JRPP No	2010SYW065
DA Number	DA/1180/2010
Local Government Area	Hornsby Shire Council
Proposed Development	Demolition of existing structures, closure of a road and construction of a church, an early childhood centre and a ten storey residential flat building comprising eighty units and basement car parking
Street Address	Lots 3 and 4 DP 4023, No. 2 - 4 College Crescent, Lots 1 and 2 DP 4023 No.1 - 3 Pretoria Parade and Pretoria Lane, Hornsby
Applicant	Captain Developments Pty Ltd
Owner	Baptist Church Trustees Baptist Union of NSW Baptist Church of NSW Property Trust Mr. S Najeeb Hornsby Shire Council
Number of submissions	One
Recommendation	Approval
Report by	Aditi Coomar Senior Town Planner
Instructing Officers	Rod Pickles – Manager Assessment Team 2 Scott Phillips - Executive Manager Planning

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application proposes the demolition of existing structures, closure of a road and construction of a church, an early childhood centre and a ten storey residential flat building comprising eighty units and basement car parking

2. The application involves land owned by Hornsby Shire Council.

3. The proposal is consistent with Council's Housing Strategy which seeks to locate additional housing within the Shire in close proximity to major services and infrastructure.

4. The proposal does not comply with the Hornsby Shire Local Environmental Plan 1994 with regard to Clause 15 (Floor Space Ratio). An objection pursuant to State Environmental Planning Policy No. 1 has been submitted to support the development, which is considered well-founded.

5. The proposal does not comply with Council's High Density Multi-Unit Housing Development Control Plan with regard to Height and Site Coverage.

6. One submission has been received in respect of the application.

7. Approval of the application as a deferred commencement is recommended.

RECOMMENDATION

THAT Development Application No. 1180/2010 for the demolition of existing structures, closure of existing road and the construction of a church, an early childhood centre and a ten storey high residential flat building comprising eighty units with basement car parking, landscaping works and community title and strata title subdivision at Lots 3 and 4 DP 4023, No. 2 and 4 College Crescent, Lots 1 and 2 DP 4023 No 1 and 3 Pretoria Parade and Pretoria Lane, Hornsby be approved as a deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, subject to the conditions of consent detailed in Schedule 1 of this report.

HISTORY OF THE SITE

The subject property at Nos. 2 – 4 College Crescent and No. 1 Pretoria Parade has been historically used as a church and associated uses such as car parking.

The property at No. 3 Pretoria Parade has been historically used for residential purposes.

The laneway, known as Pretoria Parade is a Council road which provides access to the car park at the rear of the Church.

THE SITE

The site is an L-shaped corner allotment located on the southern side of Pretoria Parade and the western side of College Crescent at the intersection of the roads with Pacific Highway. The site comprises four parcels of land known as Nos. 2 – 4 College Crescent and Nos. 1 – 3 Pretoria Parade. A 6.09 metre wide road named Pretoria Lane bisects the site from north to south and then runs across a section of the southern boundary. The site has an average slope of 9.5 % towards the rear from the north-eastern corner to the south-western corner. The total area of the site including the road is 4275.1 sq metres.

Existing developments on No. 2 – 4 College Crescent include a two storey place of worship with an associated at-grade carpark and offices. The gross floor area of the church building is 1229.32 sq metres. The open car-parking area for the church extends at the rear to No. 1 Pretoria Parade with access off Pretoria Lane.

The current improvements on No. 3 Pretoria Parade include a single storey timber dwelling house and a detached garage with a gross floor area of 159.2 sq metres.

The site is located in close proximity to the Hornsby Town Centre, being within 1 km of the Hornsby Railway Station and is surrounded by a mix of land uses including commercial, residential and educational establishments. High Density (seven to eight storeys) residential apartments are located on the southern side of the site and ten to eleven storey apartments are located on Pound Road and along Pacific Highway. A vacant allotment on the northern side of Pretoria Parade has development consent for a high density residential apartment and a part one-two storey storage building for a site currently used for self storage purposes. A number of commercial developments including motor showrooms and service stations are located on both sides of Pacific Highway in close proximity to the development.

The eastern side of College Crescent accommodates Barker College. The Northern Railway line adjoins the western boundary of the site.

THE PROPOSAL

The proposal involves the demolition of the church and the dwelling house, closure of Pretoria Lane and the construction of a mixed-use development comprising the following:

The Church and ancillary developments

- Erection of a part three storey place of worship including a prayer hall, an early learning centre and offices at the corner of College Crescent and Pretoria Parade.

- The maximum capacity of the church would be for 350 patrons. The building would include outdoor and semi-outdoor play areas for the children. It would also include a large foyer and an open forecourt area at the corner of the site.

- Details of the floor areas are listed below:

Ground Floor	**Area**
Early Learning 1	201.1 m^2
Early Learning 2	185.7 m^2
Covered outdoor play area	210.6 m^2
BBQ area and circulation	(158.9 + 88.1) m^2
Stores	80.5 m^2
Pump room and Garbage	18.7 m^2
Toilets	26.8 m^2
Kitchen	32 m^2
First Floor	**Area**
Meeting Room	179.4 m^2
Foyer, Circulation. Services and Store	(259.9 + 17.4) m^2
Church worship area	210.6 m^2
Rear area of the church	96.4 m^2
Second Floor	**Area**
Offices	147 m^2
Kitchen	15 m^2
Circulation	134.3 m^2

- The gross floor area of the church building would be **1673.8 sq metres.**

- The waste generated by the church would be collected from the College Crescent frontage as is the current practise.

- The church would continue the on-going activities within the new building. The meeting hall would occasionally be utilised for community activities, weddings and funerals. The application includes the following schedule of uses associated with the church throughout the week:

Day	Time	Activity	Frequency
Sunday	9:30am - 11:15am	Morning service/Children's ministry	Weekly
Sunday	4pm – 6pm	Band Practice	Weekly
Sunday	6pm – 7:45pm	Evening Service	Weekly
Monday - Friday	9am-6pm	Office and Pastoral Staff	Weekly
Monday	11am-6pm	Early Learning Foundations	Weekly
Monday	7:30pm-9:30pm	Evening Class	Weekly
Tuesday	9am – 12noon	Craft group	Weekly
Tuesday	10am - 12 noon	Early Learning Foundations	Weekly
Tuesday	8am-10pm	Deacon's meeting	Monthly
Tuesday	7am-9pm	TOT's craft group	Monthly
Wednesday	10am - 12 noon	Early Learning Foundations	Weekly
Wednesday	1pm-3pm	Mums and Bubs group	Weekly
Wednesday	6:30pm-9pm	Korean Fellowship	Weekly
Thursday	9am – 12noon	Craft group	Weekly
Thursday	9:30am-12noon	Seniors meeting	Monthly
Thursday	7:30pm - 9pm	Band Practise	Weekly
Friday	10am-12noon	Early Learning Foundations	Weekly
Friday	9:30am-11:30am	Bible Study Group	Weekly
Friday	1pm-3pm	Bible Study Group	Weekly
Friday	6pm - 10pm	Youth Group	Weekly
Saturday	9am-11am	Movements of the Mission/Tai chi exercise group	Weekly
Saturday	4pm-7pm	Bible Study Group	Fortnightly

The Residential Development and associated facilities

- Ten storey high multi-unit housing development comprising eighty units located at the rear of the church building. The residential component of the development would front Pretoria Parade and be separated from the place of worship by a landscaped forecourt area. The development includes the following mix of residential units:
    - 15 x 1 bedroom units
    - 46 x 2 bedroom units
    - 19 x 3 bedroom units

Nine units are proposed to be located on the ground floor. Ten units are proposed to be located in each floor between Level 2 and Level 6. Level 7 and Level 8 would accommodate eight units each. Level 9 would accommodate five units including three double storey pent house style units. The development includes two adaptable units. The details of the residential units are described below:

Unit number	Individual unit areas	Unit type
A101	87 m^2	2 Bedroom Unit
A102	54.6 m^2	1 Bedroom Unit
A103	95.2 m^2	3 Bedroom Unit
A104	95.4 m^2	2 Bedroom Unit
A105	53.07 m^2	1 Bedroom Unit
A106	96.6 m^2	3 Bedroom Unit
A107	84 m^2	2 Bedroom Unit
A108	89.6 m^2	2 Bedroom Unit
A109	51.5 m^2	1 Bedroom Unit
A201-A601	79 m^2	2 Bedroom Unit
A202-A602	53.9 m^2	1 Bedroom Unit
A203-A603	95.4 m^2	3 Bedroom Unit
A204-A604	84.8 m^2	2 Bedroom Unit
A205-A605	84.7 m^2	2 Bedroom Unit
A206-A606	88.4 m^2	2 Bedroom Unit
A207-A607	96.9 m^2	3 Bedroom Unit
A208-A608	84.8 m^2	2 Bedroom Unit
A209-A609	83.34 m^2	2 Bedroom Unit
A210-A610	51.5 m^2	1 Bedroom Unit
A701	77.8 m^2	2 Bedroom Unit
A702	51.9 m^2	1 Bedroom Unit
A703	92.8 m^2	3 Bedroom Unit
A704	87 m^2	2 Bedroom Unit
A705	86.2 m^2	2 Bedroom Unit
A706	88.5 m^2	2 Bedroom Unit
A707	89.7 m^2	3 Bedroom Unit
A708	91.8 m^2	2 Bedroom Unit
A801	82.61 m^2	2 Bedroom Unit
A802	53.63 m^2	1 Bedroom Unit
A803	97.3 m^2	3 Bedroom Unit
A804	88.8 m^2	2 Bedroom Unit

A805	81.14 m^2	2 Bedroom Unit
A806	93.12 m^2	2 Bedroom Unit
A807	91.5 m^2	3 Bedroom Unit
A808	96.9 m^2	2 Bedroom Unit
A901	90.3 m^2	2 Bedroom Unit
A902	72.5 m^2	2 Bedroom Unit
A903	139 m^2	Double storey 3 Bedroom unit
A904	136.1 m^2	Double storey 3 Bedroom unit
A905	139.79 m^2	Double storey 3 Bedroom unit
Circulation	389 m^2	

- The gross floor area (GFA) of the residential flat building would be **7038.6 sq metres**.

