with the relevant standards within the SEPP:

SEPP (Housing for Seniors or People with a Disability)			
Control	Proposal	Requirement	Compliance
Site Area	13.95 ha	1,000m ²	Yes
Site Frontage	389m	20m	Yes
Floor Space Ratio	0.26:1	0.5:1	Yes
Height	5.4m	8m	Yes
Private Open Space	15m ² - 30m ²	15m ²	Yes
Deep Soil Landscaping	38%	15%	Yes

Solar Access	90% of dwellings	70% of dwellings	Yes
Car parking	20 resident spaces + 17 visitor spaces	20 resident spaces	Yes

As detailed in the above table, the proposed development complies with the prescriptive standards within the SEPP. A brief discussion on compliance with the relevant clauses of the SEPP is provided below.

2.2.1 Location and access to facilities (Clause 25)

The proposed development is located within ARV's broader village at Castle Hill which has established a range of facilities to cater to the needs of the established seniors living population.

Facilities include a 24 hour medical clinic, therapy centre, chapel, a book library, listening library, hairdressers, bowling green, kiosks, community halls, hydro therapy pool, café restaurant, leisure centres, on site gymnasium, and wood/ metal workshop.

The site is serviced by regular and frequent public bus services within 400 metres of the proposed development. A bus stop within the Village is located 180 metres from the development site which is accessed via Broughton Avenue via a sealed pathway. These bus services provide direct links to the surrounding commercial centres.

The Anglican Retirement Village also operates a Village bus which transports residents across the site. The ARV bus service is also used to transport residents to external health and clinical services provided at Hornsby Hospital and health centres, and clinics in Castle Hill.

The proposal complies with the provisions of Clause 25 of the SEPP.

2.2.2 Neighbourhood amenity and streetscape (Clause 31)

The proposed development is located within the bounds of the ARV site and is screened from Castle Hill Road by existing residential development as well as the masonry boundary fence and the established vegetation at the Castle Hill Road frontage of the Village.

The proposal has addressed the neighbourhood amenity and streetscape within the site so as to be compatible with the existing natural and built environment.

This has been achieved through the use of single storey buildings, the use of articulated built form; significant setbacks to adjoining buildings on the site, retention of views to open space from both the major access road on the site and the adjoining dwellings, and the significant landscape coverage of the site.

2.2.3 Visual and acoustic privacy (Clause 32)

Visual privacy to new and existing dwellings is achieved by appropriate layout and design of the units, window location and position of private open space. Dwellings are single storey and courtyards are separated by dividing screens to minimise overlooking potential.

The siting of the dwellings away from Castle Hill Road ensures that road noise would not detract from the residential acoustic environment. Furthermore, existing development on the

site and the existing masonry fence located along the property boundary, would act as an acoustic screen, reducing the noise generated by Castle Hill Road.

2.2.4 Solar Access and design for climate (Clause 33)

Adequate consideration has been given for solar access to all dwellings with the development orientated toward the north to maximise solar access to individual units. Windows for each unit allow for good cross ventilation.

2.2.5 Stormwater (Clause 34)

In compliance with the SEPP the proposal includes rainwater storage for recycled water use. Adequate arrangements have been proposed for the management of stormwater within the site and Council's Engineer raised no objections to the proposal in this regard.

2.2.6 Crime prevention (Clause 35)

The dwellings have been designed to ensure each unit entry is highly visible and identified clearly from the street. Front and rear courtyards allow for social interaction and passive surveillance to the street and the dwelling entries to promote safety and security for residents. Pathways have been designed to provide safe pedestrian movement within the site and to individual units using appropriate grading and are well lit at night.

2.2.7 Accessibility (Clause 36)

An Access Report prepared by Accessibility Solutions has been submitted with the application. The development has a series of interlinking walkways and pedestrian tracks, which are intended to be connected back into existing paths within the Village. In addition, a private bus is provided by ARV to transport residents to local shopping facilities and social outings.

Clauses 51 to 73 of the SEPP address standards concerning access and useability for self-contained dwellings including wheelchair access, parking space dimensions, dwelling entrances, room dimensions, bathroom fittings etc. The proposed development complies or can be appropriately designed to comply with the criteria of the relevant standards.

2.2.8 Waste management (Clause 37)

The proposed development involves the demolition of the existing laundry complex and a condition is recommended for compliance with the Waste Management Plan submitted with the application.

Garbage bin enclosures would be provided across the site and garbage collection and general maintenance would be undertaken in accordance with the broader Anglican Retirement Village site operations management.

2.2.9 Standards that cannot be used to refuse development consent for self-contained dwellings

Clause 81 prescribes standards that cannot be used to refuse development consent for self-contained dwellings.

The proposed buildings are single storey and comply with the 8 metre height requirement

when measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point. The floor space ratio of the development is 0.26 and more than 30% of the site is to be landscaped. The number of car parking spaces provided complies with the requirements of this provision.

The proposed development complies, or has been appropriately designed to comply, with the criteria of the relevant standards of this Policy.

2.3 State Environmental Planning Policy No. 44 Koala Habitat Protection

The provisions of SEPP No. 44 apply as the site is greater than one (1) hectare in size. The site is generally cleared land with exotic tree species prevalent in the plantings and does not represent a potential or core koala habitat. Accordingly, no further consideration of the policy is required.

2.4 State Environmental Planning Policy No. 55 Remediation of Land

Clause 7 of *State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land would be remediated before the land is used for that purpose.

The applicant submitted a detailed Site Investigation Report prepared by SGA Environmental which concluded that the site is suitable for the proposed residential land use. Council's environmental review of the submitted information raised no objection to the proposed development.

2.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

Every development application for a new home must be submitted to Council with a BASIX Certificate. The applicant has submitted a BASIX Certificate with the application in accordance with the requirements of this Policy.

2.6 Sydney Regional Environmental Plans No. 20 - Hawkesbury-Nepean River

The site is located within the catchment of the Hawkesbury-Nepean River. Council is required to consider the impact of a proposal, located in the Hawkesbury-Nepean River Catchments, on water quality, urban and rural residential development, scenic quality, environmental heritage and recreation and tourism. Conditions of consent are recommended in relation to the installation and maintenance of sediment and erosion control devices to protect water quality which would ensure compliance with SREP No. 20.

2.7 Cherrybrook Development Control Plan

The primary purpose of this DCP is to provide controls for the Cherrybrook Precinct. The subject site is included within the precinct and complies with the provisions of the DCP, particularly the residential strategy which seeks *to provide a variety of housing types and other compatible land uses and protection of residential amenity.*

2.8 Car Parking Development Control Plan

The primary purpose of this DCP is to provide parking controls for development. The proposed development complies with the Performance Criteria provisions and Element Objectives of Council's Car Parking Development Control Plan.

2.9 Access and Mobility Development Control Plan

The Access and Mobility Development Control Plan applies to the proposed development. The development control plan does not provide standards specific to Housing for Older People or People with a Disability. SEPP (Housing for Seniors or People with a Disability) 2004 and Australian Standards 1428 and 4299, provides those standards. Subject to compliance with the recommendations of the submitted Access Report, the proposed development would comply with the relevant standards.

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.

A waste management plan has been submitted to provide an overview of anticipated construction management strategies for works associated with the demolition and construction of the development.

Several new garbage collection enclosures would be provided throughout the site and garbage would be collected by a nominated contractor in keeping with garbage collection across the existing ARV site. General maintenance would be undertaken in accordance with the broader site operations management.

To enable the development to accommodate any future changes to waste collection servicing by either private contractors or Council, the accessways/internal roads are designed such that the property is able to be serviced by waste collection vehicles (9.7 metre long) with 22.5 metre diameter turning circle in accordance with Council's Waste Minimisation and Management Development Control Plan..

