



the bushland shire

creating a living environment

BUSINESS PAPER

PLANNING MEETING

**Wednesday, 7 September, 2011
at 6.30pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev Ann Hogan of Hornsby Uniting Church, 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 acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."

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 3 August, 2011 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**

NIL

A WARD**Page Number 1**

Item 1 PLN65/11 DEVELOPMENT APPLICATION - ALTERATIONS AND ADDITIONS TO MT WILGA PRIVATE HOSPITAL 2A MANOR ROAD AND 66 ROSAMOND STREET HORNSBY

RECOMMENDATION

THAT Development Application No. DA/224/2011 for alterations and additions to the existing Mt Wilga Private Hospital on proposed Lot 100 in the re-subdivision of Lots 11 and 12 DP 1079875 No. 66 Rosamond Street and No. 2A Manor Road, Hornsby be approved as a deferred commencement consent, subject to the conditions of consent detailed in Schedule 1 of this report.

B WARD DEFERRED

NIL

B WARD**Page Number 29**

Item 2 PLN30/11 DEVELOPMENT APPLICATION - ALTERATIONS AND ADDITIONS 7 WEBBS TERRACE, WESTLEIGH

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. 724/2011 for alterations and additions to the dwelling-house at Lot 50, DP 788767, No. 7 Webbs Terrace Westleigh, subject to the conditions of consent detailed in Schedule 1 of this report.

C WARD DEFERRED

NIL

C WARD

Page Number 47

**Item 3 PLN64/11 DEVELOPMENT APPLICATION - SENIORS LIVING
DEVELOPMENT COMPRISING 18 SELF-CONTAINED
DWELLINGS
49A, 51 AND 51A COPELAND ROAD, BEECROFT**

RECOMMENDATION

THAT Development Application No. 109/2011 for the construction of a seniors living development comprising 18 self-contained dwellings at Lot 3 DP 509429, Lot 2 DP 509429 and Lot 1 DP 509429, Nos. 49A, 51 & 51A Copeland Road Beecroft be approved subject to the conditions of consent detailed in Schedule 1 of this report.

GENERAL BUSINESS

Page Number 72

**Item 4 PLN62/11 REPORTING VARIATIONS TO DEVELOPMENT
STANDARDS**

RECOMMENDATION

THAT Council note the contents of Executive Manager's Report No. PLN62/11.

SUPPLEMENTARY AGENDA

CONFIDENTIAL ITEMS

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

QUESTIONS WITHOUT NOTICE

1 DEVELOPMENT APPLICATION - ALTERATIONS AND ADDITIONS TO MT WILGA PRIVATE HOSPITAL 2A MANOR ROAD AND 66 ROSAMOND STREET HORNSBY

Development Application No:	DA/224/2011
Description of Proposal:	Alterations and additions to Mt Wilga Private Hospital
Property Description:	Proposed Lot 100 in the re-subdivision of Lots 11 and 12 DP 1079875 No. 66 Rosamond Street and 2A Manor Road, Hornsby
Applicant:	Mt Wilga Pty Ltd C/- Akalan Projects
Owner:	Mt Wilga Pty Ltd
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Special Uses A (Community Purposes)
Estimated Value:	\$4.8 million
Ward:	A

RECOMMENDATION

THAT Development Application No. DA/224/2011 for alterations and additions to the existing Mt Wilga Private Hospital on proposed Lot 100 in the re-subdivision of Lots 11 and 12 DP 1079875 No. 66 Rosamond Street and No. 2A Manor Road, Hornsby be approved as a deferred commencement consent, subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes alterations and additions to Mt Wilga Private Hospital.
2. The proposal complies with the requirements of the Hornsby Shire Local Environmental Plan 1994, Heritage Development Control Plan and Car Parking Development Control Plan.
3. One submission has been received in respect of the application.
4. It is recommended that the application be approved as a deferred commencement consent.

HISTORY OF THE SITE

Between 1907-1925 the Marcus Clark Family developed the property as a residential homestead. Residential use ceased in 1952.

In 1952 the property was sold to the Commonwealth Government and was subsequently developed and used as a rehabilitation hospital until 1987. Over the 35 years of occupation by the Commonwealth, the grounds surrounding the house were developed with an array of buildings to house the hospital.

On 9 January 1989 Council approved Development Application No. 391/1988 for the subdivision of the land into two allotments. The southern area (Lot 2 DP 792198) was to be sold and the northern lot (Lot 1 DP 792198) would continue to house the operations of Mt Wilga Private Hospital. The land previously known as Lot 2 comprises much of the land the subject of the current application.

On 9 January 1992 Council approved Development Application No. 419/1991 for “*the conservation and use of Mt Wilga house for administration purposes and meetings, and refurbishment of existing caretaker’s residence.*”. The consent applied to Lot 2. These works were known as Stage 1 of the Buddhist Temple and Administration Centre (Soka Gakkai).

On 22 February 1994 Development Application No. 689/1993 for “*the refurbishment of Building 4 for worship and meetings, use of Building 1A for main switchboard and fire pump rooms and site works and services*” was approved by the Council. This consent applied to Lot 2. These works were Stage 2 of the Buddhist Temple and Administration Centre.

In June 1999 Soka Gakkai sold the property.

On 24 February 2000 Council approved Development Application No. 2355/1999 for an 81 unit aged housing development.

In July 2004 Council provided an opinion that the consent had been physically acted upon.

On 17 December 2008 Development Application No. 928/2007 for a 91 unit aged housing development was approved as deferred commencement consent. This consent is not effective as the deferred commencement conditions have not been satisfied.

On 23 May 2011 Development Application No. 1619/2010 was approved for the subdivision of one allotment into two of Lot 12 DP 1079875, 2A Manor Road Hornsby.

THE SITE

The site is identified as Lots 11 and 12 DP 1079875 and known as No. 66 Rosamond Street and No. 2A Manor Road, Hornsby. The site is bounded by Manor Road and Rosamond Street to the south and east. The land has a moderate slope from the north east to the south western boundary.

Lot 11 has an approximate area of 1.3 ha and is located on the southern side of Rosamond Street. This lot contains the existing hospital buildings and associated facilities. Mt Wilga Hospital comprises a series of one and two storey masonry buildings. The existing hospital is an 80 bed facility which includes a combination of single and shared rooms and therapy

areas. There are 105 existing car parking spaces provided in a number of areas in the north western part of Lot 11.

Lot 12 has an approximate area of 2.56 ha and is located on the northern and western side of Manor Road. This lot contains Mt Wilga House which is listed on the State Heritage register (SHR). The house is located near the centre of Lot 12 in an elevated position. The SHR listing identifies a curtilage around Mt Wilga House of approximately 1.2 hectares, which is located over the eastern half of the site. The grounds around Mt Wilga House are landscaped with grassed lawns, interspersed with mature trees and lower vegetation. A significant stand of trees is located on the southern side of the site adjoining Manor Road. There is a disused tennis court in the south-eastern corner of the property.

A small portion of Lot 12 includes the area located in front of the adjacent hospital building (Lot 11 DP 1079875). This portion of the lot accommodates the hospital signage, entry path and services. Further westward the northern boundary of Lot 12 follows the external wall of the hospital buildings creating a jagged and complex building line with hospital building encroachments from Lot 11 into Lot 12.

Access to Lot 11 is via a driveway from Rosamond Street, adjacent to Mt Wilga hospital. There are currently two other vehicular entry points from Manor Road in the south of the site.

A bitumen concrete drive extends from the southern boundary to a car park adjacent to the south west of the building and a pathway comprising crushed concrete extends from the south western corner of the site to the north of the site. The remaining surface of the site is occupied by lawn.

The site is surrounded by a low-density residential neighbourhood. The area contains detached residential dwellings generally ranging in height from one to two storeys.

APPROVED APPLICATION - DA/1619/2010

On 16 May 2011 Council approved Development Application No. 1619/2010 for the subdivision of Lot 12 into two lots to create a separate allotment for the heritage listed structure and its curtilage. The approved lots are as follows:

Proposed Lot 101 1.239ha

Proposed Lot 100 1.074ha

Proposed Lot 101 comprises the eastern portion of the property and Mt Wilga House. Access to the lot is via the main existing driveway off Rosamond Street. The proposed subdivision boundary generally follows the alignment of the SHR curtilage.

Proposed Lot 100 comprises the residual land to the west of Mt Wilga House. Access to the lot is via two existing secondary driveways off Manor Road. The proposed lot also includes a narrow strip of land along the northern boundary of Lot 12, immediately adjacent to Mt Wilga Hospital. The purpose of this narrow strip is to return this land to the ownership of the hospital as existing hospital building encroachments exist in this locality. Existing building encroachments and BCA matters would be addressed by the subsequent consolidation of Proposed Lot 100 and the adjacent Mt Wilga Hospital land at Lot 11 DP 1079875.

A 1.8m high lapped and capped timber boundary fence is proposed to be erected along the common boundary of proposed Lots 100 and Lot 101.

THE PROPOSAL

The proposal seeks approval for the extension of the existing Mount Wilga Private Hospital to provide additional patient wards and associated facilities within a new single storey building wing.

