



# **DETERMINATION BUSINESS PAPER**

## **LOCAL PLANNING PANEL MEETING**

**Wednesday 30 July 2025  
at 2:30 PM**



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### ITEMS

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**1 DA/607/2025 - DEMOLITION OF A HERITAGE ITEM (COTTAGE) AND OUTBUILDING - 1523 OLD NORTHERN ROAD, GLENORIE**

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<b>DA No:</b>	DA/607/2025 (PAN-539018 Lodged on 29 May 2025)
<b>Description:</b>	Demolition of a heritage listed cottage and outbuilding
<b>Property:</b>	Lot 2 DP 570784, No. 1523 Old Northern Road, Glenorie
<b>Applicant:</b>	Farah Georges
<b>Owner:</b>	Mrs Paulene Takchi & Mr Peter Anthony Takchi
<b>Estimated Value:</b>	\$18,000
<b>Ward:</b>	A Ward
<b>Submissions:</b>	Nil
<b>LPP Criteria:</b>	Demolition of heritage item
<b>Author:</b>	Charley Wells, A/Senior Town Planner
<b>COI Declaration:</b>	No Council staff involved in the assessment of this application have declared a Conflict of Interest.

**RECOMMENDATION Consent**

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/607/2025 for the demolition of a heritage listed cottage and outbuilding at Lot 2 DP 570784, No. 1523 Old Northern Road, Glenorie subject to the conditions of consent in Schedule 1 of LPP Report No. LPP18/25.

## EXECUTIVE SUMMARY

- The application involves the demolition of a heritage listed cottage and outbuilding.
- The proposal generally complies with the requirements of the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.
- Nil submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as demolition of a heritage item is listed as sensitive development.
- It is recommended that the application be approved.

## BACKGROUND

On 5 February 2024, Council provided pre-lodgement advice for retention of the heritage item and construction of a dwelling house under PL/84/2023.

## SITE

The 3380m<sup>2</sup> site is located on the north-eastern side of Old Northern Road, Glenorie and contains a single storey heritage listed dwelling and an outbuilding.

The site is identified as bushfire prone, and a watercourse is located at the rear of the site.

The site experiences 2m of fall towards the north-western side boundary.

The dwelling is listed as heritage item No. 455 ('The Manor') listed under Schedule 5 of the Hornsby Local Environmental Plan 2013 (HLEP). The site is not within a Heritage Conservation Area.

The site is located within the vicinity of the following heritage items:

- Item No. 454 (Hazlehurst) - No.1509-1517 Old Northern Road, Glenorie.
- Item No. 453 (Former Church) - No.1477 Old Northern Road, Glenorie.
- Item No.452 (House) - No.1475 Old Northern Road, Glenorie.

The site does not contain any easements or restrictions.

The site is not serviced by Sydney Water sewer infrastructure.

## PROPOSAL

The application proposes demolition of the heritage listed cottage No.455 ('The Manor') and the separate outbuilding.

No trees would be removed or impacted by the development.

## ASSESSMENT

The development application has been assessed having regard to the Greater Sydney Region Plan - A Metropolis of Three Cities, the North District Plan and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

### 1. STRATEGIC CONTEXT

## 1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The North District Plan includes priorities and actions for Northern District over the next 20 years.

The identified challenge for Hornsby Shire will be to provide 5,500 new completed homes by 2029 with further strategic supply targets to be identified to deliver 97,000 additional dwellings in the North District by 2036.

### Planning Priority N6 - Creating and renewing great places and local centres, and respecting the Districts heritage

In giving effect to A Metropolis of Three Cities, this Planning Priority delivers on the following objective and the corresponding strategies:

- Objective 13 - Environmental heritage is identified, conserved and enhanced.

The proposed demolition of the heritage listed cottage has been thoroughly considered and identified within this report. Despite the objective identifying that heritage should be conserved and enhanced, based off the evidence and assessment detailed in Sections 2.1.2 and 2.5.1 of this report, it is considered that demolition is the only remaining option for the heritage item and is acceptable under the circumstances.

## 2. STATUTORY CONTROLS

Section 4.15(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 Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP).