2.11 Sustainable Water Development Control Plan

The primary objectives of this Plan, with respect to site specific development, are to adopt sustainable water practices, improve water quality, prevent flooding and maintain water balance by appropriate design, and use of natural drainage systems. The proposed development satisfactorily addresses the provisions of the DCP.

2.12 Section 94 Contributions Plan

The development would result in the addition of 14 dwellings to the site. The Hornsby Development Contributions Plan 2007 to 2011 adopts an occupancy ratio of 1.5 persons per dwelling, which would require the payment of a total contribution of \$133,782.10.

The applicant lodged a submission with Council requesting that all Section 94 Contributions for the development be waived having regard to the existence of dwelling credits accumulated since June 2004. The applicant's justification for the waiver of s94 contributions is provided below:

“S.94 Contributions & Castle Hill Village History

- ***Pre-May 2004***

Prior to May 2004 s.94 contributions were waived on development applications for seniors dwellings in lieu of the dedication of land to Council for widening of David Road and related road works in 1997. We are advised that DA's for seniors dwellings approved between 1997 & May 2004 have expended the s.94 credits resulting from this land dedication/works in kind.

- ***Post May 2004***

In May 2004 there were 846 independent living units (ILUs) on the Castle Hill Campus. As part of ARV's overall enhancement and renewal of aged accommodation at Castle Hill, there has been an on-going program of demolition/amalgamation of existing dwellings which has reduced dwelling numbers at the Castle Hill facility.

- ***DA/1242/2007***

Demolition of 12 dwellings and construction of 19 dwellings was approved by Council at its meeting of 5 December 2007. This development is known as 'Castle Hill Sector 1'.

The Executive Planner recommendation contained in the addendum Memo to Councillors dated 29 November 2007 (in part) stated as follows:

“I have discussed with the applicant's consultant the history of development on the site since 2004 which appears to be the benchmark for seeking credits. I have been advised that since 2004, the number of independent living units on the site has reduced from 846 in 2004 to 796 in 2007: a reduction of 50. Under these circumstances I consider that while credits could be given for the current development, it is difficult that the current DA will result in an increased demand for services. It would therefore be appropriate to waive all the contributions since the proposal does not result in the intensification of the use of the site. It would be reasonable that any development that pushed the threshold beyond 846 would trigger contributions in this case.”

Council subsequently resolved to approve the recommendation which included a waiver of s.94 charges. The approval of DA1242/2007 resulted in a net increase of 7 dwellings to achieve a total dwelling figure at the Castle Hill Village of 803 dwellings which is less than the s.94 'trigger' dwelling threshold of 846 dwellings.

- **Post 5 December 2007**

Further reductions in dwellings have occurred at the Castle Hill Village as detailed in Table 1 below.

Village & Unit Number	DA Consent	Approval Date
Hopetoun Village		
131 Rose Court	769/2008	9-9-08
229 Begonia Court	1774/2007	14-11-07
237 Begonia Court	1541/2008	13-1-09
239 Begonia Court	1774/2007	14-11-07
252 Begonia Court	769/2008	9-9-08
Nuffield Village		
14 Harriman Court	1775/2007	19-11-07
28 Harriman Court	1775/2007	19-11-07
32 Lillian Nuffield Court	1775/2007	19-11-07
34 Lillian Nuffield Court	1775/2007	19-11-07
Mowll Village		
6 Dorothy Mowll Court	1859/2007	23-11-07
30 Dorothy Mowll Court	769/2008	9-9-08
45 Dorothy Mowll Court	1859/2007	23-11-07
Kilvinton Village		
2 units were lost when converted to a meeting room and village administration office to replace lost space in neighbouring Phillip Lodge vacated in 2008 when residents were transferred to the new Brian King Gardens RACF.		
2 Hunter Terraces	n/a	Sept 2008
3 Hunter Terraces	n/a	Sept 2008

Table 1:- Summary Unit Losses (conversions) Dec 2007 – Feb 2010

Hence there has been a net reduction of 14 units across the Village Campus since December 2007. Accordingly, the proposed “Castle Hill Sector 2” development comprising 14 additional ILUs would retain the 5 December 2007 dwelling count of 803 ILUs.

On behalf of our client Anglican Retirement Villages, we respectfully request that all s.94 Contributions for ‘Castle Hill Sector 2’ development be waived having regard to the overall (proposed) dwellings numbers (total = 803) which do not exceed those 846 dwellings which existed in 2004.”

Based on the previous recommendations of Council’s s94 Executive Planner and advice from the applicant supported by recent development consents issued, the number of independent living units on the site remains unchanged with this proposal from the calculated 803 dwellings in 2007. Accordingly, it is recommended that the requirement to levy s94 contributions be waived as the proposed development does not result in the intensification of the use of the site.

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 14 trees from the site that are not identified as significant trees. The submitted landscape concept plan includes plant species appropriate to the development and the locality.

3.2 Built Environment

The proposed development would not have a detrimental impact upon the built environment of the locality.

Council’s engineering assessment of the traffic impacts of the development concluded that the proposal is essentially a low traffic generating development and complies with the Seniors Living SEPP car parking requirements. The proposal does not include any changes to the existing access points from Castle Hill Road or David Road and would not adversely affect traffic movements on or within the vicinity of Castle Hill Road.

3.3 Social Impacts

The proposed dwellings provide self care accommodation for independent living of seniors or people with a disability, in close proximity to shops, medical services, public transport, community and recreation facilities.

The proposal would be of positive social benefit in increasing the range of well located housing designed specifically to meet the housing needs of people over 55 or people with a disability.

3.4 Economic Impacts

The economic impact of the proposed development on the locality is considered minimal and the provision of accommodation for older people would have a positive effect on the local economy.

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 landslip, subsidence, flooding and bushfire that would preclude approval of the proposed development.

The site gradient is moderate and there is no evidence that rare or endangered fauna are found in the development area.

The proposed development is located within 400m of bus services, which provide transport to surrounding shopping facilities and services, and community and health facilities and services

at Castle Hill. A wide range of on-site existing retail, banking, social, recreation, transport, community and health facilities and services are also within accessible distance of the proposed development. The level of facilities and services provided by the Anglican Retirement Village is considered sufficient for older or disabled persons in self-care accommodation.

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 (including The Hills Shire Council and adjoining residents within The Hills Shire local government area) between 11 May 2010 and 12 June 2010 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received no submissions. The map below illustrates the location of properties notified.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<p>X SUBMISSIONS RECEIVED</p>	 PROPERTY SUBJECT OF DEVELOPMENT	
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5.2 Public Agencies

No external referrals were required to be undertaken.

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 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

Consent is sought for the demolition of the existing laundry complex and the construction of fourteen independent living units, associated car parking, internal roads, driveways, paths and landscaping works within the Anglican Retirement Village site at Castle Hill.

The proposal is considered to provide a reasonable outcome for the subject site and surrounding land uses through consideration of height, design and landscaping provided.

This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning & Assessment Act 1979 and the provisions of relevant State Environmental Planning Policies. The proposed development is satisfactory and would have minimal environmental impacts. Council did not receive any submissions following the public notification period and approval of the application is recommended.

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

ROD PICKLES
Manager - Assessment Team 2
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Site Plan and Demolition Plan
3. Floor Plans
4. Elevations and Sections
5. Shadow Diagram
6. Landscape Plan

File Reference: DA/505/2010
Document Number: D01446134

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.