The proposed development is comprised of the following components:

- Thirty single bed patient rooms.
- Nurse station and handover area.
- Group therapy room.
- Gymnasium.
- Group therapy gymnasium.
- Three offices.
- Utility rooms.
- Laundry, staff tea room, storeroom and toilet.

The applicant has indicated that the layout of the new wing builds upon the design established by the existing hospital facility, whereby the central position is occupied by the nurse station within the shortest distance to all patients' wards. The portion of the new building adjoining the existing hospital building would accommodate the therapy rooms which would be utilised by the new and existing hospital patients. All the corridors would have minimum width of 2.2 metres. Emergency exits would be provided at the end of each corridor.

A car parking area accommodating 29 vehicles is proposed to be provided in the north eastern portion of proposed Lot 100. Access to the car park is to be gained via an existing driveway fronting Manor Road. There is also provision for 21 spaces in the north eastern portion of the proposed lot.

The proposal would increase the number of beds from 80 currently to accommodate a total of 110 patients.

Staffing for the new ward would involve 12 morning staff, 6 evening staff and 7 night time staff.

ASSESSMENT

The development application has been assessed having regard to the *'Metropolitan Plan for Sydney 2036'*, 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 Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* 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 2036; 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 its preparation of the *Comprehensive LEP* by the end of 2011.

The *Draft North 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 *Metropolitan Plan for Sydney 2036*.

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 Special Uses A (Community Purposes) under the Hornsby Local Environmental Plan 1994 (HSLEP). 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.*
- to ensure that community uses are compatible with the amenity of the area in which they are located.*

The proposed development is defined as *hospitals* under the HSLEP and is permissible in the zone with Council's consent.

Clause 18 of the HSLEP sets out heritage conservation provisions within the Hornsby area. The property is listed as a heritage item (“*Mt Wilga*” and grounds) of regional significance under the provisions of Schedule D (Heritage Items) of the Hornsby Shire Local Environmental Plan 1994 (HSLEP). The property is also located in the vicinity of properties No. 45 Rosamond Street (*house*) and No. 5 Manor Road (*suspension bridge*) which are listed as heritage items of local significance under Schedule D of the HSLEP. The property is listed as a heritage item (*Mt Wilga house*) under the *NSW Heritage Act*.

The development application was referred to the NSW Heritage Council and Council's Heritage Advisory Committee. The NSW Heritage Council raised no objections to the development. However, the NSW Heritage Council made comment that the applicant should

provide an Interpretation Strategy and Plan and an archaeological plan. The applicant submitted an Interpretation Strategy and Plan, Archaeological Management Plan, amended schedule of heritage finishes and landscape plan. This matter is discussed in detail in section 2.5 of this report.

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

The site 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 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.

2.3 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 will be remediated before the land is used for that purpose.

The applicant was requested to submit a site investigation review. The applicant submitted an environmental site assessment which concludes that the site is suitable for the proposed development

2.4 State Environmental Planning Policy No. 44 – Koala Habitat

The application has been assessed against the requirements of State Environmental Planning Policy No 44 as the area of the site is greater than 1 ha. The Policy requires an assessment of whether the site is a “*potential koala habitat*” which is defined as areas of native vegetation where at least 15% of the trees on site constitute koala feed trees. A “*core koala habitat*” is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females and recent sightings of and historical records of a population.

The development is proposed within a cleared section of the site and does not involve any clearing of native bushland. Therefore, no further assessment in this regard is required.

2.5 Heritage Development Control Plan

The primary purpose of the Plan is to manage the heritage in Hornsby Shire and to provide guidance and outline specific controls for development relating to heritage items and heritage conservation areas.

The property is listed as a heritage item (“*Mt Wilga*” and grounds) of regional significance under the provisions of Schedule D (Heritage Items) of the Hornsby Shire Local Environmental Plan 1994 (*HSLEP*). The property is also located in the vicinity of properties No. 45 Rosamond Street (*house*) and No. 5 Manor Road (*suspension bridge*) which are listed

as heritage items of local significance under Schedule D of the *HSLEP*. The property is listed as a heritage item (*Mt Wilga house*) under the *NSW Heritage Act*.

At its meeting on 4 July 2011, the Local Heritage Committee noted that additional information has been submitted by the applicant responding to the issues raised previously by Council. The Committee reviewed the Interpretation Strategy and Plan, Archaeological Management Plan, amended schedule of heritage finishes and landscape plan.

The Committee raised concern with the repetitive nature of the sitting and built form of the future buildings, its lack of consideration of topography and site configuration, and its impact upon the setting of the adjacent item. However, the Committee agreed that whilst repetition of form was reflected in the architecture of the stage 1 design, in isolation this stage of the development would not significantly detract from the significance of the adjacent item. The Committee also agreed that whilst the amended schedule of finishes would detract from the architectural quality of the proposed building due to the substitution of split block in lieu of brick work, in the long term this stage of the building would be screened from the road and the adjacent heritage building by later stages of the development and as a result, its impact would be negligible. The Committee agreed that the use of split block in the later stages of the development adjoining the road and the adjacent item would not be supported by the Committee. However, considering that the additional stages have not been approved, it is recommended that the amended schedule of finishes not be supported.

The Interpretation Strategy makes reference to the proposed fencing of the southern boundary. However, no details of fencing had been submitted as part of the application. The Committee noted that a 1.8m high paling fence is detailed on the landscape plan for the length of the common boundary. The Committee agreed that no objections would be raised to a fence along the common boundary forward of the building, provided the fence maintained views of the significant building from Manor Road. The Committee agreed that no objections be raised to the proposal on heritage grounds subject to existing cyclone fence along the southern boundary be removed and replaced with an open palisade fence and sandstone entry posts. A condition has been recommended with regard to the modification to the existing fencing.

Furthermore, it was concluded that the *Interpretation Strategy* does not adequately address any interpretive landscape outcomes. The proposed boundary plantings to the eastern car park edge adjoining the Mt Wilga heritage-listed property boundary are comprised predominantly of coastal varieties of native shrubs, native grasses and groundcovers in an informal arrangement.

The planting scheme does not incorporate any tree species in the location where a row of landmark pines originally existed delineating the separation of garden spaces. The proposed landscaping does not reflect the character of Mt Wilga House or garden or a style of garden relevant to the federation period in which the house was built. Therefore, a condition is recommended requiring the incorporation of a hedge row along the proposed fence line and reinstatement of the landmark trees delineating the former division of landscape uses and reflecting a federation period character within the development.

2.6 Access and Mobility Development Control Plan

The primary purpose of this DCP is to assist proponents and Council in ensuring the requirements for equitable access are satisfied when building work is proposed. The proposed new hospital wing has been designed to be at grade with the existing hospital building. An additional at grade entry is to be provided on the eastern elevation of the proposed building.

It is considered that the proposed development is designed to provide suitable access for people with disabilities.

2.7 Car Parking Development Control Plan

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

Council's Car Parking DCP requires a parking study to determine parking requirements for a hospital. The applicant provided a Traffic and Parking Report that identifies an existing on-site parking provision of 105 spaces located in the north western portion of the site. Vehicular access to the existing parking is provided by a private access road known as Marcus Clark Way. This private road fronts Rosamond Street.

Based on the Roads and Traffic Authority requirements, the additional parking required for the proposed 30 bed ward with 12 staff is 10 spaces. The hospital is currently operating with 80 beds and 106 staff, giving a parking requirement of 78 spaces. Based on a survey of parking supply and demand for the existing residential and out patient service, it has been determined that the parking demand currently varies from about 105 to 115 spaces. Therefore, an additional parking requirement of 13 to 15 spaces would be required for the proposed development. A total of 50 spaces is proposed to be provided. The proposed parking is comprised of 29 spaces adjacent to the approved subdivision boundary and 21 disused spaces already provided next to the existing access way off Manor Road. The parking provision for the proposed development is considered adequate.

The proposed development provides one designated parking space for a person with a disability. The pedestrian access from the proposed car park is not shown on the plans. A condition is recommended requiring an accessible pedestrian access path to be provided from the proposed car park to the existing and proposed hospital unit.

Council's assessment concludes that a total of 145 to 159 spaces would be required to be provided for the entire development. Therefore, the total parking provision of 155 on-site parking spaces for the entire hospital is considered satisfactory.

2.8 Sustainable Water Development Control Plan

Subject to sediment and erosion control measures being implemented on site during construction, the proposal would comply with the requirements contained within the Sustainable Water Development Control Plan.

2.9 Waste Minimisation and Management Development Control Plan

The proposal includes a waste management plan and details of on-going waste management on site and is assessed as satisfactory.

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 application has been supported by an arborist report that assesses the existing trees on the site. There is a significant group of trees located along the western boundary of the site. Three trees to be removed are not identified as ‘significant trees’ under Council’s Tree Preservation Order.

The road frontage of the site (south west corner) is mapped as containing Sydney Turpentine Ironbark Forest which is listed as an Endangered Ecological Community under the Threatened Species Conservation Act 1995.