- Provision of a common recreation area including BBQ facilities located on the ground level, at the rear (southern section) of the residential component.

- A centralised residential bin storage area is proposed at the ground floor of the residential flat building. Bin storage areas have been provided on each level of the building for interim storage of waste.

Car Parking Facilities and Access

- Provision of two levels of basement car parking.

- The basement car parking area is proposed to be divided into two sections. The eastern section of the carpark is to be utilised by the church and the associated uses. The western section of the carpark is to be utilised by the occupants of the residential flat building.

- Vehicular access to the basement carpark is proposed via a driveway off Pretoria Parade.

- The pedestrian access to the residential development is proposed from Pretoria Parade adjoining the driveway. The pedestrian entrance would lead to the common landscaped forecourt area and then to the foyer located at the ground level whereby two lift cores would provide continuous access to all floors. The pedestrian entrance to the church is proposed from College Crescent via the open forecourt area. Disabled access to the facility is proposed via a ramp off Pretoria Parade.

- The forecourt area would act as a shared zone to allow occasional garbage truck access within the site for waste services, for loading/unloading of goods and also for removalist trucks, medium rigid and small rigid vehicles.

- The details of car parking provided on site are described below:

Location	No of spaces provided	Comments
Residential		
Basement Level 2	48 spaces	
Basement Level 1	31 spaces + 16 visitors	Includes 2 disabled spaces
Total Residential	**102 Spaces**	
Church		
Basement Level 1	36 spaces	Includes 1 disabled space
Basement Level 2	36 spaces	
Total retail	**72 spaces**	
Bicycle & Motorcycle Parking		
Basement Level 1	4 bicycles + 4 motorcycles	
Basement Level 2	4 bicycles + 4 motorcycles	
Total Bicycle and Bike spaces	**16 spaces**	

Additional features

- A substation is to be located on the College Crescent frontage.
- An extension of the cycleway along the western boundary of the site replacing the existing laneway.
- Landscaping would be provided on both the street frontages.

Subdivision

- Community Title Subdivision is proposed into three lots to create a Residential Lot, a Church Lot and a Community Lot (driveway).
- The forecourt area would belong to the Residential Lot at the ground level. Stratum subdivision is proposed at the two basement levels where the community lot would extend to include the driveway area. The Church Lot would have right-of-way over a section of the Residential Lot at basement level 2.

- Strata subdivision of the multi-unit housing development is proposed, located in the Residential lot.

The design of the development is a contemporary style. The materials of construction would include concrete columns, cement render, aluminium posts, highlight windows and fixed glazing. A steel cross is proposed at the corner of the site acting as the landmark element for the development.

ASSESSMENT

The development application has been assessed having regard to the *'2005 City of Cities Metropolitan Strategy'*, the *'North Subregion (Draft) Subregional Strategy'* and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). Subsequently, the following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2036; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP* by the end of 2011.

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

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

Council has prepared a Housing Strategy which identifies areas suitable for the provision of additional housing to assist in meeting its obligations for 11,000 new dwellings under the Metropolitan Strategy.

In selecting suitable areas for consideration, Council has adopted a process of investigation responsive to the provisions of the Metropolitan Strategy and draft North Subregional Strategy. The proposed development would be consistent with the draft Strategy by providing an additional eighty residential units on a site which is located close to the existing transport infrastructure and would improve housing choice in the locality. The development also includes an employment generating component in the form of the early learning centre and the place of worship that would provide additional jobs in the locality.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and other prescribed matters.

2.1 Hornsby Shire Local Environmental Plan 1994

2.1.1 Clause 7 - Permissibility

The subject land is zoned Special Uses A (Community Purposes) Zone and Residential D (High Density) Zone under Hornsby Shire Local Environmental Plan 1994 (HSLEP). The objectives of the zones are:

Special Uses A (Community Purpose) Zone

(a) to provide for the cultural needs of the community.

(b) to identify land for the provision of community services and facilities.

(c) to ensure that community uses are compatible with the amenity of the area in which they are located.

The proposed landuses on the Special Uses A zone are defined as "place of worship" and "child care centre" under the HSLEP and are permissible in the zone with Council's consent.

The proposed development within the Special Uses A Zone would meet the cultural needs of the community and would ensure that the uses are compatible with the amenity of the area. The proposal complies with the zone objectives in this regard.

Residential D (High Density) Zone

(a) to provide for the housing needs of the population of the Hornsby area.

(b) to promote a variety of housing types and other land uses compatible with a high density residential environment.

(c) to provide for development that is within the environmental capacity of a high density residential environment.

The proposed landuse in this zone is defined as "multi-unit housing" under the HSLEP and is permissible in the zone with Council's consent.

The proposed use would provide for the housing needs in the locality and would promote a land use compatible with the high density environment. The development complies with the zone objectives.

The application proposes "subdivision" which is a permissible use in both zones with Council's consent.

2.1.2 Clause 15 - Floor Space Ratio

The site is identified in Schedule BA of the HSLEP. Clause 15(3) of the HSLEP prescribes that the maximum floor space ratio (FSR) for the site located within the Residential D Zone identified in Schedule BA should not be less than 1.6:1 and not more than 2:1.

The applicant proposes an FSR of 2.9:1 in the Residential D Zone of the site and does not comply with the above requirement. The application is supported by an objection pursuant to State Environmental Planning Policy No. 1 and is discussed in Section 2.2 of this report.

Clause 15(2) does not prescribe any FSR for the Special Uses A Zone. In this regard, the FSR of any development can be considered having regard to the merits of the case. The application proposes an FSR of 0.9:1 in the Special Uses A Zone and only accommodates the Church.

When the land is consolidated, the overall FSR for the site, considering both the zones would be 2:1 which is consistent with the provisions of Clause 15.

2.1.3 Heritage

The property is located on the opposite the Barker College Heritage Conservation Area as listed in Schedule E of the HSLEP. The street trees within the Pretoria Parade road reserve are listed as heritage items of local significance under the provisions of Schedule D of the HSLEP.

An assessment of the application has been conducted in this regard and it is noted that the height of the proposed church would be significantly lower than existing multi-unit housing developments along College Crescent. The proposed residential component of the development would be located approximately 85 metres from the Barker College Heritage Conservation Area. Furthermore, the height, bulk and scale of the proposed building is similar to that of adjoining multi-unit buildings along College Crescent and the nearby town centre.

Accordingly, it is considered that the proposal would not have an adverse impact on the heritage significance of the Barker College Crescent Heritage Conservation Area and therefore, no further assessment is required in this regard.

The proposal would not impact on the heritage listed street trees within the Pretoria Parade road reserve.

2.2 State Environmental Planning Policy No. 1 (SEPP 1)

The application has been assessed against the requirements of SEPP 1. This Policy provides flexibility in the application of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or

unnecessary or tend to hinder the attainment of the objectives of Act. The relevant objectives of Section 5(a) of the Act are to encourage:

> *"(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
>
> *(ii) the promotion and co-ordination of the orderly and economic use and development of land,*
>
> *(v) the provision and co-ordination of community services and facilities,"*

One of the broad objectives of the HSLEP is "*to facilitate the orderly and economic development of land within the area*".

The proposed development would result in a FSR of 2.9:1 within the Residential D zone. The applicant has submitted a SEPP 1 objection against the adherence to the FSR standard for this zone. The overall FSR for whole of the site is 2:1 which is consistent with the permissible FSR in the Residential D zone.