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:

Architectural Plans by Flower and Samios Architects

Drawing No.	Title	Rev	Date
A 002	Site Plan	B	8 June 2010
A 003	Demolition Plan	A	29 April 2010
A 101	Site Floor Plans	B	8 June 2010
A 102	Site Roof Plans	B	8 June 2010
A 201	Site Elevations 1	B	8 June 2010
A 202	Site Sections 1	B	8 June 2010
A 401	Individual Living Units -Units 1, 2 & 6	A	29 April 2010
A 402	Individual Living Units -Units 3 & 4	A	29 April 2010
A 403	Individual Living Units -Units 5, 7 & 8	A	29 April 2010
A 404	Individual Living Units -Units 9 & 10	A	29 April 2010
A 405	Individual Living Units -Units 11 & 12	B	8 June 2010
A 406	Individual Living Units -Units 13 & 14	B	8 June 2010

Landscape Plans by Taylor Brammer

Drawing No.	Description	Rev	Date
LC01	Landscape Plan	B	3 June 2010
LC02	Landscape Finishes and Levels	B	3 June 2010
LC03	Landscape Details Plan	A	21 April 2010

Civil Engineering Plans by Hughes Trueman

Drawing No.	Description	Rev	Date
09S713C DA002	- General Arrangement Plan	D	7 June 2010
09S713C DA003	- Stormwater and Grading Plan	D	7 June 2010
09S713C DA004	- Concept Erosion and Sediment Control Plan	D	7 June 2010
09S713C DA005	- Concept Erosion and Sediment Control Details	D	7 June 2010

Hydraulic Plans by GDK

Drawing No.	Description	Rev	Date
9166 SKH-01	Concept Drawing	-	February 2010

Supporting Documentation

Document Title	Prepared by	Dated
Statement of Environmental Effects	Smyth Planning	April 2010
ABSA Certificate No. 52583416	Peter Waller	27 April 2010
BASIX Certificate No. 307672M		27 April 2010
Access Report	Accessibility Solutions (NSW) Pty Ltd	27 April 2010
Detailed Site Investigation - Project No. 91586	SGA Environmental	February 2010
Geotechnical Investigations Project No. 16958/5528B Report No. 08/1075	SMEC Testing Services Pty Ltd	September 2008
Assessment of Traffic and Parking Implications Ref: 10046	Transport and Traffic Planning Associates	April 2010
Waste Management Plan	ARV	22 April 2010
Tree Report	Stuart Pittendrigh	March 2010
Stormwater Concept Report	Hughes Truman	March 2010

2. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 22, 23, 24, 25, 29, 30, 31, 32, 33, 34, 38, 40, 41 and 42 as identified on Plan No. 09S713C-DA004 Concept Erosion and Sediment Control Plan prepared by Hughes Trueman dated 7 June 2010. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**3. Building Code of Australia**

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

4. 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.

5. 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.

6. Sydney Water – Quick Check

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

7. 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.

8. 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.

9. 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*

10. 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.

11. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered 35, 36, 37, 39 and 43 to be retained at a four 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

12. 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.

13. 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.

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. 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 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.

16. 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.

17. 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.

18. Construction Vehicle Parking

All construction vehicles, including private vehicles of construction workers, must be parked entirely within the confines of No. 284 Castle Hill Road, at all times.

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.

19. Fulfilment of BASIX Commitments

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

20. Stormwater Drainage

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 must be connected directly to the existing drainage system.

21. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2 and 3727*.

22. 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.

23. 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.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

24. Restriction on Occupation – Housing for Seniors or People with a Disability

A restriction as to user must be created under s88B of the *Conveyancing Act 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

- a. Seniors (55+ age) or people with a disability.
- b. People who live within the same household as seniors or people with a disability.
- c. Staff employed to assist the administration and provision of services to housing provided under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Note: The restriction must nominate Council as the authority to release, vary or modify the restriction.

25. 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.

26. Bin Storage Room Design

- a. 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.
- b. There must be no steps along the bin carting routes.

27. Waste Management Plan Compliance

A report 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 reports 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.

- 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.

Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

**4 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING -
24 BAROMBAH ROAD EPPING**

Development Application No:	DA/566/2010
Description of Proposal:	Alterations and additions to an existing dwelling-house
Property Description:	Lot 10, DP 841537, No. 24 Barombah Road, Epping
Applicant:	Mr George Sanders and Mrs Ruth Sanders
Owner:	Mr George Sanders and Mrs Ruth Sanders
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density)
Estimated Value:	\$350 000
Ward:	C Ward

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. DA/566/2010 for the erection of alterations and additions at Lot 10, DP 841537, No. 24 Barombah Road, Epping subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the demolition of a garage, the erection of alterations and additions to a dwelling-house and the erection of a carport.
2. The proposal generally complies with the Hornsby Shire Local Environmental Plan 1994 and Council's Dwelling House Development Control Plan (DCP).
3. The proposal does not comply with the 0.4:1 floor space ratio development standard under the Hornsby Shire Local Environmental Plan (HSLEP). Accordingly, the application has been supported by a submission under State Environmental Planning Policy No. 1 (SEPP 1) seeking approval of a variation to the development standard.
4. No submissions have been received in respect of the application.

5. It is recommended that the application be approved.

THE SITE

The site is located on the low, northern side of Barombah Road, Epping and has an area of 654.2m². The site has a 10% fall from the front to the rear allotment boundary with a 15.24m wide frontage to Barombah Road and a 16.61m wide rear boundary. The eastern boundary is 39.61m in length and the western boundary is 46.22m in length.

The site is located within a bushfire prone area.

The M2 Motorway adjoins the site at the rear. The adjoining property to the east (No. 22 Barombah Road) is vacant having been resumed as part of the motorway development.

The site contains a single-storey, brick and tile dwelling-house with a freestanding single space garage adjacent to the western side boundary. The sub-floor area at the rear of the dwelling-house is utilised as a storage/workshop area.

The surrounding residential development is characterised by an eclectic blend of one and two storey dwelling-houses, ranging from modest, post-war design to houses of a more contemporary appearance, all surrounded by well established landscaped gardens.

THE PROPOSAL

The application proposes the demolition of the family room at the rear of the dwelling-house and the erection of alterations and additions incorporating a laundry/utility area, toilet and patio area at the lower ground floor level, a toilet, games/family room and bar at ground floor level and three bedrooms and a bathroom at the first floor level.

The single space garage in the rear yard would be demolished and replaced by a double carport.

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 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 regulations*”.

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Residential A (Low Density) 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.*
- to provide for development that is within the environmental capacity of a low density residential environment.*

The proposed development is defined as “*dwelling house*” under HSLEP and is permissible in the zone with Council’s consent.

Clause 15 of the HSLEP prescribes that the maximum floor space ratio (FSR) of development within this zone is 0.4:1. The applicant seeks to erect a dwelling-house with an FSR of 0.51:1, which does not comply with this development standard. The justification for a variation to this development standard is set out below.

2.2 State Environmental Planning Policy No. 1 – Development Standards

The application has been assessed against the requirements of SEPP 1. This Policy provides flexibility in the application of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary, or tend to hinder the attainment of the objectives of the Act.

The Land and Environment Court has expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the Policy:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Point one listed above is the most relevant matter to consider in respect of this application.

The applicant's SEPP 1 submission in support of the proposal is summarised (in italics) below:

"Clause 15(1) states that consent must not be granted to the carrying out of residential development if it will result in the floor space ratio exceeding 0.4:1. The purpose of the standard is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items.

The proposed additions, though exceeding the maximum permissible Floor Space Ratio, are consistent with the existing character of houses in the streetscape; comply with the height and envelope; allow adequate solar access and privacy to adjoining development; provide sufficient areas of soft landscaping and private open space and use materials, colours and forms sympathetic to the existing and surrounding dwellings. Therefore a variation would still satisfy the purpose of the standard.

Compliance with the standard is unreasonable given the many examples of two storey development in the immediate area and that the proposed additions do not result in significant negative impacts on adjoining properties or on the streetscape. Though the proposed works are considered an over-development of the site according to the standard, the resultant dwelling size is consistent with typical development in the locality and it is unlikely that further development would be undertaken in the future.