#### 2.1.1 Zoning of Land and Permissibility

The subject land is zoned RU4 Primary Production Small Lots under the HLEP. The objectives of the RU4 zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

- *To encourage land uses that support primary industry and align with the rural character of the area, including agritourism and tourist and visitor accommodation.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

The proposed development is defined as demolition and is permissible in the RU4 zone with Council's consent.

### 2.1.2 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. The dwelling is listed as heritage item No.455 ('The Manor') under Schedule 5 of the HLEP.

The item is listed as a circa 1870 slab cottage. The significance of the item was identified in Heritage Review 4 (2008) being *"a rare example of a small-scale Victorian period slab cottage in prominent location. It is relatively intact in good condition with original windows [and replaced sashes], roof and features showing evidence of later additions in form of an integrated fibro skillion."*

The site is located within the vicinity of the following heritage items:

- Item No. 454 (Hazlehurst) - No.1509-1517 Old Northern Road, Glenorie. This item is a c1880 Victorian Italianate building *"important as a well-maintained farm homestead. Important as part of Old Northern Road's development for orcharding and farming."* This item is not highly visible from the road or the subject site.
- Item No. 453 (Former Church) - No.1477 Old Northern Road, Glenorie. This item is significant as a *"good example of a weatherboard and asbestos cement Federation Gothic Style church,"* built circa 1910.
- Item No.452 (House) - No.1475 Old Northern Road, Glenorie. This item is a circa 1900 Federation bungalow, significant as being a *"Good example of a Federation weatherboard farmhouse of local significance."* Items in the vicinity are not visible from the subject site.

Under Clause 5.10(4) of the HLEP, the consent authority must consider the effect of the proposed development on the heritage significance of the item before granting consent.

The application is accompanied by a Demolition Heritage Report prepared by NWT Heritage Consulting Pty Ltd dated 23 April 2025. The Demolition Heritage Report is supported by a Structural Engineering Inspection Report prepared by Mance Arraj Engineering.

The report reviews the significance of the place in accordance with the NSW Heritage criteria and concludes:

*"The subject building includes little remaining heritage fabric and what remains is not intact, in poor to very poor condition and is of little architectural merit. The building has been open and exposed to natural elements for an extended period of time resulting in dilapidation that is so significant that the subject building is non-functional, in critical condition, unsafe to approach or enter and at risk of potential collapse.*

*Regardless, the re-assessment of the significance in Section 4 of this report found that the subject building still met one (1) of the significance criterion for local listing, being Criterion g) Representativeness. The subject building does hold some significance to the local area not as an individual structure, but as being part of a wider group of timber slab huts in the local area.*

*In light of the above, the findings of this report and the current reality of the subject building, partial restoration of the building would not be a viable option as the structure is in critical condition.”*

The heritage report identifies three options for consideration, which are assessed in the table below.

Option	Applicant's Heritage Report	Council's Heritage Consideration
1	<i>“Securing and enclosing the building with no additional actions. Leaving the building in its current state and attempting to enclose it to avoid further dilapidation does not rectify the sever and pressing structural and aesthetic issues of the building and would only slow, not resolve dilapidation over time and eventual collapse. NWT does not recommend this option.”</i>	Agree.
2	<i>“The full restoration of the building. This pathway has been explored as the only viable way to rectify all identified; structural issues related to the subject building. This pathway would however require the total or near total removal and replacement of existing building fabric, both original and more recent. This would constitute significantly and permanently impacting the subject building as the majority of the elements that make up its structure would no longer be original. The building would in turn no longer qualify as being representative of its type in all but form. This is not enough to qualify it as meeting the only heritage criterion that it currently meets (Criterion g) Representativeness). Although not a heritage related argument, the likely significant financial cost of this pathway may be considered a deterrent to current or future owners of the subject property to follow this pathway, leaving the building to dilapidate further (regardless of any protective measures), highly likely leading to structural collapse and eventual demolition.”</i>	Agree.  It is understood that substantial reconstruction, rather than restoration or repair would be required due to near or complete removal of the limited remaining original fabric due to its dilapidated state.  In this circumstance, such reconstruction would substantially diminish the remaining heritage value of the building. The re-assessment of significance, past modifications and current state demonstrates the loss of heritage value as an item and although regrettable is acknowledged.
3	<i>“Demolition of the building. Although this option is not ideal from a heritage perspective, the subject building has been demonstrated to be in such a poor condition</i>	Agree.  It is agreed that demolition is not the preferred option of Council. However, given the severe state of dilapidation and