The applicant submits that strict compliance with the FSR requirement is unreasonable and unnecessary for the following reasons:

- *The land is ideally located in close proximity to a large range of diverse services, amenities and facilities within the Hornsby Town Centre. A mix of apartment types in this location would suit the lifestyle of a diverse range of population.*
- *The proposal would encourage orderly and economic development of underutilised land located in a prime location of the area. Additionally the development also promotes the well being of the community.*
- *The amalgamated site does not fit within the multi-unit housing or the community uses categories as defined in the HSLEP and as such the development should be treated as a mixed use development which would provide a housing choice for the population of the Hornsby local government area and also provide improvement to the social services for the community*
- *The scale of the development is compatible with its neighbouring developments*
- *The location and orientation of the two built forms assist in minimising any adverse amenity impacts on the adjoining developments due to overshadowing or overlooking.*
- *There is no material loss of amenity issues to any of the adjoining properties due to this development*

- *The proposed development is within the environmental capacity of the high density residential environment of the locality.*

- *The proposed development would not have an adverse impact on the heritage conservation area located on the opposite side of the road.*

- *The design of the proposed development would have a positive visual impact on the locality.*

- *The development includes sufficient car parking on site to avoid any detrimental impact on the roads.*

Council has conducted a detailed planning assessment against the SEPP 1 submission. The Land and Environment Court has expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the Policy:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

2. *The underlying objective or the purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard would be unnecessary and unreasonable.*

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, a particular parcel of land should not have been included in the particular zone.*

It is considered that the first three of the above points are relevant matters to consider in respect of this application. Having regard to the above points the following matters are considered relevant:

- The development is consistent with the objectives of Section 5 of the Act and the broad objective of the HSLEP in that it encourages the improved management of urban land and promotes the orderly use of that land.

- The proposed development complies with Council's vision of accommodating the additional housing stock via the Housing Strategy and the *Draft North Subregional Strategy* framed by the State Government.

- The proposed development is located very close to the Hornsby Town Centre and therefore has the capacity to accommodate a high density development to promote housing choice in the locality.

- The proposal complies with the objectives of the development standard "Floor Space Ratio" within the HSLEP which aims *'To control the intensity and scale of development of land so that development will be in accordance with the lands environmental capacity and zone objectives'.*

- The Special Uses A zone does not have any FSR control and any proposed development within this zone would have to be assessed on its merits. It is to be noted that the Special Uses A zone permits "multi-unit" housing and this portion of the site may have resulted in a more dense high density residential development due to lack of development standards with respect to FSR and height.

- The current development has resulted in a superior outcome for the site as the intensity of the entire site is controlled by proposing a mixed use development incorporating a church at the corner of the site, being less intense in scale compared to the existing College Crescent streetscape. Though the FSR for the residential zone exceeds the maximum permissible, the overall FSR for the site is 2:1 (consistent with the FSR for the Residential D zone). Further, the proposal includes Community title subdivision which would prevent further redevelopment of the church site individually.

- In order to physically separate the two uses, the majority of the floor area has been accommodated within the residential zone resulting in the non-compliance with the FSR control within the HSLEP. The applicant has demonstrated that the placement of the residential development would not have an adverse impact on the adjoining properties due to overshadowing and loss of privacy. Further, the proposed locations and the separation would reduce the amenity impact on the adjoining southern developments in College Crescent due to overshadowing and the detrimental visual impact on the streetscape due to accentuated building bulk.

- The site is located in between the high density areas of College Crescent and the Hornsby Town Centre. This development would provide the appropriate transition between the two areas and would suit the needs of the locality.

- Should the development within the residential zone comply with the FSR requirements of the HSLEP, the proposal would result in underutilisation of the land and would not satisfy the broad objectives of the Act, the HSLEP and the draft North Sub-regional Strategy.

Based on this assessment, it is considered that the applicant's SEPP 1 submission is well founded and that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case. Accordingly, the SEPP 1 objection is supported.

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

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

The proposal includes preliminary soil assessment Report and a 'Hazardous Materials Survey' report for the site. The preliminary soil assessment report states that there is potential of soil and ground water contamination due to imported fill within the rear portion of the site which varies between 0.5 metres – 1.2 metres in depth. The report also identifies that there has been no previous complaints regarding contamination of the subject property or the surrounding land and that there is no evidence of surface contamination of the site.

The report stated that drill holes within the ground indicate no visual stain, odour or contamination. However, the report recommends that "*soil sampling of the fill should be undertaken in accessible areas across the site in accordance with NEPM and NSW DECCW Guidelines."* Since the proposed development would involve major excavation and removal of all fill from the site, the soil can be tested for contamination in DECCW's *Waste Classification Guidelines* prior to disposal. Conditions of consent would ensure that the site is remediated prior to commencement of works, the soil is tested prior to disposal and a validation report is prepared in accordance with the relevant guidelines. The proposal development is acceptable with regard to SEPP 55 provisions, subject to the implementation of the recommended conditions.

The submitted information also included an Asbestos Clearance Certificate provided in 2008, stating that the surface vegetation was removed from the site and an 'asbestos pick' of the surface area was undertaken before removing asbestos material from the ground surface and disposing it at a licensed EPA land fill.

The Hazardous Material Survey Report identifies hazardous material such as asbestos within the Baptist Church building and methods have been outlined for management of such material during demolition works on the site. This is considered acceptable subject to implementation of recommended conditions.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of State Environmental Planning Policy (Infrastructure) 2007. This Policy contains State-wide planning controls for developments adjoining rail-corridors and busy roads.

2.4.1 Development in Rail Corridors

The development is located immediately adjoining the Northern Rail Corridor and would require excavation within 25 metres (measured horizontally) of the corridor. Therefore the development requires concurrence of the RailCorp under Clause 85 and 86 of the SEPP (Infrastructure). The following matters are considered in this regard:

2.4.1.1 Impact of excavation

The development would involve a bulk excavation to a depth of 6 metres to 8 metres below the natural ground on land adjoining the Rail Corridor, approximately 5.5 metres above the level of the highest track at the northern end of the site. The building is to be located approximately 25 metres from the centre line of the closest track, towards the northern end of the site.

The applicant has submitted a Geotechnical Assessment Report assessing the impact of the proposed excavation, the resultant vibration and the stress-strain analysis on the structural integrity of the rail corridor. The report concludes that the proposed excavation and the resultant vibration would not impact on the rail corridor subject to the recommended techniques for construction.

State Rail has reviewed the application in this regard and has raised no objection to the development subject to implementation of conditions of consent.

2.4.1.2 Impact of Noise

Clause 87 of the SEPP (Infrastructure) applies to the development as it would be impacted upon by the noise and vibration from the rail corridor and the Pacific Highway. In accordance with the requirements of the SEPP, the proposal has been assessed against the noise related controls contained within the Department of Planning's publication *"Development near Rail Corridors and Busy Roads – Interim Guidelines"*.

The applicant has addressed this requirement by submitting a detailed Noise and Vibration Intrusion Report in accordance with the above guidelines. The report details the construction techniques for the residential development to attenuate rail noise and vibration and concludes that the development would not exceed the specified noise criteria and L_{eq} levels within Clause 87 of the SEPP (Infrastructure). Achievement of this outcome is also recommended as a condition of development consent.

In addition to the above, the following planning measures have been adopted to reduce noise transmission:

- The church building acts as a podium to alleviate road noise transmission to the residential component.

- The church hall and the early learning centre areas have been separated from the road, wherever possible via the service areas.

- The church building incorporates solid walls and panels along the College crescent façade and the mostly along the Pretoria Parade façade to reduce transmission of noise within the worship area.

Council has assessed the application with regard to noise, including a detailed examination of the Noise and Vibration Intrusion Report. The assessment concludes that the development would be satisfactory. The applicant has also provided that the predicted EMF levels from the proposed substation would comply with Energy Australia's Standards. State Rail has also

reviewed the application with regard to noise and vibration and raised no objections subject to implementation of the recommended conditions.

2.4.1.3 Rail safety issues

The document *"Development near Rail Corridors and Busy Roads – Interim Guidelines"* prescribes guidelines and design elements to be incorporated into a development adjoining a rail corridor to reduce vandalism and improve safety of the infrastructure. State Rail has recommended the following conditions in accordance with the guidelines:

- *"Given the possibility of objects being thrown onto the rail corridor from balconies, windows and other external features, the applicant is required to install adequate measures such as awning windows and enclosed balconies that are within 20 metres of the rail corridor. The measures to be utilised are to be endorsed by RailCorp prior to the issue of the Construction Certificate.*

In order to satisfy the above requirement, the following design elements are to be incorporated on the façade fronting the rail corridor and have been recommended as conditions of consent:

- A 2 metre high glass wall/balustrade provided along the western elevation of the ground level residential units.

- Enclosure of the western elevation of the upper level balconies on the western façade of the building by providing 1 metre high glass louver screening (maximum 80 mm opening) on top of 1 metre high balustrade.

Such louvers and glass walls have been approved in other similarly affected in the locality on the façades of buildings fronting the railway corridor to maintain safety. It is considered that the design of such louvers and glass wall would not have an unacceptable impact on the streetscape and would protect the rail infrastructure. The restrictions to window openings on the western elevation have also been recommended as conditions of consent. The proposal is acceptable in this regard.