Furthermore, the original lot size of the dwelling was previously double the size prior to the construction of the M2 Motorway. The motorway has also had a significant noise impact on the usability of outdoor areas, and as a result, additional indoor and semi-enclosed spaces are required for private recreation.

The impact of neighbours is limited as land to the east of the dwelling is land resumed for the M2 Motorway.

The Floor Space Ratio of 0.5:1 is consistent with the density of the neighbouring suburbs in the Ryde City Council area."

The submission addresses the objective of the floor space ratio provision in Council's LEP through the design of additions that would not over intensify the scale of the development of the land in regard to the land's environmental capacity and the zone objectives.

Whilst not applying directly to the site (refer to Section 2.3 of this report), Council's assessment has had regard to the provisions of the NSW Housing Code, which provides that the maximum gross floor area for complying development within the Epping area (outside bushfire prone lands) as being:

- 330m², if the lot has an area of at least 450m² but less than 600m²
- 380m², if the lot has an area of at least 600m² but less than 900m²
- 430m², if the lot has an area of at least 900m²

Accordingly, the development would satisfy the FSR development standard under the Code if the application qualified as complying development.

Given that the NSW Housing Code is now enacted in many parts of the Shire, it is anticipated that more developments will be approved under this Code, which will change the characteristics of dwelling-houses. Consequently, whilst Council has traditionally applied a maximum FSR of 0.4:1 for dwelling-houses in the low density residential zones within the Shire under the HSLEP, the introduction of the new *NSW Housing Code* will change the effect of this standard.

The proposal takes into consideration the environmental and topographical constraints of the site. The additional floor space would not impinge on the environmental and amenity aspects of the site and the underlying objectives of the zoning. The addition would provide accommodation that would not detract from the scale and variety of dwelling-houses in the low density areas of the Shire. As the proposal is considered to meet the zone objectives outlined in the HSLEP, the "object of purpose" would be undermined if strict compliance of the prescriptive measure was required.

2.3 State Environmental Planning Policy (Exempt and Complying Development)

On 27 February 2009, SEPP (Exempt and Complying Development) commenced operation. Under the SEPP, the Housing Code outlines how residential developments including detached one and two storey dwelling-houses, home extensions and other ancillary development, such as swimming pools, can proceed on lots of greater than 450m² in size as complying development with council or accredited certifier approval.

The subject allotment is excluded from the SEPP on the basis that the land is bushfire prone. However, the development meets the requirements of "*Planning for Bushfire Protection Guidelines- 2006*" and satisfies the numerical development standards under the SEPP.

2.4 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
FSR	0.51:1	0.4:1	No
Site coverage	36%	40%	Yes

Height	9m	<9m	Yes
Car parking	2 spaces	2 spaces	Yes
Length of Building	19.5m	24 m	Yes
Unbroken Wall length	<10m	10m	Yes
Private Open Space	140m ²	120 m ²	Yes
Landscaping	50%	45%	Yes
Setbacks (Dwelling)			
- Front	Unchanged	6m	Yes
- Side (East)	1.85m	1m	Yes
- Side (West)	3.6m	1m	Yes
- Rear	10m	3m	Yes
Setbacks (Carport)			
- Side (West)	0.2m	1m	No
- Rear	1.5m	3m	No

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

2.4.1 Scale

The proposal would have a gross floor area of 332.7m² which equates to an FSR of 0.51:1. An assessment of the suitability of the scale of the proposed development has been made under a previous section of this report.

In summary, it is considered that in the circumstances of the case, the proposed scale of the development would not detract from the character of the locality and therefore a variation to the development standards is acceptable.

2.4.2 Setbacks

The proposed 0.2m side setback and 1.5m rear setback of the carport does not comply with the prescriptive measures of the 'Setbacks' element which requires a minimum 1m side and 3m rear setbacks respectively. The carport is proposed to be located adjacent to the rear yard of the adjoining property, No. 26 Barombah Road and would be positioned a further 4m towards the rear of the site from the existing single garage. This garage maintains a similar side setback as the proposed carport and would be demolished as part of the development. The open design of the carport would result in negligible adverse visual, privacy or overshadowing impacts to the adjoining property.

Given that the rear of the property adjoins the M2 Motorway, the location of the carport to the rear boundary would not have any adverse impacts.

The proposal meets the objectives of the Setbacks element and is considered acceptable,

2.4.3 Privacy

The topography of the site falls away from the street and therefore the floor level of the ground floor increases to the height consistent with that of a first floor at the rear of the dwelling-house. As such, the proposed games/family room does not comply with the prescriptive measures of the Privacy element which requires living and entertaining areas to be located on the ground floor only.

The games/family room is served by a window in the western elevation which is provided with a 1.5m sill height, directing the line of sight from the window over the adjoining property, No. 26 Barombah Road, rather than towards it, resulting in negligible privacy impacts. The remaining windows face the rear and eastern side of the allotment and overlook the M2 Motorway and the adjoining vacant site.

The development would provide reasonable privacy in relation to adjoining properties, 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 Natural Environment

The site is not constrained by significant trees, threatened species, acid sulphate soils, soil contamination, watercourses, flooding or landslip.

The application was referred to the NSW Rural Fire Service for comment as the land is identified as being bushfire prone. The RFS raised no objection to the proposal subject to the imposition of relevant conditions.

3.2 Built Environment

The proposed alterations and additions would not be out of character with the established built form of residential development in the area and would be consistent with the form of development permitted in the locality.

The approval of this development would not detract from the character of the area and would not set an undesirable precedence for similar developments in the immediate neighbourhood.

3.3 Social and Economic Impacts

There are no anticipated adverse 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 appropriately zoned to accommodate the proposal and there are no natural or built hazards preventing the construction of the alterations and additions to the dwelling-house. The site is considered suitable for the 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 18 May, 2010 and 1 June, 2010 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received no submissions.



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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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 alterations and additions would be in the public interest.

CONCLUSION

This application proposes the demolition of a freestanding garage, the erection of alterations and additions to a dwelling-house and the construction of a double carport and associated works in a style that would be in keeping with the surrounding residential zone.

The development would have a gross floor area of 332.7m² which exceeds the 0.4:1 FSR requirement for the site. The applicant has made a submission under the provisions of SEPP 1 to vary this development standard. The application justifies the non-compliance with the relevant provisions within Clause 15 of the HSLEP and approval of the application would not set an undesirable precedent for the area.

The application was publicly notified and no submissions were received during this period.

Having regard to the assessment of the proposed development and the circumstances of the case, 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 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

SCOTT PHILLIPS
Executive Manager
Planning Division

SIMON EVANS
Manager - Assessment Team 1
Planning Division

Attachments:

1. Locality Plan
2. Site Plans
3. Floor Plans
4. Elevations
5. Section
6. Shadow Plan
7. Sediment & Erosion

File Reference: DA/566/2010
Document Number: D01431104

SCHEDULE 1**CONDITIONS OF APPROVAL****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.

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>
01 to 11	House Plan by design	April 2010

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
13145-Site plan	G K Wilson and Associates	12/7/1996

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**2. Building Code of Australia**

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

3. 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.

4. 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.

5. Sydney Water – Quick Check

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

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

6. Design and Construction - Bushfire Attack Category

New construction must comply with the current *Australian Standard AS3959 – 2009 'Construction of buildings in bush fire-prone areas'* BAL 12.5 and the following conditions based on *Planning for Bush Fire Protection 2006*:-

- a. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.
- b. All new fencing must be constructed from non-combustible materials.
- c. The existing building is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub-floor areas, openable windows, doors, vents, weepholes and eaves.
- d. All exposed/external timber used in the development shall be bushfire resisting timber species as identified within AS3959 – 2009 Appendix E or F.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**7. Erection of Construction Sign**

A sign must be erected in a prominent position on any site on which building 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 or demolition work is being carried out, but must be removed when the work has been completed.

