



the bushland shire

creating a living environment

BUSINESS PAPER

PLANNING MEETING

**Wednesday, 5 October, 2011
at 6.30pm**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER/S

Rev Ian McMillan from St Marks Anglican Church, Berowra will open 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

PRESENTATIONS

The Mayor to present the 2011 Heritage Awards.

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

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

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

DECLARATIONS OF INTEREST

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

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

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

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

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

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

OR

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

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

CONFIRMATION OF MINUTES

THAT the Minutes of the Planning Meeting held on 7 September, 2011 be confirmed; a copy having been distributed to all Councillors.

PETITIONS**RESCISSION MOTIONS****ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS***Note:*

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

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

Item 1 PLN27/11 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING LOT 4 DP 370795 , 45 BROOKLYN ROAD, BROOKLYN

RECOMMENDATION

THAT Development Application No. 1544/2010 for alterations and additions to an existing dwelling at Lot 4 DP 370795, 45 Brooklyn Road, Brooklyn be approved subject to the conditions of consent detailed in Schedule 1 of this report.

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

Item 2 PLN67/11 DEVELOPMENT APPLICATION - ERECTION OF AN AFFORDABLE RENTAL HOUSING DEVELOPMENT COMPRISING 12 UNITS 176 - 178 RAY ROAD EPPING

RECOMMENDATION

THAT Development Application No. DA/359/2011 for the demolition of existing structures and the construction of an affordable rental housing development comprising twelve units at Lot 1 DP 569934 Nos. 176 - 178 Ray Road Epping be approved subject to the conditions of consent detailed in Schedule 1 of this report.

Page Number 54

**Item 3 PLN69/11 DEVELOPMENT APPLICATION - SECTION 96(2) -
CONSTRUCTION OF TWO STOREY CLASSROOM BUILDING AND
TWO STOREY STAFF BUILDING - CHELTENHAM GIRLS HIGH
SCHOOL161 - 175 BEECROFT ROAD, CHELTENHAM**

RECOMMENDATION

THAT Development Application No. 1463/2005/A for the construction of a two storey classroom building and two storey staff building at Nos. 161-175 Beecroft Road Cheltenham (Cheltenham Girls High School) be approved as detailed in Schedule 1 of this report.

GENERAL BUSINESS**Page Number 86**

**Item 4 PLN71/11 AFFORDABLE HOUSING OPTIONS FOR HORNSBY
SHIRE**

THAT:

1. Council write to the Minister for Planning and Infrastructure indicating its support for the progression of the Affordable Housing Framework and requesting a timeframe for its delivery.
2. Council consider permitting the land uses of “*hostel*” and “*secondary dwelling*” as defined in the *Standard Instrument* in appropriate zones in the progression of Council’s draft Comprehensive Local Environmental Plan.

QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**MAYORAL MINUTES****NOTICES OF MOTION****SUPPLEMENTARY AGENDA****MATTERS OF URGENCY****QUESTIONS WITHOUT NOTICE**

**1 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
LOT 4 DP 370795 , 45 BROOKLYN ROAD, BROOKLYN**

Development Application No:	DA/1544/2010
Description of Proposal:	Alterations and additions to an existing dwelling
Property Description:	Lot 4, DP 370795, 45 Brooklyn Road, Brooklyn.
Applicant:	Mr Paul John Ritter
Owner:	Mr Paul John Ritter
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential AT (Low Density-Tourist Village)
Estimated Value:	\$247,500
Ward:	A

RECOMMENDATION

THAT Development Application No. 1544/2010 for alterations and additions to an existing dwelling at Lot 4 DP 370795, 45 Brooklyn Road, Brooklyn be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes alterations and additions to an existing dwelling located on a site which accommodates a marina, boatshed and associated facilities.
2. The proposal complies with provisions of the Hornsby Shire Local Environmental Plan 1994, Sydney Regional Environmental Plan No. 20 and Council's Car Parking and Brooklyn Development Control Plan.
3. Two submissions have been received in respect of the application.
4. It is recommended that the application be approved.

HISTORY OF THE SITE

In 1969, DA/92/69 for the use of a commercial boatshed and holiday cabins and for the hire of the boats was approved by Council. This development consent legalised the current use of the site.

Council's documentation regarding the application for Permissive Occupancy in 1971 provides evidence of consent being granted for use of half of the commercial boatshed as a workshop and office.

On 8 February 2000, DA/345/1999 for alterations to the pontoon and the provision of berthing facilities was approved by Council. This consent approved a total of seventy-six berths for the marina, forty-four fixed berths and thirty-two swing moorings. The consent also approved thirty-eight car spaces on the site.

On 12 September 2001, DA/345/1999/A for the retention of the existing cabin and modifications to car parking was refused by Council.

On 5 October 2005, DA/1928/2004 for the continued use of the workshop as a shipwrights and marine electronics workshop was approved by Council. The development approved a workshop located on the ground floor of the existing residence within the site and forty-one car spaces. An Environmental Management Plan for the entire site was approved under this application.

An inspection for the site at No. 45 Brooklyn Road dated 9 February 2011 revealed that two demountable sheds were erected on the site without consent from Council. The use of these sheds was also unauthorised.

Council Officers had a meeting with the applicant with regard to the unauthorised structures and the uses. As a consequence of the meeting, DA/693/2011 was lodged with Council to legalise the uses and the sheds on the site and was approved on 25 August 2011. The development consent approved the relocation of the shed on the western boundary to No. 43A Brooklyn Road, the reorientation of the shed on the eastern boundary and use as an outboard motor repair workshop replacing the existing workshop within the marina boatshed. The development consent also approved forty-two car spaces on the site (including two for the existing residence).

THE SITE

The site is located on the northern side of Brooklyn Road, fronting the Hawkesbury River and experiences an average grade of 1 in 10 to the rear of the site. The subject property has an area of 1907 sq metres.

The site currently accommodates a marina (Brooklyn Marina) with pontoon, slipway berthing facilities, a part two storey residence and associated car parking facilities. The existing dwelling house on the site comprises a sub-floor area and a workshop approved under DA/1928/2004. The total area of the existing residence including the workshop is 193 sq metres.

The site comprises forty-one car spaces. As stated earlier, two metal demountable sheds are currently located in the car-parking area. These sheds are to be relocated in accordance with DA/693/2011.

A two storey residential dwelling adjoins the site to the east. A vacant allotment is located to the west of the site. The surrounding land use comprises a mix of residential developments and marinas.

THE PROPOSAL

The proposal involves the following:

- Minor internal alterations to the sub-floor area by removing two internal walls.
- Deletion of one car space and relocating the existing septic tank.
- Provision of internal stairs and addition of a double garage to the northern side of the workshop.
- Internal alterations to the upper floor by demolishing internal walls and steps.
- Extension to the existing entry porch.
- Reconfiguration of the living areas.
- Extension to the sunroom and the erection of a master bedroom over the double garage.
- Erection of a partially covered deck on the north-western side fronting the master bedroom.
- The total area of the proposed residence would be: 249.72 sq metres.

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* and the draft Strategy.

2. STATUTORY CONTROLS

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

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Residential AT (Low Density-Tourist Village) under the Hornsby Local Environmental Plan 1994 (HSLEP).

The objectives of the zone are:

- to provide for the housing needs of the population of the Hornsby area and expand the recreational opportunities for the wider community.*
- to promote a variety of housing types, tourist facilities and other land uses compatible with a low density residential environment.*
- to provide for residential and low key tourist development that is within the environmental capacity of a low density residential environment.*

The proposed development is defined as a “*marina*” and “*dwelling house*” under the HSLEP and is permissible in the zone with Council’s consent. The proposed addition to the existing residence on the site complies with the zone objectives.

Clause 10 of the HSLEP prescribes that adequate sewerage services be provided for the development. Brooklyn is connected to the Sydney Water sewer system. Council’s assessment in this regard concludes that the proposal is satisfactory subject to a condition requiring the applicant to decommission any existing septic system on the site.

Clause 15 of the HSLEP prescribes that the maximum floor space ratio (FSR) of development within the Residential AT zone is 0.4:1. The applicant addresses this requirement by proposing an FSR of 0.14:1 and is assessed as satisfactory.

Clause 18 of the HSLEP sets out heritage conservation provisions within the Hornsby area. The site is not listed as a heritage item of local significance and is not located within a heritage conservation area. No further assessment is required in this regard.

Pursuant to Clause 20 of the HSLEP, the site is affected by the 10 metre foreshore building line. However, the proposed addition to the residence is well setback from the foreshore building line and complies with the requirements in this regard.

The site is classified as being Category 2 with regard to Acid Sulphate Soils, pursuant to the provisions of Clause 20A of the HSLEP in 2008. The applicant submitted an Acid Sulphate Soil Report for the site to Council. The report concluded that Acid Sulphate Soil occurrence within the site is unlikely. The proposed additions are to be located within an existing

hardstand area and would not require substantial works below the natural ground level. Council's assessment in this regard concludes that the proposal is satisfactory.

2.2 Environmental Planning and Assessment Regulation 2000

2.2.1 Designated Development

The application has been assessed against Environmental Planning and Assessment Regulation 2000 (the Regulation) with regard to Designated Developments.

Clause 23 and Clause 35 of Schedule 3 of the Regulation prescribe factors that determine whether a 'marina' or any alterations and additions to a 'marina' are to be categorised as Designated Development. The proposed development relates to alterations and additions to an existing dwelling house located on a site which accommodates a marina. The dwelling house is a permissible use on the land and the proposed extensions would not have any impact on the marina berthing or the aquatic habitat and would not significantly increase the impact of the total development.

Accordingly, the proposal is not considered to be Designated Development.

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

The proposal includes a BASIX Certificate for the proposed additions. The dwelling is considered to achieve the energy efficiency and is considered satisfactory.

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

State Environmental Planning Policy No. 55 (SEPP 55) requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated or requires remediation for the proposed use.

Given the previous uses of the site and that the site is currently paved, it is unlikely that the site would be contaminated. No further assessment in this regard is necessary.

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

The application has been assessed against the requirements of Sydney Regional Environmental Plan No. 20 (SREP – 20). The Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism. This matter is discussed in detail below:

2.5.1 Water Quality

The proposed development is consistent with the environmental capability of the site and would not have an adverse impact on the water quality of the catchment subject to the implementation of recommended conditions.

2.5.2 Riverine Scenic Quality

The proposal involves alterations and additions to the existing dwelling house on the site. The scenic quality issues for the area stated in the SREP include:

- **Absorption capacity** is defined as the estimation of the capacity of a landscape to absorb developments without adversely impacting its character or scenic quality. The absorption capacity of this area is low because of the buildings located along the water's edge.

The proposed alterations to the dwelling house would be located at a sufficient distance from the river bank. The proposal is low in scale and matches the existing character of the area. With consideration for the low absorption capacity of the area, the development is satisfactory.

- **Visual sensitivity** in this area is high because of public esteem. The proposed dwelling house would not be visually obtrusive due to the scale and the distance from the river.
- **Detracting elements:** The proposed development does not include any detracting element.

2.5.3 Agriculture/aquaculture and fishing

The proposed development would not have any impact on fish breeding grounds.

2.6 Brooklyn Development Control Plan

The application has been assessed against the requirements of Council's Brooklyn Development Control Plan. The relevant matters are discussed below:

Brooklyn Development Control Plan			
Control	Proposal	Requirement	Compliance
Floor space ratio	0.14:1	0.4:1	Yes
Site cover	15%	40%	Yes
Setbacks			
Foreshore Building line	25m	10m	Yes
Western side	Existing retained		
Eastern Side	1m	1m	Yes
Brooklyn Road	Existing retained		
Height	2 storey	2 storeys	Yes
Cut and fill	<1m	1m	Yes
Private Open Space	26.8m ²	N/A	Yes
Landscaping	existing	45%	No
Car Parking for dwelling house	2 spaces	2 spaces	Yes

The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant performance standards.

2.6.1 Car Parking

The submitted plans indicate that the dwelling house includes two spaces within a double garage in addition to the existing forty-one marina car spaces on the site and complies with the DCP in this regard.

It is noted that DA/693/2011 has approved forty-two spaces on the site including two spaces for the residence. The current proposal would include a double garage accommodating two cars. The site would include forty-car spaces in addition to the car spaces for residential use complying with the conditions of DA/345/1999 for alterations to the marina.

A condition of consent is recommended to ensure that the construction certificate for this application must not be issued prior to the issue of an occupation certificate as required under DA/693/2011. This would ensure the availability of parking spaces on the site prior to commencement of building works under this development application. The application is assessed as satisfactory in this regard.

2.6.2 Design

The proposed dwelling house is low scale and would not impact upon the views of the neighbouring properties. The proposed colours and finishes match the character of the area.

The design of the proposed development is assessed as satisfactory.

2.6.3 Height

The proposed development retains the existing part two storey development. However, due to the extended pitch of the roof, there would be a slight increase in the overall height of the dwelling. The extended section of the dwelling house would maintain the same ceiling height on the upper floor as the existing structure.

The proposal is assessed as satisfactory with regard to height.

2.6.4 Solar Access

The dwelling house is north-south orientated. The submitted shadow diagrams indicate that the development would not adversely impact upon the private open space areas or the habitable areas of the adjoining dwelling by overshadowing.

2.6.5 Privacy

The development does not include any windows (habitable areas) that would directly front the adjoining dwelling house on Lot 5. The deck would be located to avoid overlooking onto the private open space area of the adjoining property. As such, the proposed dwelling house would be located at a lower level than the adjoining dwelling.

The proposal is assessed as satisfactory with regard to privacy.

2.6.6 Landscaping

The site includes limited landscape areas. The proposed addition to the dwelling house would be located over an existing paved area and would not further decrease the existing landscaped areas along the boundary. Therefore, the non-compliance in this regard is acceptable.

2.7 Car Parking Development Control Plan

The matter has been discussed in Section 2.6.1 of this report.

2.8 Sustainable Water Development Control Plan

The matter has been discussed in detail in section 2.5 of this report.

2.9 Waste Management and Minimisation Development Control Plan

The application includes a waste management plan in accordance with the requirements of this DCP and is assessed as satisfactory.

2.10 Section 94 Contributions

The proposal involves additions to an existing dwelling house. Section 94 contributions would not be levied in this instance.

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 proposal would necessitate the removal of two palm trees on the site which are not considered significant. The tree removal is supported.

The impact of the proposal on the water quality of Hawkesbury Rover has been discussed in detail in Section 2.5 of this report.

Given the above, it is considered that the proposal would not have any adverse impact on the natural environment of the locality.

3.2 Built Environment

The proposed development includes an extension to an existing dwelling and would be consistent with Council’s development controls with regard to height, setback and visual impact.

The development would not have any adverse impact on the built environment of the locality.

3.3 Social Impacts

The development would have a positive social impact.

3.4 Economic Impacts

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

4. SITE SUITABILITY

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

4.1 Flooding

The level of the proposed house is 2.5 metre above Australian Height Datum and is assessed as satisfactory with regard to 1 in 100 year flood level.

4.2 Bushfire Risk

The land is identified as being subject to bushfire risk. The proposed development was referred to New South Wales Rural Fire Service for comments. No objections have been raised subject to the implementation of recommended conditions regarding design and construction techniques.

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 16 December 2010 and 27 January 2010 in accordance with Council’s Notification and Exhibition Development Control Plan. During this period, Council received two submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

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

- The existing workshop on the ground level does not have prior Council approval or an Occupation Certificate.
- The materials stored in the workshop have fire threat on the adjoining property to the east.
- The workshop generates unacceptable noise from the power-tools and boat repairing is undertaken within the workshop.
- Spray painting is being carried out on the site.
- The workshop starts operating at 7:30 am in the morning and closes around 5 pm.
- The proposed garage would be utilised as a workshop in the future.
- The extension protrudes forward of the existing dwelling at No. 47 Brooklyn Road which would cause overshadowing impact and loss of views. The residents of this property would now only have the view of the adjoining carpark.
- The development application was not notified to the neighbouring properties correctly as most of the adjoining properties are owned by the owner of No. 45 Brooklyn Road.
- The whole site is devoid of landscaping.
- The existing screen planting is unacceptable as it now stands over a 8 metre high and blocks the water views of the adjoining property.
- The marina includes a trailer boat repair shop operating from a portable shed within the site. Due to such uses, the site does not include sufficient car spaces to cater for the development (only twenty-nine spaces). The unauthorised sheds occupy the car spaces available on the site.
- A previous development approval requires the removal of the old jetty, the boat berths and related piles. This has not been completed.

