

DATE OF DETERMINATION	16 September 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, David White, Ross Walker
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 September 2020.

MATTER DETERMINED

PPSSNH-49 – Hornsby – DA1049/2019 at 9-15 Quarry Road Dural for construction of permanent buildings (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- **Condition 6 amended to read as follows:**

- **Construction Management Plan (CMP)**

To assist in the protection of the public, the environment and Council's assets, a Construction Management Plan must be submitted and approved prior to the first Construction Certificate with reference to all stages of development. The CMP must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) An unexpected finds protocol if any soil contamination is encountered during excavation.
- c) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - iii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.

- iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - a. Public notification of proposed works;
 - b. Long term signage requirements;
 - c. Short term (during actual works) signage;
 - d. Vehicle Movement Plans, where applicable;
 - e. Traffic Management Plans;
 - f. Pedestrian and Cyclist access and safety.
 - v) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
 - vi) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
 - vii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
 - viii) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
 - ix) Swept path analysis for ingress and egress of the site for all stages of works.
 - x) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
 - xi) The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
 - xii) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
 - xiii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - xiv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - xv) The source site location of any proposed fill to be imported to the site, for all stages of works.
 - xvi) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - xvii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- d) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with *AS 2601-2001 – 'The Demolition of Structures'*, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
- i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.

- iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
- v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
- vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Identification of approved sediment and erosion control measures.

• **Condition 11 amended to read as follows:**



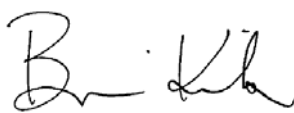


Vegetation Management Plan

- a) A vegetation management plan (VMP) must be submitted to Council's Natural Resource Branch via email at NaturalResources@hornsby.nsw.gov.au for review and written approval prior to issue of the first Construction Certificate.
- b) The VMP must be prepared in accordance with the recommendations contained within the Prescribed Ecology Actions Report (PEAR), prepared by Abel Ecology (dated 25 October 2019) in consultation with a suitably qualified bush fire expert.
- c) Replacement tree planting should include tree species typical of the Blackbutt Gully Forest.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included traffic and land use separation including matters raised relating to bushfire and APZ concerns.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 David White
 Ross Walker (OAM)	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-49 – Hornsby – DA1049/2019
2	PROPOSED DEVELOPMENT	School” to replace existing demountable buildings within the Pacific Hills Christian School. The permanent facilities would accommodate up to 72 students with 32 staff being teachers, therapists, youth workers and administration staff.
3	STREET ADDRESS	Lot 32 DP 1223069, No. 9-15 Quarry Road Dural
4	APPLICANT/OWNER	Applicant - Ted Boyce, Pacific Hills Christian Schools Owner - Pacific Hills Christian Education Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 ○ State Environmental Planning Policy 64 Advertising and Signage ○ State Environmental Planning Policy No. 55 Remediation of Land ○ Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River ○ State Environmental Planning Policy (Koala Habitat Protection) 2019 ○ Hornsby Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hornsby Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 8 September 2020 • List any clause 4.6 variation requests here • List any council memo or supplementary report received: Select Date • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 13 May 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ross Walker, David White ○ <u>Council assessment staff</u>: Stephen Dobbs, Rodney Pickles, James Farrington • Final briefing to discuss council’s recommendation: [date] <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Ross Walker, David White ○ <u>Council assessment staff</u>: Stephen Dobbs, Rodney Pickles, Cassandra Williams
9	COUNCIL RECOMMENDATION	Approval