8. 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*.

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.

REQUIREMENTS DURING CONSTRUCTION**10. 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.

11. 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.

12. 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.

13. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas must not be altered unless otherwise nominated on the approved plans.

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.

14. Fulfilment of BASIX Commitments

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

15. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained and connected to the existing internal drainage system.

16. 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 following requirements:

- a. The driveway be a rigid pavement.
- b. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.

17. 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.

18. Smoke Alarms – Dwelling Additions

Smoke alarms must be installed in the existing building and the proposed additions in accordance with the requirements of the Building Code of Australia.

19. Retaining Walls

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

OPERATIONAL CONDITIONS**20. Bushfire Management – Protection Zones**

The property must be managed and maintained as an 'Inner Protection Area' (IPA) in accordance with the aim and objectives of the *NSW Rural Fire Service* publication 'Planning For Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Note: Further information concerning planning for bush fire protection can be found at: www.rfs.nsw.gov.au.

- 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*.

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.

**5 DEVELOPMENT APPLICATION - ERECTION OF TWO DETACHED DWELLINGS AND SUBDIVISION OF ONE LOT INTO TWO.
48 RAY ROAD EPPING**

Development Application No:	DA/620/2010
Description of Proposal:	Demolition of an existing dwelling, erection of two detached dwellings and subdivision of one lot into two.
Property Description:	Lot 4 DP 9631 (No. 48) Ray Road Epping
Applicant:	Mr Joseph Younes
Owner:	Mr J Younes
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density) Zone
Estimated Value:	\$500,000
Ward:	C

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. 620/2010 for the demolition of an existing dwelling, erection of two detached dwellings and subdivision of one lot into two at Lot 4 DP 9631 (No. 48) Ray Road Epping, subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the demolition of an existing dwelling, erection of two detached dwellings and subdivision of one lot into two.
 2. The proposal creates two lots less than the minimum 500m² lot size and is subject to an objection pursuant to State Environmental Planning Policy No. 1 – Development Standards, which is well founded. The application otherwise generally complies with the Hornsby Shire Local Environmental Plan and the Low Density Multi-Unit Housing Development Control Plan.
 3. Three submissions have been received in respect of the application.
 4. It is recommended that the application be approved.
-

THE SITE

The site is a regular shaped corner allotment with an area of 975.6m² and is located on the north-west corner of Ray Road and Dunmore Road. The site has a frontage of 18.29m to Ray Road and a 53.34m frontage to Dunmore Road. An existing single storey brick and tile dwelling house is sited on the land. The dwelling is an inter-war period dwelling.

The surrounding locality is characterised by older single storey brick and tile dwelling houses with more recent development involving mainly two storey dwelling houses.

The site has an average fall of 5% to the north east corner of the lot. There are no significant trees on the site.

THE PROPOSAL

The proposal is for the demolition of the existing dwelling house, erection of two detached two storey dwellings and subdivision of one lot into two. Whilst the proposed brick and tile dwellings differ in design and finishes they would compliment each other in the streetscape. Each dwelling contains four bedrooms.

Proposed lot 1 is a corner allotment and has an area of 487.7m², with dimensions 18.29m x 26.67m. The proposed dwelling on the lot has a floor area of 194m² resulting in a floor space ratio of 0.39:1.

Proposed lot 2 has an area of 486.1m² and is of dimensions 26.67m frontage x 18.29m depth. The proposed dwelling on the lot has a floor area of 194m² also resulting in a floor space ratio of 0.39:1.

The proposed lots are less than the minimum 500m² lot size pursuant to Clause 14 of the HSLEP. The development standard is subject of an objection submitted by the applicant pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1).

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 an additional dwelling and would improve 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 regulations*”.

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Residential A (Low Density) the under Hornsby Shire Local Environmental Plan 1994 (HSLEP). The objectives of the zone 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.*
- to provide for development that is within the environmental capacity of a low density residential environment.*

The proposed development is defined as ‘multi-unit housing’ and ‘subdivision’ under the HSLEP and is permissible in the zone with Council’s consent.

Clause 14 of the HSLEP prescribes a minimum area of 500m² for creation of an allotment within the Residential A zone. The propose development does not comply with this requirement and is subject to a variation to the development standard pursuant to SEPP 1 (refer to discussion in Section 2.2).

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

Clause 18 of the HSLEP sets out heritage conservation provisions within the Hornsby Shire area. The site is not identified as an item of environmental heritage and is not in the vicinity of a heritage item.

2.2 State Environmental Planning Policy No. 1 – Development Standards

The applicant submitted an objection against Council’s development standard for a minimum 500m² lot size under Clause 14 of the HSLEP.

The application has been assessed against the requirements of SEPP 1. This Policy provides flexibility in the application of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives of the Act.

The Land and Environment Court has expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the Policy:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standards;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The applicant's objection is made with regard to the above 5 point test and the objectives of the Residential A zone.

In summary the applicant submits that:-

- *The proposed variation results in a minor departure of 2.5% to the standard lot size in meeting the objective of the standard under Clause 14; i.e.: To provide for the subdivision of land at a density that is in accordance with the land's environmental capacity and zone objectives.*
- *The proposed lots are of sufficient size to contain dwellings that are of reasonable size and within the environmental capacity of the land.*
- *The proposed dwellings demonstrate compliance with Council's controls for low density residential development.*
- *The proposed dwellings meet the objectives of the Residential A zone in being designed with regard to the context of the site in providing good residential accommodation and in meeting demand for choice in a range of housing type.*

The principles expressed in the Land and Environment Court decision at points 1 & 3 above are considered to be satisfied by the proposal and the SEPP 1 objection. The objection is therefore well founded in respect to non-compliance with the floor space ratio standard. Further, the proposal would not result in an undesirable precedent as the subdivision layout and building design are specific to a corner site.

The proposed variation of 2.5% to the development standard would nominally be within the delegation of Council officers to determine, in accordance with Department of Planning Circular PS 08-014 dated 14 November 2008.

2.3 State Environmental Planning Policy – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The application has been assessed against the requirements of the Policy which includes planning principles applicable to the site within the upper part of the harbour catchment. The principles incorporate measures to protect water quality, minimise urban runoff, to conserve water and to ensure the catchment watercourses, wetlands, riparian lands and remnant vegetation are protected.

Subject to the implementation of erosion control measures and stormwater detention, the proposed subdivision would not adversely impact on the catchment or water quality.

2.4 Low Density Multi-Unit Housing Development Control Plan

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

Low Density Multi-Unit Housing Development Control Plan			
Control	Proposal	Requirement	Compliance
Floor Space Ratio	Lot 1 – 0.397:1 Lot 2 – 0.399:1	0.4:1	Yes
Site Coverage	Lot 1 – 32% Lot 2 – 32%	40%	Yes
Height	Lot 1 – 7.0m Lot 2 – 7.1m	9m	Yes
Setbacks – Lot 1	Ray Rd Front – 6m Dunmore Rd – 3m West Side – 1m Rear – 7.5m	6m 3m 1m 3m	Yes Yes Yes Yes
Setbacks – Lot 2	Front – 3m-5m South Side – 5m North Side – 1m Rear – 5.9m	6m 1m 1m 3m	No Yes Yes Yes
Wall Length	Lot 1 – 7.8m Lot 2 – 10.5m	10m 10m	Yes No
Private Open Space	Lot 1 - 120m ² Lot 2 – 195m ²	120m ²	Yes
Car Parking	Lot 1 – 2 spaces Lot 2 – 2 spaces	2 spaces	Yes
Landscaping	Lot 1 – 64% Lot 2 – 62%	45%	Yes

As detailed in the above table, the proposed dwelling on Lot 2 does comply with setback and design prescriptive measures of the Low Density Multi-unit Housing DCP. The matter of

non-compliance is detailed below as well as a brief discussion on compliance with relevant performance standards.