The Arboricultural Assessment Report prepared by rainTree Consulting (February 2010) identifies Tree No. 2 (a threatened *Syzygium paniculatum* Magenta Lily Pilly) located 3.5m from the building proposal. *Syzygium paniculatum* Magenta Lily Pilly is listed as ‘vulnerable’ under the NSW Threatened Species Conservation Act 1995. *Syzygium paniculatum* is also listed as a nationally vulnerable species under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The applicant submitted an *Assessment of Significance* (‘seven part test’) addressing the impacts on *Syzygium paniculatum* in accordance with s.5A of the *Environmental Planning and Assessment Act 1979*. Council’s assessment concludes that the proposal is unlikely to have a significant impact upon the local population of this species.

3.2 Built Environment

Traffic

Traffic generation for the proposed development is 10 vehicle trips per hour in accordance with the Roads and Traffic Authority (RTA) Guide to Traffic Generating Developments. Although only a relatively small volume of peak hour traffic would be generated by the proposed development, concern is raised about the crash history at the intersection of Carrington Road and Galston Road. A review of RTA crash data shows one injury and five tow away crashes at the intersection of Carrington Road and Galston Road between January 2003 and December 2009. Five of the crashes, including the injury crash, involved vehicles turning right from Carrington Road into Galston Road.

Subject to RTA approval and to prevent right turns from Carrington Road onto Galston Road, it is recommended that a condition be imposed requiring an island be painted on Carrington Road and marked with a left turn arrow. Buses would be allowed the right turn movement by the incorporation of ‘Bus Only’ right turn lane with red pavement marking.

It is concluded that traffic generation is not considered an issue with the proposed development provided that the recommended intersection improvements are carried out.

Access

Vehicle access to the new car park would be from the existing driveway off Manor Road. Council engineering assessment considers that this outcome is satisfactory.

3.3 Social Impacts

The development would make a positive social contribution to the local community by providing increased access to rehabilitation services.

3.4 Economic Impacts

The proposal would not have an adverse economic impact on the locality.

4. SITE SUITABILITY

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

4.1 Bushfire Risk

The site is identified as bushfire prone. The application was referred to the Rural Fire Service (RFS) as Integrated Development requiring a bushfire safety authority pursuant to the Rural Fires Act 1997. The RFS raised no objections to the proposal subject to conditions.

5. PUBLIC PARTICIPATION


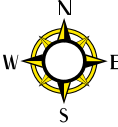
Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 20 April 2011 and 21 May 2011 in accordance with Council’s *Notification and Exhibition Development Control Plan*. During this period, Council received one submission. The map below illustrates the location of the nearby landowner who made a submission that is in close proximity to the development site.



NOTIFICATION PLAN

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

- Unacceptable traffic on local streets;
- Insufficient car parking.

The merits of the matters raised in the community submission have been addressed in the body of the report.

Council also received one submission with respect to DA/1619/2010. The submission advised that a neighbouring property to the west is currently experiencing stormwater impacts from the site. The development application for the subdivision did not involve any significant building work or modification to the existing stormwater arrangements. Therefore, this matter has been referred for consideration as part of this application. Council’s engineer advised that the stormwater drainage system for the proposed development would be required to be designed and constructed in accordance with Council’s *Civil Works – Design and Construction Specification 2005* and be connected directly to Council’s street drainage system.

5.2 Public Agencies

The development application is Nominated Integrated Development under the Act. Accordingly, the application was referred to the following Agencies for comment:

5.2.1 Rural Fire Service

This matter is discussed in detail in section 4.1 of this report.

5.2.2 NSW Heritage Council

This matter is discussed in detail in section 2.1 of this report.

6. THE PUBLIC INTEREST

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

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

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

CONCLUSION

The application proposes alterations and additions to Mt Wilga Private Hospital.

The proposal complies with the requirements of the Hornsby Shire Local Environmental Plan 1994, Heritage Development Control Plan and Car Parking Development Control Plan.

The application is therefore recommended for approval subject to a deferred commencement consent.

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 Plans

4. Elevations and Sections
5. Shadow Diagrams
6. Landscape Plan
7. Schedule and Finishes
8. Plans of Proposed Subdivision

File Reference: DA/224/2011
Document Number: D01731654

SCHEDULE 1**1. Deferred Commencement**

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent does not operate until the following information is submitted to Council:

- a. A registered plan of subdivision from the *NSW Department of Lands* creating proposed lot 100 must be submitted to Council.

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

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.

2. 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>Title</i>	<i>Drawn by</i>	<i>Dated</i>
3739-DA-001-C	Site Plan	Nettleontribe Partnership Pty Ltd	04.05.11
3739-DA-011	Ground Floor Plan	Nettleontribe Partnership Pty Ltd	01.03.11
3739-DA-012	Roof Plan	Nettleontribe Partnership Pty Ltd	01.03.11
3739-DA-021	Elevations – Sheet 1	Nettleontribe Partnership Pty Ltd	01.03.11
3739-DA-022	Elevations – Sheet 2	Nettleontribe Partnership Pty Ltd	01.03.11
3739-DA-031	Sections – Sheet 1	Nettleontribe Partnership Pty Ltd	01.03.11
3739-DA-033	Site Sections	Nettleontribe Partnership Pty Ltd	01.03.11
11-278 Issue C	Landscape Plan	Site Design Landscape Architects	05.05.11

<i>Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
Site Analysis Plan (Reference No. 3739-DA-002-C)	Nettletontribe Partnership Pty Ltd	04.05.11
Site Masterplan (Reference No. 3739-DA-003-C)	Nettletontribe Partnership Pty Ltd	04.05.11
Shadow Diagrams (Reference No. 3739-DA-041)	Nettletontribe Partnership Pty Ltd	01.03.11
Hydraulic Services Stormwater Sections (Reference No. HDA04/P2)	Whipps-Wood Consulting	February 2011
Hydraulic Services Stormwater Calculations (Reference No. HDA03/P2)	Whipps-Wood Consulting	February 2011
Hydraulic Services Ground Floor Plan (Reference No. HDA02/P2)	Whipps-Wood Consulting	February 2011
Hydraulic Services Site Plan (Reference No. HDA01/P2)	Whipps-Wood Consulting	February 2011
Review of Environmental Status (CES REF: CES051001-AUS-L160511)	Consulting Earth Scientists	16 May 2011
Aboricultural Assessment	rainTree Consulting	February 2010
Heritage Impact Statement	Renovamen	March 2011
Interpretation Strategy	Renovamen	June 2011
Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	March 2011
Building Code of Australia Report	McKenzie Group Consulting	7 March 2011
Geotechnical Investigation (Reference: 24634Srpt)	Jeffery and Katauskas Pty Ltd	1 March 2011
Archaeological Management Plan	Akalan Projects Pty Ltd	29 June 2011
Waste Management Plan	Ramsay Health Care	4 February 2011
Waste Management Plan – Construction	Akalan Projects Pty Ltd	Undated
Waste and Site Management Plan	Akalan Projects Pty Ltd	28-02-2011
Ecological Impact Assessment for the removal of one planted <i>Syzygium paniculatum</i> (Magenta Lilly Pilly)	Enviro Ecology	25/05/2011
Bush Fire Safety Compliance Report	Roger Fenwick Bush Fire Consultant	June 2011
Plan of Subdivision Sheet 1 of 3 Issue 5	C.M.S. Surveyors	13/12/10
Plan of Subdivision Sheet 2 of 3 Issue 5	C.M.S. Surveyors	13/12/10
Plan of Subdivision Sheet 3 of 3 Issue 5	C.M.S. Surveyors	13/12/10

3. Removal of Existing Trees.

This development consent only permits the removal of trees numbered 1, 2 and 3 as identified in the tree report. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

4. Future Development

The plans which show two additional buildings titled 'future development 30 bed ward' does not form part of this development consent. A separate development application is required to be lodged for these works.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Building Code of Australia

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

6. Fire Safety Upgrade

To ensure the protection of persons using the existing adjoining building and to facilitate egress from this building in the event of a fire, details must be submitted with the application for a construction certificate, detailing what works are necessary (if any) to bring it into compliance with Parts C, D and E of the Building Code of Australia.

7. Landscaping Plan

A detailed landscape plan is required to be prepared by a qualified landscape consultant and be submitted and approved by Council. The plan must represent a more formal landscaping arrangement along the fence line between the hospital grounds and the Mt Wilga heritage. The details of the planting are required to indicate:

- a. A hedge with decorative planting in front, with a proportion of species selected for appropriateness in terms of the character of the Federation period. (This does not exclude other native species of shrub, grasses and groundcovers as previously specified).

Suggested species for hedges: *Photinia Glabra 'Rubens'*, *Viburnum tinus*, *Viburnum odoratissimum*, *Camellia japonica*, *Camellia sasanqa*.

Suggested other species for garden bed to boundary (not limited to): *Phormium varieties*, *Yucca varieties*, *Palms*, *Aspidistra elatior*, *Hydrangea sp.*

- b. Significant tree species to be incorporated into the boundary alignment planted at equal centres, reflective of the former delineation between decorative garden and utilitarian garden areas, to be non-invasive but may be non-native. Suggested species could include: *Cypress (eg. Callitris sp.)*, *Pines (eg. Hoop or Kauri Pine)*.