	<p><i>that it is beyond rectification and cannot be restored without the actions and implications described in Option 2. Note that the subject building's overall significance to the local area has been assessed as inherently low, related only to its association to other historic, timber slab huts, rather than its individual significance derived from its history, architectural merit etc."</i> "NWT concludes that Option 3 is a viable pathway, contingent on the following mitigation measures that aim to ensure the subject building's heritage values are documented and integrated into any future development of the subject property."</p>	<p>reconstruction works required, resulting in a re-building would be a facsimile of the original. This would in addition to the current loss of intactness and integrity, further compromise heritage values to such an extent that heritage listing would no longer be warranted. Consequently, there is no heritage basis to object to the proposal.</p> <p>An archival photographic recording should be required if consent is granted. This enables a historic record of the cottage. Other measures recommended may occur by the owner, but interpretation on private property and salvaging of the limited remaining fabric would have negligible heritage value. The interpretation on private land would not be accessible to the public for interpretation.</p>
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No concerns are raised to removal of the outbuilding at the rear of the cottage which is not heritage listed.

In summary, based off the evidence and assessment detailed above, it is considered that demolition is the only remaining option for this heritage item and is acceptable under the circumstances.

## **2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The application has been assessed against the requirements of Chapter 2 and 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

### **2.2.1 Chapter 6 Water Catchments**

The site is located within the catchment of the Hawkesbury-Nepean River. The aim of this chapter is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of development are considered in the regional context. This chapter contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

The plan addresses matters related to biodiversity, ecology and environment protection; public access to, and use of, foreshores and waterways; interrelationship of waterway and foreshore uses; foreshore and waterways scenic quality; maintenance, protection and enhancement of views and boat storage facilities.

Subject to the implementation of sediment and erosion control measures to protect water quality, the proposal would not impact on the water quality of the catchment and would comply with the requirements of chapter 6 of the Biodiversity and Conservation SEPP.

## **2.3 State Environmental Planning Policy (Resilience and Hazards) 2021**



The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

### **2.3.1 Chapter 4 Remediation of Land**

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

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.

Notwithstanding the above, the supporting documentation submitted with the development application confirmed the presence of asbestos or asbestos containing materials within the existing cottage.

Conditions have been recommended in Schedule 1 of this report with respect to waste management during demolition works; and appropriate methods and clearance certificate requirements with regards to asbestos to ensure it is disposed from the site safely.

### **2.4 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans**

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

### **2.5 Hornsby Development Control Plan 2024**

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2024 (HDCP). There are no prescriptive requirements of the Plan relevant to the proposed demolition.

A brief discussion on compliance with relevant performance requirements is provided below and Part 1.3 General Controls are addressed in Section 3 of the report.

#### **2.5.1 Heritage**

Part 9.4 of the HDCP contains desired outcomes and prescriptive measure to allow sympathetic development to heritage items whilst retaining their significance and setting. Prescriptive measures regarding demolition include that *"Heritage items should not be demolished. Costs associated with renovating or poor condition are not sufficient justification for demolition of an item."*

The applicant's heritage report details the history, condition and significance of the listed slab cottage and includes a structural engineers report. The cottage is currently secured from access by a high

metal security fence, due to its extremely dilapidated and partially collapsed state. The report provides well documented evidence of the current condition of the cottage. The rear skillion section is partially collapsed with missing roof sections, missing walls and flooring impacted by weather and animals. The original small rectangular slab cottage is also missing sections of the ceiling and walls, with evidence of termite damage in some of the walls. Most areas of the cottage have been modified or fabric replaced in addition to the deteriorated or lost fabric. A further discussion regarding demolition of the item has been provided in Section 2.1.2 of this report.