2.4.1 Density

The proposed dwellings meet the density performance criteria and would be in keeping with the bulk and scale of development in the area whilst providing adequate areas for private open space, solar access, vehicle access, car parking and landscaping.

2.4.2 Setbacks

The proposed setbacks comply with the prescriptive measures other than the proposed front setback of the dwelling on proposed Lot 2. The front elevation of the proposed dwelling features a stepped design with 5m, 4m and 4.5m setback. The first floor includes 5m, 7.3m, 6.2m and 5.5m setback and is partly within the roof space. The proposed setback, while mainly forward of the prescriptive 6 metres and existing adjoining dwelling at No. 1 Dunmore Road, the setback is considered acceptable as any impact on the streetscape is ameliorated by the dwelling's stepped design and built form. Further, the proposed setback provides transition in the Dunmore Road building alignment from the corner with the secondary and main street front setbacks.

The proposed setbacks of the garages at the Dunmore Road frontage would not provide sufficient space for off street car parking for visitor parking. While not specifically a requirement of the Housing DCP, the proposed setbacks are considered acceptable as parking on Dunmore Road would be adequate for visitors and an increase in the setback would not result in a superior design outcome.

The setback of the proposed development to Dunmore Road is considered satisfactory in contributing to the streetscape, in providing a transition in the building alignment and allowing adequate landscaping.

2.4.3 Design

The proposed dwellings feature individual design and finishes that complement the built form in the locality and the streetscape.

The proposed corner Lot 1 dwelling is of appropriate design to address both the Dunmore Road and Ray Road street frontages.

The proposed dwelling on Lot 2 includes a wall length of 10.5m at the western elevation in non-compliance with the prescriptive 10m wall length. The non-compliance is acceptable as the elevation includes bi-fold doors and pergola to the outdoor living area, moderating any visual impact.

The proposed dwellings are satisfactory in meeting the Housing DCP design performance criteria.

2.4.4 Height

The proposed two storey detached dwellings are in keeping with recent residential development in the locality and comply with the maximum 9m height limit.

The proposed dwelling on lot 1 would overshadow part of the adjoining dwelling (No. 46 Ray Road) between 9am and 12pm. The overshadowing does not limit solar access to the dwelling's living areas or private open space and would comply with the Housing DCP criteria for 3 hours of sunshine to these areas between 9am and 3pm.

2.4.5 Privacy

The proposed dwellings are designed with regard to privacy. The bedroom accommodation on the first floors includes highlight windows at the western elevation reducing opportunity for overlooking adjoining residents. The proposed living room windows at the northern elevation of the dwelling on Lot 2 are also highlight windows which maintain privacy of adjoining residents.

The proposed development creates activity areas at the interface with neighbouring dwellings with pathways within 1m wide setback areas along the northern and western boundaries. The existing sheet metal fence along the western boundary is considered acceptable for the proposal. A condition is recommended for a 1.8m high lapped and capped timber fence to be provided along the northern boundary to minimise amenity impacts.

Subject to the imposition of relevant conditions, the proposed dwellings meet the Housing DCP privacy performance criteria.

2.4.6 Solar Access

The proposed dwellings feature passive solar design for winter sun and summer shade to living and outdoor areas in accordance with the Housing DCP performance criteria.

2.4.7 Private Open Space

The proposed private open space areas are integrated with the living areas and other areas of the dwellings maximising functional use of outdoor open space.

The proposed open space areas meet the performance criteria.

2.4.8 Landscaping

The submitted Landscape Plan prepared by TGS Landscape Architects integrates the proposed dwellings with the landscape areas of the site and the streetscape through feature plantings, masonry courtyard walls and front fencing.

The proposed landscaping includes locally indigenous plant species and appropriate species for screen planting.

2.4.9 Vehicle Access and Parking

The proposed double garages and driveways comply with Council's prescriptive measures.

The driveway for the dwelling on proposed Lot 1 provides adequate site distances from the corner of Ray Road and Dunmore Road in accordance with AS2890.1.

2.5 Residential Subdivision Development Control Plan

The proposed development generally complies with the Residential Subdivision Development Control Plan in meeting the prescriptive measures within the Low Density Multi-Unit Housing Development Control Plan other than for the minimum lot size.

The proposed lots (Lot 1 – 487.8m² and Lot 2 – 487.8m²) do not comply with the 500m² minimum lot size. The non-compliance involving a 2.5% variation is considered acceptable with regard to the design of the two proposed dwellings on the corner site and the submitted SEPP 1 objection (refer to discussion in Section 2.2).

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 trees on the site are exotic species including Jacaranda, Camphor laurel and Privet. There are two trees on adjoining properties located in close proximity to the proposed development.

Tree No. 1 is a Red Mahogany (*Eucalyptus resinifera*) located within the frontage of No. 1 Dunmore Road and located 4m from the proposed dwelling on proposed lot 2.

Tree No. 2 is a Jacaranda (*Jacaranda mimosifolia*) located on the western side of No. 50 Ray Road. A section of the proposed dwelling on proposed Lot 1 would encroach within 2m of the tree. The encroachment is relatively minor and acceptable.

Neither of the two trees are significant trees. Should Council approve the application conditions are recommended to protect the trees during construction of the development.

It is considered that the removal of the Camphor laurel tree located on the northern boundary of the site is acceptable.

3.2 Built Environment

The site is located within an established low density residential area characterised by one and two storey detached dwellings. The proposed development is of acceptable design in addressing the streetscape and in providing for residential amenity, private open space, landscaping, vehicle access and parking.

3.3 Social Impacts

The proposal would not result in a social impact.

3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy in conjunction with other new low density residential development in the locality by generating an increase in demand for local services.

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 constraints to development that would limit the capacity of the land to accommodate the proposed dwellings.

5. PUBLIC PARTICIPATION


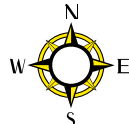
Section 79C(1)(d) of the Act requires Council to consider “any submissions made in accordance with this Act”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 9 June and 30 June 2010 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received three 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 	<p>X SUBMISSIONS RECEIVED</p>	 <p>PROPERTY SUBJECT OF DEVELOPMENT</p>	
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Three submissions objected to the development, generally on the grounds that the development would result in:

- Unacceptable overshadowing;
- Loss of sunlight;
- Less than minimum lot size;
- Precedent for variation of planning controls;
- Loss of residential character.

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 Boundary fence

It is considered to be a reasonable request that the applicant be required to construct the northern boundary fence at nil cost to the neighbouring property owner. A recommended condition of consent has been included in Attachment A.

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 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 two detached dwellings and subdivision would be in the public interest.

CONCLUSION

Consent is sought to demolish an existing dwelling, erect two detached dwellings and subdivide the site into two allotments.

The two proposed detached dwellings are designed with regard to the streetscape, adjoining properties and the layout of the respective proposed lots. The proposed dwellings are consistent with recent development in the locality and would contribute to the residential character of the area.

The proposed dwellings comply with Council’s low density residential development controls in respect to floor space ratio, height, privacy, solar access, private open space and landscaping. The proposed non-compliance with the 6m front setback is acceptable with regard to the corner frontage and the proposed transition in the Dunmore Road building alignment from secondary to main street frontage.

The proposed development is designed to maximise the advantage of the corner site with each lot having full street frontage. The submitted SEPP 1 objection to the 500m² lot size development standard is considered well founded in respect to the minor variation of 2.5% as the development is within the environmental capacity of the site, the variation is specific to the corner site and the proposal would maintain the low density residential character of the locality.

Three submissions were received following the community consultation process. Each submission raised valid planning issues. These matters can be addressed via appropriate conditions and do not warrant Council's refusal of the application.