- c. Random specimens of trees must be incorporated into open space or boundary planting areas and could include: *Jacaranda*, *Magnolia grandiflora*, *Palms* (*Kentia*, *Alexander varieties*).
- d. Shade-tolerant plants and tree species must be incorporated on the southern side of the proposed building.

8. 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.

9. Dilapidation Report

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

10. Car Parking and Deliveries

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

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

11. Archaeological Management Plan

The *Archaeological Management Plan* dated 29 June 2011 and prepared by Akalan Projects Pty Ltd must be revised to correctly reflect the amended definition of “relic” as defined by the *Heritage Act*.

12. Scope of Archaeological Work

An application under either S140 or S139(4) of the *Heritage Act* must be submitted and approved by the *Office of Environment and Heritage*. The scope of archaeological work on the site must be further discussed with the Office of Environment and Heritage, it being noted that the site contains areas identified of high archaeological significance in the *Conservation Management Plan* (2006) prepared by Gooden Mackay Logan.

13. Painted Island

A detailed design for the painted island with BUS ONLY right turn lane on Carrington Road must be provided to Council and approved by the Hornsby Local Traffic Committee. The design of the facilities shall be in accordance with RTA guidelines, technical directions and Austroads standards.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**14. 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.

15. 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.

16. 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*

17. 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.

18. Nominated Heritage Architect

A heritage architect and an archaeologist must be nominated for the project. The name and experience of these heritage consultants must be submitted to Council and comply with the following requirements:

- a. The building contract selected for the project must ensure that the nominated heritage architect has a contractual role as administrator of the contract for works, driveway and gardens, with the ability to issue instructions to the contractor.
- b. Suitable clauses, prepared in consultation with the nominated heritage consultants, must be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their statutory obligations in relation to the relics provisions of the NSW Heritage Act, 1977 and the National Parks and Wildlife Act, 1974 concerning Aboriginal archaeology in the event that any material is disturbed or exposed during site works.
- c. All contractors and relevant personnel engaged in works on the site must be made aware of the existence of potential and historical archaeological remains at the site by way of an induction process undertaken by the nominated archaeologist. The induction must also make the personnel aware of the possibility that more as yet unidentified archaeological remains may still exist and of the requirements of the NSW Heritage Act, 1977 in relation to archaeological relics in the event that they are uncovered.

19. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered 4-7 to be retained at a 4 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'.

REQUIREMENTS DURING CONSTRUCTION**20. 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.

21. 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 2005*.
- 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a. The building, retaining walls and the like have been correctly positioned on the site.
- b. The finished floor level(s) are in accordance with the approved plans.

27. Archaeology and Relics

The following matters must be addressed by the archaeologist nominated for the project:

- a. If substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area (s) and the *Heritage Council of NSW* must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- b. In the event of archaeological relics being exposed on the site, the relics must be appropriately documented according to the procedures outlined in the investigation strategy accompanying the application for any excavation permit or exception.
- c. The monitoring archaeologist must make periodic inspections as required of the ground disturbance associated with the proposed building and landscaping works or as directed by the *Office of Environment and Heritage*.
- d. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the *Office of Environment and Heritage* is to be informed in accordance with *Section 89A* of the *National Parks and Wildlife Act, 1974* (as amended). Aboriginal 'objects' must be managed in accordance with an approved Aboriginal heritage impact permit under *Section 90* of the *National Parks and Wildlife Act, 1974*.

28. Works near Trees

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

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

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

29. Prevention of the Spread of Weeds

To prevent the spread of weeds and fungal pathogens such as Cinnamon Fungus (*Phytophthora cinnamomi*) and Chytrid Fungus (*Batrachomyces dendrobatidis*), all machinery must be cleaned of soil and debris before entering the subject site.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

30. Fencing

Fencing must be erected as follows:

- a. The existing metal fence must be removed from the southern boundary. The existing sandstone block wall must be retained and where required, conservation works undertaken to ensure its retention.
- b. A black palisade type fence must be erected along the southern boundary to maintain views of the heritage significant property and the heritage listed building.
- c. Two sandstone entry posts must be erected at the southern driveway entry. The posts must be constructed of sandstone blocks, or sandstone facing, to match the sandstone on the heritage item. The sandstone must have the appearance and similar colour, dimensions to that of the existing stonework.
- d. A timber paling fence may be provided along the eastern common boundary in lieu of the lapped and capped fence detailed on the landscape plan and it must not extend more than 3 metres to the south of Mt Wilga House. A black palisade type fence may be provided forward of the dwelling on the common boundary to maintain view of the heritage listed building.

31. 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 the following requirements:

- a. Connected directly to Council's street drainage system.

32. On Site Stormwater Detention

The stormwater drainage system for the development must be designed and constructed and a construction Certificate issued for these works. The stormwater drainage system is to be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a. Have a capacity of not less than 16m³, and a maximum discharge (when full) of 20.8 litres per second for OSD 1. Have a capacity of not less than 7m³, and a maximum discharge (when full) of 13.7 litres per second for OSD 2.
- b. Have a surcharge/inspection grate located directly above the outlet.
- c. Discharge from the detention system must be controlled via a 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.

33. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1, 2890.2, 3727, Councils Civil Works Specification* and the following requirements:

- a. Design levels at the front boundary be obtained from Council.
- b. The driveway be a rigid pavement.
- c. The driveway must not be in situ concrete. Concrete pavers would be permitted.
- d. The driveway grade must not exceed 16 percent and changes in grade must not exceed 8 percent.
- e. All proposed and existing parking areas are to be constructed with 150mm thick reinforced concrete with F72. Parking bays are to be line marked.
- f. The pavement have a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a lintel and pit provided at the entrance to Manor Road.
- g. The circulation aisles shall have a minimum width of 5.5m in accordance with AS 2890.1.

34. Vehicular Crossing

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

- a. Any redundant crossings to be replaced with integral kerb and gutter.
- b. The footway area to be restored by turfing.
- c. The vehicular crossing is to have a minimum width of 6m from the kerb line to 6m inside the property boundary.
- d. Approval obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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.

35. 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.

36. 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.

37. Creation of Easements

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 property 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.

38. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system.

39. Driveway Design

The driveway must be designed as follows:

- a. The driveway to the proposed parking area is to be regraded to comply with AS/NZS 2890.1:2004.
- b. The driveway must be a minimum of 6m wide, with sight triangles at the boundary line provided in accordance with AS/NZS 2890.1:2004.

40. Accessible Pedestrian Access Path

An accessible pedestrian access path must be provided from the new car park to the existing and proposed hospital building.

41. Island on Carrington Road

Upon the issuance of NSW Roads and Traffic Authority (RTA) written approval, an island must be painted on Carrington Road at its intersection with Galston Road, and marked with a left turn arrow. Buses are to be allowed the right turn movement by the incorporation of BUS ONLY right turn lane with red pavement marking. The proposed painted island with BUS ONLY right turn lane is to be constructed in accordance with approved plans approved by the RTA.

42. 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.

OPERATIONAL CONDITIONS

43. Use of Premises

The development approved under this consent shall be used for a hospital and not for any other purpose without Council’s separate written consent.

44. Noise – Plant and Machinery

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.

45. Substation

The proposed substation must comply with the Australia Radiation Protection and Nuclear Safety Agency's (ARPANSA) *Radiation Protection Series* and the National Health and Medical Research Council's *Interim guidelines on limits of exposure to 50/60Hz electric and magnetic fields*, (1989).

46. 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.

GENERAL TERMS OF APPROVAL – RURAL FIRE SERVICE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

47. Asset Protection Zones

At the commencement of building works and in perpetuity the entire property must be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of '*Planning for Bush Fire Protection 2006*' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

48. Water and Utilities

Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of '*Planning for Bush Fire Protection 2006*'.

49. Evacuation and Emergency Management

Arrangements for emergency and evacuation are to comply with section 4.2.7 of '*Planning for Bush Fire Protection 2006*'.

- 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.

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 Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

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

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.

Disability Discrimination Act

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

Advertising Signage – Separate DA Required

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

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.

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.

**2 DEVELOPMENT APPLICATION - ALTERATIONS AND ADDITIONS
7 WEBBS TERRACE, WESTLEIGH**

Development Application No:	DA/724/2011
Description of Proposal:	Alterations and additions to a dwelling-house
Property Description:	Lot 50, DP 788767, No. 7 Webbs Terrace, Westleigh
Applicant:	Cape Code Australia Pty Ltd
Owner:	Mr. Christopher Mark Green
Statutory Provisions:	Hornsby Shire Local Environmental Plan, 1994 Residential A (Low Density)
Estimated Value:	\$255,279
Ward:	B

RECOMMENDATION

THAT:

Council assume the concurrence of the Director-General of the Department of Planning and Infrastructure pursuant to State Environmental Planning Policy No. 1 and approve Development Application No. 724/2011 for alterations and additions to the dwelling-house at Lot 50, DP 788767, No. 7 Webbs Terrace Westleigh, subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes alterations and additions to a dwelling-house.
2. The proposal does not comply with the 0.4:1 floor space ratio development standard contained in the HSLEP. Consequently the application has been supported by a submission under *State Environmental Planning Policy No. 1* (SEPP 1) seeking approval of a variation to this development standard.
3. One submission has been received in respect of the application and raises no objection to the proposal.
4. It is recommended that the application be approved.