Part 9.13 of the HDCP includes measures to maintain and respect the setting and significance of heritage items in the vicinity of the site.

No adverse heritage impacts on items in the vicinity are considered to occur as:

- Removal of the slab cottage would not impact the rural/ agricultural setting or significance of heritage items in the vicinity.
- No new work is proposed that would impact the significance of the heritage items in the vicinity.
- The items in the vicinity are not in the visual catchment of the subject site, being physically and visually removed.

Council's heritage assessment acknowledges that the building is severely dilapidated, and not just in poor condition. The cottage is demonstrated to be structurally unsound and in a partially demolished state, with little remaining original fabric. In addition, past modifications and weather exposure have removed intactness and integrity of the item.

The heritage report is considered to demonstrate that the heritage values are no longer the same as originally identified. In addition, substantial demolition and rebuild required for structural and living standards to be met would result in a 'facsimile' of the original building which in turn would have little to negligible heritage values for continued listing. In this circumstance, there are no heritage objections to the proposal, subject to an archival photographic recording of the item prior to demolition. This has been recommended as a condition of consent in Schedule 1.

### **3. ENVIRONMENTAL IMPACTS**

Section 4.15(1)(b) of the Act requires Council to consider *"the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality"*.

#### **3.1 Natural Environment**

##### **3.1.1 Tree and Vegetation Preservation**

The proposed development does not require the removal of any trees and would not impact any trees.

##### **3.1.2 Stormwater Management**

Given this proposal is for the demolition of a dwelling house only, no stormwater drainage details are proposed or required for assessment under this application.

##### **3.1.3 Bushfire**

The desired outcomes of Part 1C.3.1 Bushfire of the HDCP are to encourage “*development that is located and designed to minimise the risk to life and property from bushfires*” and “*development that balances the conservation of native vegetation and bushfire protection*”.

The subject site is mapped as being bushfire prone.

The proposed development, being demolition of an existing dwelling house and outbuilding would not involve any building works and has no impacts on bushfire risk at this time.

The proposal meets the desired outcomes of Part 1C.3.1 Bushfires under the HDCP and is considered acceptable.

### **3.2 Built Environment**

#### **3.2.1 Built Form**

The existing dwelling house and outbuilding would be demolished, and the site would remain vacant until such time that the owner decides to re-develop.

### **3.3 Social Impacts**

The demolition of a heritage item would have minimal social impacts to the locality.

### **3.4 Economic Impacts**

The demolition of a heritage item would not have any economic impact to the locality.

## **4. SITE SUITABILITY**

Section 4.15(1)(c) of the Act requires Council to consider “*the suitability of the site for the development*”.

The site is identified as bushfire prone land. Section 4.14 of the EP&A Act 1979 states the following:

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—*
  - (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
  - (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The application proposes demolition of an existing dwelling therefore a bushfire risk assessment has not been provided with the application.

As the application does not propose any construction, as the consent authority, Council is satisfied that the proposed development satisfies the aim and objectives of Planning for Bushfire Protection

2019 and conforms to the relevant specifications and requirements to protect persons, property and the environment from danger that may arise from a bushfire. Accordingly, the application was therefore not referred to the NSW Rural Fire Service and under Section 4.14(1)(b) of this Clause a Bush Fire Certificate is not required.

5. PUBLIC PARTICIPATION


Section 4.15(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 4 June 2025 and 18 June 2025 accordance with the Hornsby Community Engagement Plan. During this period, Council received nil submissions. The map below illustrates the location of those nearby landowners who were notified of the application.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “the public interest”.

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

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

## CONCLUSION

The application proposes demolition of a heritage listed cottage and outbuilding.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Having regard to the circumstances of the case, approval of the application is recommended.

The reasons for this decision are:




- Demolition of the heritage item is justified given the current state of disrepair of the dwelling house and substantial restoration work and reconstruction would compromise the heritage significance of the item.