The application is therefore recommended for approval.

ROD PICKLES
Manager - Assessment Team 2
Planning Division

PAUL DAVID
Manager - Subdivision & Development
Engineering Services
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Site Plan/Floor Plan Lot 1
3. Elevations
4. Site Plan/Floor Plan Lot 2
5. Elevations Lot 2
6. Shadow Plans
7. Landscape Plan

File Reference: DA/620/2010
Document Number: D01436337

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.

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>
DA-01 Subdivision Plan Gnd & First Floor Lot 1	JND Architectural Services Pty Ltd	FEB 2010
DA-02 Elevation/Sections Lot 1	JND Architectural Services Pty Ltd	FEB 2010
DA-03 Subdivision Plan Gnd & First Floor Lot 2	JND Architectural Services Pty Ltd	FEB 2010
DA-04 Elevation/Sections Lot 2	JND Architectural Services Pty Ltd	FEB 2010
2010.0505DA1 Landscape Plan	TGS Landscape Architects	19 April 2010

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
D01419567 – Schedule of Finishes	JND Architectural Services Pty Ltd	27/5/2010

2. Removal of Existing Trees

This development consent only permits the removal of tree(s) identified for removal on Plan No. 2010.0505DA1 prepared by TGS Landscape Architects dated 19 April 2010. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**3. Building Code of Australia**

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

4. 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.

5. 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.

6. 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.

7. Dilapidation Report

A ‘Dilapidation Report’ is to be prepared by a ‘chartered structural engineer’ detailing the structural condition of all adjoining properties.

8. On Site Stormwater Detention

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

- a. Have a capacity of not less than 5 cubic metres, and a maximum discharge (when full) of 8 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.
- d. Where above ground and the average depth is greater than 0.3 metres, a ‘pool type’ safety fence and warning signs to be installed.
- e. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

9. 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.

10. 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*

11. 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.

12. Tree Pruning

Any pruning work shall be carried out in accordance with Australian Standard AS 4373 "*pruning of amenity trees*". Neighbours consent must be obtained prior to any works being undertaken involving the tree located on the neighbouring property.

REQUIREMENTS DURING CONSTRUCTION

13. 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.

14. 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.

15. 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.

16. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Dunmore Road during works and until the site is established.

17. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

18. Works near Trees

All works on the site within 4 metres of tree No. 1 (*Eucalyptus resinifera*) and tree No. 2 (*Jacaranda mimosifolia*) located on adjoining property, 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 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.

19. Landfill

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*' and the following requirements:

- a. 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.
- b. A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

20. 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.

21. Road Works

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. Council's standard 150mm integral kerb and gutter to be constructed across the frontage of all lots in Dunmore Rd with a minimum pavement width of 1.0 metres together with drainage.
- b. The footpath verge shall be matched to the new top of kerb and backfilled and grass seeded or turfed.
- c. Construction plans shall be submitted to Council as Roads Authority for approval and Council's fees paid, prior to commencement of Road Work.

22. 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 two new vehicular crossings and the removal of any redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* and the following requirements:

- a. Any 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.

23. 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. Construction traffic management plans.
- f. Pedestrian and cyclist access/safety.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION 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.

24. Fulfilment of BASIX Commitments

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

25. Sydney Water – s73 Certificate

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

26. 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 and connected directly to Council's street drainage system.

27. 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.

28. Creation of On-Site Detention on Title

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

- a. 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.
- b. 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.

29. 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.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

30. Boundary Fencing

Lapped and capped timber fencing must be erected along the northern boundary of lot 2 behind the front building alignment to a height of 1.8 metres at the sole cost of the applicant.

Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner.

31. Kerb and Gutter in Dunmore Road

Prior to undertaking any works in Dunmore Road separate approval must be obtained from Council pursuant to Section 138 of the Roads Act 1993.

Note: All inspections of works in Dunmore Road are to be undertaken by Council.

32. s94 Infrastructure Contributions

The payment to Council of a contribution of \$19,748.70* for one additional lot towards the cost of infrastructure identified in Council's Development Contributions Plan 2007-2011.

*Note: * The value of contribution is based on a rate of \$19,748.70 per additional lot and is current as at 5 July 2010. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to ascertain the indexed value of the contribution prior to payment.

- 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*.

Subdivision Certificate Requirements

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

- 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.
- 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.
- Certification that the requirements of relevant utility authorities have been met.
- 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.

6 LOCAL HERITAGE ASSISTANCE FUND 2010/2011

EXECUTIVE SUMMARY

This report presents the recommendations of the Heritage Advisory Committee concerning the allocation of funds under the Local Heritage Assistance Fund 2010/11. The Committee recommends the allocation of \$60,000 to assist ten projects relating to the conservation of heritage items within the Shire.

It is recommended that Council endorse the expenditure of funds in accordance with the recommendations of the Committee.

PURPOSE

The purpose of this report is to seek Council's endorsement to allocate \$60,000 under the Local Heritage Assistance Fund.

BACKGROUND

As part of Council's commitment to promoting the conservation of the Shire's heritage resources, Council has offered an annual Local Heritage Assistance Fund since 1995. Through the Fund, Council encourages the conservation of heritage items by contributing financially to their maintenance. The Fund is allocated on a dollar for dollar basis between the owner and Council.

The types of work that are eligible for assistance under the Fund are as follows:

- repair, maintenance or reinstatement of original or missing items on heritage buildings or structures (e.g. windows, verandas, roofs, decorative details, traditional fences);
- reinstatement of traditional colour schemes on houses or commercial buildings;
- structural stabilisation of buildings, ruins or slab barns; and
- historic garden conservation.

The following works however, are not eligible:

- additions and alterations;
- routine maintenance (including painting);
- work that has already been completed;
- the purchase or relocation of a building;
- internal decoration; and
- the construction of new outbuildings.

Applicants are requested to provide the following information with their application:

- historical background information on the property;
- a plan/sketch of the proposed works (if applicable);

- photographs of the existing structure;
- a minimum of two quotes for the proposed work; and
- a schedule of materials and colours (if applicable).

Over the past sixteen years, Council has provided assistance to 172 projects valued at a total of approximately \$2,113,506. During April and May 2010, applications were invited from all owners of heritage items within the Shire for financial assistance to undertake conservation works. A total of seventeen applications were received. The proposed conservation works totalled \$476,955 of which \$138,287 was sought from Council. The applications were considered by the Heritage Advisory Committee at its meeting on 5 July 2010, where a number of projects were supported.

DISCUSSION

The attached table provides a summary of the applications received, value of works, the recommendations of the Heritage Advisory Committee and the proposed funding offers.

The Heritage Committee has recommended that the funds be allocated to ten projects which are to be completed over the following twelve month period. The successful projects will be offered funding generally on a dollar for dollar basis, although some projects will be offered less than the amount sought due to the limited amount of funding available.