2.4.2 Impact of road noise or vibration on non-road development

Clause 102 of the SEPP (Infrastructure) applies to development for residential uses, place of worship and child care centres located on land in or adjacent to the road corridor for any road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and affected by its noise and vibration. Since the proposed development is in close proximity to that part of Pacific Highway which exceeds the traffic threshold, this Clause is required to be taken into consideration.

The matter has been discussed in detail in Section 2.4.1.2 of this report. The design of the proposal and the resultant noise levels are considered to be satisfactory.

2.4.3 Traffic Generating Development

The development is classified as a Traffic Generating Development in accordance with Clause 104 of the SEPP (Infrastructure) as it is located on a site that has direct vehicular or pedestrian access to a road that connects to a classified road, where the access is located within 90m of the connection.

Traffic Generation

The proposed development involves access from Pretoria Parade via a common driveway for ingress and egress to the basement. A separate vehicular access is proposed to the forecourt area on the ground floor for Heavy Rigid Vehicle access to the site. This area would be a shared pedestrian zone.

The development application includes a traffic assessment report' and traffic modelling for the nearby intersection of Pretoria Parade and College Crescent. The report states that the additional traffic generation would primarily be due to the residential component of the development since the church and the associated activities already exist within the site. The report calculates the trip generation for all components of the development in accordance with the Roads and Traffic Authority (RTA) guidelines and concludes that the residential development would generate a total of 23.2 vehicle trips per hour. The report also details the additional vehicular movements during AM and PM peak periods.

Council's assessment of the traffic modelling results concludes that east bound traffic on Pretoria Parade would queue across the driveway to the proposed development. However, RTA has not raised any objections to the development on traffic grounds and considers that the queuing would not have any adverse impact on the existing road network.

Access to the site

The applicant has provided a swept path analysis to demonstrate that the forecourt area design is suitable for HRV access from Pretoria Parade. Council's assessment in this regard concludes that in order to accommodate a HRV, the width of the driveway to the forecourt should be 5.5 to 6 metres wide at the boundary with additional splay at the kerb (2 to 2.5 metres) to avoid damage in the future. The applicant addressed the above issues by widening the width of the driveway at the entrance to provide access for a HRV.

It is anticipated that the HRV would reverse onto the site and then egress out in a forward direction. This is considered acceptable subject to time restrictions being imposed regarding reversing of vehicles in the forecourt area. However, Council's garbage truck (being shorter in length than HRV) would be able to ingress and egress the site in a forward direction at all times. Given the above, the proposal is assessed as satisfactory subject to implementation of recommended conditions.

Access to the basement

The proposed access to the basement is assessed as satisfactory. However, it is noted that the basement would not allow access to Medium Rigid or Small Rigid Vehicles due to lack of headroom clearance at the entrance. Small vans would be able to park in the basement car

park. The proposed ramp grades and aisle widths within the basement are considered satisfactory.

Closure of Pretoria Lane

The application would involve the closure of the Council road named Pretoria Lane. The laneway does not connect to any road network and provides access to the existing carpark for the church only. The closure of this road would not impact on the road network in the locality and is considered acceptable. A deferred commencement consent is recommended to ensure consolidation of the allotments and the closure of the road, prior to the consent being operative.

Cycleway

The applicant proposes to extend the cycleway along the western boundary of the site and provide pedestrian connection to Pretoria Parade. This is considered satisfactory subject to recommended conditions imposing design specifications.

2.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The application has been assessed against the requirements of State Environmental Planning Policy No. 65 (SEPP 65). This Policy provides State-wide planning controls for establishing design criteria for the assessment of residential flat developments and for residential components of mixed use developments. The primary aim of SEPP 65 is to *"improve the design quality of residential flat development in New South Wales".*

Council engaged an independent urban design consultant to carry out an assessment of the initial proposal having regard to SEPP 65 and the general appearance of the buildings within the site. The conclusions of the independent assessment are summarised below:

- *The proposed residential component does not take into consideration, the established built form patterns.*
- *Accentuated scale and bulk of the residential flat building, due to the height of the building exceeding the nine storey height limit and inappropriate articulation of the façade fronting Pretoria Parade.*
- *Inappropriate design elements and aesthetics including the design of the foyer area being, small, narrow and not distinct (details discussed in section 2.9).*
- *Inadequate setback of the residential building from Pretoria Parade (discussed in section 2.9).*
- *The location of the communal open space is such that it is overshadowed by the building and is considered inappropriate.*
- *Solar access to the proposed units is not satisfactory.*
- *Unsatisfactory privacy to neighbouring dwellings due to location of balconies and windows.*

- *Location of the basement access is likely to compromise pedestrian safety (discussed in Section 2.10).*

In response to these concerns, the applicant was requested to amend and/or justify general aspects of the design of the development. The applicant undertook several design changes to the original development which satisfactorily addresses the urban design concerns. This assessment of the residential component of the proposed development against the ten principles provided in Part 2 of SEPP 65 and having regard to above matters raised in the Urban Design Assessment Report is detailed in the following sections of this report:

2.5.1 Principle 1: Context

The site is located at a gateway position in close proximity to the Hornsby Town Centre. It may be described as an area undergoing transition featuring a variety of examples of building forms including the contemporary style high density residential developments, older low scale commercial and industrial buildings, a furniture storage warehouse located on the opposite side of Pretoria Parade, the Westfield Shopping Complex in close proximity and a heritage conservation area on the opposite side of College Crescent.

The context of location of this site varies from the existing high density developments fronting College Crescent as it includes a corner site acting as a transition between the high density precinct and the town centre. This transition is provided by the redeveloped church building which would act as the gateway element. Further, the residential component of the development fronts Pretoria Parade whereas all the other high density structures in the precinct front College Crescent.

The desired future character of the area is reflected in the requirements of the High Density Multi Unit Housing Development Control Plan (High Density DCP) which are discussed in more detail under Section 2.9 of this report. However, they may be generally summarised as being an integrated town centre keeping with the urban form provided for in the masterplan. The applicant has argued that the proposed development comprising a residential flat building and community facilities at the corner is considered to respond suitably to the 'context' principle of SEPP 65. The application is assessed as satisfactory in this regard.

2.5.2 Principle 2: Scale

Council requires that buildings within the College Crescent Precinct be constructed with a podium level to include a distinct top, middle and base. Initially, the development incorporated an eleven storey high residential flat building with dark coloured bands on the upper storeys. This did not comply with the requirements of Council's High Density DCP which requires the maximum building height for the site to be nine storeys. The urban design assessment of the proposal concluded that the building bulk is accentuated due to the non-compliance with the height restrictions and the inappropriate façade articulation.

The applicant has addressed this concern by deleting one storey (ten units) of the development. The amended proposal includes a nine storey development with an additional roof storey incorporating the mezzanine floor for three of the top level double storey units. Though numerically the height still does not comply with the requirements of the DCP, the resultant proposal has been significantly reduced in bulk and scale. The uppermost level

incorporates five units whereas the mezzanine incorporates only three units that would not be visible from the street level due to the extended setbacks from the building's periphery.

The seventh and the eighth floors incorporate minor setbacks from the building's edge which assist in reducing the apparent scale of the building. The amended proposal also replaces a number of masonry parapets with glazed balconies to soften the edges and reduce the overall bulk. When viewed from the corner of Pacific Highway (diagonally opposite side of the intersection), the church building would act as the podium for the complex and the residential building would appear to step up from this podium which is considered appropriate.

A variety in colours provides horizontal separation of the building components. It is considered that the revised design is in keeping with the desired character of the precinct; provide an appropriate transition between the taller buildings of the town centre and the seven to eight storey buildings fronting College Crescent. The amended proposal reduces the overall scale of the development by stepping the building up and is assessed as satisfactory with regard to "scale".

2.5.3 Principle 3: Built Form

The proposed development presents a distinct architectural design providing an attractive landmark building on this key 'gateway' site in the locality.

The details of the elements of the built form have been assessed against the development controls with the High Density DCP in Section 2.9 of this report having regard to the concerns raised in the independent urban design assessment of the proposal.

2.5.4 Principle 4: Density

The development does not comply with the FSR requirement contained within the HSLEP. The matter has been discussed in detail in Sections 2.1 and 2.2 of this report. It is considered that the proposed density is sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality. The proposal complies with the density principle of SEPP 65.

2.5.5 Principle 5: Resource, energy and water efficiency

The proposed development includes a BASIX certificate and complies with the requirements with regard to water, thermal comfort and energy. The proposal also complies with the natural ventilation and solar access requirements within the Residential Flat Design Code (RFDC). The details of the above matters have been discussed in sections 2.5.11 and 2.9 of this report.