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

5.1.1 Use of the workshop

The use of part of the ground level of the residence as a workshop was formally approved by Council under DA/1928/2004. The approved use is a “shipwrights and marine electronics” workshop with the operating hours being 8 am to 5 pm, Monday to Friday and 8 am to 1 pm on Saturdays. At the time of assessment of the application, an operational and environmental management plan was submitted to Council and was assessed as satisfactory. Condition 13 of DA/1928/2004 stated that “Spray painting must not be undertaken at any time at the site”. A recent site inspection by Council Officers revealed that anti-fouling was not sprayed but applied by a roller. There was no evidence of any pollutants.

A condition of development consent 1928/2004 stated that “*All noise generated by the proposed development is to be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).*” The subject development application proposes a garage between the workshop and the eastern boundary of the property which would assist in the reduction of noise transmission from the workshop. The above condition is also recommended in this development consent to attenuate all noise generated from the premises.

Council’s records do not indicate that an Occupation Certificate was obtained for the workshop in accordance with DA/1928/2004. No evidence of fire up-grading works could also be found in Council’s records. However, the applicant has verbally advised that the fire-upgrading works have been completed. Notwithstanding the above, a condition of development consent is recommended requiring the applicant to comply with all conditions of DA/1928/2004 prior to the issue of the Occupation Certificate for the dwelling house.

A condition of development also requires the garage to be used for car parking purposes only.

5.1.2 Jetty

The matters in relation to the jetty, boat repairs and slipway are currently being investigated by Council’s Compliance Team and do not affect the determination of this development application.

5.1.3 View Sharing

The development’s impact on views from the residence at No. 47 Brooklyn Road has been considered with respect to the Land and Environment Court’s planning principles of view sharing that arose from the judgement of *Tenancy Consulting v Warringah Council* as well as the ‘Privacy, Views, Solar Access’ element of the Brooklyn Development Control Plan. The following is concluded:

- The dwelling house at No. 47 Brooklyn Road has a northerly aspect and the viewing deck is in this elevation. There is no impact on views to this aspect. The northerly aspect of the dwelling affords views to the river.
- The view that is affected is a side view partially from the deck. The western elevation of the dwelling house includes two windows. The ridge height of the existing dwelling (RL 11.91) is already above the top RL of the existing window (RL 11.31). So there is no additional impact on the views from this window.
- The proposed extension to the dwelling house would be located at a lower level than the ridge height of the existing dwelling at No. 47 Brooklyn Road. There would not be any further impact on the views due to height increase.
- In considering the whole of the property, the view loss associated with the proposed development on No. 45 Brooklyn Road is considered to be minor.
- The proposed extension to the dwelling house results in a reasonable development outcome and it is considered the view sharing resulting from the development is acceptable.

5.1.4 Screen planting

The applicant proposes screen planting to retain the privacy of the neighbouring property as certain sections of the landscaping along the eastern boundary would require removal due to construction works. The proposed screen planting would attain a maximum height of 6 metres which is lower than the highest section of the proposed dwelling house. The screen planting is considered satisfactory.

5.2 Public Agencies

The development application was referred to the following Agencies for comment:

5.2.1 Rural Fire Service

The matter has been discussed in section 4.1 of this report.

5.2.2 NSW Office of Water

The application was referred to NSW Office of Water for comments. However, the Office of Water advised that the works relate to a dwelling house which was located on a hardstand area (referred to as the building footprint). The construction works would not include major excavation works and would not require a Controlled Activity Approval under the Water Management Act.

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 an existing dwelling. The dwelling house is located on a site which accommodates a marina, jetty and slipway. A workshop is located on the ground floor of the existing dwelling.

The application is assessed as satisfactory with regard to Section 79(c) of the Environmental Planning and Assessment Act, Hornsby Shire Local Environmental Plan, Council’s Brooklyn and Car Parking Development Control Plans. The proposed extension would not result in loss of amenity for the neighbouring properties and would not have a detrimental impact on the natural and built environment of the locality.

Given the above, approval of the application is recommended.

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

ROD PICKLES
Manager - Assessment Team 2
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

1. Locality Plan
2. Site Plan
3. Existing Floor Plan
4. Proposed Floor Plans
5. Existing Elevations
6. Proposed Elevations
7. Sections
8. Shadow Plan
9. Approved Site Plan - DA/693/2011

File Reference: DA/1544/2010
Document Number: D01607772

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>
Contour and Detailed Survey	Urban Surveys	29/10/2010
Site and Site Analysis Plan-A02	Glendenning Group Architects Pty Ltd	3/12/2010
Erosion and Sediment Control Plan-A03	Glendenning Group Architects Pty Ltd	3/12/2010
Part Existing Site and Plans-A04	Glendenning Group Architects Pty Ltd	3/12/2010
Demolition Plan Basement-A05	Glendenning Group Architects Pty Ltd	3/12/2010
Demolition Plan Ground-A06	Glendenning Group Architects Pty Ltd	3/12/2010
Basement Plan Proposed-A07	Glendenning Group Architects Pty Ltd	3/12/2010
Ground Floor Plan-A08	Glendenning Group Architects Pty Ltd	3/12/2010
Roof Plan-A09	Glendenning Group Architects Pty Ltd	3/12/2010
Existing Elevations-A10	Glendenning Group Architects Pty Ltd	3/12/2010
Proposed Elevation N/E-A12	Glendenning Group Architects Pty Ltd	3/12/2010
Proposed Elevation S/W-A13	Glendenning Group Architects Pty Ltd	3/12/2010
Proposed Sections-A14	Glendenning Group Architects Pty Ltd	3/12/2010

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
BASIX Certificate A99690	-	3/12/2010
Waste Management Plan	Paul Ritter	3/12/2010
Schedule of Colours and Finishes	Glendenning Group Architects Pty Ltd	Received by Council on 6/12/2010
Acid Sulphate Soil Preliminary Investigation Report	Glendenning Group Architects Pty Ltd	Received by Council on 22/02/2008
Bushfire Hazard Assessment Report 80002B	Building Code and Bushfire Hazard Solutions Pty Ltd	25/11/2010
Proposed Site Plan-DA03 approved under DA/693/2011	Glendenning Group Architects Pty Ltd	March 2011

2. Removal of Existing Trees

This development consent only permits the removal of the two palm trees identified in Demolition Plan Basement-A05 prepared by Glendenning Group Architects Pty Ltd dated 3/12/2010. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

3. Amendment of Plans

The approved Site and Site Analysis Plan-A02 prepared by Glendenning Group Architects Pty Ltd dated 03/02/2010 is to be amended to incorporate the site plan details approved under DA/693/2011 and listed in Condition 1 of this development consent.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Building Code of Australia

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

5. Contract of Insurance (Residential Building Work)

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

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

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.

7. Occupation Certificate – DA/693/2011

Prior to an accredited certifier issuing any construction certificate for the development approved under DA/1544/2010, the applicant must provide evidence of an occupation certificate for the sheds approved under DA/693/2011.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

8. Erection of Construction Sign

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

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

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

9. 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.

10. Erosion and Sediment Control

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

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

REQUIREMENTS DURING CONSTRUCTION

11. Construction Work Hours

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

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

12. 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.

13. 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.

14. 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.

15. 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.

16. Waste Management

All work must be carried out in accordance with the approved waste management plan and the following requirements:

- a. Stockpiling, cutting and sanding must be performed a minimum of 10 metres from the shoreline and screened by sediment fencing.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

17. Fulfilment of BASIX Commitments

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

18. Compliance with DA/1928/2004

The dwelling house and the workshop must comply with all conditions of DA/1928/2004, unless amended by any condition of this development consent.

19. Sydney Water – s73 Certificate

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

20. Stormwater Drainage

The stormwater drainage system for the development must be connected to the existing stormwater drainage system on the site.

21. 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.

22. Smoke Alarms – Dwelling Additions

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

23. Retaining Walls

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

24. Installation of Air Conditioner

To protect the amenity of adjacent properties, the condenser unit for the 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.

25. Wastewater Connection to Sydney Water

All wastewater generated by the dwelling must be connected to Sydney Water's sewerage system.

All details of decommissioning of any existing septic tank within the site must be provided.

OPERATIONAL CONDITIONS

26. Noise – Plant and Machinery

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

CONDITIONS OF CONCURRENCE – NSW RURAL FIRE SERVICE

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

27. Design and Construction

- a. Roofing must be gutterless or the guttering and valleys screened to prevent build up of flammable material.
- b. Any material used must have a Flammability Index no greater than 5 when tested in accordance with Australian Standard AS 1530.2 – 1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials.'

- 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*.

Covenants

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

Dial Before You Dig

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

Asbestos Removal

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

**2 DEVELOPMENT APPLICATION - ERECTION OF AN AFFORDABLE RENTAL HOUSING DEVELOPMENT COMPRISING 12 UNITS
176 - 178 RAY ROAD EPPING**

Development Application No:	DA/359/2011
Description of Proposal:	Demolition of existing structures and construction of an affordable rental housing development comprising twelve units.
Property Description:	Lot 1 DP 569934 Nos. 176 - 178 Ray Road Epping
Applicant:	Mr John Forrest c/- Glendinning Minto and Associates Pty Ltd
Owner:	Mr John Forrest
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Residential A (Low Density)
Estimated Value:	\$3,000,000
Ward:	C

RECOMMENDATION

THAT Development Application No. DA/359/2011 for the demolition of existing structures and the construction of an affordable rental housing development comprising twelve units at Lot 1 DP 569934 Nos. 176 - 178 Ray Road Epping be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes the demolition of existing structures and the construction of an affordable rental housing development comprising twelve units.
 2. The application falls under the provisions of State Environmental Housing Policy (Affordable Rental Housing) 2009. The proposal satisfies the requirements of the Affordable Rental Housing SEPP.
 3. Forty-five submissions were received in respect of the original application and an additional seventeen submissions were received in respect of the amended proposal.
 4. It is recommended that the application be approved.
-

HISTORY OF THE APPLICATION

On 14 April 2011 Development Application No. DA/359/2011 was lodged for demolition of existing structures and construction of an affordable rental housing development comprising ten units. Council officers identified the need for several amendments to the design.

On 8 August 2011 the applicant submitted amended plans showing the deletion of the middle dwelling from each of the two rows of dwellings to provide four separate buildings. The applicant also modified the building designs to include elements such as pitched roofs to address the character of the area. In addition to the built form change, the applicant modified the dwelling mix to include one and two bedroom units in the two buildings fronting the street.

On 7 September 2011 the applicant submitted revised plans which provide the following modifications:

- The lengthening of one the parking bays to provide a turning area on the site.
- The provision of a privacy screen between the ground floor living room windows of units 2C and 3C.
- Additional details noted on the plans with respect to the laundry facilities for the unit Nos. 1C-4C.
- Provision of accurate depiction of the internal walls to the garage of Units 1C-4C. The applicant has indicated that the walls would need to be solid and sound proof construction.
- The provision of indicative alternative floor plan detailing how Units 1C-4C units could be reverted to single dwellings after the 10 year period.

THE SITE

The site comprises one allotment located on the northern side of Ray Road and is known as Nos. 176 and 178 Ray Road, Epping. The site is irregular in shape with a total area of 2361 sq metres. The site experiences a moderate fall from the east to the west with a 7% slope. There is a slight fall to the rear northern western corner of the site.

There is an existing two storey brick dwelling with a tile roof on the site. The existing dwelling is located centrally on the site. A freestanding carport is located adjacent to the eastern boundary and an inground pool adjacent to the northern boundary. There are a number of outbuildings located in the north eastern and north western corner of the site.

The site contains established lawns and gardens with a number of mature trees. The majority of the trees are exotic species with some local native species. A 1.8 metre high brick wall with open metal infill panels is located along the front property boundary. The existing wall is screened by vegetation.

The surrounding developments along both sides of the Ray Road include single and two storey dwelling houses with generous landscaped front setbacks. The adjoining properties consist of the following:

North (rear):

- 12 Leicester Street – Single storey dwelling house.
- 14 Leicester Street – Part one and two storey dwelling house.
- 16 Leicester Street – Part one and two storey dwelling house.
- 18 Leicester Street – Two storey dwelling house

East (Side):

- 174 Ray Road – Two storey dwelling house

West (Side):

- 180 Ray Road – Single storey dwelling house

Directly across the site, on the southern side of Ray Road, there are single and two storey dwelling houses.

PROPOSAL

The proposal seeks demolition of all existing structures on the site and the construction of an affordable rental housing development comprising twelve units. The development is comprised of the following:

- Units 1C – 4C would comprise two separate buildings fronting Ray Road and would include a total of eight units. Both buildings would be two storeys in height. Each building contains a one bedroom unit on the ground floor level and a two bedroom unit on the first floor level. Separate access is proposed to be provided to each unit. The ground floor units are provided with two courtyard areas and the first floor units all have a 10m² balcony on the northern elevation, facing the internal driveway.

The applicant has indicated that the provision of the one and two bedroom units have been achieved utilising a floor plan which, if required, could be converted to a three bedroom unit at the expiration of the 10 year affordable rental housing period. Indicative alternative floor plans have been submitted detailing how these units could be reverted to single dwellings.

- Units 5C, 6E, 7E and 8F would comprise two separate north facing buildings. Both buildings would be two storeys in height. All of these units include the primary living areas on the ground floor and the secondary living spaces on the upper floor. Pedestrian access to these units would be provided via the internal driveway and the footpath located along the western boundary.
- The details of the floor areas (GFA) are provided below:

Unit numbers	Bedrooms	Gross Floor Area
Unit 1C – Ground Floor	1	52.7m ²
Unit 1C – First Floor	2	74m ²
Unit 2C – Ground Floor	1	52.7m ²
Unit 2C – First Floor	2	74m ²
Unit 3C – Ground Floor	1	52.7m ²
Unit 3C – First Floor	2	74m ²
Unit 4C – Ground Floor	1	52.7m ²
Unit 4C – First Floor	2	74m ²
Unit 5B	4	181.7m ²
Unit 6E	3	161.1m ²
Unit 7E	3	161.1m ²
Unit 8F	4	176.8m ²
GFA		1187.5m²

- Access to all the units would be provided via a proposed driveway located adjacent to the eastern boundary fronting Ray Road.
- The proposal includes car parking comprising sixteen spaces accessed via the common driveway. Units 5B, 6E, 7E and 8F would be provided two car parking spaces. The upper level two bedroom dwellings (Units 1C-4C) would be allocated the two (tandem) spaces.
- The proposed development provides a mix of materials, including brickwork, rendered masonry with colorbond metal roof.

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 NSW State Plan

Priority of E6 of the *NSW State Plan* is ‘Housing Affordability’. A key lever of Priority E6 was the introduction of State Environmental Planning Policy (Affordable Rental Housing) 2009. Being a fairly recent planning initiative, Hornsby local government area has only started receiving development applications for this type of housing since 2010. Therefore, it

is important to carefully consider development proposals in the context of this strategic planning objective as well as more established local planning control.

1.2 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 an additional eleven dwellings and would improve housing choice and contribute towards improved housing affordability in the locality.

2. STATUTORY CONTROLS

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

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Residential A (Low Density) under Hornsby Local Environmental Plan 1994 (HSLEP). The objectives of the 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 compliance of the development with the zone objectives must be read in the context of the aims of State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP). An assessment of the application against the Policy is held at section 2.2 of this report.

The proposed development is defined as ‘*demolition*’ and ‘*multi-unit housing*’ 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 zone is 0.4:1. The proposal exceeds this requirement and relies on the provisions of Affordable Housing SEPP which permits a maximum floor space ratio of

0.75:1 and prevails over HSLEP in case of any inconsistency. The application satisfies the Affordable Housing SEPP requirement by proposing a floor space ratio of 0.54:1.

Clause 18 of the HSLEP sets out heritage conservation provisions within the Hornsby area. The property is not listed as a heritage item in Schedule D of the *Hornsby Shire Local Environmental Plan 1994* and is not within a conservation area. However, it is in the vicinity of heritage items at Nos. 166 and 184 Ray Road. The site is located at a considerable distance from both of these properties. Notwithstanding, the proposed development would not have a detrimental impact on the significance of the heritage items.