The successful projects recommended by the Committee are as follows:

Project No.	Property Address	Applicant Name	Project Description	Recommended Funding Amount and Comment
1	44 Beecroft Road, Beecroft	Phillip Backhouse	Replacing tin roof to front room and entry foyer, Facia's gully, guttering	\$2,245 (subject to hardwood or Oregon timber being used)
2	100 Beecroft Road Beecroft	Robert Olsen	Removal and replacement of all front veranda roofing iron. Removal and replacement of roof area above store and repainting	\$10,000 (subject to treated pine not being used for works and documentation being submitted to Council regarding traditional colour scheme for paintwork)
3	Lot 17 Collingridge Point, Berowra Waters	Annette Crowe	Restore coach ceiling in living room and the fascia on the north wall. This includes all necessary structural works	\$8,598 (subject to the retention of the timber ceiling profile and treatment of termites within roof cavity if observed during construction)
4	106 Bay Road Berrilee	Rhonda Ramsey	Replace rotten veranda and posts	\$8,360 (subject to hardwood or Oregon timber being used)
5	429 Galston Road, Dural	Margaret Hunter	Replacement of roof	\$10,000 (subject to appropriate guttering material being used such as zincalume or galvanised iron)
6	Cnr Chester or Oxford Street, Epping	Gordon Herriott	Replace pressed pattern ceiling that has rusted due to	\$6,000

			leaking roof	
7	241 Pacific Highway, Hornsby	Max and Lorraine Lowery	Roof and gable repairs to north elevation. Repair of dormer windows	\$5,000 (subject to treated pine not being used for works)
8	368 Pacific Highway, Hornsby	Kellie Morle	Structural repairs to sub floor and rear veranda area	\$1,790 (recommended that the apparent inadequate subfloor drainage/ventilation be investigated by owner to ensure long term stability of item)
9	62 Malsbury Road Normanhurst	Martyn Goundry	Footing stabilisation	\$6,500 (recommended that the apparent inadequate drainage be investigated to ensure addressed in the long term)
10	14 The Comenarra Parkway, Thornleigh	Sten and Clare Hopkins	Replacement/repair of consumer mains. Replacement of rotten timber window and ledge	\$1,507 (subject to treated pine not being used for works)

Clause 18(2) of the *Hornsby Local Environmental Plan* (HSLEP) provides that development consent is not required where Council is of the opinion that development would not adversely affect the heritage significance of the heritage item. In supporting the applications, the Committee was of the opinion that the proposed works would either satisfy Clause 18(2) of the *HSLEP*, in that they would not adversely affect the heritage significance of the item or that development consent has been granted for the works. In offering applicants funds for works where no development consent has been granted, Council would be endorsing the works to be undertaken without development consent.

The successful applications would be subject to the conditions of the Local Heritage Assistance Fund to ensure the projects are carried out to a high standard and in an appropriate manner. Council's Town Planning Services Branch will be responsible for ensuring the projects are carried out in accordance with the application and special conditions set by the Heritage Committee.

In the unlikely event that an applicant does not accept the offer of financial assistance or the works are unable to be completed this financial year, it is recommended that the General Manager be authorised to endorse any additional allocation or redistribution of funds following a recommendation from the Executive Manager, Planning Division. Any allocation or redistribution would be limited by the criteria and conditions of the Local Heritage Assistance Fund.

CONSULTATION

During April and May 2010, applications were invited from all owners of heritage items within the Shire for financial assistance to undertake conservation works. Information regarding the Local Heritage Assistance Fund 2010/2011 was also placed on Council's website.

FINANCIAL

As part of the 2010/2011 Management Plan, Council has allocated \$60,000 towards the Local Heritage Assistance Fund.

TRIPLE BOTTOM LINE SUMMARY

This Triple Bottom Line (TBL) Statement forms part of Council's efforts towards "creating a living environment". The Statement addresses the strategic themes within Council's Management Plan that cover social, environmental and economic factors and the corresponding sustainability questions contained in the TBL checklist.

- *Working with our community:* The Local Heritage Assistance Fund is open to owners of heritage items within the Shire and an application form was sent to all owners of heritage listed properties. The Fund provides for collaboration and financial assistance concerning the conservation of heritage items.
- *Conserving our natural environment:* The Local Heritage Assistance Fund has been established by Council to assist property owners to conserve identified heritage items within the Shire. The aim of the fund is to encourage conservation works on heritage items in the Shire. The program is intended to provide kick-start funding to encourage the joint funding of projects between Council and local residents. The Fund encourages interest and concern for the conservation of other heritage items within the Shire of Hornsby.
- *Contributing to community development through sustainable facilities and services:* The Fund does not relate directly to the provision of services and facilities. Accordingly, no adverse impact on opportunities for community development would be expected.
- *Fulfilling our community's vision in planning for the future of the Shire:* The Assistance Fund assists in promoting the conservation of the important heritage values within the Shire.
- *Supporting our diverse economy:* The Local Heritage Assistance Fund aims to assist in the conservation of important character elements and heritage values which enhance the attractiveness of the Shire as a place to live and work.
- *Maintaining sound corporate and financial management:* Council has allocated \$60,000 towards the Local Heritage Assistance Fund. Applicants will be required to provide at least matching finance for the project. In some instances, applicants will need to contribute more to the project.
- *Other Sustainability Considerations:* The Allocation of the Fund would not have an adverse impact on the environment of the Shire.

CONCLUSION

The Local Heritage Assistance Fund 2010/2011 will provide for the ongoing conservation of ten heritage items in the Shire. In addition, the provision of financial assistance towards privately owned heritage items will encourage heritage conservation in the Shire and promote Council's commitment to heritage conservation.

RECOMMENDATION

THAT:

1. Council endorse the expenditure of funds to the value of \$60,000 from the Local Heritage Assistance Fund budget to the following projects (to be completed and reimbursed prior to 30 June 2011).

Project No.	Property Address	Applicant Name	Project Description	Recommended Funding Amount and Comment
1	44 Beecroft Road, Beecroft	Phillip Backhouse	Replacing tin roof to front room and entry foyer, Facia's gully, guttering	\$2,245 (subject to hardwood or Oregon timber being used)
2	100 Beecroft Road Beecroft	Robert Olsen	Removal and replacement of all front veranda roofing iron. Removal and replacement of roof area above store and repainting	\$10,000 (subject to treated pine not being used for works and documentation being submitted to Council regarding traditional colour scheme for paintwork)
3	Lot 17 Collingridge Point, Berowra Waters	Annette Crowe	Restore coach ceiling in living room and the fascia on the north wall. This includes all necessary structural works	\$8,598 (subject to the retention of the timber ceiling profile and treatment of termites within roof cavity if observed during construction)
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8	368 Pacific Highway, Hornsby	Kellie Morle	Structural repairs to sub floor and rear veranda area	\$1,790 (recommended that the apparent inadequate subfloor drainage/ventilation be investigated by owner to ensure long term stability of item)
9	62 Malsbury Road Normanhurst	Martyn Goundry	Footing stabilisation	\$6,500 (recommended that the apparent inadequate drainage

				be investigated to ensure addressed in the long term)
10	14 The Comenarra Parkway, Thornleigh	Sten and Clare Hopkins	Replacement/repair of consumer mains. Replacement of rotten timber window and ledge	\$1,507 (subject to treated pine not being used for works)

2. Applicants be advised of Council's resolution.
3. Should any applicant not accept the offer of financial assistance or the works are unable to be completed this financial year, the General Manager be authorised to endorse any additional allocation or redistribution of funds following a recommendation from the Executive Manager, Planning Division.

SCOTT PHILLIPS
Executive Manager
Planning Division

JAMES FARRINGTON
Manager - Town Planning Services
Planning Division

Attachments:

1. Summary of Applications

File Reference: f2010/00125
Document Number: D01432372

7 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 April 2010 to 30 June 2010.

DISCUSSION

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.

The Circular also provides that Councils are required to adopt the following four measures:

1. *Establish a register of development applications determined with variations in standards under SEPP 1.*
2. *Require all development applications where there has been a variation greater than 10% in standards under SEPP 1 to be determined by full council (rather than general manager or nominated staff member).*
3. *Provide a report to each council meeting on the development applications determined where there had been a variation in standards under SEPP 1.*
4. *Make the register of development applications determined with variations in standards under SEPP 1 available to the public on the council's website.*

In accordance with Point 3 of 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 April 2010 to 30 June 2010.

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 simply 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. PLN52/10.

ROD PICKLES
Manager - Assessment Team 2
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. SEPP 1 Returns - Quarter for 1 April 2010 to 30 June 2010

File Reference: F2004/07599
Document Number: D01441215