THE SITE

The rectangular shaped allotment has an area of 479.1m², is located on the eastern side of Webbs Terrace, Westleigh and experiences a fall across the site at an average gradient of 4% towards the front, south western corner.

Existing site development comprises a two storey, brick and tile dwelling-house that is adjoined along the rear elevation by a covered, ground floor level patio and an upper level balcony off a bedroom.

Site drainage is to the street and the lot is both burdened and benefited by an easement for services 2.0 metres wide, located parallel with the front boundary.

There are four trees on the site, including two Chinese elms (*Ulmus parvifolia*) and two Scribbly gums (*Eucalyptus haemostoma*).

The development would be less than 4 metres from the two Scribbly gums. Although these trees have not been assessed as 'significant', the trees are proposed to be retained and would not be affected by the development, subject to sensitive construction techniques being implemented under the supervision of a qualified arborist.

The site is situated within the Settlers Green development, which is characterised by a mixture of one and two storey dwelling-houses on lots ranging in size from 390m² to 590m².

The "Village Green", a common recreation area under the ownership of the Settlers Green Home Owners' Association, adjoins the property along its rear, eastern boundary.

THE PROPOSAL

The application proposes alterations and additions to the existing dwelling-house comprising the erection of a two storey addition and a covered patio along the rear elevation, modifications to the internal layout of the dwelling-house, the relocation of the front entry door and the addition of a dormer window to the roof of the first floor level, facing the street.

The ground floor rear addition would incorporate a rumpus-room. The first floor would incorporate a bedroom, with ensuite/bathroom, a walk-in-robe and rear facing balcony.

An existing pergola adjoining the rear of the dwelling-house would be removed to facilitate the erection of the rear addition.

ASSESSMENT

The development application has been assessed having regard to the 'Metropolitan Plan for Sydney 2036', 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 Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* 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 2036; 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 its preparation of the *Comprehensive LEP* by the end of 2011.

The *Draft North 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 *Metropolitan Plan for Sydney 2036*.

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) 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 proposed development is defined as a “dwelling-house” 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 A (Low Density) zone is 0.4:1. The proposed development has an FSR of 0.51:1 which does not comply with this standard. To address this matter, the applicant has submitted an objection to the standard under *State Environmental Planning Policy No. 1* (SEPP 1).

2.2 State Environmental Planning Policy No. 1 – Development Standards

The proposal would have a floor space ratio of 0.51:1 which departs from the 0.4:1 development standard as contained within Clause 15 of the HSLEP. To address this matter, the applicant has submitted an objection to the standard under *State Environmental Planning Policy No. 1* (SEPP 1).

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 NSW 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 standard;*
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.*

In regard to whether the objection may be well founded, the applicant contends as follows:

- *“The proposal will be consistent with the objectives of the zone applying to the site.*
- *The proposal will be consistent with the underlying purpose of the standard being varied.*
- *The proposal is consistent with the objectives of the Act”.*

The following arguments are provided by the applicant in support of their contentions:

- *“The building maintains its presentation as a two storied detached dwelling consistent with the immediately adjoining and those in the immediate and local area.*
- *The building as altered will remain entirely compatible with the prevailing character of the low residential density character built form of the immediate locality.*
- *The ‘excess’ floor space does not contribute to the building being of unreasonable bulk or scale.*
- *The landscape will continue to dominate over the build form noting that the proposal is fully compliant with the landscape controls, the building setbacks.*
- *The existing arrangements for the sites drainage are not altered.*

- *The additional floor space arising from the construction of the extension has no significant consequence in terms of the views available from surrounding public and private vantages in proximity to the site.*
- *The extra floor space does not have a detrimental impact upon the amenity of the adjoining dwellings or the immediate neighbourhood.*
- *When assessed under the terms of the Draft Hornsby LEP 2011 the proposal was found to be compliant with the FSR controls there under.*
- *When assessed under the current SEPP (Exempt and Complying Development Codes) 2008 the proposal complies with the FSR requirements, and apart from the rear setback the proposal in total would be fully compliant.*
- *A departure from the floor space control within the LEP has no negative consequences in terms of the property management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- *A departure from the floor space control within the LEP allows for the orderly and economic use of the site in a manner which otherwise achieves the outcome and objectives of the relevant planning controls.*

Conclusion:

The extent of the non-compliance is non consequential. When considering the setting and context of the site, and reviewing the possible effects of the proposal, it is evident that the development meets the underlying objectives of the floor space control.

As numerical standards are often a crude reflection of intent, a development which departs from the standards may in some cases achieve the underlying purpose of the standard. In light of the issues raised and the proposals consistency with the relevant general principles and the relevant zone objectives strict compliance with the maximum FSR control is considered unreasonable and or unnecessary in the circumstances of the case.

Irrespective of non compliance, the proposal represents a site and indeed locality responsive development at a scale and form consistent with other redevelopment and on this basis, the variation to the standards is worthy of support. Consequently we submit that strict compliance with this development standard is unreasonable and unnecessary in this instance”.

The matters listed above have been taken into consideration in assessing the merits of the SEPP 1 objection.

The applicant’s SEPP 1 submission in support of the proposal addresses the objective of the floor space ratio provision in the HSLEP through the design of a dwelling-house that would not overly intensify the scale of the development of the land in regard to the land’s environmental capacity and the zone objectives.

Noting that there is a general acceptance in the metropolitan context that a density of around 0.5:1 is compatible with the character of typical 'suburban' single-dwelling areas, the 0.51:1 FSR of the development proposal is not inconsistent with established 'planning principles' of the NSW Land and Environment Court.

Similarly, the Court has established that, in areas comprising relatively small allotments, restricting the FSR to less than 0.5:1 may produce negative impacts to the amenity of the locality by making refurbishment economically unviable as a result of the limited potential to increase the size of existing dwelling-houses to cater for the level of residential amenity which is now expected. This is seen as an obstacle to satisfying the objectives of the *Environmental Planning and Assessment Act, 1979* which encourages the orderly and economic use of land.

The additional floor space would not impinge on the environmental and amenity aspects of the site and the underlying objectives of the zoning. In this regard, the objection under SEPP 1 is sustained.

2.3 State Environmental Planning Policy (Exempt and Complying Development)

On 27 February 2009, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP) commenced operation. Under the SEPP, the *NSW Housing Code* (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 SEPP is applicable to the subject allotment and relevant development standards under the Code have therefore been taken into consideration in assessing the merits of the proposal against similar development in the locality.

Notwithstanding that the 0.51:1 floor space ratio does not comply with the floor space ratio development standard contained in the HSLEP, when calculated in accordance with the SEPP requirements, the 273.8m² floor area of the proposal would be well within the 330m² permitted under the Code for similar development on allotments with an area of at least 450m² but less than 600m².

In this instance, as the development would not have a setback of at least 10 metres from the road boundary, the proposal is not complying development.

2.4 Dwelling House Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design requirements of Council's Dwelling House DCP. The following table sets out the proposals compliance with the prescriptive measures of the Plan:

Dwelling House Development Control Plan			
Control Proposal		Requirement Compliance	
FSR	0.51:1	0.4:1	No
Site coverage	38%	40%	Yes
Height	6.9m	9m	Yes
No. of Storeys	2	2	Yes
Length of Building	19.2m	24m	Yes
Unbroken Wall length	6.7m	10m	Yes
Private Open Space	134m ²	120m ²	Yes
Landscaping	46%	45%	Yes
Car parking	2 spaces	2 spaces	Yes
Cut and Fill	0.1m	1m	Yes
Solar access to neighbouring properties - Private open space - North facing windows	4 hours N/A	4 hours 3 hours	Yes -
BASIX Certificate	A116612	-	Yes
Setbacks - Front - Side (north) - Side (south) - Rear	5.15m 3m 1.95m 8.2m	6m 1 m 1 m 3m	No Yes Yes Yes

As detailed in the above table, the proposed development does not comply with a number of prescriptive standards within the 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 and Floor Space Ratio

In assessing the environmental capacity of the land, the assessment has had regard to the provisions of the *NSW Housing Code* which provides that the gross floor area for complying development within the low density residential zones of the Shire should be a maximum 330m², if the lot has an area of at least 450m² but less than 600m².

The floor area of the proposed development, when calculated in accordance with the requirements of the Code, would be 273.8m² on a site with an area of 479.1m² and therefore satisfies the equivalent FSR development standard under the Code.

Given that the recently introduced 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 applies 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 Code is changing 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. In assessing the environmental capacity of the site, Council has also had regard to the size and scale of developments in the locality. The combined 0.51:1 FSR of the development proposed by this application is commensurate with the size and scale of a number of other dwelling-houses within the surrounding area.

The proposed additions to the dwelling-house would provide accommodation that would not detract from the scale and variety of dwelling-houses in the immediate locality and more broadly, 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.

2.4.2 Setbacks

Notwithstanding that the front boundary setback of the new entry door does not comply with the prescriptive 6 metre requirement of the Setbacks element, there would be no change to the existing 5.15 metre front setback of the dwelling-house.

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

2.4.3 Flora and Fauna

The proposed development would be located less than 4 metres from two scribbly gums (*Eucalyptus haemostoma*) growing on the site. Neither tree has been rated as significant.