2.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been assessed against the requirements of Affordable Housing SEPP. This Policy provides State-wide planning controls for delivery of affordable rental housing through planning incentives to increase rental housing close to business centres and to expand the role of non-profit housing providers. A brief discussion of the compliance of the proposal against the various development controls and best practice standards within the Affordable Housing SEPP is provided below:

2.2.1 Clause 54A Savings and transitional provisions—2011 amendment

The subject application was lodged on 14 April 2011 under the provisions of Division 1 (Part 2) of the Affordable Housing SEPP. The Affordable Housing SEPP was subsequently amended on 20 May 2011 repealing and amending a number of provisions within the above Division. The transitional provisions in Clause 54A of the amended Affordable Housing SEPP allow the assessment of the application under the repealed provisions of the Policy subject to the application being supported by a statement which demonstrates the compatibility of the proposed development with the local character of the area. The applicant has submitted a “Character Test” statement in accordance with the above requirement.

2.2.2 Clause 10 – Land to which this Division applies

The Policy applies to the majority of Council’s residential land use zones, subject to sites being located within 800 metres walking distance of a railway station or 400 metres of a bus stop with an hourly bus service as detailed in the Policy. The proposed development is a permissible use on the land pursuant to Clause 10.

The subject site is located within 400 metres walking distance of a frequently serviced bus stop located adjacent to the intersection of Ray Road and Downing Street. This bus service provides regular services to Epping Railway Station.

The proposed development satisfies Clause 10 of the Affordable Housing SEPP.

2.2.3 Clause 11 – Development to which Division applies

Clause 11 of the Affordable Housing SEPP applies to multi-unit housing where at least 50% of the proposed dwellings would be used for affordable housing for a period of 10 years with a building height of 8.5m. The building height is measured from existing ground level to the highest point of the building. The proposed development complies with the 8.5 metres height restriction and satisfies Clause 11.

2.2.4 Clause 14 – Standards that cannot be used to refuse consent

The following table sets out the compliance of the proposal against the development standards within Clause 14 of the Affordable Housing SEPP:

SEPP - Affordable Rental Housing			
Control	Proposal	Requirement	Compliance
Site Area	2361m ²	450m ²	Yes
Floor Space Ratio	0.54:1	0.75:1	Yes
Dwelling Size (3 and 4 bed)	> 95m ²	Min 95m ²	Yes
Dwelling Size (2 bed)	> 70m ²	Min 70m ²	Yes
Dwelling Size (1 bed)	> 50m ²	Min 50m ²	Yes
Height	8.5m	8.5m	Yes
Car parking	16 spaces	6 spaces (0.5 per dwg)	Yes
Solar Access	70%	70%	Yes
Deep Soil Zone	12.3%	10%	Yes
Minimum dimension of deep soil zone	3m	3m	Yes
Landscaped Area	36.67%	30%	Yes
Total Deep Soil	18.4%	15%	Yes

The proposed development complies with the prescriptive standards within the Policy.

2.2.5 Clause 15 – Design Requirements

The Affordable Housing SEPP applies design criteria for low rise and high rise developments. For the subject site, the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is to be taken into consideration. Below is a brief discussion on compliance with design principles and best practice standards within the *Urban Design Guidelines for Infill Development*.

2.2.6.1 Responding to Context

The immediate locality is characterised mainly by single to two storey older style detached dwellings with open landscaped frontages along the street and varying housing styles. Front building setbacks are variable with an average of at least 6 metres. Dwellings contain a mix of building materials and finishes.

The proposed development provides a contemporary architectural form with pitched roofs. The development includes a mix of materials and finishes. It maintains the existing building alignment along the northern side of the street. Whilst the proposal introduces a new built form and style of housing, it would maintain the existing pattern of buildings in the streetscape. The proposed development retains the existing front fence and the existing trees located along the front property boundary.

The proposal is considered acceptable with regard to the context of Ray Road and the immediate locality.

2.2.6.2 Site Planning and Design

The proposed multi-unit dwellings are oriented north-south. The living and open space areas are primarily located on the northern elevation of the dwellings, to maximise solar access. The one bedroom units are south facing and would have limited solar access to living areas and private open spaces, however, an additional courtyard has been provided to these units on the northern elevation.

A central accessway provides shared pedestrian and vehicular access to all the units. Access to the site is provided from one vehicular access point and would be located on the eastern property boundary. There is a separate pedestrian pathway located along the western boundary of the site. The location of the driveway, pedestrian access and car parking to the site are considered satisfactory.

The proposal incorporates retention of the significant vegetation and the front fence which contributes to the neighbourhood character. The proposed development exceeds the minimum landscaping and deep soil area requirements.

The proposed development offers opportunities for housing choice and affordability to meet the broader needs of the community. A mixture of one, two, three and four bedroom dwellings are proposed.

2.2.6.3 Impacts on Streetscape

The proposed buildings have a front setback of 6.7 to 7 metres. The proposed private open space areas of the one bedroom units are provided within the front setback area. The front property boundary is enclosed with an existing 1.8 metre high masonry fence. Most of the existing trees within the immediate frontage of the site are to be retained.

The first floor component of the front buildings would present as the dominant element in the streetscape. However, the proposed landscaping would provide effective screening of the development when viewed from the street. It is considered that the proposed development provides adequate front setbacks and landscaping to minimise impact on the existing streetscape.

Passive surveillance of Ray Road would be provided by the first floor windows of the two bedroom Units 1C - 4C.

2.2.6.4 Impacts on Neighbours

The objectives of the Guidelines are to prevent impacts on the amenity and privacy of the neighbouring properties.

The proposed rear buildings are setback 5.5 to 6 metres from the rear boundary. A deep soil landscaping area is proposed along the rear of the development in compliance with the Policy. The proposed development also includes a 1.8 metre lapped and capped fence and landscaping along the boundary which would provide adequate screening of the ground floor level of Units 5B, 6E, 7E and 8F. To minimise overlooking of the adjoining rear properties from the proposed northernmost first floor elevation windows of each of the Units 5B, 6E, 7E and 8F, condition No. 2 has been recommended.

To minimise overlooking of adjoining properties, it is recommended that a condition be imposed requiring the first floor eastern elevation windows of Units 1C and 8F and the first floor western elevation windows of Unit 5B to be obscure glazing. The living room window located on the first floor western elevation of Unit 4C would not overlook the private open space or living area of the adjoining property at No. 180 Ray Road.

The upper level balconies of Units 1C - 4C have been designed to ensure an appropriate level of privacy for neighbouring properties. The proposal includes privacy screens which are to be fixed to the balconies. The privacy screens would reduce the visual amenity impacts of the adjoining properties.

The internal driveway would be screened by a 1.8 metre timber lapped and capped fence and landscaping and would therefore, not have a detrimental impact on the amenity of the neighbouring properties.

The *Urban Design Guidelines For Infill Development* include controls for the rear 25% of the site to be single storey. However, the Affordable Housing SEPP provides for a building height of not more than 8.5m which prevails to the extent of the inconsistency with the Guidelines. The proposal includes deep soil landscaping area along the rear in compliance with the Policy.

The shadow diagrams submitted demonstrate that the living rooms and private open spaces area of adjoining dwellings would continue to receive more than 3 hours of direct sunlight between 9am and 3pm in mid-winter.

The proposed development is considered acceptable in respect to provision of adequate privacy and amenity to the adjoining properties.

2.2.6.5 Internal Site Amenity

Fences and landscaping provide suitable screening for proposed private open space areas. The use of hoods for first floor windows and balcony screens minimises privacy impacts within the development. Each multi-unit dwelling is provided with the minimum 35m² for private open space and have a minimum dimension of 3 metres. The balconies for upper floor units comply with the 10m² requirement for private open space and have minimum depth of 2 metres.

Privacy of future occupants of the units would be maintained by the proposed offsetting windows. To ensure the privacy of future occupants, a privacy screen is proposed to be provided between Units 2C and 3C.

All the units have distinct entry points from the internal driveway. There is separate pathway located along the southern boundary which provides pedestrian access to the street. Casual surveillance of the access points is achieved within the development minimising opportunities for crime.

All the parking and garaging is oriented to the internal driveway. The parking spaces are to be integrated into the multi-unit dwellings located at the rear of the property. The two tandem parking spaces adjacent to the one bedroom units would be allocated to the two bedroom units above. The walls of garages within the one bedroom units would be of solid and sound proof construction.

The one bedroom units (1C to 4C) have not been allocated any car parking. The amended plans provide two additional car parking spaces on the site. However, under Clause 14 of the Policy, a consent authority must not refuse consent to development on car parking grounds when 0.5 spaces per dwelling are provided. Whilst the proposal complies with the car parking requirement of the Affordable Housing SEPP, a condition is recommended requiring both of the additional car spaces located within the internal driveway to be utilised by the one bedroom units only.

The applicant has submitted indicative floor plans detailing how the combined one and two bedroom dwellings could be reverted to single dwellings after the 10 year period. To ensure that after the 10 year affordable housing period, the one and two bedrooms are not individually strata subdivided without an allocation of parking, condition No. 3 has been recommended.

2.2.7 Car Parking

The development proposes sixteen car spaces with access being provided off Ray Road. As indicated in the table, the number of car spaces provided on site is well over the requirement of the Affordable Housing SEPP and would not have a negative impact on the on-street parking in Ray Road. The aisle widths and manoeuvring areas are also considered satisfactory.

2.2.8 Compatibility with the Local Character of the Area

In accordance with the requirements of Clause 16A and Clause 54A of the amended Affordable Housing SEPP, the applicant submitted the following Local Character Statement:

“Under the Residential A zone, a range of land uses are permissible with the consent of the Council. The predominant land use and hence character of the local area is low density detached housing comprising of both one and two storey dwelling houses erected upon allotments of varying sizes.

In this regard, it is submitted that the subdivision of the subject site into four Torrens title allotments each having a minimum area of 500m² would be permissible with the consent of the Council as would the erection of large two storey dwelling houses erected upon allotments of varying sizes.

It is considered that such an outcome would be consistent with both the existing character of the local area as well as with the desired future character envisaged by the Council through its controls.

It is therefore submitted that on this basis that the proposal which seeks to now provide four detached built forms upon the site, each of which is consistent with the height, bulk and scale of a two storey dwelling house, represents development compatible with the character of the local area.

In addition, to the above it is also submitted that the design of the development is compatible with the character of the local area for the following reasons:

- 1. The proposal seeks to retain the existing front fence and importantly the vegetation which traverses the frontage of the property.*
- 2. The proposal seeks to retain the two significant trees located in each of the rear corners of the site.*
- 3. The proposal seeks to provide for building designs which via elements such as the provision of pitched roofs are compatible with surrounding dwellings.*
- 4. The proposal is to incorporate colours and materials reflective of surrounding developments.*
- 5. The proposal provides for replenishment vegetation in order to maintain the treed character of the locality.*

For the reasons as detailed above it is my opinion that the revised proposed provides for an outcome whereby the design of the development is compatible with the character of the local area.

It is considered that the proposal would not have a detrimental impact on the streetscape of Ray Road due to reasons discussed in section 2.2.6 of this report.

2.2.9 Community Housing Provider

Clause 17 of the Affordable Housing SEPP provides restrictions on the occupation of the dwellings proposed to be used for affordable housing for a period of 10 years. All dwellings that are proposed to be used for affordable housing would be required to be managed by a registered community housing provider. Conditions are recommended to ensure the accommodation is managed for this purpose.

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

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

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

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

Clause 7 of *State Environmental Planning Policy No. 55 - Remediation of Land* 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.

Given the site has a history of residential use, it is not likely that the site has experienced any significant contamination, and further assessment under SEPP 55 is not required.

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

The application has been assessed with regard to State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The application includes a BASIX Certificate. The BASIX Certificate complies with the minimum scores for thermal comfort and energy.

Conditions have been recommended to ensure compliance with the commitments listed in the BASIX Certificate.

2.6 Waste Management and Minimisation Development Control Plan

The proposal includes a waste management plan with details of waste management during the construction phase of building works and is assessed as satisfactory.

With regard to the on-going waste management on the site, the applicant proposes that each multi-unit dwelling would have its own set of three bins and residents would be responsible for placing their bins along the kerb side for collection by the waste collection vehicles. The proposed bin storage areas are considered to be suitable. There is sufficient space on the road frontage to accommodate the bins.

2.7 Sustainable Water Development Control Plan

The proposal is required to comply with Council's 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 Plan.

2.8 Section 94 Contributions Plan

Council's Section 94 Plan applies to the development as it would result in the addition of 11 dwellings. Accordingly, the requirement for a monetary Section 94 contribution is recommended as a condition of development consent.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

3.1.1 Impact on trees

The proposed development would necessitate the removal of trees from the site. Council’s assessment of the proposal included a detailed examination of the existing trees on the site. None of the trees proposed to be removed have been identified as significant.

Therefore, the proposal is considered acceptable with regard to its impact on the trees within the site.

3.1.2 Stormwater Management

The proposed development would drain stormwater to Council’s drainage system at Ray Road via an on-site detention system. The application includes a detailed Stormwater Management Plan and design of the on-site detention system. The proposed stormwater management solution is considered satisfactory and the development would not have any adverse impact on the existing street drainage system subject to implementation of recommended conditions.

3.2 Built Environment

The details of the impact of the proposed development on the built environment of the locality with regard to streetscape presentation and overall visual impact and have been discussed in details in the previous sections of this report.

In accordance with the requirements of the ‘Roads and Traffic Authority’s ‘*Guide To Traffic Generating Developments,*’ the development would result in a net increase of five trips per hour during the peak period which is considered negligible. The minor increase in traffic flows would not have detrimental impact on the current operation of Ray Road or the surrounding road network.

3.3 Social Impacts

The proposed development would be of positive social impact in providing affordable rental accommodation particularly for large families, thus reducing social disadvantage and fostering inclusive and diverse communities. This is a key priority of the *NSW State Plan*.

3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy in conjunction with other residential development in the locality by generating an increase in demand for local services. Submissions raised concerns regarding the devaluation of properties due to this development. However, this is not a matter for consideration under the provisions of Section 79C of the Act. No evidence has been submitted that the any adverse impact on land values would occur.

4. SITE SUITABILITY

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

There is no known hazard associated with the site with respect to landslip, subsidence, bushfire or flooding that would preclude development on the site. The site is considered to be suitable for the proposed development.

5. PUBLIC PARTICIPATION

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

5.1 Community Consultation

The proposed development was originally placed on public exhibition and was notified to adjoining and nearby landowners between 19 April 2011 and 25 May 2011 in accordance with Council’s *Notification and Exhibition Development Control Plan*. The amended plans were notified from 12 August to 26 August 2011. Council received forty-five submissions in response to the original plans and seventeen further submissions made by respondents concerning the amended plans, including an objection from the Epping Civic Trust. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<ul style="list-style-type: none"> X SUBMISSIONS RECEIVED 	 PROPERTY SUBJECT OF DEVELOPMENT	
<p>27 SUBMISSIONS RECEIVED OUT OF MAP RANGE</p>			

The concerns raised in the submissions objecting to the proposed development relate to:

- Unacceptable traffic impacts on local streets.
- Unacceptable driveway access from Ray Road.
- Unacceptable overshadowing of adjoining properties.
- Unacceptable noise impact.
- Development is excessive in bulk and scale.
- Unacceptable height of the development.
- Insufficient building setbacks.
- The development does not complement or enhance the character of the area.
- The proposed development does not meet the local Character Test.
- Lack of pedestrian access and safety issues.
- Overdevelopment of the site.

- The removal of significant trees.
- Insufficient car parking.
- Inadequate vehicle turning area on the site.
- Lack of landscaping and communal open space.
- Details of Community Housing Provider not submitted.
- Waste management.
- Head light glare.
- Unacceptable lighting impacts.
- Impact on heritage listed items in the vicinity of the site.
- Air pollution.
- Loss of property value.

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

5.2 Public Agencies

The application was not required to be referred any Public Agencies for comment.

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 affordable rental housing development would be in the public interest.

CONCLUSION

Consent is sought for demolition of existing structures and construction of an affordable housing development comprising 12 dwellings.

