



BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Thursday 26 February 2026
at 4:00 PM**



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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

ACKNOWLEDGEMENT OF COUNTRY

Statement by the Chairperson:

"Council recognises the Traditional Owners of the lands of Hornsby Shire, the Darug and Guringai peoples, and pays respect to their Ancestors and Elders past and present and to their Heritage. We acknowledge and uphold their intrinsic connections and continuing relationships to Country."

AUDIO RECORDING OF LOCAL PLANNING PANEL 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 of the non-confidential parts of the meeting 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. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so."

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"In accordance with Section 10.4 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 Local Planning Panel meeting held on 25 February, 2026 be confirmed; a copy having been distributed to all Councillors.

GENERAL BUSINESS

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

LOCAL PLANNING PANEL

Page Number 1

**Item 1 LPP4/26 DA/800/2025 - ALTERATIONS AND ADDITIONS TO A DWELLING - 136
RIVERVIEW AVENUE, DANGAR ISLAND**

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/800/2025 for alterations and additions to a dwelling including a swimming pool, cabana and inclinator at Lot 233 DP 11921, No. 136 Riverview Avenue, Dangar Island as a deferred commencement pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent in Schedule 1 of LPP Report No. LPP4/26.

SUPPLEMENTARY AGENDA

1 DA/800/2025 - ALTERATIONS AND ADDITIONS TO A DWELLING - 136 RIVERVIEW AVENUE, DANGAR ISLAND

DA No: DA/800/2025 (PAN-553120 - Lodged on 16 July 2025)

Description: Alterations and additions to a dwelling including a swimming pool, cabana and inclinator

Property: Lot 233 DP 11921, No. 136 Riverview Avenue, Dangar Island

Applicant: Ms Jane Maxine Cotes

Owner: Ms Jane Maxine Cotes and Ms Constantine Laptev

Estimated Value: \$1,709,400.00

Ward: A Ward

Clause 4.6 Request: N/A

Submissions: 20

LPP Criteria: 10 or more unique submissions were received by way of objection

Author: Sophie Valentine, Town Planner

COI Declaration: No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION

THAT the Hornsby Local Planning Panel, exercising the functions of Council as the consent authority, approve Development Application No. DA/800/2025 for alterations and additions to a dwelling including a swimming pool, cabana and inclinator at Lot 233 DP 11921, No. 136 Riverview Avenue, Dangar Island as a deferred commencement pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent in Schedule 1 of LPP Report No. LPP4/26.

EXECUTIVE SUMMARY

- The application proposes alterations and additions to a dwelling including a swimming pool, cabana and inclinator.
- A total of 20 submissions have been received in respect of the application.
- The application is required to be determined by the Hornsby Council Local Planning Panel as 10 or more unique submissions were received by way of objection.
- It is recommended that the application be approved by deferred commencement.

APPLICATION HISTORY

On 16 July 2025, the subject application was lodged to Council.

On 5 September 2025, additional information regarding the following matters was requested:

- Floor Space Ratio (FSR)
- Tree impacts
- Privacy
- Setbacks
- Bushfire
- Earthworks
- Waste management details
- Assessment against the Coastal Management chapter in State Environmental Planning Policy (Resilience and Hazards) 2021
- Aboriginal heritage due diligence assessment
- Address insufficient architectural detail, including submission of a demolition plan, inclinator section plan and swimming pool section plan.

On 10th October and 13th October 2025, the applicant submitted the requested information and amended plans in response to outstanding matters raised by Council.

On 11 November 2025, Council requested additional information which was subsequently received on 17 October and 6 January 2026.

SITE

The 765.1m² (by title) waterfront site is located on the eastern side of Riverview Avenue and slopes steeply down towards the Hawkesbury River to the east. The site is directly adjacent to Kiparra Park comprising dense bushland owned by Council to the west and is generally surrounded by low density waterfront residential development to the north and south.

Dangar Island is located within the lower reach of the Hawkesbury River and is approximately 1km north-east of Brooklyn and is directly south of the Wondabyne region in the Central Coast (see Image 1 below courtesy of NSW Fisheries).

The site is zoned C4 Environmental Living. All works proposed under the subject application are located wholly within the lot boundaries of the subject site.



Image 1: Dangar Island Locality

Available historic imagery indicates that the subject site and surrounding properties have been occupied since at least 1961.

The site contains native vegetation, rock outcrops and a dwelling with boat shed and jetty on the waterfront. The site is accessed from Riverview Avenue and contains steps across the site to the existing dwelling and jetty.

The site experiences a 22m fall from the western boundary fronting Riverview Avenue towards the eastern foreshore boundary.

The site is mapped as bushfire and flood prone land and is mapped as containing Class 1 and 5 Acid Sulfate Soils (ASS).

The site does not contain a heritage listed item nor is in a heritage conservation area (HCA). The site is however adjacent Landscape Heritage Item No. 333 and 334, namely "Roadworks" and "Kiparra Park Bushland", respectively, at Riverview Avenue identified under Schedule 5 of the Hornsby Local Environmental Plan 2013 (HLEP).

Whilst the site is not mapped as containing critically endangered ecological communities, supporting documentation indicates the site supports growth of Blackbutt which is protected under the Hornsby Development Control Plan 2024. The site is directly adjacent remnant Blackbutt-Rough barked Apple Forest which is a regionally significant community.

The site is serviced by the reticulated sewer system of Sydney Water.

PROPOSAL

The application proposes alterations and additions to a dwelling house and ancillary landscaping works as follows:

- External and internal demolition of walls, windows and roofing of the dwelling and demolition of a landing, southern stairs.

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- Re-instatement of and dwelling additions comprising an open kitchen-dining-living area, laundry, entry on the ground floor and new upper addition comprising three bedrooms, a bathroom and ensuite.
- External works comprise of an inclinator, partially in-ground swimming pool, cabana, stairways, retaining walls and associated earthworks.

Ten trees are proposed to be removed to facilitate development.

The proposal seeks to retain the existing dwelling building envelope, wall structures and flooring, and upgrade the dwelling.

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.

The proposed development would be consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities and the North District Plan, by contributing to achieving the dwelling targets for the region.

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 C4 Environmental Living under the HLEP. The objectives of the C4 zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To permit development that is compatible with the character, infrastructure capacity and access limitations of the area.*

Submissions received raised concerns regarding compatibility of the development with zoning objectives.

The proposed development is defined as dwelling house and is permissible in the C4 zone with Council's consent. On balance, the proposal would meet the objectives of the C4 zone by providing low-impact residential development.

The alterations to the dwelling house would be a low-impact development that would not have an adverse effect on the area's ecological, scientific or aesthetic values. The development is compatible with the limited access and infrastructure of the area.

The application is recommended to be supported on merit, with detailed assessment of compliance against relevant planning controls detailed in the body of the report.

2.1.2 Clause 4.3 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map.

One public submission was received regarding the proposed building height.

The maximum permissible height for the subject site is 10.5m. The proposal has a maximum height of 8.9m and complies with this development standard.

2.1.3 Clause 4.4 Floor Space Ratio (FSR)

Clause 4.4 of the HLEP permits development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

A submission was received regarding the proposed FSR.

The HLEP Floor space ratio map provides that a building on any land is not to exceed the prescribed floor space ratio.

The site is subject to a FSR of 0.3:1, equating to a maximum of area of 229.5m². Whilst original architectural plans resulted in an exceedance in this respect and raised concerns of bulk and scale, the amended design has a floor area of 229.5m² which equates to a FSR of 0.297:1 and complies with the maximum FSR development standard as indicated in the provided FSR calculation plan.

2.1.4 Clause 5.10 Heritage Conservation

Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. Whilst the site does not include a heritage item and is not located in a heritage conservation area, the site is located adjacent Landscape Heritage Item No. 333 and 334, namely "Roadworks" and "Kiparra Park Bushland", respectively, as identified under Schedule 5 of the HLEP. Further, two recorded Aboriginal heritage listed items are in the vicinity and sited 50m-200m from the development site.

The application was referred to Councils heritage planner and no objections were raised on heritage grounds, noting the proposal is generally consistent with the objectives of Chapter 9 Heritage of the Hornsby Development Control Plan (HDCP).

Council's assessment of heritage against the HDCP is detailed in Section 2.6.9 of this report.

2.1.5 Clause 5.23 Public Bushland

The objective of Clause 5.23 of the HLEP is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas.

The site is directly adjacent Kiparra Park Bushland located to the west of the subject site.

In consideration of Clause 5.23(3) which requires assessment of public bushland disturbance, the development does not seek to disturb public bushland, and this provision therefore does not apply. Notwithstanding, biodiversity and tree preservation impacts to the subject site are assessed under Council's HDCP controls detailed in Sections 3.1.1 and 3.1.2 of this report.

In consideration of Clause 5.23(7) which requires consideration of adjoining public bushland and associated impacts, Council is satisfied that the adjacent public bushland would not be adversely impacted by the proposed development given the development area is largely confined to disturbed residential lands. The adjacent public bushland would be elevated approximately 10m from the proposed works within the site, has sufficient lateral separation and would not be subject to run-off impacts given the downwards waterfront slope.

Minimal vegetation disturbance is proposed in order to comply with Planning for Bushfire 2019 (PBP) asset protection zone requirements whilst maximising preservation of remnant bushland. Accordingly, Council is satisfied that the proposal satisfies the requirements of Clause 5.23(3) and (7)(a-c).

2.1.6 Clause 6.1 Acid Sulfate Soils

The objective of Clause 6.1 of the HLEP is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

As the site is mapped as containing Class 1 and 5 Acid Sulfate Soils (ASS) under the HLEP, assessment of Clause 6.1 (ASS) of the HLEP is required and consent to be granted for the carrying out of works in accordance with Clause 6.1(2).

The application included the submission of an Acid Sulphate Soil Management Report (ASSMP), prepared by Fortify Geotech, dated 10 July 2025 that provides an assessment of the proposal and recommends appropriate construction methodology and management of ASS.

This ASSMP meets the required provisions of Clause 6.1(3) as Council is satisfied that an ASSMP for proposed works are provided in accordance with the Acid Sulfate Soils Manual as indicated on page 1 of the report. Notwithstanding, a condition requiring approval of an ASSMP prior to issue of the construction certificate to provide detailed recommendations ensuring environmental impacts would be appropriately mitigated during all stages of works.

The application was referred to Councils Environmental Protection Team who raised no objection to the proposed ASSMP for the purpose of development assessment, subject to conditions.

Accordingly, Council is satisfied that the proposal meets all relevant provisions of Clause 6.1 Acid Sulfate Soils, subject to conditions.

2.1.7 Clause 6.2 Earthworks

The objective of Clause 6.2 Earthworks of the HLEP is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The application proposes excavation associated with the dwelling addition at the western façade, as well as associated retaining walls and the swimming pool.

Submissions were received regarding earthworks, including hazard risks and associated likelihood and consequences.

Clause 6.2 of the HLEP states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

Councils' consideration of Clause 6.2(3) of the HLEP is provided below:

(a) *The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.*

Comment: The application is supported by a Geotechnical Report Ref: JS/S1772 Rev1 prepared by Fortify Geotech dated 9 October 2025, and Stormwater Management Plan Revision C prepared by GNG Design Pty Ltd dated 18 December 2025.

Subject to conditions, the proposed earthworks are unlikely to result in unacceptable impact to the drainage patterns or soil stability in the locality. It is considered that this would allow stormwater drainage at an acceptable grade to dispose of water to the river via a rainwater tank and existing energy dissipator.