These trees are proposed to be retained as part of the application and would not be affected by the development, subject to sensitive construction techniques being implemented. In this regard, tree protection measures have been included in the conditions of consent detailed in Schedule 1 of this report.

The proposal meets the objectives of the Flora and Fauna Protection element and is considered acceptable.

2.4.4 Privacy

The additional living and entertaining areas would be located at the ground floor level in accordance with the prescriptive measures of the Privacy element.

Although the proposed first floor addition would incorporate a balcony, glass sliding doors and full height windows along the rear elevation which may allow for overlooking of the adjoining property to the south, No. 9 Webbs Terrace, these components of the development

would serve the proposed “master bedroom” only and would be oriented towards the “Village Green” at the rear of the property.

As a ‘planning principle’, views from windows of first floor, non-active rooms, including bedrooms, are considered to be acceptable, on the basis that views from such rooms are much less frequent than from a living room or other actively used room. It is also common for such windows to be fitted with curtains or blinds that would further restrict views to neighbouring properties. The restricted depth of the proposed upper level balcony would also preclude its use for extended periods.

The dormer window proposed with the roof of the first floor level would serve a non active bedroom.

The proposal meets the objectives of the Privacy element and is considered acceptable.

2.4.5 Solar Access

The shadows cast from the proposal would allow at least 4 hours of sunshine to the private open space required for adjacent and proposed dwelling-houses on 22 June (the winter solstice).

The windows along the northern elevation of the adjoining property to the south, No. 9 Webbs Terrace, serve a bathroom, laundry and utilities room and accordingly the proposal would not affect existing solar access to the living areas for the premises.

The proposal meets the prescriptive measures and objectives of the Solar Access 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

As discussed in Section 2.4.3 of this report, the proposal would not impact upon any trees considered significant or worthy of retention, satisfies the objectives of the Flora and Fauna Protection element of Council’s Dwelling House DCP and is considered acceptable.

3.2 Built Environment

The proposal 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.

With the exception of the road boundary setback, the proposal meets the provisions of the recently enacted *NSW Housing Code* and would be typical of the style of development that this Code now permits.

3.3 Social or 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 has the capacity to support the proposed additions to the dwelling-house and the proposal is considered an appropriate development for the Residential A (Low Density) zone in which the property is located.

The proposal would be consistent with the low density residential character of the immediate locality of the Settlers Green development and also more generally in keeping with the low density residential areas of the Hornsby Shire.

The site is considered suitable for the development.

5. PUBLIC PARTICIPATION


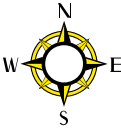
Section 79C(1)(d) of the Act requires Council to consider “*any submissions made in accordance with this Act*”.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 13 July 2011 and 27 July 2011 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received one submission. The map below illustrates the location of the nearby landowner who made the submission.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<p>X SUBMISSION RECEIVED</p>	 <p>PROPERTY SUBJECT OF DEVELOPMENT</p>	
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The submission raised no concerns or objection in relation to the proposed development.

6. THE PUBLIC INTEREST

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

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

The application is considered to have satisfactorily addressed Council’s 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 to the dwelling-house would be in the public interest.

CONCLUSION

The application proposes the erection of alterations and additions to a two-storey dwelling-house in a style that would generally be in keeping with the surrounding residential zone.

The development would have a gross floor area of 243.04m² 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. It is considered that the approval of the development is warranted in the circumstances of this case as, with the exception of the front setback, the proposal would be eligible for complying development under the *NSW Housing Code*.

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.

One submission was received from the owner of a neighbouring property, raising no objection to the proposal.

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.

SIMON EVANS
Manager - Assessment Team 1
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Site Plan
3. Floor Plans
4. Elevations
5. Shadow Plans
6. Stormwater Drainage and Sediment Plan

File Reference: DA/724/2011
Document Number: D01609528

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.&/or Name</i>	<i>Drawn by</i>	<i>Dated</i>
Sheets: 2 -6	Cape Cod Australia Pty Ltd	undated
Site tree location plan	Copy of Survey Plan by GV Hull & Associates Registered Land Surveyors & Land Management Consultants, amended by Council	undated
Stormwater drainage & sedimentation plan	Cape Code Australia Pty Ltd	undated

<i>Document Name</i>	<i>Prepared by</i>	<i>Dated</i>
External finishes & colour schedule	Cape Cod Australia Pty Ltd	undated
Waste management plan	Cape Cod Australia Pty Ltd	undated

2. Removal of Existing Trees

This development consent does not permit the removal of trees. The removal of any 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.

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. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered T3 and T4 as shown on the Site Tree Location Plan. The required tree fencing must be constructed of 1.2 metre 'wire mesh fence' and be retained at a 2 metre setback from T3 and T4 for the duration of site works.

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 demolition material is to be disposed of to an authorised recycling and/or waste disposal site and in accordance with the approved waste management plan.

11. 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.

Note: This consent does not give right of access to the site via the 'Settlers Green' reserve located to the rear of the site and the applicant will need to negotiate any access requirements directly with the Settlers Green Home Owners Association.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

12. Fulfilment of BASIX Commitments

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

13. Stormwater Drainage

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

14. 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.

15. Smoke Alarms

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

- 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 Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

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.

**3 DEVELOPMENT APPLICATION - SENIORS LIVING DEVELOPMENT
COMPRISING 18 SELF-CONTAINED DWELLINGS 49A, 51 AND 51A
COPELAND ROAD, BEECROFT**

Development Application No:	DA/109/2011
Description of Proposal:	Construction of a seniors living development comprising 18 self-contained dwellings.
Property Description:	Lots 1, 2 and 3 DP 509429, Nos. 49A, 51 and 51A Copeland Road, Beecroft
Applicant:	Caxton Property Group Pty Ltd
Owner:	Caxton Property Group Pty Ltd
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential AS (Low Density – Sensitive Lands) Zone State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Estimated Value:	\$6,579,738
Ward:	C

RECOMMENDATION

THAT:

Development Application No. 109/2011 for the construction of a seniors living development comprising 18 self-contained dwellings at Lot 3 DP 509429, Lot 2 DP 509429 and Lot 1 DP 509429, Nos. 49A, 51 & 51A Copeland Road Beecroft 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 seniors living development comprising 18 self-contained dwellings.
 2. The proposal complies with the development standards and design principles of State Environmental planning Policy (Housing for Seniors or People with a Disability) 2004 and the associated *Urban Design Guidelines For Infill Development*.
 3. Eight submissions have been received in respect of the application.
-

4. It is recommended that the application be approved.

HISTORY OF THE APPLICATION

The application for a seniors living development as originally submitted on 14 February 2011 was for 19 self-contained dwellings.

On 30 June 2011 the applicant amended the proposal; reducing the number of proposed dwellings to 18, increasing the front setback, reducing the number of two storey dwellings, increasing the area of deep soil landscaping and providing additional canopy tree planting.

THE SITE

The site comprises three existing allotments including two battleaxe lots. The site has an area of 6,621m², is located on the northern side of Copeland Road 75m west of the Cardinal Avenue intersection, and is opposite Pennant Hills Golf Course. The road reserve of Copeland Road widens from 20m to 30m between the site and Cardinal Avenue, resulting in a wider nature strip adjoining the frontage of the site.

The site includes three existing dwelling houses, swimming pool, tennis court, associated outbuildings, driveways and masonry front fence. There are numerous trees and shrubs on the site, mainly of exotic species. The majority of the site is relatively level with an average gradient of 5% to the street frontage.

The adjoining properties comprise single and two storey dwelling houses including a number of battleaxe lots. The dwelling houses adjoining the rear of the site have frontage to Hannah Street to the north and to Cardinal Avenue to the east. The character of the surrounding area is defined by 1960s suburban development, Pennant Hills Golf Course and large remnant trees within the road reserves and on large lots.

The site is located 1.35 km west of Beecroft Railway Station and shops. The Cumberland Highway (Pennant Hills Road) is 500m west of the site. Bus stops on Copeland Road provide connection between Beecroft, Castle Hill and Macquarie Centre (Routes 635 and 651). A pedestrian refuge provides safety for users of the bus service in crossing Copeland Road.

THE PROPOSAL

The proposal involves the demolition of the existing dwelling houses and associated improvements, consolidation of the existing allotments and construction of a seniors living self-care housing development comprising 18 dwellings. The dwellings include:

- 7 single storey detached 2 br + studio dwellings.
- 2 single storey semi-detached 2 br + studio dwellings.
- 2 two storey semi-detached 2 br + studio dwellings.
- 1 two storey detached 2 br + studio dwelling.
- 6 units (4 x 1 br + studio & 2 x 2 br + studio) within a two storey residential flat building with basement car park containing 8 car parking spaces, 6 visitor parking spaces and bin storage.

The proposed dwellings range in size from 123m² to 177m². The second storeys of the detached and semi-detached dwellings are within the roof space; all include attached garages.

The proposed detached and semi-detached dwellings and residential flat building are in face brick and sandstone with tiled hip roofs.