The proposed affordable housing development complies with the development standards prescribed under the Affordable Housing SEPP in respect to floor space ratio, car parking, landscaping, deep soil zones, solar access and dwelling size. The proposal would provide a good mix of housing choice for future residents, as well as providing eight units as affordable rental housing for 10 years. Conditions are recommended to ensure the accommodation is managed for this purpose. It is considered the proposed development would not significantly detract from the residential character of the locality.

The proposed development is therefore recommended for approval subject to recommended conditions.

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. Floor Plan/Site Plan
3. Elevations
4. Floor Plans and Elevation of Units
5. Photomontage
6. Landscape Plan
7. Shadow Diagrams
8. Future Conversion Plan

File Reference: DA/359/2011
Document Number: D01746441

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:

Plan No.	Title	Revision	Drawn by	Dated
DA01	Demolition Plan	A	Jackson Architects	11.4.11
DA02	Site Plan	F	Jackson Architects	29.7.11
DA03	Ground Floor Plan	I	Jackson Architects	5.9.11
DA04	First Floor Plan	G	Jackson Architects	5.8.11
DA05	Roof Plan	G	Jackson Architects	5.8.11
DA06	Elevations	G	Jackson Architects	5.8.11
DA07	Elevations	G	Jackson Architects	5.8.11
DA08	Sections	G	Jackson Architects	5.8.11
B-01	Type B Floor Plans	C	Jackson Architects	20.7.11
B-02	Type B Elevations	C	Jackson Architects	20.7.11
B-03	Sections	B	Jackson Architects	20.7.11
C-01	Type C Floor Plans	G	Jackson Architects	5.9.11
C-02	Type C Elevations & Sections	F	Jackson Architects	10.8.11
C-03	Type C Sections	D	Jackson Architects	10.8.11
C2-01	Type C Floor Plans	H	Jackson Architects	5.9.11
C2-02	Type C Elevations & Sections	F	Jackson Architects	10.8.11
C2-03	Type C Sections	D	Jackson Architects	10.8.11
E-01	Type E Floor Plans	B	Jackson Architects	16.6.11
E-02	Type E Elevations & Sections	B	Jackson Architects	16.6.11
F-01	Type F Floor Plans	C	Jackson Architects	20.7.11
F-02	Type F Elevations	C	Jackson Architects	20.7.11
F-03	Sections	B	Jackson Architects	20.7.11

50.11/240	Landscape Plan	-	iScape Landscape Architecture	July 2011
DA09	Site Calculations	G	Jackson Architects	5.8.11
C-04	Type C and C2 Future Conversion	A	Jackson Architects	5.9.11
50.11/241	BASIX Calculations Plan		iScape Landscape Architecture	July 2011
GO110111/C1	Stormwater Management Plan – Cover Sheet and Notes	3	ACOR Appleyard Consultants Pty Ltd	09/2011
GO110111/C2	Stormwater Management Plan	3	ACOR Appleyard Consultants Pty Ltd	09/2011
GO110111/C3	Stormwater Management Details	2	ACOR Appleyard Consultants Pty Ltd	08/2011
GO110111/C4	Erosion & Sediment Control	3	ACOR Appleyard Consultants Pty Ltd	09/2011
GO110111/C5	Erosion & Sediment Control Notes	2	ACOR Appleyard Consultants Pty Ltd	08/2011
GO110111/C6	Erosion & Sediment Control Details	2	ACOR Appleyard Consultants Pty Ltd	08/2011
GO110111/C7	Plan – Ray Road External Stormwater Drainage Works	1	ACOR Appleyard Consultants Pty Ltd	09/2011

<i>Document No. and Title</i>	<i>Prepared by</i>	<i>Dated</i>
BASIX Certificate No. 369315M_02	Archidoc Pty Ltd	4 August 2011
Photomontage P01 Version 2.01	Jackson Architects	26.7.11
Photomontage P02 Version 2.01	Jackson Architects	26.7.11
Schedule of External Colours and Materials	-	28 July 2011
Arboricultural Assessment Report	Earthscape Horticultural Services	12 April 2011
Preliminary Tree Assessment Report	Earthscape Horticultural Services	January 2011
Waste Management Plan	Jackson Architects	28/03/2011

2. Amendment of Plans

The approved plans are to be amended so as to minimise overlooking of the adjoining properties. This is to be achieved by increasing the sill heights of the following windows to a minimum height of 1.5 metres above the finished floor level:

- a. The northernmost first floor windows located on the northern first floor elevation of each of the unit Nos. 5B, 6E, 7E and 8F.

Alternatively fixed privacy screens comprising horizontal louvers are to be provided either adjacent to (but not attached) to the dividing fence or are to be attached to the rear elevation of the buildings adjacent to the windows identified above. A detail of the proposed screening treatment including a long section which includes the private

open space of the adjoining properties and which demonstrates the effectiveness of the screening treatment is to be provided.

The following windows are to comprise of obscure glazing

- a. The first floor windows located on the eastern elevation of unit Nos. 1C and 8F.
- b. The first floor windows located on the western elevation of unit No. 5B.

3. Strata Subdivision

Strata subdivision of the dwellings identified as Unit Nos. 1C, 2C, 3C and 4C on the ground floor and Unit Nos. 1C, 2C, 3C and 4C on the first floor on the approved plans is not permitted.

4. Car Parking

The two car parking spaces located in the internal driveway must only be utilised by the one bedroom units (1C – 4C).

5. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered T1, T2, T2a, T5a, T6, T6a, T7 – T19, 20 – 23, 25 and 26 as identified on Plan No. Preliminary Tree Assessment Report prepared by Andrew Morton dated January 2011. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

7. Contract of Insurance (Residential Building Work)

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

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

8. 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.

9. 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.

10. 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.

11. Dilapidation Report

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

12. 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.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

13. 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.

14. 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.

15. 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*

16. 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.

17. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered T3 – T5, T24 and T27 to be retained at a 3 metre setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

REQUIREMENTS DURING CONSTRUCTION

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines –*

Assessment, Classification and Management of Liquid and Non-Liquid Wastes prior to disposal to an approved waste management facility and reported to the principal certifying authority.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

25. Fulfilment of BASIX Commitments

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

26. Boundary Fencing

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

27. Maintain Canopy Cover

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

28. 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.

29. Completion of Landscaping

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

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

30. Retaining Walls

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

31. Restriction as to User – Affordable Rental Housing

To inform current and future owners that the multi-unit development on the site is for affordable rental housing, a Restriction as to User must be created under Section 88B of the *Conveyancing Act 1919* identifying the following:

- (a) The development is for affordable rental housing pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 for a period of 10 years from the date of the issue of the Occupation Certificate.
- (b) The dwellings identified as Unit Nos. 1C, 2C, 3C and 4C on the ground floor and Unit Nos. 1C, 2C, 3C and 4C on the first floor on the approved plans must be used for the purpose of affordable housing pursuant to Clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (c) The dwellings identified as Unit Nos. 1C, 2C, 3C and 4C on the ground floor and Unit Nos. 1C, 2C, 3C and 4C on the first floor on the approved plans must be managed by a *registered community housing provider* as defined in the Housing Act 2001.

Note: The wording of the Restriction as to User must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.

32. 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.

33. Stormwater Drainage – Dwellings

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

- a. Connected to the existing Council piped drainage system in Ray Road generally in accordance with Drawing No. G0110111/C7 Issue 1 dated 09/2011 by ACOR Appleyard Consultants Pty Ltd.
- b. Be in accordance with Australian Standards AS 3500.3 and Hornsby Shire Council's Civil Works Specification.

Note: A separate Construction Certificate is required to be submitted and approval obtained prior to the commencement of these works.

34. 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. Generally in accordance with Hornsby Councils Specification for On-Site Stormwater Detention Systems and Job No. G0110111 Issue 3 dated 09/2011 by ACOR Appleyard Consultants Pty Ltd.
- b. Have a capacity of not less than 30 cubic metres, and a maximum discharge (when full) of 48 litres per second.
- c. Have a surcharge/inspection grate located directly above the outlet.
- d. 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.
- e. Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- f. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: *A separate Construction Certificate is required to be submitted and approval obtained prior to the commencement of these works.*

35. Internal Driveway/Vehicular Areas

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

- a. The driveway be a rigid pavement.
- b. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent per plan metre.
- c. The provision of a common turning area to enable vehicles to enter and leave the site in a forward direction at all times.

Note: *A separate Construction Certificate is required to be submitted and approval obtained prior to the commencement of these works.*

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

- c. 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.

37. Public Road and Drainage Works

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

- a. The extension of Council's existing piped drainage system in Ray Road generally in accordance with Drawing No. G0110111/C7 Issue 1 dated 09/2011 by ACOR Appleyard Consultants Pty Ltd. Detailed design engineering drawings for construction shall be submitted to Council for approval.
- b. All restoration works required to Council's assets shall be in accordance with Council's *Civil Works Design and Construction Specification, 2005*. All cost shall be borne by the applicant.
- c. A concrete footpath to be constructed along the full frontage of the development site within the road verge with the remaining area turfed.
- d. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Note: A separate Construction Certificate is required to be submitted and approval obtained by Council prior to the commencement of these works.

38. Damage to Council Assets

Any damage caused to Council's assets including the removal, damage, destruction, displacement or defacing of the existing survey marks as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

39. Creation of Easements

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

- a. 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.

40. s94 Infrastructure Contributions

The payment to Council of a contribution of \$138,686.35 for eleven additional dwellings towards the cost of infrastructure identified in Council’s Development Contributions Plan 2007-2011 in accordance with the following table:

*Note: * The value of contribution is current as at 13 September 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

41. Landscaping Maintenance

All of the approved landscaping for the development must be continually maintained to ensure screening for privacy and the presentation of the development.

42. Driveway Operation

The internal accessway and manoeuvring areas are to be unobstructed at all times.

- 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.

Asbestos

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.

**3 DEVELOPMENT APPLICATION - SECTION 96(2) - CONSTRUCTION OF TWO STOREY CLASSROOM BUILDING AND TWO STOREY STAFF BUILDING - CHELTENHAM GIRLS HIGH SCHOOL
161 - 175 BEECROFT ROAD, CHELTENHAM**

Development Application No:	DA/1463/2005/A
Description of Proposal:	Modification of consent to allow alteration of the bushland conservation area and to provide for relocation of classroom building.
Property Description:	Lot 1 DP 436573, Lots 1-2 DP 225189, Lots 98-110 DP 9085, Lot 2 DP 526200, Nos. 161 - 175 Beecroft Road, Cheltenham
Applicant:	Department of Education
Owner:	Department of Education
Statutory Provisions:	Hornsby Shire Local Environmental Plan 1994 Special Uses A (Community Purposes) Zone
Estimated Value:	\$250,000
Ward:	C

RECOMMENDATION

THAT Development Application No. 1463/2005/A for the construction of a two storey classroom building and two storey staff building at Nos. 161-175 Beecroft Road Cheltenham (Cheltenham Girls High School) be approved as detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes modifications to the consent to allow an alteration of the conservation area for restoration of Sydney Turpentine Ironbark Forest and to provide for the relocation of a classroom building.
2. The proposed modification is substantially the same development as approved and is considered satisfactory in providing for an endangered ecological community pursuant to the Threatened Species Conservation Act 1995.
3. Seven submissions have been received in respect of the application.
4. It is recommended that the application be approved.

HISTORY OF THE SITE

The subject development was approved by Council on 6 December 2006 following direction by the Minister for Planning. The development has commenced with the construction and occupation of the two storey classroom building. The approved development was conditional on bushland restoration of Sydney-Turpentine Ironbark Forest within a conservation area at the Beecroft Road frontage of the school site.

The implementation of the conservation area has not been successful due to the delay in implementing the Vegetation Management Plan, the unsuccessful trials for natural regeneration and the high loss of supplementary plantings due to grazing by rabbits.

In March 2009 a relocatable classroom building was placed within the conservation area by Cheltenham Girls High School, pursuant to State Environmental Planning Policy (Infrastructure) 2007 provisions which permit development without consent. The effect of that action resulted in the school not being able to satisfy the requirements of DA/1463/2005.

THE SITE

The school site has an area of 5.72 hectares bounded by Beecroft Road, The Promenade, The Crescent and the rear of residential properties fronting Murray Road and The Crescent. The school buildings and recreation activity areas mainly occupy the western half of the site with the main access off The Promenade. The Beecroft Road frontage includes entry gates and pedestrian access. The majority of the site experiences an average fall of 5% to The Promenade frontage.

The site includes remnant trees identified as Sydney-Turpentine Ironbark Forest located at the Beecroft Road frontage, the north western portion and the north eastern area of the site fronting The Crescent and The Promenade.

The surrounding developments include single and two storey dwelling houses. A child care centre with frontage to The Promenade adjoins the school site. The Chesalon Nursing Home corner Murray Road and Beecroft Road is adjacent to the school site.

The site is within the Beecroft-Cheltenham Heritage Conservation Area and is in the vicinity of numerous heritage items comprising Federation houses and gardens.

The school has approximately 1380 students and is located 500m west of Cheltenham Railway Station.

THE PROPOSAL

The proposed modification is to allow for the alteration of the conservation area for restoration of Sydney-Turpentine Ironbark Forest and to provide for the relocation of the classroom building.

The proposed modification includes a revised plan of the conservation area and a revised Vegetation Management Plan. The proposal involves the modification of conditions Nos. 38, 45, 48, 53, 54 and 56, as follows:

Condition No. 38 currently reads:

38. *Planting along the north western boundary of framework screen planting to the ongrade landscape setback zone must include:*

- *18 Melaleuca linarifolia and 16 Elaeocarpus reticulatus planted at 2 metre centres minimum pot size 25 Litre in mulched planter.*
- *Additional 20 Eucalypt, Angophora or Syncarpia species capable of reaching a minimum mature height of 15 metres minimum pot size 25 Litre planted in mulched groves within the school site. (Refer to booklet 'Indigenous Plants for the Bushland Shire' available from the Environment Division).*

Should the required planting is unable to be accommodated within the specified area, the remaining planting shall be located within the Conservation Area or other selected off set area required by Condition No. 54 of this consent. Any such planting is not to be included in the required replanting ratio of 4: 1 required by Conditions No. 54 and 55.

The applicant seeks to modify the condition by way of deleting the reference to replacement ratio of 4:1.

Condition No. 45 currently reads:

45. *A Vegetation Management Plan shall be prepared for the 'Conservation Area' (zones identified as B and C on the Remnant Tree Survey submitted to Council on 1 August 2006), by a qualified ecological consultant with experience in preparation of vegetation restoration and management plans.*

The applicant seeks to modify the condition by way of including zones for areas B, C1 and C2.

Condition No. 48 currently reads:

48. *The Vegetation Management Plan shall incorporate management actions for the conservation of the site and techniques for restoration and revegetation of the site using local indigenous Sydney Turpentine Ironbark Forest (STIF) species. It must provide a clear Schedule of Works detailing a staged program of restoration and timelines including a long term maintenance schedule of management for the 'Conservation Area'. The Schedule of Works must be for a minimum of 5 years. The Plan is to include a monitoring and reporting schedule and an annual report to be submitted to Hornsby Council's Bushland and Biodiversity Team on May 30 for a period of 5 years after the issue of this consent which demonstrates that the approved Vegetation Management Plan is being implemented in accordance with these conditions of consent. This report must include a photographic record of the areas undergoing weed control treatment and revegetation/ regeneration.*

The Vegetation Management Plan must specify:

- (a) *Seed collection and propagation from plant material taken from remnant trees prior to their removal, by a professional bushland restoration company and/or native seed nursery specialising in bushland restoration work.*
- (b) *All plant stock used in the restoration of the Conservation Area must be propagated from locally collected seed/propagules, collected within a 10 km*

range of the site and all species used must be comprised of local indigenous species present in Sydney Turpentine Ironbark Forest to ensure retention of local genetic and species diversity. The tree replacement is to be representative of the tree species removed.