Conditions are in Schedule 1 requiring construction in accordance with the recommendations of the Geotechnical Report and Stormwater Management Plan. The Geotechnical Report notes that permanent groundwater is expected to be below all proposed excavation.

(b) *The effect of the development on the likely future use or redevelopment of the land.*

Comment: The earthworks would not likely restrict future use or redevelopment of the land. The works would be to accommodate the residential use of the site, which is unchanged from the existing use.

(c) *The quality of the fill or the soil to be excavated, or both.*

Comment: Conditions are recommended that all excavated material removed from the site must be classified by a suitably qualified person and disposed of at an approved waste management facility and that a construction management plan be provided prior to the issue of a construction certificate. No consent is granted for fill to be imported to the site.

(d) *The effect of the development on the existing and likely amenity of adjoining properties.*

Comment: The level of earthworks is unlikely to have an unreasonable effect on the existing and likely amenity of adjoining properties given it would largely be constrained to the existing building envelope and immediate surrounds. Earthworks would be sufficiently separated from adjoining properties and trees, including greater separation from the downhill property.

(e) *The source of any fill material and the destination of any excavated material.*

Comment: Conditions are recommended that all excavated material removed from the site must be classified by a suitably qualified person and disposed of at an approved waste management facility. No consent is granted for fill to be imported to the site as this is not necessitated by the proposal.

(f) *The likelihood of disturbing relics.*

Comment: Council records, as well as the provided Aboriginal Due Diligence Report does not indicate that any relics are likely to occur on site.

(g) *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.*

Comment: The site is directly adjacent the Hawkesbury River to the east. The site slopes steeply towards the Hawkesbury River where stormwater would be disposed of via gravity and be dispersed by an energy dissipator to reduce scouring impacts to the natural environment.

(h) *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: Conditions are recommended requiring sediment and erosion controls be in place prior to the commencement of any works and are to be managed appropriately on an ongoing basis during development works. This would form part of the construction management plan requiring Council approval prior to issue of the construction certificate.

In summary, the proposal subject to conditions is regarded to be acceptable in consideration of Clause 6.2 of the HLEP.

Further assessment of earthworks against the HDCP controls is provided in Section 3.1.5 of this report.

2.1.8 Clause 6.4 Terrestrial Biodiversity

The objectives of Clause 6.4 Terrestrial Biodiversity of the HLEP are to protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats.

Submissions were received regarding biodiversity impacts.

Given subsection (2) of this clause states that this '*applies to land identified as “biodiversity” on the Terrestrial Biodiversity Map*' and the site is not mapped as terrestrial biodiversity under the HLEP, this section does not apply.

Notwithstanding, the site is assessed under Council's HDCP biodiversity controls and is detailed in Section 3.1.2 of this report.

2.1.9 Clause 6.5 Limited Development on Foreshore Area

The objective of Clause 6.5 of the HLEP is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area, where the '*foreshore area*' means the land between the foreshore building line and the mean high water mark of the nearest bay or river.

Councils' consideration of Clause 6.5(2) and (3) of the HLEP is provided below:

(2) *Development consent must not be granted to development on land in the foreshore area except for the following purposes—*

- (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
- (b) *the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*

(c) *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

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Comment:

With respect to 6.5(2) (a-c inclusive), the proposal would relate to the extension, alteration and rebuilding of the existing dwelling house and would be appropriate to maintain built form within areas of previous disturbance to reduce adverse environmental impacts. A new stairway is proposed in the foreshore area to provide waterfront access which is permitted with consent.

(3) *Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—*

(a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*

Comment: The development would contribute to achieving objectives for the C4 Environmental Living zone.

(b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

Comment: The materials are generally recessive and of natural type that appropriately blends with the surrounding natural environment and built form. Numerous dwelling houses of similar appearance when viewed from the water as provided in supporting documentation. Appearance from the property to the south known as No. 134 Riverview Avenue would be compatible given the elevation difference. The floor level and private open space of this property has an RL of 21.13m, whereas the upper dwelling roof of No. 136 Riverview would be 13.64m RL and the cabana roof would be 17.24m RL.

(c) *the development will not cause environmental harm such as—*

(i) *pollution or siltation of the waterway, or*

(ii) *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*

(iii) *an adverse effect on drainage patterns, and*

Comment: The proposed alterations and additions to the dwelling house are largely contained within the existing building envelope. Council is satisfied that subject to conditions, including environmental protection measures, that the development would not cause environmental harm as identified in 6.5(c)(i-iii inclusive)

(d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

Comment: As works relate to alterations and additions to an existing low-density dwelling house, the proposal would not result in additional congestion. Notwithstanding, construction details including management during construction would be detailed in a Construction Management Plan to be submitted for approval prior to issue of a construction certificate to ensure access and usage is appropriately arranged and to not generate conflict between people using open space areas or the waterway.

(e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

Public access along the foreshore and waterway would be unchanged by the proposed development. No works are proposed in this area with the exception of the accessway stairs to the south and rainwater tank and dwelling house works within the existing building envelope.

(f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

The application is supplemented by an Aboriginal Heritage Due Diligence Report which advises that it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity. Surrounding areas of significance would not be adversely impacted by the proposal and would be protected during works by environmental protection measures. If unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and Heritage NSW notified.

(g) *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.*

Comment: The alteration/rebuilding proposed within the foreshore area would not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

Accordingly, Council has assessed Clause 6.5 of the HLEP and is satisfied that the proposal meets all provisions in Clause 6.5(2-3 inclusive) of the HLEP, subject to conditions. On this basis the panel as the consent authority can concur with the above recommendation.

2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

2.2.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 2.9 of the policy states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1.2.6.1 of the HDCP prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation.

Sections 3.1.1 and 3.1.2 of this report provides an assessment in accordance with Part 1.2.6.1 of the HDCP.

2.2.2 Chapter 3 & 4 Koala Habitat Protection

Chapter 3 of this policy does not apply as lands within Hornsby Shire are excluded as indicated in Schedule 1.

Chapter 4 does not apply as no approved koala plan of management for land applies to the land and the site area is less than 1 hectare.

2.2.3 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.

Division 2 'Controls on Development Generally' within Chapter 6 Water Catchments of the Biodiversity SEPP outlines specific planning policies and recommended strategies. The relevant policies applicable to this application are discussed below:

6.6 Water quality and quantity

This section considers waterway impacts and cumulative environmental impact.

Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures:

- a) *The effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial.*
- b) *The impact on water flow in a natural waterbody will be minimised.*

The proposal is for alterations and additions to a dwelling house. Excavation proposed is confined to the general surrounds of the existing dwelling house.

The development minimises potential stormwater impacts by seeking to dispose of water via the existing system to natural rock energy dissipator to minimise scouring impacts.

Subject to the implementation of sediment and erosion control measures and stormwater management 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.

6.7 Aquatic ecology

This section requires the consent authority to consider direct, indirect or cumulative impacts on aquatic ecology,

Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures:

- a) *The direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development.*
- b) *The development will not have a direct, indirect or cumulative adverse impact on aquatic reserves.*
- c) *If a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained.*

d) *The erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised.*

e) *The adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.*

The proposal does not require any excavation of the seabed or removal of riparian vegetation, nor would not impact the aquatic ecology.

No controlled activity approval under the Water Management Act 2000 is proposed nor is clearing of riparian vegetation. The site is not in the vicinity to a wetlands area.

Section 6.8 Flooding

This section requires the consent authority to consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.

Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not:

a) *If there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or*

b) *Have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.*

The application was referred Council's development engineer who raised no objection to coastal flooding impacts as no adverse flooding impacts are anticipated. Conditions are recommended regarding flood compatible materials for the dwelling house.

The proposal is generally considered to have negligible impacts to the flooding behaviour of the Hawkesbury river due to the elevation of the proposed dwelling additions.

Section 6.9 Recreation and Public Access

This section requires the consent authority to consider the likely impact of the development on recreational land uses in the regulated catchment, and whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.

Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following:

a) *The development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.*

b) *New or existing points of public access between natural waterbodies and the site of the development will be stable and safe*

c) *If land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.*

No impacts to public access are proposed. Works relate to the existing dwelling house.

Section 6.12 Riverine Scenic Areas

This section requires the consent authority to consider environmental impacts to the Riverine Scenic Area.

Submissions were received regarding impacts to the riverine scenic area.

Development consent must not be granted to development in a Riverine Scenic Area unless the consent authority is satisfied the impact of the development on the scenic quality of the Riverine Scenic Area will be minimised.

Council is satisfied that based on the form and siting of buildings, colours and materials proposed and the reduced extent of vegetation removed that the scenic quality of the Riverine Scenic Area is minimised. On this basis, the Panel can be satisfied that Section 6.12 of SEPP Biodiversity and Conservation are met.

Therefore, it is considered that the proposed development meets the objectives of Chapter 6 of the Biodiversity and Conservation SEPP.

2.2.4 State Environmental Planning Policy (Sustainable Buildings) 2022

The application has been assessed against the requirements of Chapter 2 of State Environmental Planning Policy (Sustainable Buildings) 2022 which seeks to encourage the design and delivery of more sustainable buildings.

Chapter 2 sets out the Standards for residential development. The proposal includes a BASIX certificate (No. A1816162) in accordance with the requirements of the SEPP including the list of commitments to be complied with at the construction stage and during the use of the premises. The BASIX certificate achieves the minimum scores for energy and water use, and thermal performance.

The proposal is acceptable in this regard.

2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The application has been assessed against the requirements of Chapters 2 and 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.3.1 Chapter 2 Coastal Management

Chapter 2 of the Resilience and Hazard SEPP provides planning controls for development that lies within the land identified as the “*coastal zone*”. The aim of the Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area by:

- (a) *Managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *Establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *Mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The subject site is in land identified as a coastal zone and within the coastal management area, and subject to provisions regarding coastal use, coastal environment and general use.

Accordingly, divisions 3, 4, 5 of the Policy are applicable to the development. Council cannot grant consent to development on such land unless it is satisfied that the applicable coastal management development controls are sufficiently addressed.

Division 3 Coastal environment area

Section 2.10 development on land within the coastal environment area

Section 2.10 requires Council to consider whether the proposal would likely result in an adverse impact to biophysical, hydrological, ecological and other environmental processes and Aboriginal values specified in Section 2.10. Council must also be satisfied that the proposal has sought to avoid, minimise and offset impacts in accordance with 2.10(2).

Council is satisfied that the proposed development would not result in unreasonable environmental impacts and is sufficiently designed and sited to avoid, minimise and offset impacts in accordance with Section 2.10(1)(2), subject to conditions.

Division 4 Development on land within the coastal use area

Section 2.11 Development on land within the coastal use area

(1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority -*

(a) *has considered whether the proposed development is likely to cause an adverse impact on the following -*

- i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
- iv) *Aboriginal cultural heritage, practices and places,*
- v) *cultural and built environment heritage.*

Comment: The proposal would not have adverse impacts on the above listed items, subject to conditions. The dwelling house would be of a style that is sympathetic to and complement other dwelling houses along the Dangar Island foreshore. There is no public access to the site. All works proposed are within the site boundaries and not on reclaimed land.

(b) *is satisfied that -*

- i) *The development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- ii) *If that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- iii) *If that impact cannot be minimised - the development will be managed to mitigate that impact.*

Comment: The application proposes alterations and additions to a dwelling house that is appropriately designed and would be sited to avoid adverse impacts to the items referred to in subclause (1) and is considered acceptable, subject to conditions.