ASSESSMENT

The development application has been assessed having regard to the *Metropolitan Plan for Sydney 2036*, 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 Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* 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 2036; 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 its preparation of the *Comprehensive LEP* by the end of 2011.

The *Draft North Subregional Strategy* sets the following targets for the Hornsby LGA by 2031:

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

The proposed development would be consistent with the *draft Strategy* by providing additional dwellings for seniors and would contribute towards 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 AS (Low Density – Sensitive Lands) 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 and sensitive to the land capability and established character of this environment.*
- to provide for development that is within the environmental capacity of a sensitive low density residential environment.*

The proposed development is defined as ‘housing for aged or differently abled persons’ 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 AS zone is 0.4:1. The proposed development however is submitted pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living SEPP) which prevails to the extent of any inconsistency with *HSLEP*.

Clause 18 of the *HSLEP* sets out heritage conservation provisions within the Hornsby area. The subject site does not include a heritage item. There are two heritage items in the vicinity of the site including a ‘house and garden’ at No. 71 Copeland Road and ‘the grounds’ of Pennant Hills Golf Course. The proposed development would not detract from the heritage significance of these items.

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

The aim of the Policy is to encourage sustainable residential development. The submitted BASIX Certificate for the proposed development satisfies this requirement.

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

The Seniors Living SEPP is the prevailing 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 dwellings. The Policy is comprehensive in scope and includes land use planning provisions, design principles, design guidelines, development standards and standards specific to meet the housings needs of seniors and people with a disability.

2.3.1 Accessibility

The Seniors Living SEPP includes mandatory standards for accessibility and useability of self contained dwellings to ensure wheelchair accessibility throughout the development and to a public road and to ensure circulation space and accessible fixtures and fittings within dwellings. Mandatory standards also apply for access to public transport, medical services and shops. The applicant submitted a report prepared by an access consultant, Accessibility Solutions, which included a detailed assessment of the subject site and the proposed development, concerning compliance with the mandatory standards. The report included the following statement:

In summary, it is evident from the accessibility assessment of the “location” that the site is appropriately located to access public transport, shops and services while the proposed on-site pathways and design of units illustrates that the proposed development satisfies the policy objectives of the SEPP Housing for Seniors or People with a Disability and the relevant technical requirements of AS1428 and AS4299 for adaptable housing.

A copy of the access report forms an attachment to this report (Refer Attachment).

2.3.2 Development Standards

The Seniors Living SEPP includes non-discretionary development standards whereby compliance cannot be used to refuse development consent. The following table sets out the proposal's compliance with these standards.

Seniors Living SEPP – Standards That Cannot Be Used To Refuse Consent			
Control	Proposal	Requirement	Compliance
Building Height	7m	8m	Yes
Density	0.464:1	0.5:1	Yes
Landscaping	39%	30%	Yes
Deep Soil Zones	19%	15%	Yes
Private Open Space	> 18m ²	> 15m ²	Yes
Solar Access	89%	70%	Yes
Car Parking	25 spaces 6 visitor spaces	16 spaces	Yes
Frontage	26.2m	20m	Yes
Site Size	6,621m ²	1,000m ²	Yes

As detailed in the above table, the proposed development complies with the non-discretionary development standards. The proposal also complies with the standard for the rear 25% of the site to comprise single storey development.

The merits of the proposal in meeting the Seniors Living SEPP design principles and the *Seniors Living Policy Urban Design Guidelines for Infill Development* are discussed below.

2.3.3 Neighbourhood Amenity and Streetscape

The proposed front setback has regard to the greater setback of existing development between the site and Cardinal Avenue to the east and allows building design and landscaping to complement the streetscape. The proposed detached and semi-detached dwellings maintain the predominant built form and contribute to the residential character of the area.

The proposed density is generally consistent with Council's planning controls for maintaining a low density residential area.

The proposed buildings including the residential flat building are satisfactorily integrated in design to provide for internal amenity and to minimise impacts on neighbours, through window placement, roof pitch and orientation of dwellings for solar access.

2.3.4 Visual and Acoustic Privacy

The proposed dwellings are designed with regard to visual privacy to avoid overlooking neighbouring residents. The proposed private open space areas are integrated with the living areas of the dwellings and have regard to acoustic privacy.

A condition is recommended to provide additional privacy to the sit out areas of the proposed detached and semi-detached dwellings.

2.3.5 Solar Access and Design for Climate

Solar access is generally maintained for neighbouring residents, any overshadowing is minimal and would not result in non-compliance with Council requirements. The proposed dwellings would receive a minimum of 3 hours of sunlight to private open space and living areas between 9 am and 3 pm 22 June; other than two dwellings within the proposed residential flat building which would receive afternoon sunlight. In this regard the proposal meets the Seniors Living SEPP development standard.

2.3.6 Stormwater

The proposed stormwater drainage system is designed to minimise impacts on downstream waterways. Conditions are recommended for the system to be designed and constructed in accordance with Council's *Civil Works – Design and Construction Specification 2005*.

2.3.7 Crime Prevention

The access way design, pedestrian linkages and orientation of dwellings ensures casual surveillance of the development and separation of public and private areas.

Conditions are recommended for the basement car park to be made secure with visitor lift access to the ground floor.

Subject to recommended conditions the proposal is satisfactory in respect to crime prevention.

2.3.8 Accessibility

The accessibility of the proposed development to public transport, shops and services is in accordance with requirements for people with a disability.

2.3.9 Waste Management

The proposed bin storage areas are within accessible distance of dwellings and would not detract from amenity. A condition is recommended for the design of the proposed bin storage area at the frontage to complement the development in the streetscape.

2.3.10 Landscaping and Deep Soil Zones

The proposed landscaping is satisfactory in providing for streetscape amenity and communal open space areas. The areas of deep soil planting, in particular along the eastern boundary, enable appropriate areas for replacement canopy trees to be planted and established.

The proposed community open space areas located centrally and at the frontage, promote interaction in providing useable meeting and resting places.

A condition is recommended for implementation of the submitted landscape plan.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

The proposed development would necessitate the removal of 141 trees and shrubs from the site. None of the trees proposed for removal are significant or locally indigenous. The application has been supported by an arborist report prepared with regard to AS4970-2009 *Protection of Trees on Development Sites* and includes recommendations for tree protection methods during construction.

A large Sydney Blue Gum (*Eucalyptus saligna*) at the adjoining frontage of Copeland Road is identified as significant. The proposed development would not impact on the tree’s 15m Tree Protection Zone.

A condition is recommended for the planting of 10 canopy trees from Council’s indigenous planting guide. The submitted landscape plan prepared by Gordon Sykes Landscaping includes the planting of 10 canopy trees and achieves the required outcomes for the deep soil zones in maintaining an established tree canopy.

It is considered that the proposed removal of the 141 trees and shrubs is acceptable in the circumstances of the case with regard to the submitted landscape plan and recommended conditions for canopy tree planting.

3.2 Built Environment

3.2.1 Construction Impacts

The proposal involves excavation works and a condition is recommended for a dilapidation report concerning adjoining properties. Conditions are also recommended to minimise amenity impacts during construction.

3.2.2 Traffic Generation

Copeland Road at the frontage is a busy connector road between West Pennant Hills and Beecroft. The proposed development however is a low traffic generator and would not impact on the capacity of the road. The proposed car parking includes provision for visitor parking and is acceptable for the development.

3.2.3 Bus Stop and Access Upgrade

A bus stop is located at the frontage of the site. A bus stop is also located east of the site on the opposite side of Copeland Road. A pedestrian refuge provides for safe crossing of the road. The existing bus stops do not include bus shelters. Conditions are recommended for bus shelters to be constructed and the pedestrian refuge and kerb ramps to be upgraded to meet access standards.

3.3 Social Impacts

The proposal would be of positive social benefit in the provision of appropriate housing for an aging population.

Conditions are recommended to ensure the housing is provided for seniors or people with a disability.

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 existing residential site is not subject to development constraints or site remediation requirements and is suitable for the proposal.

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 2 March and 23 March 2011 in accordance with Council’s *Notification and Exhibition Development Control Plan*. The amended plans were notified from 5 July to 19 July 2011. Council received eight submissions in response to the original plans. Five further submissions made by respondents concerning the amended plans. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

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

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

- Unacceptable traffic on local streets;
- Overdevelopment of the site;
- Unacceptable overshadowing of adjoining properties;
- Unacceptable loss of privacy;
- Unacceptable noise from air-conditioners;
- Unacceptable lighting impacts;
- Unacceptable impacts during construction;
- Loss of Liquid amber trees;
- Loss of habitat;
- Unacceptable visual impact from retaining wall and fencing;

- Loss of residential character;
- Unsustainable design;
- Unsafe environment for people with a disability;
- Insufficient area for tree planting;
- Unacceptable impact on infrastructure;
- Damage to adjoining property.

The merits of the matters raised in community submissions have been addressed in the body of the report and by conditions of consent.

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 Seniors Housing development would be in the public interest.

CONCLUSION

The proposal is for demolition of three existing dwelling houses and construction of a seniors living development comprising 18 self-contained dwellings.

The proposed dwellings include single and two storey detached and semi-detached dwellings and a two storey residential flat building with basement car park. The proposed development generally maintains the low density residential character of the area and has regard to neighbourhood amenity.