- (c) *A timeframe for plant production to allow revegetation to occur in a staged manner in accordance with the plan.*
- (d) *Specify that all stages within the Vegetation Management Plan are to be undertaken by an experienced, Australian Association of Bushland Regenerators (AABR)-approved bush regeneration company; with the exception of (g)(1), (g)(2), (g)(3) and (i)(3) which are to be overseen by an experienced bush regeneration company.*
- (e) *Weed management works using bush regeneration techniques and encouragement of natural regeneration from the soil seed bank with a performance measure of the site having less than 10% of exotic species present at any time.*
- (f) *That development for the purposes of building structures, paving, excavation, drainage works, open cut trenching, changes to soil aeration or hydrological capacity, disturbance of natural site features, placement of temporary buildings, stockpiling, and clearing of indigenous vegetation (including trees, shrubs and groundcovers) is prohibited, except where the works are part of the approved Vegetation Management Plan.*
- (g) *A map of the site indicating work zones and what treatment will apply to each zone.*
- (h) *Details and timeline of Stage 1 works including:*
 - (1) *Tree protection to be installed prior to any works on site;*
 - (2) *Removal of demountables, car park, bitumen/pathway areas and other infrastructure;*
 - (3) *Ripping and appropriate treatment of soils, in the former car parking area and all other compacted areas; and*
 - (4) *Weed management using bush regeneration techniques, regeneration and rehabilitation.*
- (i) *Details and timeline of Stage 2 regeneration, rehabilitation and revegetation works including:*
 - (1) *Areas to be revegetated must be planted at a rate of 4 groundcover species per square metre, 1 shrub species per 4 square metres, and 1 canopy species per 8 square metres;*
 - (2) *Any mulch used must be weed free native mixed eucalyptus leaf mulch;*
 - (3) *Requirements that the revegetated areas be adequately protected and a maintenance program adopted for watering, weeding and replanting until*

the vegetation is established. This must not be a period less than five years;

- (4) *Areas not mulched and determined to be natural regeneration areas must be monitored and maintained with less than 10% weed infestation. If no natural regeneration occurs or the regeneration is poor after a period of 18 months following the removal of structures and ripping of the soil, the area should be revegetated with the plant densities as specified above. Less than 10% weed infestation must be maintained for at least 5 years.*

(j) *Details of Stage 3 site management in the long term including:*

- (1) *Maintenance of vegetation and weed control methods and work schedule;*
- (2) *Rubbish removal and pedestrian access restrictions etc, particularly alongside the walking track within the Conservation Area;*
- (3) *Interpretive and permanent regulatory signage*

The applicant seeks to modify the condition by way of deleting the words 'issue of this consent' and inserting the words 'commencement of restoration and management works'.

Condition No. 53 currently reads:

53. *The loss of 48 mature STIF trees must be replaced at a replanting ratio of 4:1. If the required 192 trees cannot be accommodated entirely within the Conservation Area the remainder must be planted in another selected offset area on shale substrate within the school property.*

The applicant seeks to modify the condition by way of deleting the condition and replacing it with a new condition No. 53:

- “53. The loss of 48 mature STIF trees must be replaced with 50 trees. If the required trees cannot be accommodated entirely within the Conservation Area, the remainder must be planted in another selected offset area on shale substrate within the School property”.

Condition No. 54 currently reads:

54. *The Sydney Turpentine Ironbark Forest remnant and revegetation area located in the south and south-western portion of the property known as the 'Conservation Area' shall be managed in strict accordance with the approved Vegetation Management Plan. The location and extent of the Conservation Area is to be identified as being in the south and south-western portion of the property (identified as B and C on the Remnant Tree Survey submitted to Council on 1 August 2006).*

The applicant seeks to modify the condition by way of deleting the condition and replacing it with a new condition No. 54:

- “54. The Sydney Turpentine Ironbark Forest remnant and revegetation area located in the south and south-western portion of the property (known collectively as the 'Conservation Area') shall be managed in strict accordance with the approved Vegetation Management Plan. The location and extent of the Conservation Area is to

be identified as being Conservation Area B, Conservation Area C1 and Conservation Area C2 marked in red on the plan entitled Plan of Part of Cheltenham Girls High School Showing Location and Area of Three Proposed Conservation Area NSW Dept of STA (OPW) Revision B dated 23/03/2011”.

Condition No. 56 currently reads:

56. *The direct access pathway from Beecroft Road to the school (between zones B and C on the Remnant Tree Survey submitted to Council on 1 August 2006) is to be reduced from a bitumen access road measuring over 4 metres in width to a single pedestrian pathway of these specifications:*

- *2.8 metres wide;*
- *porous paving, cement-stabilised inert gravel, or concrete; and*
- *exclusion fencing on both sides.*

The applicant seeks to modify the condition by way of deleting Condition No. 56.

The planning merits of the proposed modifications to the above conditions are addressed in detail in Section 3.1 of this report.

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 Environmental Planning and Assessment Act 1979 – Section 96(2)

Pursuant to Section 96(2) of the Act, Council may consider an application for modification of a development consent provided that, inter alia:

- “(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if any at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with the regulations, and*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”*

With respect to (a), it is considered that the proposed modification is substantially the same as the development as originally approved.

With respect to (b) the development is not integrated development and was not required to be referred to an approval body.

With respect to (c) and (d), the application was advertised and seven submissions were received (refer to discussion in Section 5 of this report).

2.2 Environmental Planning and Assessment Act 1979 – Section 89

The applicant, the Department of Education, is a Crown authority.

Pursuant to Section 89 of the Act, Council must not impose a condition on its consent to a Crown development application except with the approval of the applicant or the Minister.

Council has forwarded the draft conditions held at Schedule 1 to the applicant for its agreement. The applicant has been consulted in respect of the proposed conditions. Should Council wish to amend any conditions of consent, or refuse the development application, it would first require the concurrence of the applicant.

2.3 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned Special Uses A (Community Purposes) under *Hornsby Shire Local Environmental Plan 1994 (HSLEP)*. The objectives of the zone are:

- (a) *to provide for the cultural needs of the community.*
- (b) *to identify land for the provision of community services and facilities.*
- (c) *to ensure that community uses are compatible with the amenity of the area in which they are located.*

The proposed development is defined as an 'educational establishment' 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 site is within the Beecroft-Cheltenham Heritage Conservation Area and is in the vicinity of numerous heritage items. It is considered the proposed modification would not affect the significance of the heritage conservation area or the heritage items.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The Policy sets the regulatory framework for the implementation of public infrastructure and utility services to provide applicable State-wide uniform planning controls. The Policy was relied on by Cheltenham Girls High School for the erection of the relocatable classroom building as development permitted without consent. The placement of the building however within the conservation area is in conflict with the subject development consent. The Policy makes no provision as to the prevailing planning instrument.

The proposed revised conservation area includes a suitable area for the relocation of the classroom building, as detailed on the submitted plan. The relocation of the classroom building to this area, as advised in the applicant's Statement of Environmental Effects, is subject to the same provisions of the Policy for development permitted without consent.

The approved development subject of this proposed modification would be subject to development consent under the provisions of the Policy.

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

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

The proposed modification would not adversely impact on downstream water quality subject to the current consent conditions.

2.6 Community Uses Development Control Plan

The proposed modification has been assessed having regard to the relevant performance and prescriptive design standards within Council's *Community Uses Development Control Plan (Community Uses DCP)* which includes controls for education establishments.

The proposed modification to alter the conservation area for regeneration of Sydney-Turpentine Ironbark Forest does not reduce or diminish the quality of the useable areas of outdoor recreation space for school students. The outdoor recreation space complies with the required minimum of 20m² of recreation space per student.

The Community Uses DCP does not include any other criteria relevant to the proposed modification.

2.7 Heritage Development Control Plan

The site is within the Beecroft-Cheltenham Heritage Conservation Area and in the vicinity of numerous heritage items.

The proposed modification would not affect the heritage significance of the conservation area or the heritage items.

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 modification involves the alteration of the conservation area for restoration of Sydney-Turpentine Ironbark Forest (STIF) and the revision of the Vegetation Management Plan (VMP) for implementation of the restoration work. The proposal involves a reduction in the conservation area of approximately 1,448m² and implementation of a planting regime to form a fully structured vegetation community.

The VMP has the following aims and objectives:

1. *To conserve the remaining STIF vegetation within the dedicated Conservation Areas, and promote local biodiversity values;*
2. *To restore, and where appropriate to reconstruct, additional areas of STIF within the dedicated Conservation Areas;*
3. *To manage the bushland restoration and reconstruction process to ensure the retention of suitable habitat for those threatened and/or significant flora and fauna species present within the subject property and environs;*
4. *To maintain and improve connectivity locally and within the subject property itself, principally through the tree canopy, but also through the restoration of a native understorey in the dedicated Conservation Areas;*

5. *To enhance local landscape values (screening/aesthetics) in line with Council's Policies and relevant Development Control Plans; and*
6. *To fulfil the land manager's (DEC) legal obligations in terms of local planning controls, State and Federal environmental legislation.*

In regards to the proposed reduction in the number of trees to be planted, the VMP includes the following comment:

"It must be recognized that the presence of numerous mature canopy trees within the Conservation Areas mitigates against achieving such a high tree density. Young trees planted beneath a mature canopy will not thrive, so that only 'gate sites' can be utilised where these occur. Placement of trees at a higher density than currently occurs is likely to have an adverse impact on the mature trees already on site.

In 2010, 90 trees were planted as tubestock into Conservation Area B. Many of these have since died, either predated by rabbits or having succumbed to heavy competition by the mature trees."

Council's environmental assessment of the Vegetation Management Plan (VMP) dated September 2007 Revised May 2011 resulted in the applicant needing to undertake a number of amendments to the VMP including:

- Set performance criteria and yearly review mechanism with replacement plantings as required.
- Provide for the VMP to be extended beyond five years if required.
- Include the exact number of plants required for each conservation zone to establish a fully structured vegetation community.
- Include long term measures for rabbit control.
- Identify location of walking tracks for education and maintenance.

The applicant submitted a revised VMP dated August 2011 which addressed the requested amendments other than the location of walking tracks. In this regard the applicant submits the location of a walking track is dependant on the restoration, with only the least successful areas being considered for a walking track and teaching area at the end of five years.

The conditions as proposed by the applicant have been revised with regard to the submitted Vegetation Management Plan dated August 2011.

The revised VMP dated August 2011 and the proposed modification of conditions are considered acceptable, subject to further revision. It is recommended that the modification of Conditions Nos. 38, 45, 48, 49, 53, 54 together with additional conditions Nos. 54A, 66, 67 and 68, be supported as follows:

38. Planting along the north western boundary of framework screen planting to the ongrade landscape setback zone must include:

- 18 *Melaleuca linarifolia* and 16 *Elaeocarpus reticulatus* planted at 2 metre centres minimum pot size 25 Litre in mulched planter.
- Additional 20 *Eucalypt*, *Angophora* or *Syncarpia* species capable of reaching a minimum mature height of 15 metres minimum pot size 25 Litre planted in mulched groves within the school site. (Refer to booklet 'Indigenous Plants for the Bushland Shire' available from the Environment Division).

Any such planting is not to be included in the replanting required by Conditions No. 54 and 55.

45. A Vegetation Management Plan must be prepared for the 'Conservation Area' (zones identified in red as Conservation Area B, Conservation Area C1 and Conservation Area C2 on the plan entitled 'Plan of Part of Cheltenham Girls High School Showing Location and Area of Three Proposed Conservation Area NSW Dept of STA (OPW) Revision B' dated 23/03/2011), by a qualified ecological consultant with experience in preparation of vegetation restoration and management plans.
48. The Vegetation Management Plan shall incorporate management actions for the conservation of the site and techniques for restoration and revegetation of the site using local indigenous Sydney Turpentine Ironbark Forest (STIF) species. It must provide a clear Schedule of Works detailing a staged program of restoration and timelines including a long term maintenance schedule of management for the 'Conservation Area'. The Schedule of Works must be for a minimum of 5 years. The Plan is to include a monitoring and reporting schedule and an annual report to be submitted to Hornsby Council's Bushland and Biodiversity Team on May 30 for a period of 5 years after the commencement of restoration and management works, which demonstrates that the approved Vegetation Management Plan is being implemented in accordance with these conditions of consent. This report must include a photographic record of the areas undergoing weed control treatment and revegetation/ regeneration.

The Vegetation Management Plan must specify:

- (a) Seed collection and propagation from plant material taken from remnant trees prior to their removal, by a professional bushland restoration company and/or native seed nursery specialising in bushland restoration work.
- (b) All plant stock used in the restoration of the Conservation Area must be propagated from locally collected seed/propagules, collected within a 10 km range of the site and all species used must be comprised of local indigenous species present in Sydney Turpentine Ironbark Forest to ensure retention of local genetic and species diversity. The tree replacement is to be representative of the tree species removed.
- (c) A timeframe for plant production to allow revegetation to occur in a staged manner in accordance with the plan.

- (d) Specify that all stages within the Vegetation Management Plan are to be undertaken by an experienced, *Australian Association of Bushland Regenerators* (AABR)-approved bush regeneration company.
- (e) Weed management works using bush regeneration techniques and encouragement of natural regeneration from the soil seed bank with a performance measure of the site having less than 10% of exotic species present at any time.
- (f) That development for the purposes of building structures, paving, excavation, drainage works, open cut trenching, changes to soil aeration or hydrological capacity, disturbance of natural site features, placement of temporary buildings, stockpiling, and clearing of indigenous vegetation (including trees, shrubs and groundcovers) is prohibited, except where the works are part of the approved Vegetation Management Plan.
- (g) A map of the site indicating work zones and what treatment will apply to each zone.
- (h) Details and timeline of Stage 1 works including:
 - (1) Tree protection to be installed prior to any works on site;
 - (2) Removal of demountables, car park, bitumen/pathway areas and other infrastructure;
 - (3) Ripping and appropriate treatment of soils, in the former car parking area and all other compacted areas; and
 - (4) Weed management using bush regeneration techniques, regeneration and rehabilitation.
- (i) Details and timeline of Stage 2 regeneration, rehabilitation and revegetation works including:
 - (1) The Conservation Areas are to be revegetated at a rate of 4 groundcover species per square metre, 1 shrub species per 4 square metres, and 1 canopy species per 8 square metres;
 - (2) Any mulch used must be weed free native mixed eucalyptus leaf mulch;
 - (3) Requirements that the revegetated areas be adequately protected and a maintenance program adopted for watering, weeding and replanting until the vegetation is established. This must not be a period less than five years;
 - (4) Areas not mulched and determined to be natural regeneration areas must be monitored and maintained with less than 10% weed infestation. If no natural regeneration occurs or the regeneration is poor after a period of 18 months following the removal of structures and ripping of the soil, the area should be revegetated with the plant

densities as specified above. Less than 10% weed infestation must be maintained for at least 5 years.

- (j) Details of Stage 3 site management in the long term including:
- (1) Maintenance of vegetation and weed control methods and work schedule;
 - (2) Rubbish removal and pedestrian access restrictions etc, particularly alongside the walking track within the Conservation Area;
 - (3) Interpretive and permanent regulatory signage
49. The Applicant shall engage an experienced, Australian Association of Bushland Regenerators (AABR)-approved bush regeneration company to implement the Vegetation Management Plan. A section 132c license under the National Parks and Wildlife Act 1974 must be obtained by the applicant. The applicant's bush regeneration contractor is to present evidence a Section 91 license under the Threatened Species Conservation Act 1995 has been obtained from the Office of Environment and Heritage, prior to the commencement of work. All works undertaken by non-licensed workers/ volunteers/ students are to be undertaken under the supervision of the principal and licensed bush regeneration contractor in accordance with the approved Vegetation Management Plan.
53. The loss of 48 mature STIF trees must be replaced with 50 STIF trees planted on shale substrate within the school property to maintain ecological diversity and the tree canopy.
54. The Sydney Turpentine Ironbark Forest remnant and revegetation area located in the south and south-western portion of the property must be managed in accordance with the approved Vegetation Management Plan and the approved plan of Conservation Areas dated 23/03/2011.
- 54A. The implementation of the approved Vegetation Management Plan must be undertaken in accordance with Table 5.1 – Indicative Timetable for Monitoring and Reporting, Table 5.2 – Indicative Timetable of Works and Table 6.2 – Recommended Native Planting Densities, as specified within the approved Vegetation Management Plan.
66. The commencement date for the five year period of the approved Vegetation Management Plan is to be submitted to Council with details of the bush regeneration company contracted to carry out the work and the applicant's documentation for implementation of the Vegetation Management Plan, prior to the works commencing.
67. The monitoring and reporting schedule as required under Sections 5.8, 5.9 and 5.10 of the approved Vegetation Management Plan must identify any failures in the restoration work within the reporting period and the corresponding corrective changes necessary to be implemented in the subsequent reporting period, to compensate for any failures in the restoration work.
68. At the expiration of five years of the approved Vegetation Management Plan, the Council and the applicant are to review the Vegetation Management Plan

and determine the implementation of any measures necessary to ensure the establishment of a fully structured STIF ecological community and the objectives under Section 3.2 of the Vegetation Management Plan.