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposal is an acceptable bulk and scale; it is compatible with the surrounding coastal and built environment. Bulk and scale impacts are discussed in detail with regard to HDCP controls in Section 2.6.2 of this report.

Division 5 General

2.12 Development in coastal zone generally - development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: Council is satisfied that based on assessment of the proposal and supporting documentation, the proposed development is not likely to cause increased risk of coastal hazard on that land or other land, subject to conditions recommended in attachment 1. On this basis, the Panel can be satisfied that the proposed development would not likely increase risk of coastal hazards.

2.13 Development in coastal zone generally - coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: At the time of this assessment, a certified coastal management program does not apply to the subject site. The Hawkesbury-Nepean Coastal Management Program is under preparation and is not yet certified.

As outlined above, Council's assessment concludes that the Local Planning Panel as the consent authority can be satisfied that the development is designed, sited and will be managed to avoid, minimise and mitigate any adverse impacts on the coastal zone and the development is considered to be consistent with the aims of the Resilience and Hazards SEPP.

2.3.2 Chapter 4 Contamination and Remediation of Land

Section 4.6 of the Resilience and Hazards 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.

An examination of Council's records and aerial photography has determined that the site has been historically used for residential purposes. It is not likely that the site has experienced any significant contamination, and further assessment under Chapter 4 of the Resilience and Hazards SEPP is not required.

Accordingly, Council is satisfied that the requirements of Section 4.6 of the Resilience and Hazards SEPP. Suitable conditions are recommended in the event of unexpected finds.

2.4 Draft Environmental Planning Instrument

There are no current draft environmental planning instruments.

2.5 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.

2.6 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). The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

| HDCP - Part 8.1 River Settlement Land | | | |
|--|---------------------|--|----------|
| Control | Proposal | Requirement | Complies |
| Site Area | 765.1m ² | N/A | N/A |
| Building Height | 8.9m | 10.5m | Yes |
| No. storeys | 2 storeys | max. 2 storeys | Yes |
| Floor Area | | | |
| - dwelling | 235m ² | max. 180m ² | No |
| - boat shed (existing) | 49.5m ² | 30m ² | N/A |
| GFA of all buildings on site | 227.4m ² | max. 229.5m ² | Yes |
| Floor Space Ratio | 0.297:1 | max. 0.3:1 | Yes |
| Site Coverage | 222.3m ² | max. 90m ² per element/pavilion | No |
| Setbacks | | | |
| - Waterfront (Foreshore Building Line) | | | |
| Dwelling | 0m | min. 6m | No |

| | | | |
|-------------------------------|-------------------|-----------------------|-----|
| <i>Steps & Water Tank</i> | 2.5m | min. 6m | No |
| - <i>Side (north)</i> | | | |
| <i>Dwelling</i> | 1.8m | min. 2m | No |
| <i>Cabana</i> | 3.3m | min. 2m | Yes |
| <i>Pool</i> | 10.7m | min. 2m | Yes |
| <i>Retaining walls</i> | 0m | min. 2m | No |
| - <i>Side (south)</i> | | | |
| <i>Dwelling</i> | 2m | min. 2m | Yes |
| <i>Deck</i> | 800mm | min. 2m | No |
| <i>Stairs</i> | 200mm | min. 2m | No |
| <i>Cabana</i> | 7.1m | min. 2m | Yes |
| <i>Pool</i> | 2.4m | min. 2m | Yes |
| <i>Retaining walls</i> | 0m | min. 2m | No |
| - <i>Riverview Avenue</i> | 14.6m | On merit | Yes |
| Private Open Space | | | |
| - <i>minimum area</i> | >24m ² | min. 24m ² | Yes |
| - <i>minimum dimension</i> | >3m | min. 3m | Yes |

As detailed in the above table, the proposed development generally complies with the prescriptive measures within the HDCP with the exception of site coverage per pavilion, waterfront, northern and southern side setbacks. 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.

2.6.1 River Settlement Land - Desired Future Character

The desired outcome of Part 8.1.1 encourages '*development that contributes to the desired future character of the area*'.

The prescriptive measure states that development applications should demonstrate compatibility with the relevant statements of desired character.

The site is located at Dangar Island, with the desired character statement stating '*Dangar Island is a unique bushland island settlement, essentially free of vehicular traffic, predominantly residential in use. Topography divides the island into 2 distinct parts - an open flatter more urban part and a steeply sloping bushland area. Dwellings in the flatter more open part of the site are 1 and 2 storeys in height. Development on the steeper bushland are of pole design with decks and undercrofts clinging to the hillside.*

The site is characterised by steep topography where the proposed dwelling transitions in scale generally consistent with the topography demonstrating compatibility with the desired character of Dangar Island.

On balance, the proposal meets the desired outcome of Part 8.1.1 of the HDCP and is considered acceptable.

2.6.2 Scale

The desired outcome of Part 8.1.2 Scale of the HDCP is to encourage “*Development with a height, bulk and scale that maintains the environmental and scenic qualities of the area*”.

Submissions were received regarding bulk and scale impacts, including visual articulation, non-compliance with floor-space-ratio and site coverage.

2.6.2.1 Bulk and scale

The desired outcome is supported by the prescriptive measure that states “*Two storey dwellings should be stepped in design with single storey on the waterfront and the 2 storey component towards the rear*”.

The proposed dwelling is a split-level two storey structure with a large open deck on the ground floor facing the waterfront.

The dwelling presents to the riverfront primarily a split-level two storey structure where articulation is broken by stepped design and utilisation of the existing building envelope, consistent with the design envisioned by the prescriptive measure.

The lower boat shed attached to the main dwelling façade including an open upper deck would not exacerbate overall bulk and scale impacts given the reduced width and limited visual prominence of this structure.

This stepped upper dwelling design over a lower addition facing the water is consistent with designs in the immediate locality as indicated in architectural plans. The dwelling is compliant with Floor-Space-Ratio (FSR) requirements.

Project Venture Developments v Pittwater Council (2005) NSW LEC 191 details compatibility of a proposal in the context of surrounding development and founded the Planning in considering the appropriateness of scale of development within its context.

This case notes “*It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve*”.

This case outlines that buildings do not have to be the same height to be compatible, and landscaping is an important contributor to urban character, of which the proposal complies with total landscaped area.

To test whether a proposal is compatible with its context, two questions should be asked:

1. *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
2. *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

Councils' assessment of the above two questions is that the proposal's physical impact on surrounding development is on balance, acceptable, and would not result in unreasonable impacts to surrounding existing and future development. The physical appearance, in the context of the site, would be compatible with the character of the surrounding structures given the broken façade

articulation and stepped design, recessive materials with colours that integrate with the natural environment. Sufficient separation and varied elevations would exist between the dwelling and from surrounding developments.

2.6.2.2 Site Coverage

The site is subject to a maximum total floor area of 180m² for dwelling houses and a site coverage of 90m² per element/pavilion.

The application proposes dwelling house additions that would result in the site coverage of all buildings to be 222.3m² which seeks a variation of 42.3m² to the 180m² control.

In consideration of the exceedance of site coverage control, the following was considered:

- The site was previously occupied by a dwelling house with a footprint of 107.5m² and a boat shed with a footprint of 41.1m² giving a total of 148.6m². The dwelling and boat shed additional footprint would total 97.3m²
- Compliance in this regard by conforming to the existing building envelope would alternatively result in substantial earthworks beneath the existing dwelling house, or if this was above the existing dwelling additional HLEP non-compliances of building height and associated impacts including overshadowing, view impacts.
- The siting, materials, reduced size, open surrounds and stepped design of the upper addition minimises these impacts, as well as minimising extent of environmental and tree impacts.
- The floor space ratio (FSR) of the entire site is 0.297:1 which is compliant with the maximum HLEP FSR of 0.3:1.

In consideration of all above matters, on balance, the proposal meets the desired outcome of Part 8.1.2 Scale of the HDCP and is considered acceptable, subject to conditions.

2.6.3 Setbacks

The desired outcomes for Part 8.1.3 Setbacks are to encourage works *that are compatible with adjacent development and complement the riverine scenic quality* and *“Setbacks that allow for canopy trees to be retained and planted along the front and rear property boundaries.”*

Submissions were received regarding southern side setbacks, including concerns regarding the side stairs and associated retaining walls which are up to nil setback contrary to the 2m side setback control.

Given the southern stairs would provide for areas of passive access opposed to gathering, and would not result in unreasonable environmental impacts, no concerns are raised regarding this setback encroachment. The southern deck which partially encroaches the 2m side setback provides a private open space area where alternative locations are severely limited by the existing dwelling footprint and steep site topography.

Regarding the northern side stairs within the northern side setback area, this would replace existing stairs within this location.

Regarding the non-compliance to the 6m waterfront setback, no additional footprint is proposed within this area with the exception of water access stairs which are permissible with consent. Detailed assessment of works within the foreshore building area is provided in Section 2.1.7 of this report.

No concerns are raised regarding the rear setback on merit due to sufficient separation of over 15m from the cabana and 25m from the dwelling. No concerns are raised regarding the rear pathway/inclinator setbacks as this provides access from the roadway to the dwelling.

On balance, the proposal complies with the desired outcomes of Part 8.1.4 Setbacks and is considered acceptable.

2.6.4 Landscaping

The desired outcomes of Part 8.1.4 Landscaping encourage “*Landscaping which screens building undercroft areas*” and “*landscaping that retains the natural landscape features of the riverine scenic areas*”.

Submissions were received regarding the general landscaping, including retaining walls, the proposed stairs and inclinator.

The application was referred to Councils environmental protection branch for assessment who raised no concerns with the proposal, subject to conditions.

Landscaping features including the inclinator and retaining walls were relocated away from the northern side boundary to limit overall environmental impacts and additional information was provided detailing that the inclinator would not generate unreasonable noise impacts.

On balance, the proposal complies with the desired outcomes of Part 8.1.4 Landscaping and is considered acceptable, subject to conditions.

2.6.5 Open Space

The desired outcome of Part 8.1.5 Open Space of the HDCP is to encourage “*private open space that functions as an extension to the dwelling house*”.

The desired outcome is supported by the prescriptive measure which states “*private open space should be located to respect the natural topography of the land and should not be formed from cut and fill*”.

The dwelling private open space would be accommodated by the new cabana outbuilding at the site rear and would be accessible from living areas via proposed stairs. Whilst this would follow required cut and fill given the constraints of steep topography, this would achieve the minimum required area and width of private open space and result in a compliant outcome in this respect of which the existing dwelling does not benefit from.

On balance, the proposal complies with the desired outcomes of Part 8.1.5 Open Space and is considered acceptable, subject to conditions.

2.6.6 Sunlight Access

The desired outcomes of Part 8.1.6 Sunlight Access of the HDCP are to encourage “*development designed to provide solar access to open space areas*”.

These desired outcomes are supported by prescriptive measures that state “*On 22 June, 50 percent of the principal private open space area should receive 3 hours of unobstructed solar access between 9am and 3pm*” and “*On 22 June, 50 percent of the principal private open space on any adjoining property should receive 3 hours of unobstructed solar access between 9am and 3pm*”.

Submissions were received regarding sunlight access impacts.

The application includes Shadow Diagrams prepared by Wardarchitecture (Rev.D) dated November 2025 illustrating overshadowing impacts to the subject site and to adjoining properties. The shadow diagrams demonstrate that each property would continue to receive the minimum three hours of unobstructed solar access to 50 percent of the required principle private open space area.