*Note: At the time of the completion of this planning report, no persons have made a Political Donations Disclosure Statement pursuant to Section 10.4 of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.*

CASSANDRA WILLIAMS  
Major Development Manager - Development  
Assessments  
Planning and Compliance Division

ROD PICKLES  
Manager - Development Assessments  
Planning and Compliance Division

### Attachments:

1.  Demolition Plan
2.  Heritage Impact Assessment
3.  Structural Engineer Report

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File Reference: DA/607/2025

Document Number: D09148013

**ITEM 1**

## SCHEDULE 1

# GENERAL CONDITIONS

**ITEM 1**

Condition
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### 1. Approved Plans and Supporting Documentation

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

#### Approved Plan

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA:101 Issue A	Demolition Plan	Design Cubicle Pty Ltd	8 May 2025	

#### Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	Design Cubicle Pty Ltd	8 May 2025	D09135870

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.*

### 2. Heritage Condition - Photographic Archive

1. A detailed photographic archival record of the property including the existing dwelling, and setting is to be undertaken by a suitably qualified heritage professional prior to any demolition works commencing. The photographic record should be undertaken in accordance with the NSW Environment and Heritage Department of Climate Change, Energy, the Environment and Water 'Guidelines for preparing archival recordings of heritage items as a condition of consent' and submitted electronically to Council ([devmail@hornsby.nsw.gov.au](mailto:devmail@hornsby.nsw.gov.au) marked to the attention of Heritage Planner, Strategic Land Use Planning Team). A copy of the record once received will be provided to the Local Studies section of Hornsby Library.
2. Satisfaction of this condition shall be confirmed by written advice by Council's heritage planner prior to the commencement of demolition works.

*Reason: To ensure there is a historical record of buildings to be altered or demolished.*

# DEMOLITION WORK

## BEFORE DEMOLITION WORK COMMENCES

# ITEM 1

Condition
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### 3. Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

1. Name.
2. Address.
3. Contact telephone number.
4. Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor.
5. The contact telephone number of council.
6. The contact telephone number of SafeWork NSW (4921 2900).

*Note: The written notice to Council can be sent to [devmail@hornsby.nsw.gov.au](mailto:devmail@hornsby.nsw.gov.au).*

*Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.*

### 4. Erosion and Sediment Control Measures

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

1. The publication Managing Urban Stormwater: Soils and Construction 2004 (4th edition) - 'The Blue Book'.
2. *Protection of the Environment Operations Act 1997.*
3. The approved plans.

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

*Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.*

*Reason: To minimise impacts on the water quality of the downstream environment.*

### 5. Toilet Facilities



1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed 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.
2. Each toilet must:
  - a) Be a standard flushing toilet connected to a public sewer.
  - b) Be a temporary chemical closet approved under the *Local Government Act 1993*.
  - c) Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

*Reason: To ensure adequate toilet facilities are provided.*

## **6. Protection of Adjoining Areas**

1. 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.
  - d) Have been identified as requiring a temporary hoarding, fence, or awning within the Council approved Construction Management Plan (CMP).

2. Council's separate written approval is required prior to the erection of any temporary hoarding, fence or awning on or over public land. The erection of a hoarding must be applied for via Council's Online Services Portal together with details showing the location and type of hoarding.

*Note: The Hoarding/ Temporary Fencing application must be lodged via Council's Online Services Portal at:*

<https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: My Applications > New Applications > Under 'Application Types': Hoarding/ Temporary Fencing Applications.

3. Where any part of the road or footpath is required to be occupied or closed during any stage of works, including demolition, excavation, construction or remediation, a temporary full / partial road or footpath closure permit must be approved by Council. The permit must be applied for via Council's Online Services Portal.

*Note: A Temporary Road/ Footpath Closure application must be lodged via Council's Online Services Portal at:*

<https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Under 'Roads, Traffic and Parking': Temporary Full/ Partial Road Closure.

*Reason: To ensure public safety and protection of adjoining land.*

## DURING DEMOLITION WORK

Condition
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**ITEM 1**

### 7. Hours of Work

1. All work on site (including remediation, demolition, construction, earth works and removal of vegetation), must only occur between 7am and 5pm Monday to Saturday.
2. No work is to be undertaken on Sundays or public holidays.