69. All works occurring on site must comply with the approved Vegetation Management Plan. The applicant's documentation for the implementation of the Vegetation Management Plan must include the following:

- scaled survey plan of the site showing the development footprint in relation to the Sydney Turpentine Ironbark Forest and remnant trees proposed for retention.
- location of protective fencing installed around designated Conservation Areas proposed for retention and to be clearly delineated from building works areas.
- location of tree protection fences for specific trees approved for retention.
- location of temporary and permanent trenches required for installation of services.
- location and specification of sediment and erosion control (in accordance with Council's Blue Book – *Sustainable Water Best Practices*).
- location of waste and building material stock piles.
- location of dedicated construction vehicle parking areas and access arrangements.
- specifications of approved cut and fill.
- location of road-base only within the approved development foot print (i.e. driveway).
- Phytophthora management protocols.
- A qualified arborist (AQF5 level) shall supervise the severance of any roots greater than 40mm.
- Description of any other environmental protocols to be undertaken

The applicant must ensure that no filling of soil and no stockpiling of building materials is to occur within 4 metres of the Conservation Areas or retained indigenous trees.

70. Rabbit proof fencing must be installed around each Conservation Area before the commencement of restoration works. The fencing must be maintained, regularly checked and remain in place in perpetuity. The effectiveness of the fencing must be monitored and noted within the monitoring and reporting requirements under Section 5.8 of the approved Vegetation Management Plan.

3.2 Built Environment

The proposed modification involves the deletion of Condition No. 56 as follows:

56. *The direct access pathway from Beecroft Road to the school (between zones B and C on the Remnant Tree Survey submitted to Council on 1 August 2006) is to be reduced from a bitumen access road measuring over 4 metres in width to a single pedestrian pathway of these specifications:*
- a. *2.8 metres wide;*
 - b. *porous paving, cement-stabilised inert gravel, or concrete; and*
 - c. *exclusion fencing on both sides.*

The existing bitumen would access road provides for emergency vehicle access to the school. The road would be relied on for access in construction of the approved two storey staff building which would form the western side of the northern quadrant of the school complex. The road also provides for access to existing utility and service infrastructure. No objection is raised to the reinstatement of the existing road in respect to the submitted revised Vegetation Management Plan. The proposed deletion of the condition No. 56 is therefore considered acceptable.

The proposed alteration of the conservation areas is to provide for the servicing of stormwater drainage pits, access to sewer inspection points and for maintenance access of school building Block C. The existing gas meters and electrical substation remain within the conservation area but can be accessed from the bitumen access road.

The existing 2.1m high front fence includes a return adjacent to the frontage of No. 159 Beecroft Road, Cheltenham leaving a triangular unfenced area of the school site of approximately 40m². The return in the fence is to provide for security of the school site and the adjoining property No. 159 Beecroft Road, with regard to the difference in fence heights. The plan of Conservation Area B will need to be revised to delete this area and a condition is recommended in this regard (refer to Condition No. 1B).

3.3 Social Impacts

The proposal would be of positive social impact in providing more effective restoration of Sydney Turpentine Ironbark Forest as an educational resource on the school site.

3.4 Economic Impacts

The proposal would have a minor positive impact on the local economy in conjunction with other 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 proposed modification does not alter the suitability of the site for the development as approved.

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 15 June and 29 June 2011 in accordance with Council’s *Notification and Exhibition Development Control Plan*. During this period, Council received seven submissions including submissions from the Cheltenham Girls High School P & C Association and the Beroft-Cheltenham Civic Trust. 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	
SIX SUBMISSIONS RECEIVED OUT OF MAP RANGE			

Seven submissions objected to the proposed modification, generally on the following grounds:

- Reduction in the conservation area;
- Reduction in the number of trees to be planted;
- School P & C not consulted;

- Loss of access to school notice board and utilities;
- Rabbit proof fencing impact on native fauna;
- Development not substantially the same.

The merits of the matters raised in community submissions have been addressed in the body of the report and the applicant's Vegetation Management Plan dated August 2011.

The concerns raised by the School P & C are considered to be a matter for the Department of Education.

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 modification would be in the public interest.

CONCLUSION

The proposed modification is to allow the alteration of the conservation area for restoration of Sydney-Turpentine Ironbark Forest and provide for the relocation of a classroom building.

The proposed modification includes a revised plan of the conservation area and a revised Vegetation Management Plan. The proposal involves the modification of conditions Nos. 38, 45, 48, 53, 54 and 56.

The applicant submitted a revised Vegetation Management Plan dated August 2011 which has addressed concerns raised in the assessment process. The revised Vegetation Management Plan addresses the planting density required for successful restoration of Sydney Turpentine Ironbark Forest within the conservation area and establishes the framework for monitoring and reporting of progress of the restoration over a five year timeframe.

The proposed modification of conditions has been reviewed with regard to the revised Vegetation Management Plan dated August 2011 and the conditions modified accordingly. The existing bitumen access road at the Beecroft Road frontage is maintained for emergency access and for access in the future construction of the approved two storey staff building.

The proposed modification would facilitate the relocation of the classroom building, pursuant to State Environmental Planning Policy (Infrastructure) 2007.

The public submissions received in response to the proposed modification highlight the public interest in the restoration of the conservation area. It is considered the revised

Vegetation Management Plan dated August 2011 provides for the successful restoration of the conservation area and addresses the concerns raised in the submissions.

It is recommended that Council approve the application.

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. Conservation Area Plan

File Reference: DA/1463/2005/A
Document Number: D01755518

SCHEDULE 1

Date of this modification:	5 October 2011
Details of this modification:	Section 96(2) - To allow the alteration of the conservation area for restoration of Sydney-Turpentine Ironbark Forest, a revised Vegetation Management Plan and provide for the relocation of the classroom building.
Conditions Added:	1A, 1B, 54A, 66, 67, 68, 69, 70
Conditions Deleted:	56
Conditions Modified:	38, 45, 48, 49, 53, 54

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.

1A. 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>
Sheet No. da 1A	NSW Department of Commence	15/11/2005
Sheet No. da 3A	NSW Department of Commerce	15/11/2005
Sheet No. da 4A	NSW Department of Commerce	15/11/2005
Sheet No. da 5A	NSW Department of Commerce	15/11/2005
Sheet No. da 11	NSW Department of Commerce	15/11/2005
Sheet 1 – Plan showing location & area of three proposed Conservation Areas.	NSW Public Works	23/03/2011

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
D01744458 – Revised Vegetation Management Plan	UBM Ecological Consultants Pty Ltd	August 2011

1B Amendment of Plans

The approved plans are to be amended as follows:

- a. The triangular area of the school site between the 2.1m high front fence return and the side boundary at the Beecroft Road frontage of the site is to be excluded from Conservation Area B plan dated 23/03/2011.

GENERAL

1. The finished surface materials, including colours and texture of any building and/or hard paved areas, shall blend with the surrounding environment and shall be non-glare.
2. The materials and colours to be used in the construction shall be the same as those samples presented to Council (as identified in the documents titled “*Cheltenham Girls High School External Finishes*” and “*Cheltenham Girls High School Exterior Colour Schedule*” produced by Archon Design) in conjunction with the development application.
3. The existing car parking spaces (provided in the temporary car parking area accessed off Beecroft Road at the frontage of the site) shall be relocated to the area “E” identified on the Remnant Tree Survey Plan (dated 1 August 2006) and accessed off The Promenade.

Environmental Health & Building

Notifying Council of Commencement of Works

4. It is a requirement of the Environmental Planning and Assessment Act, section 81A(2)(c) that you notify Hornsby Council at least two (2) days prior to the intention to commence works.

Where works are to be undertaken in a public place, such notice must be accompanied by evidence of the contractor's Public Liability and Workers' Compensation Insurances. The public risk policy shall be such an amount as determined by Council (not being less than \$10,000,000.00) and shall cover the owner and the Council against any injury, loss or damage sustained by any person, firm or company.

Building Code of Australia

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

Council Property

6. The land and adjoining areas are to be kept in a clean and tidy condition at all times. Litter and rubbish shall be placed in containers and removed from the site. A waste storage container is to be provided at the commencement of the building work.
7. The cost of repairing any damage caused to Council's assets as a result of construction works associated with the approved development is to be met in full by the applicant/developer.

Sediment & Erosion Control

8. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site. The controls are to be designed and installed in accordance with the requirements of Landcom's "Managing Urban Stormwater: Soils and Construction", Volume 1, 4th Edition, March 2004, (the Blue Book), and Hornsby Shire Council's "Sustainable Water Best Practices" manual and shall:-
 - be effectively maintained at all times during the course of works and shall not be removed until the site has been stabilised or landscaped.
 - include adequate measures to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
 - ensure disturbed areas are rehabilitated with indigenous plant species, landscaped and treated by approved methods of erosion mitigation such as, mulching, and revegetation with native grasses or other suitable stabilising processes within fifteen days of the completion of works.

Hours of Demolition Works

9. In order to maintain the amenity of adjoining properties, demolition works shall be restricted to between 7.00 am and 6.00 pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays. Plant, goods or materials shall not be delivered to the site outside the approved hours of site works unless written Council gives consent.

Demolition

10. All demolition work is to be carried out in accordance with the applicable provisions of Australian Standard 2601-2001 'The Demolition of Structures'. *Note:* Applicants are reminded that WorkCover NSW requires all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

Dust Control

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

Disconnection of Utilities

12. All utilities shall be disconnected in a satisfactory manner so as not to pose any risk or nuisance to the public.

Asbestos Removal

13. Prior to commencement of any work involving the demolition, alteration or addition to any building on the development site, a survey is to be conducted by a competent person to ascertain whether any asbestos materials exist thereon. Asbestos material means any material that contains asbestos.
14. Where asbestos material is found to exist on the development site and that asbestos material is to be removed or disturbed as a result of any proposed demolition, alteration or addition, then all work involving removal and disposal of asbestos material must be undertaken by persons who hold the appropriate licence issued by WorkCover NSW under Chapter 10 of the Occupational Health and Safety Regulation 2001.
15. The collection, storage, transportation or disposal of any type of asbestos waste is to comply with the requirements of clause 29 of the Protection of the Environment Operations (Waste) Regulation 1996.

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

Signs for Demolition Sites

16. 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 is to be erected on the site in a prominent position visible from the street. The sign is to be erected prior to any work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
17. A sign must be erected in a prominent position on the premises, on which the demolition of a building is being carried out, stating that unauthorised entry to the premises is prohibited and showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted during and outside work hours. The sign is to be removed when the demolition of the building has been completed.

Hours of Construction

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

Excavation & Backfilling

19. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
20. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, are to be constructed together with associated stormwater drainage measures prior to occupation of the development or before where site conditions require.

Protection of Public Places

21. If the erection or demolition of a building causes pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, a fence must be erected between the building premises and the public place. The fence must be at least 1.8m high of chainwire and galvanised pipe construction. Welded wire reinforcing fabric is not to be used.
22. If the erection or demolition of a building will cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe, or the erection or demolition of a building involves the enclosure of a public place, a hoarding must be erected between the building premises and the public place. The erection of any hoarding and temporary awnings requires separate approval under the Local Government Act, 1993.
23. The work site is to be kept lit between sunset and sunrise if it is likely to be a source of danger to persons using a public place or upon instruction by Council to enhance the safety and security of the area in which the work is located.
24. Any hoarding, fence or awning is to be removed when no longer required.

Fire Upgrading

25. Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation, to facilitate egress of people from the building and to prevent spread of fire to buildings nearby in the event of fire, the existing building, Block E is to be upgraded to comply with Sections C, D and E of the Building Code of Australia.

Fire Safety Schedule

26. In accordance with clause 168 of the Environmental Planning and Assessment Regulation 2000 fire safety measures shall be implemented in the new buildings.

Survey Reports

27. To ensure that the building and any associated structures are correctly positioned on the site, a report prepared by a registered surveyor at each level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.

Toilet Facilities

28. Closet accommodation is to be provided at the work site at all times at the rate of one closet for every 20 persons and be located wholly within the boundaries of the property.

Long Service Levy

29. Under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Hornsby Shire Council. Under section 109F (1) of the Environmental Planning & Assessment Act, 1979 this payment must be made prior to commencement of building works.

Access Way/Driveway

30. A separate application under the Local Government Act 1993 and Roads Act 1993 shall be submitted to Council for approval for the following:
- (a) The installation of a vehicular footway crossing servicing the development, and the removal of any redundant crossings.
 - (b) The undertaking of work within a public road (this includes Laneways, Public Pathways, Footways).
 - (c) Prior to submission of the crossing application the applicant is required to obtain the RTA's written concurrence for the works in Beecroft Rd.
31. A Traffic Control Plan (TCP), prepared by a qualified work site traffic controller, is to be prepared for any works within the public road, demonstrating compliance with the Road & Traffic Authority's Traffic Control At Worksites Manual, 1998, and detailing where required:-
- (a) Public notification of proposed works.
 - (b) Long term signage arrangement.
 - (c) Short term (during actual works) signage.
 - (d) Vehicle Movement Plans, where applicable.
 - (e) Traffic Management Plans.
 - (f) Pedestrian and cyclist access/safety.
 - (g) The proponent must provide at no cost to Council "Authorised staff only" and "No right turn" signs at the Beecroft Road driveway.
32. Redundant driveways along the Beecroft Road frontage are to be removed and the kerb and gutter is to be reinstated (Type SA) to match the existing.

Drainage

33. Stormwater drainage from the site shall be designed to satisfactorily drain rainfall intensities for an average recurrence interval of 20 years. The design shall:-
- (a) Be in accordance with Hornsby Shire Council Civil Works – Design Specification 1999.
 - (b) Provide for drainage discharge to the existing drainage system.
 - (c) Ensure that the development, either during construction or upon completion, does not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties.
34. The drainage system is to be constructed with an on-site-detention system, having a capacity of not less than 35m³ and a maximum discharge, when full, that is less than or equal to the pre development 1 in 5 year ARI storm event. Full details or the calculations used to determine storage and discharge rates are to be supplied with the construction drawings. The system shall be designed by a chartered professional civil engineer in accordance with the Hornsby Shire Council's Civil Works Specification and Australian Rainfall and Runoff and the following requirements:
- A surcharge/inspection grate is to be located directly above the outlet.
 - Stormwater discharge from the detention system is to be controlled via a one metre length of pipe not less than 50mm diameter discharging into a larger diameter pipe capable of carrying the design flow to Council's gutter/stormwater pit.
 - The on-site detention systems must be designed so they do not impact on the amenity of the development or the use of such areas. Certification is to be submitted to Council which includes work-as-executed details of the on-site-detention system prepared by a chartered professional engineer/registered surveyor verifying that the required storage and discharge volumes have been constructed in accordance with the design requirements. The details are to show the invert levels of the on system as well as the pipe sizes and grades. Any variations to approved plans must be shown in red and supported by calculations.

Works as Executed

35. A full set of works-as-executed plans prepared by an appropriately qualified professional(s) shall be submitted to Hornsby Shire Council following the completion of works and prior to occupation. The plans are to be submitted to Council for information purposes only and no approval is required.

Traffic and Road Safety

36. All vehicle access is to be from The Promenade.

Landscape Architect

Approved Landscape Plan

37. The proposed landscape works must be constructed in accordance with the requirements of Hornsby Shire Council's Landscape Code for Development Applications and Plan Drawing No. DA7 dated 11 November 2005 prepared by Department of Education and Training.

Boundary Planting

38. Planting along the north western boundary of framework screen planting to the ongrade landscape setback zone must include:
- 18 *Melaleuca linarifolia* and 16 *Elaeocarpus reticulatus* planted at 2 metre centres minimum pot size 25 Litre in mulched planter.
 - Additional 20 *Eucalypt, Angophora or Syncarpia* species capable of reaching a minimum mature height of 15 metres minimum pot size 25 Litre planted in mulched groves within the school site. (Refer to booklet 'Indigenous Plants for the Bushland Shire' available from the Environment Division).