Accordingly, no concerns are raised regarding sunlight access.

The proposal meets the desired outcomes of Part 8.1.6 Sunlight Access of the HDCP and is considered acceptable.

2.6.7 Privacy and Views

The desired outcomes of Part 8.1.7 Privacy and Views of the HDCP are to encourage “*development designed to provide reasonable privacy to adjacent residential properties*” and “*development designed to ensure that views of the waterways are shared*”.

Submissions were received with respect to privacy and view impacts.

2.6.7.1 Privacy

The application proposes dwelling alterations and additions that would result in a raised living room, ground floor deck and upper floor deck that would not comply with the prescriptive measure requiring living and entertaining spaces to be orientated towards the river and/or private open spaces and not side boundaries.

Given the siting and difference in elevation of the dwelling northern kitchen window relative to that of the open living-dining area of the adjoining property to the north known as No. 138 Riverview Avenue, privacy impacts due to the location of this window would be negligible. Occupants of the subject dwelling No. 136 Riverview would continue to be provided water views and would predominantly overlook the rooftop of the adjoining property to the north known. It is further noted that limited windows exist on the southern elevation of this dwelling, which also includes glass bricks limiting views between dwellings.

The application proposes decking which wraps around the upper dwelling addition as well as the lower dwelling addition which does not comply with the prescriptive measure requiring decks to be sited within 600mm of existing ground level unless appropriately screened.

Regarding the deck around the upper addition, this is proposed to maintain ongoing maintenance of the dwelling consistent with Planning for Bushfire 2019 requirements to ensure gutters are accessible and regularly clear of flammable leaves. The reduced deck width would facilitate passive access for this purpose opposed to providing areas for gatherings.

Regarding the lower deck, views would be orientated towards the riverfront and foreshore area of the adjoining property to the south known as No. 134 Riverview Avenue. Given the subject dwelling Private Open Space (POS) RL would be 6.37m and the POS of the adjoining dwelling to the south is sited further back within the site and is at 21.13 RL, of which would also be visually screened by the dwelling upper addition, no adverse privacy impacts are anticipated from the dwelling southern elevation. For this reason, no privacy concerns are raised with respect to the lower southern living space windows.

The siting of the open verandah meets desired outcomes for views where implementation of fixed privacy measures may adversely and unnecessarily impact views for surrounding properties.

Regarding the dwelling upper level windows, these windows serve rooms considered 'non-active' rooms such as bedrooms and bathrooms where privacy impacts are not anticipated and these rooms typically incorporate frosted glazing, curtains or blinds for residents of the subject dwelling. These windows would provide natural light and ventilation to these spaces.

Regarding the pool deck area, the north and east surrounds of the pool would be for passive access as opposed to recreational usage. The cabana area would be screened from the property to the south by the proposed southern elevation wall.

2.6.7.2 Views

The desired outcomes are supported by the prescriptive measures which state the following:

- "a. Development should allow for the reasonable sharing of significant views, including water views and iconic views, in particular:*
 - views that have not already been obscured,*
 - views from front and rear boundaries whilst in a standing position, and*
 - views from living and entertainment areas (including kitchens).*
- b. Development should allow for the reasonable sharing of significant views by:*
 - appropriately siting the building,*
 - appropriately designing the bulk of the building,*
 - using open materials for balustrades on balconies and decks,*
 - new landscaping comprising a light open foliage, and*
 - incorporating the design details in Section 8.1.8."*

View sharing Principles were established by the Land and Environmental Court judgement in Tenacity Consulting Pty Ltd v Warringah [2004].

The Principle sets out questions and considerations that can help determine whether view sharing is reasonable in the specific context of the development as follows:

- 1. Identify and consider the nature and value of views, where the views are enjoyed from and the extent of the impact.*
- 2. The reasonableness of the proposal causing the impact, including design alternatives that may avoid the impact.*

In consideration of the above questions and the HDCP prescriptive measures, the dwelling house is sited on steep topography orientated towards the Hawkesbury River directly to the east. Adjacent and nearby waterfront dwelling houses to the north and south of the subject site would continue to benefit from generally unobstructed views of the Hawkesbury River and surrounds.

The split level dwelling house is partially within the existing building footprint, including an upper open deck with wire balustrades for ongoing enjoyment of views.

In consideration of the proposal in the context of the topography and existing development within the site and surrounding sites with views of the Hawkesbury River directly to the east, the extent of impacts from development would be negligible given surrounding properties would continue to benefit from waterfront views.

View impacts from the property to the south known as No. 134 Riverview Avenue would not be unreasonably impacted given the elevation difference. The floor level and private open space of this property has an RL of 21.13m, whereas the upper dwelling roof of No. 136 Riverview would be RL 13.64 and the cabana roof would be RL 17.24. Views from the adjacent northern property known as No. 138 Riverview Avenue would not be affected due to the foreshore siting of this dwelling.

As such, the proposal meets the desired outcomes of Part 8.1.7 Privacy and Views of the HDCP and is considered acceptable.

2.6.8 Design Details

The desired outcomes of Part 8.1.8 Design Details of the HDCP are to encourage *“building design that complements the desired character of the River Settlements”*, *“building design that is sympathetic to the topography of the site and limits large substructure areas that are visible from the waterway and public areas”* and *“development that incorporates environmentally sustainable design and construction”*.

Submissions were received regarding design details, including the materials, colours and finishes.

The colours, materials and finishes and roof form proposed would be generally consistent with the above prescriptive measure and would be compatible with design themes of the surrounding buildings and natural bushland environment.

The stepped design avoids large unbroken roof plans and incorporates lightweight features to articulate the façade, including open wrap around decking with steel and wire balustrading to minimise visual impacts.

As such, the proposal meets the desired outcomes of Part 8.1.8 Design Details of the HDCP and is considered acceptable.

2.6.9 Heritage

Clause 5.10 Heritage of the HLEP is supplemented by Chapter 9 Heritage of the HDCP.

Whilst the site does not contain a heritage listed item nor is within a Heritage Conservation Area (HCA), the proposal is within 200m of recorded Aboriginal items. The site is also directly adjacent Landscape Heritage Items No. 333 and 334, namely “Roadworks” and “Kiparra Park Bushland”, respectively, at Riverview Avenue identified under Schedule 5 of the Hornsby Local Environmental Plan 2013 (HLEP).

The application is supported by an Aboriginal Heritage Due Diligence Report dated 10 October 2025 which was referred to Council’s heritage planner for assessment.

The submitted Due diligence report satisfies the requirements of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales and Council’s heritage requirements.

No concerns are raised to the proposal on heritage grounds, subject to conditions including if unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and Heritage NSW be notified.

2.7 Domestic Solid Fuel Burning Appliances

As part of the application, the proposal includes the installation of a solid fuel burning fireplace in the ground floor living room.

Submissions were raised regarding smoke impacts of the flue system.

With regard to the installation of five solid fuel burning fireplaces inside the dwelling, Section 4.9 of the 'AS/NZS 2918:2001 Domestic Solid Fuel Burning Appliances - Installation' BCA standard, "*the flue exit shall be located outside the building in which the appliance is installed so that:*

- a) *The flue pipe shall extend not less than 4.6m above the top of the floor protector.*
- b) *The minimum height of the flue system within 3m distance from the highest point of the roof shall be 600mm above that point.*
- c) *The minimum height of a flue system further than 3m from the highest point of the roof shall be 1000mm above roof penetration.*
- d) *No part of the building lies in or above a circular area described by a horizontal radius of 3m about the flue system exit".*

With respect to (a), the flue pipes extend greater than 4.6m above the top of the floor protector.

With respect to (b), it is noted that the flue system would be greater than 3m distance from the highest point of the roof and subsection (b) does not apply.

With respect to (c), it is noted that no part of the building lies in or above a circular area described by a horizontal radius of 3m above the flue system exit.

A condition is recommended in Attachment 1 of this report requiring the installation to be completed in accordance with Section 4.9 of AS/NZS 2918:2001 Domestic Solid Fuel Burning Appliances - Installation and the Protection of the Environment Operations (Clean Air) Amendment (Solid Fuel Heaters) Regulation 2016.

No concerns are raised regarding the domestic solid fuel burning appliances proposed, subject to conditions.

2.8 Section 7.12 Contributions Plans

Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

2.9 Housing and Productivity Contributions

Housing and Productivity Contributions (HPC) came into effect on 1 October 2023 to support housing and productivity in key growth areas of NSW.

The HPC does not apply to the application as the proposal would not result in a new dwelling or lot, nor does it relate to other applicable land uses (e.g. industrial, high-density residential).

2.10 Planning Agreements

Section 4.15 (1) (a)(ii) of the Act requires Council to consider the provisions of any planning agreement. The development does not include a Planning Agreement.

2.11 Environmental Planning and Assessment Regulation 2021 (the Regulation)

A submission was received regarding compliance with the Environmental Planning and Assessment Regulation 2021 (the Regs).

Part 4, Division 2 of the Regs requires the consent authority to consider 'Prescribed conditions' of development consent. These matters have been addressed via a condition of consent.

Section 36 and 94 of the Regs allow Council to request additional information. Additional information was requested and subsequently received.

Section 61 of the Regs requires the consent authority to consider AS 2601-2001 The Demolition of Structures. This matter has been addressed via a condition of consent.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the Regs are relevant to the proposal.

Section 63 (considerations for erection of temporary structures) of the Regs are not relevant to the proposal.

Section 69 of the Regs requires the consent authority to consider insurance requirements under the *Home Building Act 1989*. This matter has been addressed via a condition of consent.

Section 69 of the Regs requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider "*the significant 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 prescriptive measures of Part 1.2.6.1 Tree Preservation of the HDCP state that:

- a) "*the prescribed trees that are protected by the Vegetation SEPP and/or Clause 5.10 of the HLEP and this section of the DCP include:*
 - *all trees except exempt tree species in Hornsby Shire as listed in Table 1.2.6-a or subject to a Biodiversity Offset Scheme,*
 - *all trees on land within a heritage conservation area described within the HLEP, and*
 - *all trees on land comprising heritage items listed within the HLEP.*
- b) *To damage or remove any tree protected under the HDCP is prohibited without the written consent of Council, except in accordance with the exemptions prescribed in this part (under the heading 'Exempt Tree Work')."*

Submissions were received regarding tree preservation and removal.

The application is supported by an Arboricultural Impact Assessment prepared by Accurate Tree Assessment dated October 2025 that seeks consent for removal of 10 trees numbered 1, 6-11 (inclusive), 13, 18 and 19.

Removal of these trees are necessitated by the proposed building footprints and establishment of the associated proposed Asset Protection Zone (APZ) that applies to the entirety of the site to meet Planning for Bushfire Protection 2019 requirements.

A total of 17 trees identified in the report numbered 2, 3, 4, 5, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26 and 27 are recommended for retention and protection.

The application was referred to Councils Tree Management Team who raised no objection to the application, subject to conditions.

Whilst tree loss is not ideal, there is sufficient space on the site to provide compensatory plantings of locally occurring species to maintain the local amenity. This would be in accordance with Appendix 4 of Planning for Bushfire Protection 2019 (PFB) where landscaping may be designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.

On balance, it is considered that removal of trees No. 1, 6-11 (inclusive), 13, 18 and 19 is acceptable in this instance due to low value of some trees and high bushfire risk to residential development, irrespective of the development application.