*Reason: To protect the amenity of neighbouring properties.*

### 8. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 Demolition of structures and the following requirements:

1. Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
2. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the Work Health and Safety Regulation 2017 and be appropriately transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; and
3. On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

*Reason: To ensure the appropriate removal and disposal of demolition materials.*

### 9. Handling of Asbestos

While demolition or remediation work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling, and disposal of any asbestos material.
2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste.
3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

*Reason: To ensure that the removal of asbestos is undertaken safely and professionally.*

### 10. Environmental Management (Air Pollution)

The Applicant must take all reasonable steps to minimise dust generated during all works (including remediation, demolition, earthworks and construction) authorised by this consent. During works, the Applicant must ensure that:

1. Exposed surfaces and stockpiles are suppressed by regular watering.
2. All trucks entering or leaving the site with loads have their loads covered.
3. Trucks associated with the development do not track dirt onto the public road network.
4. Public roads used by these trucks are kept clean.
5. Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

*Reason: To minimise impacts to the natural environment and public health.*

#### **11. Building Materials and Site Waste**

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, wastewater or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent of any tree to be retained.

*Reason: To protect trees during construction.*

#### **12. Council Property**

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition, excavation and construction works:

1. No building materials, skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the development shall be stored or placed on Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the *Roads Act 1993*.
2. All work, loading and unloading associated with the development are to occur entirely within the property boundaries, unless otherwise approved by Council under section 138 of the *Roads Act 1993*.

*Reason: To protect public land.*

#### **13. Damage to Council Assets**

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

*Reason: To ensure public infrastructure and property is maintained.*

#### **14. Asbestos Clearance Certificate**

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Principal Certifier prior

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to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

*Reason: To ensure the appropriate removal and disposal of contaminated materials and the site is suitable for its approved use.*

**- END OF CONDITIONS -**

**ITEM 1**

## **2 REPORTING DEVELOPMENT APPLICATIONS FOR DETERMINATION BY THE HORNSBY LOCAL PLANNING PANEL OVER 180 DAYS**

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### **EXECUTIVE SUMMARY**

- In accordance with the Local Planning Panels Directions - Operational Procedures, Council is required to monitor development applications to be determined by the Panel that may be experiencing unreasonable delays of over 180 days from lodgement.
- A list of out outstanding development applications in excess of 180 calendar days from lodgement is attached for the Hornsby Local Planning Panel's advice.

### **RECOMMENDATION**

THAT the contents of LPP Report No. LPP14/25 be received and noted.

## PURPOSE

The purpose of this report is to advise the Hornsby Local Planning Panel of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

## DISCUSSION

In 2019 the NSW Productivity Commission conducted a review of the Independent Planning Commission (IPC). The review recommended several actions to streamline processes to optimise efficiency, output and performance.

The planning panel changes were implemented on 1 August 2020 to incorporate a number of the NSW Productivity Commission 's recommendations to the way Local Planning Panels work to make them more efficient and to improve the assessment and determination times of development applications and maintain panel oversight of sensitive and contentious applications.

These changes were made as part of the Planning Acceleration Program to support the State's immediate and long-term economic recovery from the COVID-19 crisis.

The changes will speed up panel determinations by:

1. Reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings.
2. Reducing the amount of modifications going to panels.
3. Obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes.
4. Allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement.
5. Introducing panel performance measures.

The Local Planning Panels Directions - Operational Procedures has been amended to:

- Require panels to make determinations within two weeks of being provided an assessment report.
- Require panels to hold a public meeting only where the Development Application has attracted 10 or more unique submissions by way of objection.
- Allow, at the Chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material.
- Oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage.
- Require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination.
- Give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.

In accordance with Point 6 of the Local Planning Panels Directions - Operational Procedures, attached is a list of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

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**CONCLUSION**

Council is required to monitor development applications to be determined by the Panel that are over 180 calendar days from lodgement. This report provides advice to the Local Planning Panel on DAs that are experiencing unreasonable delays of over 180 days from lodgement.

**RESPONSIBLE OFFICER**

The officer responsible for the preparation of this report is the Major Development Manager, Cassandra Williams.

JAMES FARRINGTON  
Director - Planning and Compliance  
Planning and Compliance Division

**Attachments:**

1. DAs over 180 days - July 2025



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