2.5.6 Principle 6: Landscape

The application includes a landscape concept plan providing landscaping along Council's footpath on Pretoria Parade and College Crescent. Such planting would activate the street frontage and improve the overall appearance of the area. The urban design assessment report states that the landscaping along Pretoria Parade should incorporate more trees and not be restricted to ground cover and shrubs. It is noted that the landscaping along the frontage

would be reduced to some extent due to widening of the driveway. Further, additional street trees cannot be provided in this area as it would block the sightlines for pedestrians and drivers. Council's assessment in this regard concludes that the landscaping along the both the street frontages would be satisfactory subject to conditions regarding appropriate plant species.

The proposed development also incorporates deep soil planting with associated amenity in the recreational area along the western and southern edges of the site in accordance with the requirements of the High Density DCP. The landscaped forecourt and the courtyards of the ground level residential units would also incorporate sufficient landscaping to soften the built form.

The proposal incorporates the cycleway along the western edge of the site in accordance with the High Density DCP. The cycleway would link to the high density developments along College Crescent.

Given the above, the proposal satisfies the intent of the 'Landscaping' principle of SEPP 65.

2.5.7 Principle 7: Amenity

The application has been assessed against the 'Building Amenity' criteria within the RFDC and is discussed in detail in section 2.5.11 of this report.

Generally, the proposal would provide convenient and safe access to the residential component of the development via a central lift connecting the basement and all other levels. The development also proposes satisfactory noise attenuation measures to mitigate the impact of noise from the rail corridor and adjoining roads.

The Urban Design Assessment Report notes that the entrance to the basement carpark may compromise pedestrian safety along Pretoria Parade. However, Council's assessment in this regard considers the proposed access to be acceptable as it is similar to the existing situation at College Crescent.

The application is assessed as satisfactory against the 'Amenity' principle of SEPP 65.

2.4.8 Principle 8: Safety and security

The proposed development is located on the corner of a busy intersection which experiences a high level of pedestrian movements from users of surrounding schools, commercial developments and residential apartments. The residential component of the development features the majority of the balconies and living areas addressing the street frontage, wherever possible to increase the level of observation and 'eyes on the street'. The pedestrian forecourt area would assist in passive surveillance. The design has regard to the 'Crime Prevention through Environmental Design (CPTED)' principles and does not include any obvious unobserved areas.

The urban design assessment report raises concerns that the courtyard area in front would be unsecured as it fronts Pretoria Parade and would not be subject to passive surveillance due to lack of ground floor courtyards fronting this area. The amended design of the proposal

addresses these concerns by excluding the blade walls and allowing full surveillance of the area from the main foyer on the ground floor and the balconies of the upper floors. Further the elements of the recreational area have been proposed at a considerable distance from the street frontage and outside the swept path of the HRVs accessing the site. The applicant has provided details of truck access times within the site and this would be recommended as a condition of consent to ensure proper management of the forecourt area during those times. Given that there is alternative communal area located at the rear of the site, this space is considered to be satisfactory with regard to safety and security. The main entry would include a security gate behind the letter boxes, to prevent unauthorised entry within the complex.

The RFDC requires the preparation of a formal Crime Assessment Report for development that comprises more than twenty residential units. The proposal includes brief assessment of the development against Crime Prevention controls in the Statement of Environmental Effects. The development was referred to the NSW Police Force for comments with regard to Crime Prevention and no comments have been received. Given this, the development is assessed as satisfactory subject to the following recommended conditions:

- Sufficient lighting of the service areas of the ground floor including the garbage room and the communal open space at the rear.
- A small inspection window be installed in the stairwell door to allow viewing from inside prior to exiting the building.

2.5.9 Principle 9: Social dimensions

The site is located in close proximity to the Hornsby train station which services the Main Northern Line and the North Shore Line and provides bus interchanges. The site is also located within close proximity to a variety of shopping, recreation and educational facilities. A reasonable mix of landuses, dwelling types and sizes has been proposed complying with the requirements within the RFDC improving the housing choice in the locality.

The development is assessed as satisfactory with regard to social dimensions.

2.5.10 Principle 10: Aesthetics

The proposal is generally consistent with the design principles contained within the RFDC. It is considered that the aesthetic quality of the building contributes to the desired future character of the area. The urban design assessment report raised a number of concerns regarding the aesthetics of the design; the applicant has taken the comments into consideration and provided amended façade designs to Council.

There are prescriptive design guidelines within the High Density DCP for such developments as well. The details of the assessment of the built form and the aesthetics of the amended development against the DCP controls are contained in section 2.9 of this report.

2.5.11 The Residential Flat Design Code

Clause 30(2) of SEPP 65 requires consent authorities to consider the design quality of the residential flat development when evaluated in accordance with the design quality principles, and the Department of Planning's Residential Flat Design Code (RFDC). The following is an assessment of the proposal against the requirements of the RFDC:

Residential Flat Design Code			
Site Design			
Issue	**Rule of Thumb**	**Provided**	**Compliance & Comments**
Building Depth	10-18 metres	16-23 metres for residential component	No
Building Separation	12m up to four storeys increased to 18m from fifth level to eight level and 24 metres from the ninth storey	*Southern boundary* 11 metres from boundary up to the sixth level and increases up to 15 metres on the upper floors *Southern building* 16 metres from adjoining southern building up to sixth storey and then 22 metres from the adjoining building from the seventh level *Adjoining eastern building* 16.9 metres up to level six and increases to 18 metres on the upper floors	Yes No No
Deep Soil (Res D Zone)	Min 25%	30% (784 sq metres)	Yes
Communal open space (Res D zone)	25-30%	27 % (646 Sq metres)	Yes
Private Open Space (POS) for Ground floor units	Min 25 m^2 for each unit	POS for units A102, A104, A105, A107 < 25m^2	No

Min Dimension for POS at Ground Level	4 m minimum in one direction	Majority of ground floor units do not comply	No
Pedestrian Access	20% of the dwellings should have barrier free access	Continuous path of travel via lifts provided from street to all units	Yes
Unit Depths			
Issue	**Rule of Thumb**	**Provided**	**Compliance**
Single aspect one bedroom units			
Depth and Kitchen distance (Single aspect units A102 –A802, A105, A 109, A210-A610)	8m maximum depth and kitchen distance 8m from window	8m maximum depth and kitchen distance maximum 5m from window.	Yes
Two bedroom corner units			
Dimensions and depth (A101-A801, A209-A609, A108, A107, A902)	(14.3m x 6.3m) max and 8 m depth for single aspect areas	12 m x (6.3 – 8)m and 5m depth for single aspect areas	Yes
Dimensions and depth (A708-A808)	(14.3m x 6.3m) max	(11m x 10m)	No – The units include single aspects areas where depth is less than 8 metres to achieve ventilation and daylight. This is acceptable.
Dimensions and depth - A901	(14.3m x 6.3m) max	16m x 7m	Yes
Two bedroom cross through units			

Dimensions (A205-A805, A206-A806)	(12m x 4m)	(16m x 4m)	No - Additional cross ventilation provided by staggering the walls and placing living areas within 5 metres of windows. This is considered satisfactory
Single aspect two bedroom units *(west facing)*			
Depth (A104-A804)	8 m maximum	10 m	No – Living areas and bedroom within 8 m with sufficient natural light and ventilation
Kitchen distance (A104-A804)	8 m from window	8m max	Yes
Three Bedroom corner apartment			
Dimensions (A103-A803, A106, A207-A807, A903-A905)	(16 X 8.6)m And 8 m depth for single aspect areas	12m X 7 m (living areas including kitchen) Single aspect areas have a max depth 8 m	Yes Yes
Minimum Apartment Sizes			
One Bedroom units	50 m^2 min	50 m^2 min	Yes
Two bedroom units`	70 m^2 min	70 m^2 min	Yes
Three Bedroom units	95 m^2 min	95 m^2 min	Yes
Building Configuration			
Issue	**Rule of Thumb**	**Provided**	**Compliance**
Balconies	One primary balcony/courtyard and secondary balconies to	One primary balcony/courtyard provided to living areas. Secondary balconies	Yes

	bedrooms	provided where possible.	
Depth of balconies	Minimum depth 2m for primary balconies	1.8- 2 m for primary balconies/courtyards	No - Furniture layout has been provided to demonstrate compliance with the standard
Ceiling heights - Residential floors	2.7 m minimum height	2.7 m	Yes
No. of units accessed from double corridors	Maximum 8	8	Yes
Corridors	Short and clear sights Avoid tight corners	Corridors lengths are optimised with sufficient foyer spaces No corners provided	Yes Yes
Total Storage area - One bedroom units	6 m^3 (minimum) 50% accessible from apartments	6 m^3 provided. Majority of one bedroom apartments have less than 50% storage space within the units	Yes No
Total Storage area - Two bedroom units	8 m^3 (minimum) 50% accessible from apartment	> 8 m^3 for all units. 50 % of the storage space is not accessible from fifteen units	Yes No
Total Storage area - Three bedroom units	10 m^3 (minimum) 50% accessible from apartment	> 10 m^3 for all units. 50 % of the storage space is not accessible from eight units.	Yes No
Ground Floor Apartments	Consider separate entries and accessible units Include terraces	Separate entries provided from the street to units A101, 102 and 103 Terrace added to each unit	Yes Yes

Building Amenity			
Issue	**Rule of Thumb**	**Provided**	**Compliance**
Aspect	Optimise northern aspect	68 % have northern aspect	Yes - Northern aspect is achieved in a number of units by proposing protruding balconies.
Solar access	70% receive 2 hrs direct sunlight	78.7% receive more than 2 hrs sunlight	Yes – 63 units out of 80 units
No of single aspect units with SW-SE aspect	10% maximum	There are no single aspect units that are located to the south, SW or SE.	Yes
Cross ventilated units	60 %	71.5 %	Yes– 54 units out of 80 units
Kitchen with access to natural ventilation	25 %	52 %	Yes

As detailed in the above table, the proposed development does not comply with some 'rules of thumb' within the RFDC. The matters of non-compliance have been discussed in the above table and/or below as well as a brief discussion on compliance with relevant performance standards:

2.5.11.1 Building Depth

The proposal does not comply with the required 10 to 18 metres maximum building depth for the residential component. The RFDC prescribes that the control over the building depth is important as non-compliance with the above could result in overshadowing and lack of cross-ventilation to the residential units.