Notwithstanding, a suitable condition has been recommended requiring amendment of the Landscape and Bushfire Compliance Plan in consultation with a bushfire consultant that includes maximum allowable replacement trees and shrubs to maintain natural vegetation whilst complying to PFB requirements.

On balance, the proposal meets the prescriptive measures of Part 1.2.6.1 Tree Preservation of the HDCP and is considered acceptable, subject to conditions.

3.1.2 Biodiversity

The desired outcomes of Part 1.3.1.1 Biodiversity of the HDCP are to encourage “*development that provides for the conservation of biodiversity including threatened species and populations, endangered ecological communities, remnant indigenous trees, regionally and locally significant terrestrial and aquatic vegetation*” and to encourage “*development that maintains habitat for native wildlife and wildlife corridors to provide for the movement of fauna species.*”

Part 1.3.1.1 Biodiversity of the HDCP is supported by the following prescriptive measures:

a. *Development should seek to:*

- avoid potential adverse impact on biodiversity,
- if that impact cannot be avoided, minimise that impact, or
- if the impact cannot be minimised, to mitigate the impact.

c. *Development should avoid the fragmentation of existing native vegetation*

d. *A flora and fauna assessment is required for development that may impact on:*

- *land mapped as Biodiversity on the HLEP Terrestrial Biodiversity Map, or*
- *native vegetation which is habitat for species listed in Schedule 1 and 2 of the Biodiversity Conservation Act 2016.*

Submissions were received regarding biodiversity impacts, including impacts to native flora and fauna.

The NSW Biodiversity Conservation Regulation 2017 sets out thresholds for when the Biodiversity Offsets Scheme (BOS) would be triggered. The application does not trigger the BOS. The site is not

mapped on the NSW Values Map and Thresholds Tool nor the HLEP Section 6.2 Terrestrial Biodiversity mapping.

Notwithstanding, the application is subject to assessment under this section as the site contains biodiversity value where the proposal seeks to remove one *Eucalyptus pilularis* (Blackbutt) tree known as T1 identified in the submitted AIA prepared by Accurate Tree Assessment dated October 2025. This tree is identified in the AIA as having high retention value.

Irrespective of the proposed works, the site is subject to high level bushfire risk (BAL-Flame-Zone) and contains existing residential development. This tree does not comply with canopy separation and building overhang requirements as stipulated in Appendix 4 of Planning for Bushfire 2019 and contributes to high bushfire risk to the residential site and surrounding lands.

Minimal tree and biodiversity impacts are proposed in order to achieve bushfire safety requirements in establishing the APZ.

The proposal meets the prescriptive measures of Part 1.3.1.1 Biodiversity of the HDCP and is considered acceptable, subject to conditions.

3.1.3 Air Quality

The desired outcome of Part 1.3.2.6 Air Quality of the HDCP is to encourage “*Development designed and managed to minimise air quality impacts on the occupants of residential dwellings and other sensitive land uses*”

The desired outcome is supported by prescriptive measures that state “*to maintain indoor air quality and avoid the generation of harmful airborne byproducts, indoor gas should not be used in any new residential development*” and “*indoor cooktops, ovens and heaters should be electric and clearly marked on architectural plans*”.

Submissions received regarding air quality and impacts from the proposed fireplace and flue system and associated health impacts.

The domestic solid fuel burning appliances proposed would be managed appropriately via a flue system as discussed in Section 2.6 of this report.

Installation and ongoing use would be subject to compliance with *Protection of the Environment Operations (Clean Air) Regulation 2021* and Australian Standard AS 4013 *Domestic solid fuel burning appliances*.

On balance, the proposal meets the desired outcomes of Part 1.3.2.6 Air Quality of the HDCP and is considered acceptable, subject to conditions.

3.1.4 Stormwater Management

The desired outcomes of Part 1.3.1.2 Stormwater Management of the HDCP are to encourage “*development that protects waterways from erosion, pollution and sedimentation, and maintains or improves water quality and aquatic habitats*” and “*water management systems that minimise the effects of flooding and maintains natural environmental flows*”.

The proposal seeks to dispose water via a rainwater tank to the Hawkesbury River directly downslope and adjacent the site to the east.

Council’s engineering assessment raised no objections to the proposal, subject to conditions including the use of an energy dissipator to reduce impacts of flow and velocity to natural environmental features.

The proposal meets the desired outcomes of Part 1.3.1.2 Stormwater Management of the HDCP and is considered acceptable, subject to conditions.

3.1.5 Earthworks

Clause 6.2 of the HLEP is supplemented by Part 1.3.1.4 Earthworks and Slope of the HDCP.

The desired outcomes of Part 1.3.1.4 Earthworks and Slope of the HDCP are to encourage *“development that is designed to respect the natural landform characteristics and protects the stability of the land”* and *“development that limits landform modification to maintain the amenity of adjoining properties and streetscape character”*.

This is supported by the prescriptive measures which state that *“sloping sites with a gradient in excess of 20% require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design”* and *“earthworks involving filling should not exceed 1 metre in height from the existing ground level”* and *“excavation that extends outside of the building platform should be limited to a depth of 1 metre from the existing ground level, unless the excavation is required to:*

- *Achieve a high-quality built form.*
- *Provide for safe vehicular access to the site.*
- *It maintains the amenity of adjoining properties and the desired streetscape character.”*

Submissions were received regarding earthworks.

The site is steeply sloping and seeks a total of 260m³ cut and up to 11m³ of re-used fill to accommodate the proposed works as indicated in the Cut and Fill Plan (Rev. B) prepared by GNG Design Pty Ltd dated 7 October 2025.

The application is supported by a Site Classification & Slope Stability Risk Assessment Report (geotechnical report), prepared by Fortify Geotech dated 9 October 2025.

The proposed development seeks a maximum depth of up to 2.75m and fill of up to 1.7m which exceeds the respective prescriptive measures of 1m cut and fill.

Section 7 of the revised Geotechnical Investigation prepared by Fortify Geotech states that only shallow excavation is required for the proposed development which is expected to be through existing topsoil/fill, colluvial, alluvial and residual soils.

The geotechnical report states *“In this case, the overall risk to property and people is assessed to be “Low” to “Moderate”. Provided design and construction of the structure is undertaken in accordance with accepted procedures for hillside construction, and treatments are carried out to reduce the potential hazards, the risk is no higher than normally acceptable for residential development”*.

Acceptable level of risk to property and safety and is within the acceptable thresholds. Conditions are recommended requiring compliance to the geotechnical report, including appointment of a project geotechnical engineer to oversee the works.

Due to the location and extent of excavation works proposed, a condition requiring a construction management plan is recommended in Schedule 1 requiring approval prior to issue of the Construction Certificate. This is also to include further detail regarding sediment and erosion control.

The application was referred to Council's Environmental Protection Team for comment and no objections were raised to the proposal, subject to conditions.

On balance, the proposal meets the desired outcomes of Part 1.3.1.4 Earthworks and Slope of the HDCP and is considered acceptable, subject to conditions.

3.1.6 Bushfire

Section 4.14 of the Act is supplemented by Part 1.3.3.1 Bushfire of the HDCP.

The desired outcomes of Part 1.3.3.1 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*”.

These desired outcomes are supported by the prescriptive measure that states “*development on land identified as bushfire prone on Council’s Bushfire Prone Land Map should address the bush fire protection measures in the publication ‘Planning for Bushfire Protection (2019)’*.”

Submissions were received regarding bushfire, including necessitation for BAL-FZ recommended bushfire protection measures.

As outlined in the Bushfire Assessment Report prepared by a Bushfire Planning & Design (BPAD) accredited practitioner of Clarke Dowdle & Associates dated September 2025, the Bushfire Attack Level (BAL) rating of the proposal within the subject site is identified as BAL-FZ. Due to proximity to bushfire source, the application was referred to the New South Wales Rural Fire Service (NSW RFS) in accordance with Section 4.14 of the *Environmental Planning and Assessment Act 1979* for comment.

No objections were raised by the NSW RFS regarding the proposed development, subject to conditions, which have been included in Schedule 1.

The proposal meets the desired outcomes of Part 1.3.3.1 Bushfire of the HDCP and is considered acceptable, subject to conditions.

3.1.7 Flooding

Section 5.21 Flood Planning of the HLEP is supplemented by Part 1.3.3.2 Flooding of the HDCP.

The desired outcome of Part 1.3.3.2 Flooding of the HDCP is to encourage “*development that is located and designed to minimise the risk to life, property and the environment from flooding*”.

The desired outcome is supported by prescriptive measures that states “*Where a development proposal is on land at or below the flood planning level, a comprehensive flood study should be prepared by a qualified hydraulic engineer and is to be submitted with any development application on land that demonstrates that the development addresses the provisions of Clause 5.21 of the HLEP, and the development complies with best practice.*”

Whilst the site is mapped as flood prone, the site does not contain an overland flow path and is subject to coastal flooding.

No habitable rooms are proposed lower than existing levels, which are at 6.37 AHD above ground level providing sufficient clearance from sea level.

The application was referred to Councils development engineer for assessment who raised no objections with the proposal, subject to the imposition of the recommended conditions.

The proposal meets the desired outcomes of Part 1.3.3.2 Flooding of the HDCP and is considered acceptable.

3.1.8 Waste Management

The application is accompanied by a Waste Management Plan detailing the extent of proposed waste generation.

A construction management plan is also required prior to obtaining the construction certificate that is to include details of the reuse, recycling and disposal methods for all demolition and construction waste on site.

3.2 Built Environment

3.2.1 Built Form

The residential development would improve housing choice in the locality by providing a range of household types. This is consistent with Council's Housing Strategy which identifies the need to provide a mix of housing options to meet future demographic needs in Hornsby Shire.

The location of the development is in reasonably close proximity to a local commercial centre, recreational and education facilities for future residents, including via access to surrounding areas including Brooklyn.

3.3 Social Impacts

Submissions were received with respect to social impacts.

This is consistent with Council's Housing Strategy which identifies the need to provide a mix of housing options to meet future demographic needs in Hornsby Shire.

The location of the development is in close proximity to a local commercial centre, recreational, health and education facilities for future residents, including via boat access from the jetty within the site to services at the mainland.

3.4 Economic Impacts

Submissions were received with respect to 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 4.15(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

4.1 Flood Planning

The subject site is considered within the flood planning area subject to coastal flooding. Section 5.21 of the HLEP outlines the items which must be met for sites within the flood planning area as follows:

(1) *The objectives of this clause are as follows—*

(a) *to minimise the flood risk to life and property associated with the use of land,*

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- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

In considering potential flooding impacts of Section 5.21(2)(3), the proposal does not seek new works within the foreshore area surface, with the exception of waterfront access stairs. Given these stairs would be reduced in size, and all other works are confined to existing built form or above, flooding impacts are considered negligible, and no concerns are raised in this regard.

As detailed in Section 3.1.7 of this report providing assessment of flooding against the HLEP and HDCP controls, the alterations and additions would be compatible with coastal flood affectation. Finished floor levels of the addition would be consistent or above the existing dwelling house.

Suitable conditions are recommended requiring design and construction to be compatible with flood impacts to ensure appropriate provision of flood protection.

Accordingly, Council is satisfied that the development would meet matters outlined in Section 5.21(2)(3).

4.2 Bushfire Risk

The land is identified as being subject to bushfire risk.