The proposed development complies with the development standards and urban design principles of the Seniors Living SEPP and the associated *Urban Design Guidelines for Infill Development*. The proposed development is suitably located for access to public transport to shops, medical facilities, commercial services and recreation facilities.

The mandatory requirements of the Seniors Living SEPP for access for disabled persons throughout the development and for useability of the accommodation are met by the proposal.

The existing trees and shrubs on the site to be removed for the proposal are mainly exotic species. The proposed landscaping includes locally indigenous trees which would maintain the local tree canopy. The proposed landscaping and open space areas would enhance residential amenity.

The site is not subject to development constraints to residential development.

Subject to recommended conditions the concerns raised in the public submissions are considered to be addressed by the proposal.

The application is therefore recommended for approval.

ROD PICKLES
Manager - Assessment Team 2
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. DA Plans - Part 1
3. DA Plans - Part 2
4. Shadow Diagrams
5. Tree Plan
6. Access Report
7. Bus Shelters

File Reference: DA/109/2011
Document Number: D01726261

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>
01A Master Plan	Paul Meyer Design Pty Ltd	30/06/11
01B Master Plan	Paul Meyer Design Pty Ltd	30/6/11
02 Site Analysis Plan	Paul Meyer Design Pty Ltd	30-6-11
03 Lot 1 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
04 Lot 2-3 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
05 Lot 4 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
06 Lot 5 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
07 Lot 6-7 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
08 Lot 6-7 Roof Plan	Paul Meyer Design Pty Ltd	30-6-11
09 Lot 8 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
10 Lot 9 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
11 Lot 10 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
12 Unit 11,12,13 & 14	Paul Meyer Design Pty Ltd	30-6-11
13 Unit 15-16 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
14 Parking Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
15 Lot 17 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
16 Lot 18 Floor Plan	Paul Meyer Design Pty Ltd	30-6-11
17 Lot 1 Elevations	Paul Meyer Design Pty Ltd	30-6-11
18 Lot 2-3 Elevations	Paul Meyer Design Pty Ltd	30-6-11
19 Lot 2-3 Elevations	Paul Meyer Design Pty Ltd	30-6-11
20 Lot 4 Elevations	Paul Meyer Design Pty Ltd	30-6-11
21 Lot 5 Elevations	Paul Meyer Design Pty Ltd	30-6-11
22 Lot 6-7 Elevations	Paul Meyer Design Pty Ltd	30-6-11
23 Lot 6-7 Elevations	Paul Meyer Design Pty Ltd	30-6-11
24 Lot 8 Elevations	Paul Meyer Design Pty Ltd	30-6-11
25 Lot 9 Elevations	Paul Meyer Design Pty Ltd	30-6-11

26 Lot 10 Elevations	Paul Meyer Design Pty Ltd	30-6-11
27 Unit 11-16 Elevations	Paul Meyer Design Pty Ltd	30-6-11
28 Unit 11-16 Elevations	Paul Meyer Design Pty Ltd	30-6-11
29 Lot 17 Elevations	Paul Meyer Design Pty Ltd	30-6-11
30 Lot 18 Elevations	Paul Meyer Design Pty Ltd	30-6-11
32 Cross Sections	Paul Meyer Design Pty Ltd	June 2010
33 Cut & Fill Diagram	Paul Meyer Design Pty Ltd	30-6-11
34 Landscape Details	Paul Meyer Design Pty Ltd	30-6-11
34A Landscape Plan	Paul Meyer Design Pty Ltd	30-6-11
34B Landscape Design	Paul Meyer Design Pty Ltd	30-6-11

<i>Document No.</i>		<i>Prepared by</i>	<i>Dated</i>
D01602959	Access Report	Accessibility Solutions	10 February 2011
D01602927	Waste Management Plan	Craig & Rhodes	1 December 2010
D01602956	Arboricultural Impact Assessment	Footprint Green Pty Ltd	3 February 2011

2. Removal of Existing Trees

This development consent only permits the removal of tree(s) as identified on Plan No. tstr 2.01 prepared by Footprint Green Pty Ltd dated 03/02/11 being sheet 10 of the Arboricultural Impact Assessment (D01602956). 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.

2

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. Car Parking and Deliveries

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

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.

- b. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

9. Waste Storage Facility

The waste storage facility at the frontage of the site must be designed in accordance with Council's Waste Minimisation and Management Guide and be of design to complement the development in the streetscape.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

10. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

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

11. Protection of Adjoining Areas

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

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

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

12. Toilet Facilities

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

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

13. Erosion and Sediment Control

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

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

14. Tree Protection Barriers

All tree protection measures outlined in the Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd dated 3 February 2011 must be implemented prior to and during construction.

REQUIREMENTS DURING CONSTRUCTION

15. Construction Work Hours

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

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

16. Demolition

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

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER

ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

17. Environmental Management

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

18. Street Sweeping

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

19. 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 5 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.

20. 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.

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.

21. 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.

22. 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.

23. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the residential flat building certifying that:

- a. The building, retaining walls and the like have been correctly positioned on the site.
- b. The finished floor level(s) are in accordance with the approved plans.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an '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. 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 the following requirements:

- a. Connected to the existing Council piped drainage system in Copeland Rd. The council drainage system is to be extended generally in accordance with plans prepared by Craig & Rhodes 090-10. The pipeline is to be a 375 mm diameter RCP and is to be laid under the existing K & G and the existing kerb and gutter is to be replaced. The existing pavement is to be saw cut a minimum of 300mm from the lip of gutter and the pavement reconstructed. A kerb inlet pit is to be constructed within the proposed driveway and is to discharge into the OSD system.
- b. The internal drainage system is to be constructed in accordance with Councils Civil Works Specification and all pits are to be cast in situ.

26. Basement Car Park

The basement car park must be made secure with lift access to the ground floor of the building available to all users of the car park including visitors.

27. 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 159 cubic metres, and a maximum discharge (when full) of 107 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.

28. 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. Design levels at the front boundary be obtained from Council.
- b. The driveway be a rigid pavement.
- c. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
- d. The pavement have a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a lintel and pit provided at the low point.
- e. Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- f. The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter can not be achieved.

29. Vehicular Crossing

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

- a. The driveway is to have a minimum width of 5.5m at the kerb line and this width shall extend 6m into the property boundary in accordance with AS 2890.1 Off Street Car Parking.

- b. The footway area to be restored by turfing.
- c. All redundant crossings shall be removed and the footpath and kerb reinstated.

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.

30. Accessible Bus Stops

- a. The bus stops on the north and south side of Copeland Road adjacent to the proposed development to be constructed as “accessible” stops with hard stand area and bus shelters.
- b. Bus shelters are to be built in accordance with Sketch Plan – HSC Bus Shelter.
- c. The kerb ramps at the pedestrian refuge, and the footpaths between the access to the development and the existing bus stops, are to be reconstructed in accordance Austroads Guide to Road Design Part 4: Intersections and Crossings - General.

31. 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.

32. 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.

33. Consolidation of Allotments

All allotments are to be consolidated into one property prior to the issue of an Occupation Certificate

34. Creation of Easements

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.

35. Works as Executed Plan

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

36. Maintain Canopy Cover

To maintain canopy cover, 10 medium to large trees selected from Council's booklet '*Indigenous Plants for the Bushland Shire*' are to be planted on the subject site. The planning location shall not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The pot size is to be a minimum 25 litres and the tree(s) must be maintained until they reach the height of 3 metres. Trees must be native to Hornsby Shire and reach a mature height greater than 10 metres.

37. 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.*

38. Installation of Air Conditioners

To protect the amenity of adjacent properties, the condenser unit for any air conditioner must be sited a minimum of 3 metres from the property boundary of any

adjoining residential premises unless a certificate has been prepared by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above background noise levels when tested at the property boundary between 8 pm and 10 pm.

39. Boundary Fencing

Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

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

40. Installation of Privacy Devices

The following device(s) must be installed to maintain an element of privacy towards the adjoining property:

- a. A 0.5 metre high solid or opaque horizontal louvre screen is to be erected along the top of the 1.8m high finished fence adjacent to the 'sitout' outdoor living areas within 5m of a boundary, in a manner to prevent a direct line of sight to the adjacent properties.

41. 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.

42. 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.

43. Dwelling/Unit/Allotment Numbering

The allocation of dwelling/unit numbering must be authorised by Council prior to the numbering of each dwelling/unit in the development.

44. s94 Infrastructure Contributions

The payment to Council of a contribution of \$119,164.15 for 18 Seniors Housing dwellings towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*.

*Note: * The contribution is calculated at the rate of \$9,953.55 x 18 Seniors Housing dwellings and includes a credit of \$60,000 for the site's three existing allotments as calculated at the 16 August 2011. 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 confirm the value of the contribution prior to payment.

OPERATIONAL CONDITIONS**45. 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).

46. Visitor Parking

The visitor parking spaces with the basement of the residential flat building must be made available to visitors of all residents within the development.

- 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 Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

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

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.

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.

4 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 2011 to 30 June 2011.

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 2011 to 30 June 2011.

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. PLN62/11.

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. SEPP 1 Return

File Reference: F2004/07599
Document Number: D01718991