The proposed building is north-south orientated and maintains a reasonable setback from the southern boundary to avoid overshadowing the adjoining residential development. Since the length of the building cannot be increased further, it has been compensated by increasing the building depth to accommodate the units. Whilst this is not ideal, the applicant has demonstrated that 71.5 % of the units are cross-ventilated and 78.7 % of the units would receive 2 hours of direct solar access during winter solstice. Further, the submitted shadow diagrams indicate that the building would not unreasonably overshadow the private open space areas and the living areas of the adjoining developments due to the building layout and separation. Accordingly, it is considered that the proposed development achieves the objective of the 'Building Depth' control within the RFDC and is acceptable in its current form.

2.5.11.2 Building Separation

As indicated in the table above, the proposed development does not strictly comply with building separation requirements on all boundaries of the site. The development would directly adjoin two residential developments on the eastern and southern sides. The proposal retains a minimum of 16 metres setback up to the sixth level and the setback increases to 22 metres on the southern side and 18 metres on the eastern side on the upper floors. The urban design assessment report states that due to the non-compliance with the building separation requirements, a number of east facing units (e.g. A206-A606, A209-A606 and A210-A610) would compromise the privacy of the existing units located on the eastern side of the adjoining residential flat building as the living areas and balconies would front each other.

The applicant submits that the proposed building separation is a product of the location of the residential component with respect to the site and the existing developments on both the allotments due to the following reasons:

- The adjoining building on the eastern side has a setback of 7 to 9 metres from its western boundary and the building does not step up with increased setbacks on the upper floor.

- The adjoining building on the southern side is located at a sufficient distance from the proposed development and therefore the minor numerical non-compliance would not have any privacy or overshadowing impact on the units within this building.

- The residential flat buildings that front College Crescent do include balconies and primary living areas directly fronting each other which has already set a precedent for the locality.

- The balconies of the east facing units would not directly front any balcony of the adjoining eastern building. They would only front the secondary living spaces.

- Therefore the reduced building separation would not result in unreasonable impact on the privacy of the adjoining developments.

- The portions of the terraces on the upper floors that front the southern boundary would not be located directly opposite the balconies of the adjoining southern building.

An assessment of the proposal with regard to the building amenity provisions has been conducted and it is considered that the numerical non-compliance regarding the building separation would not result in unreasonable compromise to natural ventilation and solar access to the proposed or the existing developments.

The development is assessed as satisfactory with regard to the ‘Building Separation’ provision.

2.5.11.3 Private Open Space

The above table indicates that a number of ground floor units (A102, A104 and A107) do not include 25 sq metres of private open space area whereas majority of the units do not include terraces with minimum dimension of 4 metres. The applicant has argued that the units fronting the western side are to be located 3.5 metres above the ground whereas the units on southern side would be located 5 metres above the ground. Therefore, strict compliance with the objectives and the prescriptive measure in relation to this standard does not apply to these units. Notwithstanding the above, the private open space areas for all units comply with the minimum area requirement for the similar upper floor units. The terraces that do not comply with this requirement would adjoin landscaped areas. The proposed development includes two areas of communal open space with sufficient community facilities to compensate this non-compliance.

Given the above, the fact that large open terraces fronting the rail corridor would be subject to rail noise at all times which is undesirable under SEPP (Infrastructure) and that this is a high density zone close to the town centre, the above non-compliance is acceptable.

2.5.11.4 Solar Access and Natural Ventilation

The Urban Design Assessment Report has raised concerns that only 45% of the units would receive two hours solar access and that the communal area would be overshadowed during the winter solstice. The matters are assessed below:

Solar access to units

The applicant has submitted a detailed SEPP 65 compliance table and solar access diagrams to typical balconies demonstrating compliance of individual units with solar access and natural ventilation controls within the RFDC. The applicant submits that 68% of the units would receive 3 hours solar access whereas 78% of the units would receive 2 hours solar access during Winter solstice. Council assessment in this regard concludes that the units would comply with the above requirements and the proposal is acceptable in this regard.

Solar Access to Communal Area

It is noted that the communal area in the southern section of the site would be overshadowed during the winter solstice. The applicant submits that the proposed residential development includes two communal areas; one being the paved forecourt area and the other being the isolated BBQ area and recreation area at the rear.

The forecourt area would receive solar access in excess of three hours solar access between 9 am and 3 pm during the winter solstice. Whilst the forecourt area is to be shared with the HRVs, it is anticipated that such access would be occasional. At all other times during winter this area can be used by the residents as a communal and congregation area. The area to the south of the building would receive solar access during summer and would act as the prime communal open space during that time of the year when outdoor activities would be more frequent.

The proposal is assessed as satisfactory in this regard.

2.5.11.5 Acoustic Privacy

The internal layouts of the residential units are designed such that noise generating areas would mainly adjoin each other. Storage or circulation zones would act as a buffer between units. Bedrooms and service areas such as kitchens, bathrooms and laundries would be grouped together wherever possible. Continuous walls are proposed to ground level courtyards. Measures to reduce noise transmission from common corridors have been provided within the unit layouts.

The proposal complies with the 'Acoustic Privacy' requirements within the RFDC and is assessed as satisfactory.

2.5.11.6 Storage Areas

The RFDC provides rules of thumb for the size, location and area of storage to be allocated to units. The proposal complies with the total storage area provided for individual units. However, it is noted that in a number of units, 50% of the storage areas are not provided within the units. The applicant has argued that approximately 60% of the units would include 50% of the storage areas within the units. This is considered to be reasonable as all the units would numerically comply with the total storage area requirement. Further, the storage areas are calculated excluding the kitchen pantry and wardrobes in the bedrooms. Should these areas be included, all units would comply with the rule of thumb provided in the RFDC.

It is considered that the proposal complies with the intent of this clause which requires provision of suitable storage areas for the future residents and the minor numerical non-compliance is acceptable.

2.6 State Environmental Planning Policy (Building Sustainability Index – BASIX) - 2004

The application has been assessed against the requirements of State Environmental Planning Policy (BASIX) 2004 which seeks to encourage sustainable residential development.

The proposal includes a BASIX certificate 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 thermal comfort, water and energy.

The proposal is acceptable in this regard.

2.7 State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)

The application has been assessed against the requirements of SEPP 32. The SEPP requires Council to implement the aims and objectives of this Policy to the fullest extent practicable when considering development applications relating to redevelopment of urban land. The objectives include promotion of the orderly and economic use of land and implementation of

a policy of urban consolidation which would promote the social and economic welfare of the State. There are no prescriptive controls within this Policy.

The application complies with the objectives of the Policy as it would promote social and economic welfare of the locality and would result in the orderly and economic use of under utilised land adjoining the Hornsby Town Centre.

2.8 Sydney Regional Environmental Plan No. 20: Hawkesbury Nepean River

The application has been assessed against the requirements of Sydney Regional Environmental Plan No. 20. This Policy provides general planning considerations and strategies requiring Council to consider the impacts of this proposal on water and scenic quality, aquaculture, recreation and tourism.

The proposed development would have minimal potential to impact on the water quality of the catchment, with the implementation of management measures for the construction and operational phases of the development. A condition is recommended with respect to installation of sediment and erosion control measures prior to and during construction.

The proposal also includes details of stormwater management of the site by providing an on-site detention system. Council's assessment of the proposal in this regard concludes that the development is satisfactory.