Section 4.14 of the Act 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.*

Council is satisfied that, subject to conditions, the proposal conforms to the specifications and requirements as prescribed in Section 4.14 of the Act. Following assessment of the submitted Bushfire Assessment Report and concurrence issued by the NSW Rural Fire Service under this section, no objections are raised with the proposal in this regard.

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 for 14 days to adjoining and nearby landowners between 23 July 2025 and 6 August 2025 in accordance with the Hornsby Community Engagement Plan. During this period, Council received a combined total of 11 submissions.

Following receipt of amended plans and associated supporting documentation, the application was re-notified for 14 days between 16 October 2025 and 30 October 2025 to adjoining and nearby landowners and to those who had previously made a submission in accordance with the Hornsby Community Engagement Plan. During the second notification period, an additional 9 submissions were received objecting to the proposal.

Accordingly, a total of 20 submissions were received during both notification periods.

The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site. Note that multiple submissions were received from some properties identified on the map below.



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NOTIFICATION PLAN

| • PROPERTIES NOTIFIED | X SUBMISSIONS RECEIVED | PROPERTY SUBJECT OF DEVELOPMENT | N W E S |
|---|------------------------|---------------------------------|------------|
| 6 SUBMISSIONS RECEIVED OUT OF MAP RANGE | | | |

All 20 submissions objected to the development, generally on the grounds that the development would result in:

- Unacceptable overshadowing of adjoining properties
- Development that is uncharacteristic of the locality and inconsistent with zone objectives.
- Adverse tree and biodiversity impacts
- Development that is excessive in bulk and scale.
- Materials and finishes that are incompatible with the surrounding area
- Setback encroachment
- Privacy impacts and view loss
- Earthworks impacts
- overshadowing impacts
- Amenity impacts of the swimming pool

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 Unauthorised Development and Activity

Submissions were received with respect to alleged unauthorised development, including a seawall and conversion of a boat shed as well as tree clearing and pile burns. Submissions also requested that unauthorised works be investigated prior to determination of the subject development application.

In response, a service request has been raised regarding unauthorised works and is currently under investigation by Council's Compliance Team for appropriate action.

The outcome of this compliance investigation is independent from the subject development application and therefore would not impact the outcome of the assessment.

5.1.2 Traffic Impacts of Waterway

Submissions were concerned received regarding traffic impacts within the navigable waterways to surrounding boats and water recreational craft.

In response, a suitable condition is recommended requiring submission of a construction management plan to be approved by Council's environmental compliance branch prior to the issue of a construction certificate.

5.1.3 Design Reconsideration

Submissions were received concerning the need for a swimming pool including associated run-off impacts given the proximity to natural waterway and beaches.

In response, relevant planning controls and instruments do not restrict a swimming pool associated with residential use, subject to consent. The design of the proposal is at the applicant's discretion and is subject to a merit-based assessment.

The swimming pool would be constructed in accordance with all relevant building standards and wastewater would be appropriately disposed of via the Sydney Water reticulated sewer system.

5.1.4 Health and Wellbeing Impacts and the Like

Submissions were received with respect to impacts to physical health, mental health, wellbeing, quality of life, inconveniences etc.

In response, these are not matters of consideration for the purposes of development assessment. The application is assessed on merit against relevant environmental planning instruments and policies.

5.1.5 Noise Impacts

Submissions were received concerning noise and dust generation.

In response, low density development of this nature would not require additional assessment of noise and vibration prior to approval of the application in this instance. Notwithstanding, a construction management plan is required to be approved by Council prior to the issue of a Construction Certificate which is to contain information regarding noise and vibration and associated mitigation measures. Conditions requiring reasonable steps to be taken to minimise dust generated during all works are recommended.

Suitable conditions have been recommended to maintain residential amenity, including restricting demolition and construction work to prescribed times and days, as well as ongoing use noise restrictions consistent with the Noise Policy for Industry 2017 and Protection of the Environment Operations (Noise Control) Regulation 2017.

5.1.6 Integrity of Statement of Supporting Documentation

Submissions were received concerning the integrity of supporting documentation provided with the application, including the Statement of Environmental Effects (SEE).

One submission raised that this resulted in a contravention to Clause 54 of the Regulation.

In response, the SEE is one of several documents used by the applicant to outline the proposed works, justify any non-compliances and supplement the assessment of the proposal. These documents are used to inform both Council and the wider public of the development proposed, however Council completes its own independent assessment of the supplied plans and supporting documents.

Regarding the request for rejection of the application under “Clause 54 of the Regulation *Notice of reasons for concurrence decisions*”, this clause relates to decision issued by a concurrence authority and not the consent authority. Concurrence was granted by the relevant concurrent authority (NSW RFS), subject to conditions.

5.1.7 Introduction of Precedence of Similar Developments

Submissions were received concerning establishing a precedence of similar developments.

In response, each Development Application is assessed on its merits against relevant planning controls in their own right within their own unique context and circumstances.

5.1.8 Impacts to Local Infrastructure

Submissions were received concerning impacts to local infrastructure.

In response, the subject development application is for alterations and additions to an existing dwelling house only and does not generate additional demand for infrastructure.

5.1.9 Increased Heat

A submission was received regarding increased heat due to tree removal.

In response, heat impacts in the context of tree removal is not a matter of consideration for the purposes of development assessment.

5.1.10 Other Matters raised in Submissions

Other matters raised in submissions are discussed in the body of this report in the respective report sections as follows:

- Zoning - Section 2.1.1
- Height of building - Section 2.1.2
- Floor Space Ratio (FSR) - Section 2.1.3
- Earthworks - Sections 2.1.6 & 3.1.5
- Foreshore Development - Section 2.1.7
- The Regulations - Section 2.11
- Flue system / Domestic solid fuel burning appliance - Section 2.6
- Bulk and Scale - Section 2.6.2

- Setbacks - Section 2.6.3
- Landscaping - Section 2.6.4
- Sunlight Access - Section 2.6.6
- Privacy & Views - Section 2.6.7
- Bushfire - Section 2.6.9 and 4.2
- Tree Preservation & Removal - Section 3.1.1
- Biodiversity Impacts - Section 3.1.2
- Air Quality - Section 3.1.3
- Social Impacts - Section 3.3
- Economic impacts - Section 3.4

5.2 Public Agencies

The development application was referred to the following Agencies for comment or assessed under relevant legislation:

5.2.1 Rural Fire Service

The application was referred to the New South Wales Rural Fire Service (NSW RFS) under Section 4.14 of the Act to consider the high bushfire risk of the proposal and review of the supporting bushfire report.

No objections were raised by the NSW RFS, subject to conditions and concurrence was issued under S4.14.

5.2.2 Sydney Water

Whilst the proposal would involve alterations and additions to a dwelling house within the prescribed Sydney Water Priority Sewer Program (PSP) area in Dangar Island, as this would not involve uplift of one or more dwelling houses, concurrence issued under the *Sydney Water Act 1994* is not required in this instance.

The proposal is recommended to connect to the existing reticulated sewer system.

6. THE PUBLIC INTEREST

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

Submissions were received regarding 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. 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 a dwelling house.

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*.

Council received 20 submissions during the public notification period. The matters raised have been addressed in the body of the report.

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

The reasons for this decision are:

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2024.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

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.  Architectural Plans

File Reference: DA/800/2025
Document Number: D09299323

SCHEDULE 1

Deferred Commencement

1. Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until Building Information Certificate for regularisation of the boat shed, front patio, seawall and pontoon has been determined for approval.
2. A copy of the approval must be submitted within 36 months of the date of this notice.

Reason: To ensure the safety of occupants of the dwelling house.

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

GENERAL CONDITIONS

| Condition |
|-----------|
|-----------|

1. Approved Plans and Supporting Documentation

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

Approved Plans

| Plan No. | Plan Title | Drawn by | Dated | Council Reference |
|-------------|--|------------------|----------|-------------------|
| DA04 Rev D | Site & Roof Plan- Proposed | Wardarchitecture | Nov 2025 | |
| DA07 Rev E | Existing Boatshed Level Plan - Showing Extent of Demolition & Proposed Boatshed Level Plan | Wardarchitecture | Nov 2025 | |
| DA08 Rev E | Existing Ground Level Plan - Showing Extent of Demolition & Proposed Ground Level Plan | Wardarchitecture | Nov 2025 | |
| DA09 Rev D | Upper Level - Proposed | Wardarchitecture | Nov 2025 | |
| DA10 Rev D | Pool Level - Proposed | Wardarchitecture | Nov 2025 | |
| DA11 Rev D | East Elevation - Existing & Proposed | Wardarchitecture | Nov 2025 | |
| DA12 Rev D | West Elevation, Section A-A, B-B | Wardarchitecture | Nov 2025 | |
| DA13 Rev D | North Elevation, Section C-C | Wardarchitecture | Nov 2025 | |
| DA14 Rev D | South Elevation, Section D | Wardarchitecture | Nov 2025 | |
| DA15 Rev D | Pool Cabana Elevations | Wardarchitecture | Nov 2025 | |
| DA17 Rev D | Materials Palette | Wardarchitecture | Nov 2025 | |
| DA23 Rev D | Inclinator Plan and Elevation | Wardarchitecture | Nov 2025 | |
| LA-01 Rev D | Landscape and Tree | Wardarchitecture | Oct 2025 | |

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| Plan No. | Plan Title | Drawn by | Dated | Council Reference |
|----------|-----------------|----------|-------|-------------------|
| | Protection Plan | | | |

Supporting Documentation

| Document Title | Prepared by | Dated | Council Reference |
|--|----------------------------|--------------|-------------------|
| BASIX Certificate No. A1816162 | Melissa Ward | 08.10.2025 | D09231854 |
| Waste Management Plan | Unknown | 08.10.2025 | D09231850 |
| Site Classification & Slope Stability Risk Assessment Report Ref: JS/S1772 Rev 1 | Fortify Geotech | 09.10.2025 | D09231856 |
| Arboricultural Impact Assessment | Accurate Tree Assessment | October 2025 | D09231833 |
| Bush Fire Assessment Report Ref: GO: 24943A Ver 4 | Clarke Dowdle & Associates | 30.09.2025 | D09231830 |
| Aboriginal Heritage Due Diligence Report Ref: 27193 | Ravi Sharma | 10.10.2025 | D09231845 |
| Dwg No. 22.G30-SMP-1 Rev. C Stormwater Management Plan Site and Roof Plan | GNG Design Pty Ltd | 18.12.2025 | D09289447 |

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

2. No Clearing of Vegetation

1. Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.
2. Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect vegetation on the site.

3. Construction Certificate

1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
2. The Construction Certificate plans must be consistent with the Development Consent plans.

Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.

4. Section 7.12 Development Contributions

1. In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029, **\$17,094.00** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of \$1,709,400.00.

2. The value of this contribution is current as of 7 November 2025. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\$C_{PY} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

Where:

$\$C_{PY}$ is the amount of the contribution at the date of Payment

$\$C_{DC}$ is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney - All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney - All Groups) for the financial quarter at the date of this Development Consent.

3. The monetary contributions shall be paid to Council:

- Prior to the issue of the Subdivision Certificate where the development is for subdivision; or
- Prior to the issue of the first Construction Certificate where the development is for building work; or
- Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: Should the cost of works increase at Construction Certificate stage, a revised contribution amount will be calculated in accordance with the Hornsby Shire Council Section 7.12 Development Contributions Plan.

Note: It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Note: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.

Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

Note: To arrange a Payment Advice for the monetary contributions, please contact Council's Customer Service Team on 9847 6666.