Any such planting is not to be included in the replanting required by Conditions No. 54 and 55.

Landscape Works to all Areas

39. Excepting for the above specific requirements, planting to all areas shall include tree, shrub and groundcover planting consistent with the planting specification, submitted with the approved landscape plans.
40. All landscape works shall also meet the minimum requirements identified in the Hornsby Shire Council Landscape Code for Development Applications including the construction of mulched planter beds, planting of trees in minimum 25 litre pot sizes, shrubs in minimum 5 litre pot sizes and groundcovers in minimum 150mm pot sizes in the densities identified in the submitted planting specification.
41. The proposed landscape works shall be constructed in accordance with the approved development conditions, approved landscape plans and the requirements of Council's Landscape Code for Development Applications.
42. The completed works shall be inspected and certified by a Registered Landscape Architect or experienced Landscape Architect/Designer as being completed in accordance with the requirements of the Development Consent.
43. The landscape works shall be maintained into the future to ensure the establishment and successful development of plant material, to meet the intent of the landscape design. This shall include but not be limited to watering, weeding, replacement of plant material and promoting the growth of all plants through standard industry practices.

Access and Mobility

44. The applicant shall submit to Council certification from an accredited Access Consultant that the development complies with AS1428 Design For Access and Mobility and the Building Code of Australia requirements under the Disability Discrimination Act prior to the occupation of the building.

NB: Certification required to be submitted to Council under this condition is for information purposes only. No approval of the submitted documentation is required.

Bushland and Biodiversity

45. A Vegetation Management Plan must be prepared for the 'Conservation Area' (zones identified in red as Conservation Area B, Conservation Area C1 and Conservation Area C2 on the plan entitled Plan of Part of Cheltenham Girls High School Showing Location and Area of Three Proposed Conservation Area NSW dept of STA (OPW) Revision B dated 23/03/2011), by a qualified ecological consultant with experience in preparation of vegetation restoration and management plans.
46. The Vegetation Management Plan shall incorporate but not be limited to the following vegetation management objectives:
- (i) to maximise the opportunity for the Forest to become a functioning ecosystem;
 - (ii) to time the restoration works in a manner to promote the full restoration of Sydney Turpentine Ironbark Forest; and
 - (iii) to restore the Sydney Turpentine Ironbark Forest to a condition where ongoing maintenance is minimal.
47. The Vegetation Management Plan is to be reviewed by Council and an independent qualified ecological consultant prior to construction works commencing on the site.
48. The Vegetation Management Plan shall incorporate management actions for the conservation of the site and techniques for restoration and revegetation of the site using local indigenous Sydney Turpentine Ironbark Forest (STIF) species. It must provide a clear Schedule of Works detailing a staged program of restoration and timelines including a long term maintenance schedule of management for the 'Conservation Area'. The Schedule of Works must be for a minimum of 5 years. The Plan is to include a monitoring and reporting schedule and an annual report to be submitted to Hornsby Council's Bushland and Biodiversity Team on May 30 for a period of 5 years after the commencement of restoration and management works, which demonstrates that the approved Vegetation Management Plan is being implemented in accordance with these conditions of consent. This report must include a photographic record of the areas undergoing weed control treatment and revegetation/regeneration.

The Vegetation Management Plan must specify:

- (a) Seed collection and propagation from plant material taken from remnant trees prior to their removal, by a professional bushland restoration company and/or native seed nursery specialising in bushland restoration work.

- (b) All plant stock used in the restoration of the Conservation Area must be propagated from locally collected seed/propagules, collected within a 10 km range of the site and all species used must be comprised of local indigenous species present in Sydney Turpentine Ironbark Forest to ensure retention of local genetic and species diversity. The tree replacement is to be representative of the tree species removed.
- (c) A timeframe for plant production to allow revegetation to occur in a staged manner in accordance with the plan.
- (d) Specify that all stages within the Vegetation Management Plan are to be undertaken by an experienced, *Australian Association of Bushland Regenerators* (AABR)-approved bush regeneration company.
- (e) Weed management works using bush regeneration techniques and encouragement of natural regeneration from the soil seed bank with a performance measure of the site having less than 10% of exotic species present at any time.
- (f) That development for the purposes of building structures, paving, excavation, drainage works, open cut trenching, changes to soil aeration or hydrological capacity, disturbance of natural site features, placement of temporary buildings, stockpiling, and clearing of indigenous vegetation (including trees, shrubs and groundcovers) is prohibited, except where the works are part of the approved Vegetation Management Plan.
- (g) A map of the site indicating work zones and what treatment will apply to each zone.
- (h) Details and timeline of **Stage 1** works including:
 - (1) Tree protection to be installed prior to any works on site;
 - (2) Removal of demountables, car park, bitumen/pathway areas and other infrastructure;
 - (3) Ripping and appropriate treatment of soils, in the former car parking area and all other compacted areas; and
 - (4) Weed management using bush regeneration techniques, regeneration and rehabilitation.
- (i) Details and timeline of **Stage 2** regeneration, rehabilitation and revegetation works including:
 - (1) The Conservation Areas are to be revegetated at a rate of 4 groundcover species per square metre, 1 shrub species per 4 square metres, and 1 canopy species per 8 square metres;
 - (2) Any mulch used must be weed free native mixed eucalyptus leaf mulch;

- (3) Requirements that the revegetated areas be adequately protected and a maintenance program adopted for watering, weeding and replanting until the vegetation is established. This must not be a period less than five years;
 - (4) Areas not mulched and determined to be natural regeneration areas must be monitored and maintained with less than 10% weed infestation. If no natural regeneration occurs or the regeneration is poor after a period of 18 months following the removal of structures and ripping of the soil, the area should be revegetated with the plant densities as specified above. Less than 10% weed infestation must be maintained for at least 5 years.
- (j) Details of **Stage 3** site management in the long term including:
 - (1) Maintenance of vegetation and weed control methods and work schedule;
 - (2) Rubbish removal and pedestrian access restrictions etc, particularly alongside the walking track within the Conservation Area;
 - (3) Interpretive and permanent regulatory signage
49. The Applicant shall engage an experienced, Australian Association of Bushland Regenerators (AABR)-approved bush regeneration company to implement the Vegetation Management Plan. A section 132c license under the National Parks and Wildlife Act 1974 must be obtained by the applicant. The applicant's bush regeneration contractor is to present evidence a Section 91 license under the Threatened Species Conservation Act 1995 has been obtained from the Office of Environment and Heritage, prior to the commencement of work. All works undertaken by non-licensed workers/ volunteers/ students are to be undertaken under the supervision of the principal and licensed bush regeneration contractor in accordance with the approved Vegetation Management Plan.
50. The rehabilitation works required by the Vegetation Management Plan shall be maintained at a minimum 85% survival rate for a period of five (5) years from the date of approval.

Written confirmation of the above is to be submitted to Hornsby Council's Bushland and Biodiversity Team on May 30 for a period of 5 years after the issue of this consent.
51. Prior to commencement of any works on site the following is to be undertaken:
 - a. Seed and cutting collection and commencement of plant propagation;
 - b. Installation of tree protection measures.
52. Immediately following removal of demountables, car park, pathways and infrastructure, and prior to the commencement of bush regeneration and restoration, the following is to be undertaken:
 - (a) Installation of a protective fence (comprising wire mesh fence/post or similar) around the Conservation Area which is to be in place for a period of not less than 5 years;

- (b) Installation and maintenance of appropriate signage indicating no entry to the Conservation Area and indicating long-term bush regeneration is in progress.
53. The loss of 48 mature STIF trees must be replaced with 50 STIF trees planted on shale substrate within the school property to maintain ecological diversity and the tree canopy.
54. The Sydney Turpentine Ironbark Forest remnant and revegetation area located in the south and south-western portion of the property must be managed in accordance with the approved Vegetation Management Plan and the approved plan of Conservation Areas dated 23/03/2011.
- 54A. The implementation of the approved Vegetation Management Plan must be undertaken in accordance with Table 5.1 – Indicative Timetable for Monitoring and Reporting, Table 5.2 – Indicative Timetable of Works and Table 6.2 – Recommended Native Planting Densities, as specified within the approved Vegetation Management Plan.
55. Only one walking track, with defined edges or barriers to ensure no trampling of native vegetation, is to be constructed within the Conservation Area. This pathway should be accessed via gates within the exclusion fence. The surface treatment of the walking track shall be appropriate for a natural area (crushed sandstone or other similar surface as advised by the ecological consultant preparing the Vegetation Management Plan). The total length of the track is to be no greater than 150 metres, and no wider than 2 metres. Access is to be restricted to supervised groups of students undertaking environmental education activities within the Conservation Area. At other times the Conservation Area is to be out-of-bounds to students.
56. **Deleted**
57. The construction of the walking track or an access pathway is not to require removal or damage of any trees or their root zones.
58. Stormwater management proposed on the property must not impact on any trees or native vegetation within the Sydney Turpentine Ironbark Forest Conservation Area.
59. The area of construction is to include specific flora protection measures within the Construction Environmental Management Plan which is to be prepared by the building contractor's consultant.
60. The area of clearing and disturbance is to be minimised.
61. The 48 trees approved for removal are to be clearly identified and marked on site. Removal of any trees additional to the 48 trees is strictly forbidden without the prior written approval of Council.
62. All trees to be retained to be clearly identified on site and temporarily protected by construction of star pickets at 2.4 metre spacings and connected by four strands of 2mm wire at 300mm spacings to a minimum height of 1.5 metres placed at the extent of the tree drip line to prevent encroachment from construction activities. The barriers must be maintained in good order during the construction process.

63. Under protected trees there is to be no stockpiling, no placement of temporary structures, no movement or parking of vehicles or heavy machinery, no severing or damage to tree roots, no change to the soil grade or level, no changes to soil aeration or hydrological capacity, no open cut trenching, no drainage works, no spillage/disposal of building chemicals or waste of any description, unless work is in accordance with the approved Vegetation Management Plan.
64. Where the removal of trees with hollows, including very small hollows, is required, the tree must be removed in sections by a qualified arborist and investigated for fauna. Nesting boxes must be provided on other retained trees within the site. A total of 6 microbat nesting boxes, 3 possum nest boxes and 6 nest boxes suitable for Gang-gang Cockatoos must be erected in appropriate orientations in retained trees on site. Acknowledgement of these actions having been undertaken must be received by Council from an Arborist or environmental consultant, prior to occupation of the first building of the approved development.
65. Council request the principal of Cheltenham Girls High School to arrange a consultation meeting with the residents along the northern boundary of the project site, to discuss the implementation of the landscaping plan.
66. The commencement date for the five year period of the approved Vegetation Management Plan is to be submitted to Council with details of the bush regeneration company contracted to carry out the work and the applicant's documentation for implementation of the Vegetation Management Plan, prior to the works commencing.
67. The monitoring and reporting schedule as required under Sections 5.8, 5.9 and 5.10 of the approved Vegetation Management Plan must identify any failures in the restoration work within the reporting period and the corresponding corrective changes necessary to be implemented in the subsequent reporting period, to compensate for any failures in the restoration work.
68. At the expiration of five years of the approved Vegetation Management Plan, the Council and the applicant are to review the Vegetation Management Plan and determine the implementation of any measures necessary to ensure the establishment of a fully structured STIF ecological community and the objectives under Section 3.2 of the Vegetation Management Plan.
69. All works occurring on site must comply with the approved Vegetation Management Plan. The applicant's documentation for the implementation of the Vegetation Management Plan must include the following:
 - scaled survey plan of the site showing the development footprint in relation to the Sydney Turpentine Ironbark Forest and remnant trees proposed for retention.
 - location of protective fencing installed around designated Conservation Areas proposed for retention and to be clearly delineated from building works areas.
 - location of tree protection fences for specific trees approved for retention.
 - location of temporary and permanent trenches required for installation of services.

- location and specification of sediment and erosion control (in accordance with Council's Blue Book – *Sustainable Water Best Practices*).
- location of waste and building material stock piles.
- location of dedicated construction vehicle parking areas and access arrangements.
- specifications of approved cut and fill.
- location of road-base only within the approved development foot print (i.e. driveway).
- Phytophthora management protocols.
- A qualified arborist (AQF5 level) shall supervise the severance of any roots greater than 40mm.
- Description of any other environmental protocols to be undertaken.

The applicant must ensure that no filling of soil and no stockpiling of building materials is to occur within 4 metres of the Conservation Areas or retained indigenous trees.

70. Rabbit proof fencing must be installed around each Conservation Area before the commencement of restoration works. The fencing must be maintained, regularly checked and remain in place in perpetuity. The effectiveness of the fencing must be monitored and noted within the monitoring and reporting requirements under Section 5.8 of the approved Vegetation Management Plan.

4 AFFORDABLE HOUSING OPTIONS FOR HORNSBY SHIRE

EXECUTIVE SUMMARY

In February 2011, Council resolved that a report be presented identifying options for promoting additional affordable housing opportunities in Hornsby Shire. Affordable housing is required for people on low incomes, particularly those in essential services, to enable them to live close their place of work. The Federal and State Government have a number of programs and policies that facilitate the provision of affordable housing in Hornsby Shire.

Council currently addresses the issue of affordable housing in its planning instruments by rezoning lands for multi-unit housing to provide housing choice and requiring a mix of unit sizes. There are also a number of local planning tools that could be considered to assist in promoting affordable housing in the Shire. However, the State Government has announced that it is currently developing initiatives to provide affordable housing through its Affordable Housing Framework (ie. Affordable Housing Taskforce and new Affordable Housing Choice SEPP). To avoid unnecessary expenditure and duplication of financial and staff resources at the local government level, it would be appropriate for Council to await the outcomes of the State Government's strategic review.

It is recommended that Council write to the Minister for Planning and Infrastructure indicating its support for the progression of the Affordable Housing Framework and requesting a timeframe for its delivery. It is also recommended that Council consider permitting the land uses of "hostel" and "secondary dwelling" in various zones in the progression of Council's draft Comprehensive Local Environmental Plan.

PURPOSE

The purpose of this report is to present options for promoting affordable housing opportunities in Hornsby Shire.

BACKGROUND

Council has considered a number of development applications for affordable housing over the last twelve months. As part of its consideration of Executive Manager's Report No. PLN72/10, Council resolved inter alia that:

"A report be prepared for Council's consideration outlining options for promoting additional housing choice in Hornsby Shire, which contribute to housing affordability and satisfies community expectations."

This report addresses Council's resolution.

DISCUSSION

This report provides a context to affordable housing provision in Hornsby Shire, identifies Federal and State Government programs and policies, and identifies planning responses by councils to the provision of affordable housing.

1. Context

1.1 What is Affordable Housing?

Affordable housing refers to housing that is appropriate to the needs of occupants in terms of size, form, location and affordability. Affordability is generally measured by the ratio of rent or purchase price to household income. A general indicator is that housing should not cost more than 30% of the income of a household, leaving enough funds for other living expenses. Households who pay more than this are said to be experiencing housing stress.

Affordable housing exists in a range of housing forms and tenures, including the following:

- home purchase opportunities for people on low incomes (eg. shared equity schemes and subsidised housing);
- private sector rental housing with subsidised rental levels;
- low cost rental accommodation (eg. boarding houses); and
- social housing (eg. public housing, community housing and crisis accommodation).

1.2 Why is it important to provide Affordable Housing?

The availability of affordable housing is important to facilitate integrated and sustainable communities. In summary, without sufficient affordable housing opportunities, those who work in essential, yet lower paid positions (“key workers” such as nurses, teachers and social workers) are unable to live in local areas with more expensive housing stock. Instead, they may be forced to live some distance from their work, raising equity issues and the risk that individuals may cease to work in high cost areas that are far from home. This may have consequences to local economies and to the social diversity of areas.

1.3 Affordable Housing Market in Hornsby Shire

Housing NSW has calculated that there are 3,627 residents within Hornsby Shire receiving Commonwealth Rent Assistance, with just over 50% in housing stress. Of all low to moderate income households in the private rental market, 62% are in housing stress. Of all low to moderate income households that are purchasing housing in Hornsby Shire, 64% are in housing stress.

Housing NSW has identified that as at December 2009, the proportion of private rental dwellings in Hornsby Shire which was affordable to households on 80% of median income for metropolitan residents was 9.4%. With respect to dwelling purchase, the proportion of private purchase housing which was affordable to households on 80% of median income for metropolitan residents was 0.1%.