2.9 High Density Multi Unit Housing Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design standards within Council's High Density Multi Unit Housing Development Control Plan (High Density Housing DCP). The following table sets out the proposal's compliance with the relevant prescriptive standards of the Plan:

High Density Multi Unit Housing Development Control Plan			
Control	**Proposal**	**Requirement**	**Compliance**
Site Coverage	40%	35%	No
Setbacks			
Pretoria Parade (Residential)	4.5m	6m - 9m	No
Eastern boundary	6m	6m	Yes
Western boundary	6m	6m	Yes
Building separation (Southern boundary - residential)	>12m	12m min	Yes
Southern Boundary (Church)	3m	N/A	N/A
Height	10 storeys	9 storeys	No
Outdoor Areas – Small units	9-15m^2	6m^2	Yes
Outdoor Areas – Medium Units	8-40m^2	8m^2	Yes
Outdoor Areas – Large Units	40m^2 min	10m^2	Yes
Outdoor Areas-Ground Floor small units	8-10m^2	20m^2 min	No
Car Parking			
Residential	79 spaces	73 spaces	Yes
Residential visitor	16 spaces	16 spaces	Yes
Landscaped area	30%	50%	No. Complies with RFDC

As detailed in the above table, the proposed development does not comply with a number of prescriptive standards within Council's High Density DCP. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant performance standards.

2.9.1 Masterplan

The proposed development is consistent with the adopted strategies for 'College Crescent Precinct' as the built form would reinforce the urban design guidelines of the Town Centre and a taller building would cluster around the core of the Town Centre.

2.9.2 Gateway Point

The corner of Pretoria Parade, College Crescent and Pacific Highway is identified as a 'Gateway' point due to its prominent location. The church building being located adjacent to the gateway incorporates landmark features including the steel cross and the blade walls along the street frontages. The level changes, the church acting as the podium and the stepping up of the residential building from the corner would addresses the gateway point satisfactorily. The urban design assessment of the proposal with regard to the design of the church, the streetscape and the corner treatment is satisfactory. However, the height of the cross-structure is considered excessive and this matter is addressed in section 2.10.6 of this report.

2.9.3 Views and Vistas

The proposed low rise church building acts as the podium to the complex and provides space in between the tall buildings. It also aligns with the existing vista along the north-south axis of Pacific highway and College Crescent.

The design of the residential developments on the upper floor would take advantage of views of the surrounding bushland.

2.9.4 Green Space Linkage and Street Trees

The proposal includes a cycleway along the western boundary in accordance with the requirements of the High Density DCP and proposes extensive landscaping along the entire western frontage.

The development includes planting along Pretoria Parade and College Crescent in accordance with the prescriptive measures of the High Density DCP and would maintain consistency with the established street trees. Council's landscape assessment in this regard is considered satisfactory.

2.9.5 Pedestrian Network

The proposal incorporates the extended cycleway along the western boundary which would connect to the existing developments along College Crescent in accordance with the pedestrian network plan of the High Density DCP and is assessed as satisfactory.

2.9.6 Site Coverage

The development proposes a site coverage of 40% within the residential D zone whereas the High Density DCP requires maximum site coverage of 35% within the zone. The numerical non-compliance arises due to ground floor terraces and the protruding upper floor balconies which assist in achieving the northern aspect for most of the units and provides solar access to the units. However, the balconies would include glass balustrades and would not visually add to the bulk and scale of the building. The overall mass of the residential building would cover 35% of the site area. Further, the building mass and the site coverage would reduce considerably on the upper floors. It is noted in this regard that the Department's Standard Instrument does not include the balconies and terraces protruding outside the walls of the building, in calculating the "Site Coverage".

The overall site coverage of the entire development including the church building would be 40.3% of the site area. This is considered to be reasonable, given that the Special Uses A zone does not include any prescriptive measure in relation to site coverage.

The proposed residential component would include sufficient communal open space and deep soil areas. Therefore it is considered that the development complies with the objectives of the element and the numerical non-compliance with regard to site coverage is acceptable.

2.9.7 Solar Access

The proposed residential flat building adjoins two residential developments on the eastern and southern sides. The adjoining footpath to the north would receive sufficient sunlight between 12 noon and 2 pm on 22 June in accordance with the High Density DCP. The applicant has demonstrated that the western façade of the building adjoining the residential component to the east (6 – 8 College Crescent) would receive three hours of sunshine between 9 am and 3 pm on 22 June.

2.9.9 College Crescent Precinct Development Controls

2.9.9.1 Site Amalgamation

As discussed in the previous section of this report, the High Density DCP requires amalgamation of the Residential D zone of the subject property with the adjoining southern site fronting College Crescent. However, this is not possible as the adjoining site at 6- 8 College Crescent has been developed in isolation. The application proposes to amalgamate the residential site with the existing church site and the redevelop the site as a mixed use development which would result in a superior outcome with regard to density, overall built form and the car parking provisions on the site. This is considered acceptable.

2.9.9.2 Building Design

The development proposes a contemporary style church building acting as the corner element of the development. The residential development is proposed to be located at the rear fronting Pretoria Parade.

As addressed in Section 2.5 of this report, the independent urban design assessment of the proposal revealed that the built form and the aesthetic appeal of the residential component of the development was initially considered unsatisfactory due to the following reasons:

- Accentuated scale due to the non-compliance with regard to height.
- The building does not incorporate a podium.
- The building does not include a distinct top, middle and base.
- The building includes dark coloured bands on the upper storeys which are considered inappropriate.
- The façade fronting Pretoria Parade does not have elements that would contribute to the rhythm.
- The masonry parapets accentuate the scale.
- The entrance foyer is small and narrow.

The applicant has addressed the concerns by amending the design in the following ways:

- Reduction in height to nine storeys plus the roof storey.
- Amendments to the colour scheme by proposing dark bands on the lower storeys and light colours on the upper storeys which has resulted in reducing the apparent bulk of the development.
- The upper floors have been further setback from the street to reduce the height of the development when viewed from the street.
- The location of the fin walls along the façade fronting Pretoria Parade have been altered to provide a symmetry and rhythm to the building design.
- Masonry parapets have been replaced by transparent glazed parapets.
- Window forms and designs have been altered to improve the appearance.
- The applicant submitted that the church building, being three storeys high, acts as the podium for the entire complex and the residential flat building appears to step up from this podium. The lower storeys of the residential building incorporate similar colours as the Church façade to maintain the continuity along Pretoria Parade.
- The church acts as the base of the development. The distinct middle and top have been achieved via façade articulation, varying vertical setbacks and the colour scheme.

Given the above, it is considered that the applicant has satisfactorily addressed the preliminary design concerns raised in the Urban Design Assessment Report and the amended proposal is acceptable with regard to built form and aesthetics.

2.9.9.3 Setbacks

The setback diagrams within the High Density DCP specify that a setback of 9 metres should be maintained from Pretoria Parade with a permitted setback of 6 metres for the stepped component of the development. The proposal does not comply with this requirement and stipulates a setback of 4.5 metres from the road. The Urban Design Assessment Report concluded that the setback from Pretoria Parade should be doubled with further landscaping being provided.

The applicant submits that the residential component of the building is located at a considerable distance from the established streetscape along College Crescent which generally incorporates a 9 metre landscaped setback from the street. There is no established setback along this section of Pretoria Parade and the existing Church is built at a setback of 1 metre to the northern boundary. The proposed Church building would retain this setback in the future. The setback of 4.5 metres from Pretoria Parade, for the residential component would provide an appropriate transition along the street. Since the northern rail corridor and a local street provide a buffer between the surrounding low density area and this building, the reduced setback would not adversely impact the streetscape. Should the setback to the northern boundary be increased, it would result in increased overshadowing impact on the adjoining residential flat buildings to the south and east, which is undesirable.

Council's assessment in this regard concludes that the setbacks prescribed in the High Density DCP are based on a schematic building layout for the precinct. However, the properties at Nos. 6 – 8 College Crescent and Nos. 10 – 12 College Crescent have not been developed in accordance with this schematic layout. The building separation between the proposed structure and the existing structure to the south is less than that stipulated in the DCP (16 metres instead of the required 25 metres). Therefore, the established building layout of the precinct does not allow further reductions in the setback to the south due to adverse amenity impacts. Further, the existing buildings are not strictly restricted within the concept envelope prescribed in the DCP. Given this, it is considered that the non-compliance with regard to the front setback to Pretoria Parade would not have an adverse impact on the established character of the College Crescent Precinct or the surrounding low density area and strict compliance with this prescriptive measure is not required in this instance.

2.9.9.4 Height, Outdoor Areas and Communal Areas

These matters have been discussed in detail in Section 2.5 of this report.

2.9.9.5 Privacy

The High Density Housing DCP prescribes that windows of habitable areas should not face directly onto the windows, balconies of adjoining dwellings. The matter has been discussed in detail in Section 2.5 of this report under the heading "building separation".

The units within the development would not front each other and would not impact on each other's privacy. The ground level courtyards include continuous walls and only the extended section of these yards would be visible from the upper floors.

2.9.9.6 Landscaping

The proposal does not include 50% landscaped area as stipulated in the High Density DCP. However, it is noted that the RFDC requires 30% landscaped area be provided in dense urban areas. The proposal complies with this requirement and is assessed as satisfactory.