Reason: To address the increased demand for community infrastructure resulting from the approved development.

5. Domestic Solid Fuel Burning Appliances

1. The fire place and chimney/flue must be installed accordance with the requirements of Part 12.4 National Construction Code - Building Code of Australia.
2. The domestic solid-fuel heater must comply with the Protection of the Environment Operations (Clean Air) Regulation 2021 and Australian Standard AS 4013 Domestic solid fuel burning appliances - Method for determination of flue gas emission.

Reason: To ensure compliance with appropriate environmental standards to maintain air quality.

6. Retaining Walls

To ensure the stability of the site, structural details of all required retaining walls prepared by a suitably qualified chartered structural engineer must be submitted with the application of the Construction Certificate.

1. All elements of the retaining walls including footings must be located within the subject site.

Reason: To ensure the stability of the site and adjoining properties.

7. No Clearing of Vegetation

1. Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.
2. Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect vegetation on the site.

8. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | Document Title/ Ref | Dated | Council Reference |
|---|---|--------------|------------------------------|
| NSW Rural Fire Service | NSW RFS Section 4.14 Determination Letter Reference No. DA20250717002827-Original-1 | 04.11.2025 | D09184720 |

(NOTE: For a copy of the above referenced document/s, please see Application Enquiry System on Council's website www.hornsby.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

BUILDING AND DEMOLITION WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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| Condition |
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9. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the National Construction Code - Building Code of Australia. All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.

Reason: Prescribed condition - EP&A Regulation section 69(1).

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10. Contract of Insurance (Residential Building Work)

Where 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, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.

Reason: Prescribed condition EP&A Regulation section 69(2).

11. 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 Certifier for the development to which the work relates (not being Council) has given Council written notice of the following information:

1. In the case of work for which a principal contractor is required to be appointed:
 - a. The name and licence number of the principal contractor; and
 - b. The name of the insurer by which the work is insured under Part 6 of that Act.
2. In the case of work to be done by an owner-builder:
 - a. The name of the owner-builder; and
 - b. 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 Certifier for the development to which the work relates (not being Council) has given Council written notification of the updated information.

Reason: Prescribed condition EP&A Regulation section 71(2) and (3).

12. Sydney Water Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Note: Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Reason: To ensure the development complies with the requirements of Sydney Water.

13. Flooding

In order to ensure the property and occupants are protected from flood risk the following is required:

1. Any new structure below the 1% AEP flood level shall be designed and constructed with flood compatible materials.
2. Any new structure below the 1% AEP flood level shall be designed to ensure its structural integrity to withstand the forces of floodwaters, flowing waters with debris, buoyancy, and immersion.
3. All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections shall be waterproofed and/or located above the Flood Planning Level (1% AEP flood level plus 0.5 metre freeboard).
4. Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level unless adequately protected from flood waters in accordance with industry standards.

Reason: To ensure appropriate provision of flood protection.

14. Stormwater Drainage

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

1. Connected and discharged directly to Hawkesbury River with energy dissipator.
2. The stormwater drainage system must be designed by a qualified hydraulic engineer.
3. Roof water must be connected to a rainwater tank having a minimum capacity as per BASIX Certificate requirements.

Reason: To ensure appropriate provision for management and disposal of stormwater.

15. Construction Noise and Vibration Management Plan (CNVMP)

To assist in the protection of the public, the environment and Council's assets, a separate A Construction Noise and Vibration Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified geotechnical engineer and be approved by Council's Compliance Team via Council's Online Services Portal prior to issue of a Construction Certificate.

The Plan is to be developed to ensure that appropriate work practices are implemented during construction, to minimise noise impacts to surrounding receivers.

The Plan should include but not be limited to:

1. Existing noise and vibration levels within the proximity of the proposed development site. Identification of all nearby residences and other sensitive land uses.
2. Details of the extent of rock breaking or rock sawing works forming part of the proposed development works. Proposed rock breaking/sawing methods.
3. An assessment of potential noise impacts from the proposed rock breaking/sawing methods.

4. An assessment of potential noise impacts from the proposed construction vehicle movements.
5. The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
6. Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
7. Details of a complaints handling process for the surrounding neighbourhood for each stage of works. Development of reactive and pro-active strategies for dealing promptly with any noise complaints, including documentation and feedback mechanisms.
8. Regular noise monitoring at nearby residences and sensitive land uses, and analysis of the results kept on site for review by Council if required.

Note: The CNVMP 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: Applications > New Applications > Under 'Application Types': Management Plans.

Reason: To document construction measures to protect the amenity of the surrounding residential receivers.

16. Construction Management Plan (CMP) - waterfront development

To assist in the protection of the public, the environment and Council's assets, a separate A Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified geotechnical engineer and be approved by Council's Compliance Team via Council's Online Services Portal prior to issue of a Construction Certificate.

1. Description of the works
 - a. A general description of the scope of works.
 - b. Details of any staging of works.
 - c. Location of loading and unloading areas, waste and material storage areas.
 - d. General construction waste details including construction waste storage locations and collection.
2. Construction traffic and management (including traffic management at offsite properties used to access barges)
 - a. Site access and egress for deliveries and construction vehicles from the waterfront / pontoon.
 - b. Size and types of construction vehicles
 - c. The anticipated number and frequency of any buggy, car, truck and barge movements per day over the duration of the project (i.e., throughout demolition, earthworks and construction phases)
 - d. Management measures to be implemented to minimise disruption to, and maintain the safety, of all road users.

e. Arrangement of all construction machines being used at the same time during construction.

3. Sediment and erosion control plan

- Location where any cutting/sanding of materials will occur and details of the associated sediment and erosion control and dust suppression measures to be implemented on site during these works.

4. Details on the general operating procedures to manage environmental risk throughout all stages of works on the site.

Note: The CMP 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: Applications > New Applications > Under 'Application Types': Management Plans.

Reason: To document construction measures to protect the public and the surrounding environment.

17. Acid Sulfate Soils Management Plan (ASSMP)

- An Acid Sulfate Soils Management Plan (ASSMP) must be prepared by a suitably qualified environmental consultant in consultation with a chartered Structural Engineer and be approved by Council's Compliance Team via Council's Online Services Portal prior to issue of a Construction Certificate.
- The ASSMP must be undertaken in accordance with the Acid Sulfate Soil Manual, Acid Sulfate Soil Management Advisory Committee, 1998.

Note: The ASSMP 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: Applications > New Applications > Under 'Application Types': Management Plans.

Reason: To protect the environment from the effects of acid sulfate soils.

18. Appointment of a Project Arborist

- To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent.
- Details of the appointed project arborist must be submitted to Council and the Principal Certifier with the application for the construction certificate.

Reason: To ensure appropriate monitoring of trees to be retained.

19. Geotechnical Requirements

The development must be designed and carried out in accordance with the recommendations in the Site Classification & Slope Stability Risk Assessment Report Ref: JS/S1772 Rev 1 prepared by Fortify Geotech dated 9 October 2025 (approved Geotechnical Report). Details of the implemented recommendations are to be provided to the Principal Certifier with the application for a Construction Certificate.

Reason: To ensure the stability of the site and adjoining properties.

BEFORE BUILDING AND DEMOLITION WORK COMMENCES

| Condition |
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20. Site Sign

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
 - a. The name, address, and telephone number of the Principal Certifier.
 - b. 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. Unauthorised entry to the work site is prohibited.
2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).

21. Asbestos Removal Signage

Before demolition or remediation work commences involving the removal of asbestos, 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 at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Reason: To alert the public to any danger arising from the removal of asbestos.

22. 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; and/or
 - c. Involve the enclosure of a public place or part of a public place; and/or
 - d. Have been identified as requiring a temporary hoarding, fence, or awning within the Council approved Construction Management Plan (CMP); and
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.

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23. 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 and
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.

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

24. 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; or
 - b. Be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: To ensure adequate toilet facilities are provided.

25. 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; and
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.

26. Impacts to Fauna Habitat

To ensure the protection of local fauna, prior to the removal of trees:

1. An arborist, ecologist or wildlife carer is to inspect all vegetation for wildlife and active habitat use including nests, hollows and decorticating bark no earlier than one day before demolition.
2. If any wildlife is identified or habitat is being actively used for nesting the tree and vegetation removal must be deferred until after inhabitants have fledged. Relocation of nests and eggs is not to be undertaken. In the event wildlife are identified, clearing is to cease until the ecologist or wildlife carer have confirmed that fauna has been relocated.
3. Trees are to be removed in sections by a qualified tree surgeon in the presence of a Wildlife Carers organisation to assist in the event of fauna presence or injury. A wildlife carer must be on site to capture any observed wildlife from the trees and relocate into adjacent bushland if the animals are unable to relocate themselves.
4. A certificate must be provided to Council (naturalresourcesplanning@hornsby.nsw.gov.au) and the Principal Certifier by a suitably qualified ecologist or wildlife carer with details of fauna relocated and the outcome of the inspection.

Note: 'WIRES' (Wildlife Rescue) volunteers can be contacted on 1300 094 737. 'Wildlife Services Sydney Metropolitan' volunteers can be contacted on 9413 4300.

Reason: To ensure the protection of resident fauna during and post works on the site.

27. Installation of Tree Protection Measures

1. Trees to be retained as identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate

Tree Assessment dated October 2025 must have tree protection measures for the ground, trunk and canopy installed by the Project Arborist for the duration of demolition and construction works.

2. Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 Project Arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard (Temporary Fencing and Hoardings (AS4687)).
3. The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates, and liquids from entering the tree protection zone.
4. Tree crown protection measures are required and must be installed by the AQF 5 Project Arborist.
5. The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
6. Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
7. All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
8. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the woodchip must be covered with a layer of geotextile fabric and rumble boards.

Reason: To protect trees during construction.

28. Waste Management Details

Prior to the commencement of any works, the on-going waste collection service must be cancelled, and the bins retrieved by the waste collection service provider.

Note: For residential properties, Council is the waste collection service provider.

Reason: To ensure domestic waste bins are not used for demolition and construction waste.

6.1.1 Garbage Receptacle

A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.

1. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
2. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
3. Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

Reason: To maintain the site in a clean condition and protect local amenity.

29. Appointment of a Project Geotechnical Engineer

An appropriately qualified Geotechnical Engineer shall be appointed to ensure that the stability of the land and construction is undertaken generally in accordance with the recommendations outlined in the approved Geotechnical Report.

Reason: To ensure the stability of the site.

DURING BUILDING AND DEMOLITION WORK

Condition

30. 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.

31. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 The 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.

32. 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; and

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3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² 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.

33. 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; and
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.

34. Compliance with Construction Management Plan (CMP) - waterfront development

The Council approved Construction Management Plan (CMP) must be complied with for the duration of works, unless otherwise approved by Council.

Reason: To ensure implementation of construction measures to protect the public and the surrounding environment.

35. Compliance with Construction Noise and Vibration Management Plan (CNVMP)

The Council approved Construction Noise and Vibration Management Plan (CNVMP) must be complied with for the duration of works, unless otherwise approved by Council.

Reason: To ensure implementation of construction measures to protect the public and the surrounding environment.

36. Compliance with Acid Sulfate Soil Management Plan

The Council approved Acid Sulfate Soil Management must be complied with for the duration of works, unless otherwise approved by Council.

Reason: To ensure compliance with commitments to protect the environment from the effects of acid sulfate soils.

37. 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.

38. Disturbance of Existing Site

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

Reason: To protect the natural features of the site.