The Department identifies the following key issues for Hornsby Shire:

- The lack of affordable housing for rental;
- The lack of affordable housing for purchase for low to moderate income earners, causing households to be in housing stress or to locate some distance from jobs and services at personal and economic cost;
- The lack of housing diversity, as the majority of dwelling stock in Hornsby is three or more bedrooms; and
- Insufficient affordable housing opportunities for older lower income earners.

2. Federal and State Government Affordable Housing Initiatives

2.1 Federal Programs and Policies

The Federal Government has introduced a number programs and policies to respond to the challenge of providing affordable housing, including:

The National Affordable Housing Agreement - commenced on 1 January 2009 and covers all Government Housing programs from home ownership to homelessness. The Council of Australian Governments has provided \$10 billion in funding, which in part will be spent on building additional public and community housing.

The National Rental Affordability Scheme - is an initiative to stimulate the supply of up to 50,000 new affordable rental dwellings up to 2012, with possibly a further 50,000 to be made available post July 2012, subject to demand.

The Housing Affordability Fund - invested \$512 million over five years and is aimed at lowering the cost of building new homes in Greenfield areas by addressing holding and infrastructure costs.

Limited rent assistance - is provided to those on lower incomes renting in the private rental market.

2.2 State Programs and Policies

The State Government has introduced a number of programs and policies to respond to the challenge of providing affordable housing. The Programs include:

Short term rental assistance - is provided by Housing NSW to eligible households to assist them to secure accommodation in the private rental market through the payment of bond, rent in advance and rent arrears.

Social housing - is provided by various State Government agencies for those on very low incomes.

Mortgage Assistance Scheme - is provided to certain homeowners experiencing temporary difficulties in making home loan repayments.

The Centre for Affordable Housing - is a specialist unit within Housing NSW that provides advice and technical support to local councils. The Centre seeks to increase the provision of affordable housing by facilitating partnerships between State Government, local government, not for profit organisations and the private sector.

The affordable housing policies that apply in Hornsby Shire include:

SEPP No. 10 - Retention of Low Cost Rental Accommodation: The Policy acknowledges that people on low incomes in private rental accommodation often suffer displacement and that local government has a critical role to play in ensuring the provision of a variety of housing. The Policy seeks to retain low cost rental accommodation through the development approval system and applies to boarding houses and low-cost residential flat buildings. Specifically, before granting consent or concurrence to development specified by the Policy, the council and Director General of the Department of Planning and Infrastructure are required to take into account the availability of comparable accommodation.

SEPP No. 21 - Caravan Parks: The Policy acknowledges less traditional affordable housing arrangements and seeks to ensure the social and economic welfare of the community is upheld in the development or redevelopment of caravan parks. Specifically, the Policy ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years. There is one caravan park located in the Shire (i.e. Dural) which provides accommodation for both itinerant travellers and longer term residents.

SEPP (Housing for Seniors or People with a Disability) 2004: The Policy encourages the development of accommodation for our ageing population and for people who have disabilities by relaxing local residential development controls. Of note, the SEPP permits housing in Council's urban zones and land adjoining Council's urban zones. Accordingly, the Policy provides a mechanism to increase the supply and diversity of housing that meets the needs of older people.

SEPP (Affordable Rental Housing) 2009: The Policy was introduced on 31 July 2009 and permits the following affordable housing types.

- "Secondary dwellings" are permitted with consent and as complying development in residential zones. They are required to have a maximum floor space of 60m², must be attached to or within the principal dwelling and are required to be on a property greater than 450m².
- In-fill affordable housing is permitted with consent in residential zones. The housing is required to be located within 800m of a rail station and/or 400m bus station. The housing is also restricted to a maximum 0.5:1 FSR for low scale development and various FSR bonuses (based on % affordable housing) where residential flat buildings (i.e. "multi-unit housing") are permitted. Affordable housing within these developments must be managed by a registered community housing provider for at least 10 years to ensure the units are let at affordable rents to genuine low to moderate income households.
- Residential development is permitted without consent for up to 20 dwellings on a site with a building height less than 8.5m where carried out by, or on behalf of, the NSW Land and Housing Corporation.
- The development of group homes with up to 10 bedrooms by public social housing providers are permitted without consent.

- Self contained boarding houses (with floor space ratio bonuses) are also permitted with consent in all residential and appropriate business zones.

At the end of 2010 and early 2011, the Department of Planning and Infrastructure reviewed the *Affordable Housing SEPP* in consultation with key stakeholders. In March 2011, Council made a submission to the Department. In summary, the submission commented that:

- The Policy should be a stand alone policy, not dependent upon other legislation for implementation and interpretation;
- The development of “infill affordable housing” within a low density residential zone undermines the development standards for the zone;
- The Policy needs to clarify that Section 94 contributions are required for “secondary dwellings”; and
- The development of “boarding houses” in low density residential zones is inappropriate in terms of building form.

The review included the evaluation of 230 public submissions. In May 2011, the DP&I announced a two stage approach to the review of the *SEPP*. Stage 1 involved amending the *SEPP* on 20 May 2011 to:

- Prevent the building of townhouses, villas and boarding houses in low density residential areas unless the development is compatible with the character of the locality and is well served by public transport;
- Require at least 20% of the total floor space (rather than a specified number of units) of townhouses and villas as affordable rental housing for 10 years; and
- Require higher parking standards for new townhouses, villas and boarding houses.

Stage 2 involves the establishment of a Taskforce to work with councils to develop new Local Affordable Housing Choice Strategies that reflect their housing needs and development characteristics. The Taskforce will also prepare a new Affordable Housing Choice SEPP, with exemptions from the Policy being provided to councils where approved Local Affordable Housing Choice Strategies are implemented through their LEPs. To date, the DP&I has not announced the membership of the Taskforce or provided a timeline or criteria for the preparation of the Local Affordable Housing Choice Strategies.

3. Local Government Affordable Housing Initiatives

3.1 Local Government Responsibilities

Local government has responsibilities under the *Environmental Planning and Assessment (EP&A) Act, 1979* to provide affordable housing opportunities through its strategic planning and regulatory functions. The objects of the *EP&A Act* specify that local government has a responsibility for ensuring that there is an adequate supply of a range of housing to cater for the needs of all residents. Specifically, the object under Section 5(a)(viii) encourages “*the provision and maintenance of affordable housing*”.

The plan making provisions of the *EP&A Act* (i.e. Section 26d) also state that LEPs may include arrangements for “*providing, maintaining and retaining, and regulating any matter relating to, affordable housing*”. This responsibility is emphasised by Action C4 of the Metropolitan Strategy for Sydney to “*improve the affordability of*

housing". The main mechanism through which councils can address affordable housing opportunities is the preparation of housing strategies and incorporation of appropriate provisions in their planning instruments.

As a determining authority, Council also has a role to ensure that there is an adequate supply of affordable housing permitted under both its local planning instrument and the State Government housing policies identified above. Specifically, Section 79(c) of the *EP&A Act* requires determining authorities to consider the likely social impacts of a proposal when determining a development application. Such impacts could include an increase or decrease in opportunities for low cost housing.

3.2 Planning Tools for the Provision of Affordable Housing

The following discussion summarises planning tools that are, or have been, used by councils for the provision of affordable housing in their local areas.

Inclusionary Zoning: Inclusionary zoning requires particular sites within an area or zone, or particular forms of development, to allocate a proportion of that development as affordable housing. Inclusionary zoning is commonly applied to rezoning of land, in recognition that the rezoning and development approval process can contribute significantly to improving the value of land for private landowners. It is argued therefore, that it is reasonable that the community receive a social benefit in exchange for this private financial gain. This is achieved by the provision of affordable housing on site, or by way of an in lieu monetary contribution to a housing fund. Inclusionary zoning can either be voluntary (usually promoted with the use of incentives) or mandatory. Inclusionary zoning has been used in the City West at Ultimo/Pymont and Green Square in the City of Sydney.

Section 94 Contributions: Section 94(f) and 94(g) enables councils to impose conditions on a development application requiring the dedication of land (free of cost to council) or the payment of money to be used for the purpose of affordable housing to compensate for the impact of the development. Council may use this approach if *SEPP 70 - Affordable Housing (Revised Schemes)* identifies that there is a need for affordable housing in an area and the council is satisfied that the proposed development:

- (i) will or is likely to reduce the availability of affordable housing;
- (ii) creates a need for affordable housing; and
- (iii) is allowed only because of the initial zoning of the site, or the rezoning of the site.

The conditions can only be imposed when the condition complies with the *SEPP* and is authorised by provisions within a local environmental plan. Details of the contributions/dedications schemes must also be included in an adopted Section 94 Plan. The contribution is not restricted to the \$20,000 cap established for "local infrastructure contributions" under Section 94 of the *EP&A Act* but must be reasonable in regard to the extent of the affordable housing in the area, the scale of development and any other Section 94 contributions required by the applicant. Waverley, North Sydney and Randwick Councils use Section 94 provisions to levy for affordable housing.

SEPP 70 - Affordable Housing (Revised Schemes) does not apply to Hornsby Shire. Accordingly, there is currently no opportunity to impose conditions requiring the dedication of land or the payment of money to be used for the purpose of affordable housing.

Density Bonuses and Development Concessions: In areas where the opportunity for rezoning may be limited or where it is proven that the financial viability of including affordable housing in private residential developments may need some incentives, density bonuses or development concessions may be provided.

A density bonus is where additional floor space is permitted as part of a development on designated sites in exchange for a public benefit such as affordable housing. Density bonuses are usually included in a LEP. A development concession is where development standards are modified to reduce the cost of the development such as a reduction in car parking or private open space provision. Development concessions are usually included in a DCP. Waverley Council incorporated density bonus provisions in its LEP to promote provision of affordable housing.

Voluntary Planning Agreements: Voluntary planning agreements (VPAs) between a council and a developer are a non-mandatory alternative to Section 94 developer contributions and are founded under the *EP&A Act*. VPAs secure a negotiated planning outcome and may allow development concessions/incentives in exchange for the provision of contributions to finance or produce affordable housing stock or other public benefit such as services/facilities by the developer. VPAs are legal contracts attached to the land rather than the owner of the land. Accordingly, they apply in perpetuity. The City of Canada Bay Council has established a policy framework for the use of planning agreements to achieve the provision of affordable housing.

As indicated above, as part of the State Government's review of the *Affordable Rental Housing SEPP*, a Taskforce is being established to work with councils to develop affordable housing strategies and to prepare a new Affordable Housing Choice SEPP. Furthermore, in accordance with the NSW Government's requirements, all NSW councils are preparing a new Comprehensive LEP based on the *Standard Instrument* format. Due to the limited number of CLEPs finalised and the constant revision of the *Standard Instrument* by the DP&I, it is uncertain as to whether the Department will continue to allow the use of the planning tools discussed above. Accordingly, should Council support investigating any of the above planning tools, the first step should be to consult the Department to determine its position on including same in Council's new CLEP.

3.2 Council's Current Approach to the Provision of Affordable Housing

Council's current approach to the provision of affordable housing in Hornsby Shire is discussed below in terms of the Housing Strategy and Council's Comprehensive LEP.

Housing Strategy: The preparation of Council's recently gazetted Housing Strategy included a review of housing stress, existing dwelling stock, and observed and emerging housing consumption and demographic trends in Hornsby Shire to determine appropriate housing forms to provide housing choice and therefore more affordable housing. The Housing Strategy delivered the rezoning of 21 precincts with an anticipated yield of 2,693 dwellings in the form of townhouses and 5 to 10 storey residential flat and mixed use buildings. In the preparation of the Housing Strategy, Council considered the option of reduced minimum allotment sizes for subdivision in residential areas. This option was not favoured due to the uncertainty as to where development may occur. However, the introduction of smaller allotment sizes remains an alternate planning mechanism to facilitate the provision of more affordable housing.

As part of the preparation of the Strategy, Council also wrote to the DP&I seeking direction concerning how affordable housing issues should be addressed in light of the action outlined in the *draft North Subregional Strategy* that the State Government will develop initiatives to provide affordable housing through its Affordable Housing Framework. Council advised that the options that could be investigated to address the issue included a number of the options outlined above along with continuation of the provision of housing mix and choice. Council also requested a timeframe for the preparation of the Affordable Housing Framework to avoid unnecessary expenditure and duplication of financial and staff resources at the local government level.

The Department confirmed that Council's response to provide a diverse mix of housing options is sound as were investigation of the other options for addressing affordable housing issues. However, the Department did not confirm a timeframe for the preparation of the Affordable Housing Framework. Accordingly, in the absence of direction through the State Government's Affordable Housing Framework, the recently gazetted Housing Strategy relies on the rezoning of precincts to enable the development of multi-unit dwellings of various sizes and types in locations which currently lack this form of housing, promoting choice and affordability. Furthermore, the Housing Strategy DCP requires that developments should include a mix of 1, 2 and 3 bedroom units. At least 10% of each unit type should be provided.

Comprehensive Local Environmental Plan: Council is currently preparing a new Comprehensive LEP based on the NSW Government's *Standard Instrument*. The preparation of the LEP has principally been a process of transferring the *Hornsby Shire Local Environment Plan 1994 (HSLEP)*, into the new LEP format. Notwithstanding, the preparation of the new CLEP provides the opportunity for Council to introduce previously undefined housing types as permitted land uses should Council see merit in same.

The *Standard Instrument* contains various affordable housing types in its dictionary previously undefined under the *HSLEP*, including "hostels" which are defined as:

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) *residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and*
- (b) *cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.*

and a "secondary dwelling" which are defined as:

secondary dwelling means a self contained dwelling that:

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land as the principal dwelling, and*
- (c) *is located within, or is attached to, or is separate from, the principal dwelling.*

Secondary dwellings are also limited in size by Clause 5.4(9) of Council's draft CLEP to 60m² or 10% of the total floor area of the principal dwelling, which ever is greater.

The land uses were not introduced as permitted land uses under the draft CLEP as it is outside Council's mandate for a translation. However, "secondary dwellings" are permitted in the residential zones with consent or as complying development where they meet the predetermined development standards under the *Affordable Housing SEPP*. Accordingly, Council could consider permitting the land uses in one or a number of zones under the draft CLEP.

In summary, in the absence of strategic direction at the State level, Council currently addresses the issue of affordable housing in its planning instruments by rezoning lands for multi-unit housing to provide housing choice and requiring a mix of unit sizes. The State Government has announced it will work with councils to develop an Affordable Housing Framework. Council should await the outcomes of the State Government's strategic review to avoid unnecessary expenditure and duplication of financial and staff resources at the local government level. However, it would be appropriate for Council to write to the Department indicating its support for the progression of the Affordable Housing Framework and reiterating Council's request for a timeframe for the delivery of the Framework.

CONSULTATION

Preparation of this report has involved consultation with the *Centre for Affordable Housing*, the specialist unit within Housing NSW that seeks to increase the provision of affordable housing.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes. As this report only provides Council with information and does not propose any actions which require a sustainability assessment, no Triple Bottom Line considerations apply.

CONCLUSION

This report provides an overview of affordable housing provision in Hornsby Shire and notes that there are a number of Federal and State Government programs and policies that facilitate the provision of affordable housing. There are also a number of local planning tools that could be considered to assist promote the provision of affordable housing.

However, the State Government is currently developing initiatives to provide affordable housing through its Affordable Housing Framework (ie. Affordable Housing Taskforce and new Affordable Housing Choice SEPP). Therefore, it would be appropriate await direction through the State Government's Affordable Housing Framework to avoid expenditure and duplication of financial and staff resources at the local government level.

It is recommended that Council write to the Minister for Planning and Infrastructure indicating its support for the progression of the Affordable Housing Framework and requesting a timeframe for its delivery. Council should also consider permitting the land uses of "hostel" and "secondary dwelling" in appropriate zones in the progression of Council's draft Comprehensive Local Environmental Plan.

RECOMMENDATION

THAT:

1. Council write to the Minister for Planning and Infrastructure indicating its support for the progression of the Affordable Housing Framework and requesting a timeframe for its delivery.
2. Council consider permitting the land uses of “*hostel*” and “*secondary dwelling*” as defined in the *Standard Instrument* in appropriate zones in the progression of Council’s draft Comprehensive Local Environmental Plan.

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Attachments:

There are no attachments for this report.

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