39. Soil Management (Excavation)

While site work is being carried out, the Principal Certifier or Council (where a principal certifier is not required) must be satisfied all soil removed from the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier or Council (where a principal certifier is not required).
2. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

40. Landfill Not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

Reason: To minimise environmental impacts from landform modification.

41. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the Principal Certifier:

1. Prior to the pouring of concrete at each level of the building certifying that:
 - a. The building, retaining walls and the like have been correctly positioned on the site; and
 - b. The finished floor level(s) are in accordance with the approved plans.

Reason: To ensure buildings are positioned in the approved location and at the correct height.

42. Waste Management

All work must be carried out in accordance with the approved waste management plan.

Reason: To ensure the management of waste to protect the environment and local amenity during construction.

43. Maintenance of Public Footpath and Road

1. Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.
2. Where any part of the road or footpath is required to be occupied or closed during any stage of works, including demolition, excavation or construction, 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 maintain safe pedestrian movement.

44. Removal of Trees

1. This development consent permits the removal of trees numbered Trees 1, 6 - 11 (inclusive), 13, 18 and 19. as identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate Tree Assessment dated October 2025.
2. No consent is granted for the removal of trees numbered Trees 2, 3, 4, 5, 12, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26 and 27 as identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate Tree Assessment dated October 2025 as these trees contribute to the established landscape amenity of the area/streetscape.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1.2.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2024.

Reason: To identify only those trees permitted to be removed.

45. Prohibited Actions within the Fenced Tree Protection Zone

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

1. Soil cutting or filling, including excavation and trenching.
2. Soil cultivation, disturbance, or compaction
3. Stockpiling storage or mixing of materials
4. The parking, storing, washing, and repairing of tools, equipment, and machinery.
5. The disposal of liquids and refuelling
6. The disposal of building materials
7. The siting of offices or sheds
8. Any action leading to the impact on tree health or structure.

Reason: To protect trees during construction.

46. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for all trees to be retained identified on Appendix 11.2 Survey Plan + Tree Retention/ Removal Plan on page 16 of the Arboricultural Impact Assessment provided by Accurate Tree Assessment dated October 2025.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

47. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist for the duration of works.

Reason: To protect trees during construction.

48. Approved Works within Tree Protection Zone Incursions

1. Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 Project Arborist and must be undertaken as follows:
 - a. Using sharp secateurs, pruners, handsaws, or chainsaws with the final cut being clean.
 - b. The maximum diameter of roots permitted to be cut is 40 mm.
2. Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
 - a. Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees must be overseen by the AQF 5 Project Arborist for the first 1m undertaken manually to a depth of 500mm to locate roots and allow for pruning.
 - b. Excavations for the construction and/or installation of the house/deck/driveway/piers in the Tree Protection Zone of trees to be retained on the approved plans must be supervised by the Project Arborist, undertaken manually to locate roots and allow for pruning.
3. To minimise impacts within the Tree Protection Zone (TPZ) of trees retained on the approved plans, the installation of services must be undertaken as follows:
 - a. The AQF 5 Project Arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
 - b. The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
 - c. For manually excavated trenches the AQF 5 Project Arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
4. Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - a. Installation of a 100mm deep layer of woodchip; and

- b. Installation of geotextile fabric ground covering; and
- c. Installation of scaffold boarding above the woodchip and geotextile fabric.

Reason: To protect trees during construction.

49. 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.

50. Unexpected Finds

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the Principal Certifier and Council (compliance@hornsby.nsw.gov.au).

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

51. De-watering of Excavated Sites

Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage to neighbouring land and/or property.

Reason: To document the safe removal of water during work to protect the public and the surrounding environment.

52. Erosion and Sediment Control

- 1. Works are not to result in the discharge of sediment and or run-off onto the adjoining properties or public land.
- 2. The person having the benefit of this consent must ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

Reason: To minimise impacts on neighbouring properties and public land.

53. Soil and Water Management (Stockpiles)

- 1. Stockpiles of topsoil, sand, aggregate, soil or other material shall be protected with adequate sediment controls and must not be located on any drainage line or easement, natural watercourse, footpath or roadway.
- 2. The storage of stockpiled topsoil, sand, aggregate, soil or other materials must not result in the discharge of sediment or run-off onto the adjoining properties or public land.

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

54. Storage and Removal of Waste

ITEM 1

1. All demolition and/or construction waste must be stored in a waste receptacle and be removed from the site at frequent intervals. Materials are to be wholly contained within the waste receptacle and not overflowing.
2. All garbage and recyclable materials generated during work must be stored in a waste receptacle and be removed from the site at frequent intervals. Materials are to be wholly contained within the waste receptacle and not overflowing.

Reason: To ensure the site is maintained to an appropriate standard cleanliness and prevent any nuisance or danger to health, safety or the environment.

55. Public Property

To ensure that the public reserve is kept in a clean, tidy, and safe condition during 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*.
3. No building materials, skip bins, machinery, waste or items associated with the development shall be stored or placed directly on the public foreshore below mean high water mark except for approved works in accordance with this consent.

Reason: To protect public land.

56. Archaeology and Aboriginal Heritage

1. Should any substantial intact archaeological deposits whether artefacts, relics, or occupation deposits or Aboriginal objects be discovered or uncovered, excavation and / or disturbance of the site is to immediately cease, and Hornsby Shire Council and Heritage NSW notified.
2. Additional assessment and approval pursuant to the *National Parks and Wildlife Act 1974* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: To protect archaeological deposits or Aboriginal objects in the event of unexpected findings during works.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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57. Fulfilment of BASIX Commitments

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

Reason: Prescribed condition under section 75. EP&A Regulation.

58. Domestic Solid Fuel Burning Appliance Installation

Certification must be submitted to Council prior to issue of the Occupation Certificate stating that the installation was completed by an appropriately experienced and qualified person in accordance with the Building Code of Australia and Australian Standard AS2918:2018 Domestic solid fuel burning appliances - Installation.

Reason: To ensure compliance with appropriate environmental standards to maintain air quality.

59. Compliance with Acid Sulfate Soil Management Plan

A report is to be submitted to the Principal Certifier by a suitably qualified Environmental Consultant in consultation with a chartered Structural Engineer prior to the issue of an Occupation Certificate, confirming compliance with all recommendations as outlined in the Acid Sulfate Soil Management Plan.

Reason: To ensure compliance with commitments to protect the environment from the effects of acid sulfate soils.

60. Final Certification by Project Arborist

The AQF 5 Project arborist must submit to the Principal Certifier a certificate that includes the following:

1. All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works; and
2. All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans; and
3. Dates, times, and reasons for all site attendance; and
4. All works undertaken to maintain the health of retained trees; and
5. Details of tree protection zone maintenance for the duration of works.

Note: Copies of monitoring documentation may be requested throughout the development works.

Reason: To ensure compliance with tree protection commitments.

61. 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 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.

62. 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). 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.

63. Retaining Walls

All retaining walls must be constructed as part of the development and prior to the issue of an Occupation Certificate.

Reason: To ensure the stability of the site and adjoining land.

64. Submission of Excavated Material Tipping Dockets to Principal Certifier

Tipping dockets for the total volume of excavated material that are received from the licensed waste facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To confirm appropriate disposal of excavated material.

65. Wastewater Connection to Sydney Water

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

Reason: To ensure the appropriate disposal of wastewater.

66. Construction of Engineering Works.

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate.

Reason: To ensure engineering works are completed.

67. Certification from Geotechnical Engineer

Prior to the issue of an occupation certificate, a certificate by a qualified geotechnical engineer shall be submitted to the principal certifier, certifying that all works have been carried out in accordance with the recommendations in the approved Geotechnical Report.

Reason: to ensure the stability of the site.

68. Certification of RFS Requirements

A Certificate prepared by a BPAD accredited Bushfire Consultant is to be provided to the Principal Certifier (PC) certifying the completion of the following works required by the NSW RFS conditions of concurrence prior to the issue of the Occupation Certificate:

1. Asset Protection Zones
2. Water and Utility Services
3. Landscaping Assessment

Reason: To ensure all bushfire protection measures are implemented to protect life and property.

69. Swimming Pool Requirements

The construction and operation of the swimming pool must comply with the provisions of the Swimming Pool Act 1992, the Swimming Pool Regulation 2018, Australian Standard AS1926.1-3 Swimming pool safety and the following requirements:

1. All wastewater from the pool's filtration system must be disposed of as follows:
 - a. Sand Filter requirements:
 - i. Where a Sydney Water sewer is available - wastewater shall be drained or pumped to the sewer.
 - b. Cartridge Filter requirements:
 - i. Cartridge filters do not need to be connected to Sydney Water sewer or in rural properties to a rubble pit or tail out drain.

Note: When the cartridge needs cleaning it is to be hosed out in a location that does not adversely impact upon any effluent disposal area and adjoining properties, and must not cause water to enter a waterway, the stormwater system or roadway

2. The motor, filter, pump, and all sound-producing equipment associated with, or forming part of, the swimming pool filtration system is to be located in a sound-proofed enclosure.
3. The applicant must participate in the 'Static Water Supply Project' initiative of the NSW Fire Brigade, to make available the water in the swimming pool for use as a static water supply for fire-fighting purposes by the NSW Fire Brigade or the NSW Rural Fire Service.
4. A certificate shall be provided to the certifying authority upon installation of any swimming pool reticulation system verifying design and installation in accordance with Australian Standard AS1926.3 Water recirculation systems.

Note: On completion of the swimming pool, the applicant is to contact the local NSW Fire Brigade Station or NSW Rural Fire Service Station to arrange the installation of a static water supply identification plate.

Reason: To ensure swimming pool safety and protect the environment and amenity of the local area.

OCCUPATION AND ONGOING USE

| Condition |
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70. Use of Premises

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

1. No consent is granted for a secondary dwelling under this application.
2. No retrospective consent is granted for any works to the boat shed under this application.

Reason: To ensure the use is undertaken with the terms of this consent.

71. Inclinator Noise and Vibration

The ongoing use of the inclinator installed on the premises must not cause the emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of any residential receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the Noise Policy for Industry 2017.

Reason: To protect the acoustic amenity of the local area.

72. Swimming Pool Noise Requirements

1. The noise levels associated with the use of swimming pool and spa pumps (excluding heat pump water heaters) shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the following times:
 - a. Between 8 am and 8 pm on any Saturday, Sunday or public holiday, or
 - b. Between 7 am and 8 pm on any other day
2. The noise levels associated with the use of spa and swimming heat pump water heaters shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the following times:
 - a. Between 8 am and 10 pm on any Saturday, Sunday or public holiday, or
 - b. Between 7 am and 10 pm on any other day

Reason: To protect the acoustic amenity of the local area

73. Bushfire Protection Zones

The required bushfire protection zone(s) around the buildings must be maintained in perpetuity in accordance with Planning for Bushfire 2019 requirements.

Reason: To ensure bushfire protection measures are maintained to protect life and property.

74. Ongoing Protection of Bushland

The natural bushland area of the site identified on the approved plans must remain undisturbed and be protected in perpetuity in accordance with the following requirements:

1. The bushland area between the front boundary and Riverview Avenue is to be kept free of noxious weeds using recognised bush regeneration methods in accordance with 'Recovering bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland - Department of Conservation 2005'; and
2. Machinery and fertilizer must not be used in the bushland area for maintenance purposes.

Reason: To ensure the ongoing protection of bushland.

- END OF CONDITIONS -