2.9.9.7 Drainage Control

The development would drain the existing drainage system on the western boundary via an on-site detention system. The proposal stormwater management design is assessed as satisfactory subject to recommended conditions of consent.

2.10 Community Uses Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design standards within Council's Community Uses Development Control Plan (Community Uses DCP). The following table sets out the proposal's compliance with the prescriptive standards of the Plan:

Community Uses DCP			
Control	**Proposal**	**Requirement**	**Compliance**
Setbacks			
Front (College Crescent)	5m	6m	No
Southern Side	3m	1m	Yes
Parking			
Church	72 spaces	70 spaces (350 seats @ 1/5 seats)	Yes
Child care	72 spaces	7 spaces	Yes. To share the parking spaces for church as per schedule of use
Disabled parking	4 spaces	4 spaces	Yes

Outdoor play area	210 m^2	196m^2 (@7 m^2/child for 28 children)	Yes
Indoor Play area	386 m^2	91m^2 (@3.25 m^2/child for 28 children)	Yes

As detailed in the above table, the proposed development complies with the relevant prescriptive measures within Council's Community Uses DCP. A brief discussion on the compliance of the proposal with relevant performance standards is provided below:

2.10.1 Density

The 'Density' element of the DCP aims to control the density and scale and development to ensure compatibility with the surrounding area.

The compliance of the development with regard to FSR and site coverage has addressed in the previous sections of this report.

2.10.2 Site Selection

The site already contains a place of worship and an early learning centre. The proposal involves an up-grade to the existing development and would have a positive social impact on the locality. The proposal satisfies the 'Site Selection' criteria.

2.10.3 Setback

The Community Uses DCP requires a setback of 6 metres from the primary road frontage. The proposed church would maintain a setback of 5 metres from the frontage, which is the same as the existing setback. This setback would increase to over 6 metres at the corner due to the location of the plaza. Given that the building maintains the existing setback and would be a corner landmark element for the precinct, the non-compliance with the setback is considered acceptable.

2.10.5 Recreation Space

The proposed development includes an internal foyer area and an outdoor courtyard area which would serve as informal meeting area for the church patrons.

The ancillary early learning centre would incorporate indoor and outdoor space in accordance with the requirements of the Community Uses DCP. This use would be sufficiently separated from the church use and are assessed as satisfactory.

2.10.6 Building Design

The church incorporates a rectangular built form with the church auditorium place diagonally within the box. The church building would incorporate a foyer and a plaza at the corner for congregation of people, the entrance being identified by a very prominent cross and trellis. The height of the cross would reach up to 19 metres above the natural ground level at the point. The church facades would include solid blade walls intercepted by glazing along both the road frontages, partly to satisfy the acoustic requirements of the SEPP (Infrastructure) and partly to frame the cross at the corner. The walls would have terracotta cladding panels sitting on a sandstone blockwork base. The windows would reveal the circular stairs behind. The proposed materials are sympathetic to the Barker College Building on the opposite side of the road.

The urban design assessment of the proposal in this regard is satisfactory and concludes the following:

- The church building would provide an appropriate transition between the arterial road intersection and the town centre.
- The skewed orientation of the auditorium and the foyer provide visibility of indoor activities
- Layered or stepped facades would reduce the overall bulk and scale of the building and also the overshadowing impacts on the neighbouring properties.
- The streetscape elevations for the church building considered satisfactory.
- The steel cross is considered to be appropriate as a signature element.

Council's assessment of the design and layout of the proposed church and the early learning centre are considered to be satisfactory except the scale of the cross. It is acknowledged that the steel cross is a signature element and would act as a gateway feature for the development. However, given the excessive height, the cross would dominate the streetscape as the uppermost point would reach up to the sixth level of the residential flat building when viewed from the corner. The excessive height has resulted in lack of integration of this feature with the other elements of the complex. Therefore, it is recommended that the height of the cross be reduced to be no higher than 15 metres from the natural ground level at that point. A recommended condition of consent amends the design in this regard.

2.10.7 Acoustics

The proposed development would not result in the significant intensification of the current activities. The matters in relation to acoustic treatments have been discussed in detail in section 2.4 of this report under the heading SEPP (Infrastructure). The proposed building would restrict most of the activities to occur indoors, which would maintain acoustic amenity of the surrounding residential developments. Most of the church activities would occur during daytime and would not result in unreasonable transmission of noise. It is noted that the church activities would extend up to 10 pm at night, once a week. The Acoustic assessment of the proposal in this regard concludes that this outcome is considered satisfactory.

As the development is to be located close to the Hornsby Town Centre, and not in a low density residential environment, the occasional extension of indoor activities up to 10 pm is considered reasonable. The proposed development would improve the existing situation by locating the carpark in the basement and alleviating any additional noise generated from the open air car park currently present on the site.

2.10.8 Landscape

The 'Landscaping' element of the DCP aims to provide attractive landscapes which reinforce the function of the street and enhance the amenity of a building and to preserve significant stands of trees and natural vegetation.

A landscape plan has been submitted by the applicant which includes appropriate planting to complement the development in the streetscape and minimise the visual impact of the car park.

2.10.9 Solar Access

The Community Uses DCP requires developments to maintain a minimum of four hours of sunshine to the private open spaces and three hours of sunshine to the north facing windows of adjoining residential properties during Winter solstice, unless site conditions dictate otherwise.

It is noted that the proposal would result in the church building being located at a distance of 3 metres from the southern boundary. The submitted shadow diagrams indicate that it would overshadow a section of the northern façade of the above adjoining building during the Winter solstice.

The adjoining southern allotment (No. 6-8 College Crescent) has been developed in isolation which is contrary to the "site amalgamation" element of the High Density DCP requiring amalgamation of this site with the residential component of the subject site. As a result of this and the lack of building separation controls for the Special Uses A zone, the existing building at No. 6 – 8 College Crescent has been approved with a setback of only 5 metres from the northern boundary. In order to maintain a 12 metre separation as required by the High Density DCP, the proposed church building would require a setback of at least 7 metres from the southern boundary which would impose unreasonable restrictions on the proposed worship area and the overall facility. The proposed church building would only be equivalent to a four storey residential building (considering the fall of the land to the south) compared to the adjoining eight storey high building on the southern side.

Therefore, despite the north-facing lower level units being overshadowed during winter solstice, the balconies and north facing windows of the upper level units of the adjoining building would receive unrestricted solar access throughout the year. This is considered to be a superior outcome in comparison to a tall high density multi unit housing development being located on the northern side of this residential building on College Crescent.

It is observed that residential flat buildings along College Crescent overshadow the adjoining southern buildings to some extent during winter solstice due to the slope of the land and the limited street frontages. Given that the proposal is an infill development in an existing urban

area where residential buildings are located on the southern side with reduced setbacks from the boundary and the site has constraints with regard to slope and width of frontage, the design outcome is considered acceptable with regard to solar access.

2.10.10 Crime Prevention

The proposed development has been designed to minimise crime in accordance with CPTED principles by way of clear sightlines and pedestrian access and clearly defined building entry and access.

The proposal complies with the Community Uses DCP crime prevention element objective.

2.11 Car Parking Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design standards contained within Council's Car Parking Development Control Plan (Car Parking DCP). The following table sets out the proposal's compliance with the relevant prescriptive standards of the Plan:

Car Parking Development Control Plan			
Control	**Proposal**	**Requirement**	**Compliance**
Total Car parking	167	159	Yes
Minimum dimension of car spaces (residential)	2.5 m x 5.5 m	2.5 x5.5 m	Yes
Minimum dimension of car spaces (church)	2.5 m x 5.4 m	2.5 x5.5 m	No
Min headroom for basement	2.4-3 m	2.4 – 2.5 m	Yes

As indicated in the table above, the proposal does not comply with prescriptive measure within the Car Parking DCP with regard to the dimension of car spaces. Council has conducted a detailed assessment of the proposal in this regard and considers that the proposed dimensions of car spaces within the basement car park are acceptable. The proposal includes bicycle and motorbike parking facilities in addition to satisfactory off street car parking facility which would cater to the users in future. The development also includes sufficient aisle widths in excess of the requirements of the Australian standards for satisfactory manoeuvring of vehicles.

The proposal does not include any provision for funeral or wedding vehicles to be parked at the basement level. The applicant submits that at present the church uses a portion of the parking zone on Pretoria Parade on rare occasions of funerals and weddings as a pick-up and

drop-off zone. This zone is reserved for short periods of time during such occasions and portable signs are used as directional signage for drivers. Currently the following on-street parking arrangements are available on the Pretoria Parade frontage:

- "No Stopping" sign, 22 metres from the intersection of College Crescent & Pretoria Parade.
- "Sunday limited parking directional sign", 38 metres from the intersection of College Crescent and Pretoria Parade.
- "Sunday limited parking directional sign" / "No Parking" double sign 50 metres from the intersection of College Crescent and Pretoria Parade.

Therefore there is on-street parking allowed in a section of Pretoria Parade fronting the site which can be utilised for such occasions. Notwithstanding this, pick-up and drop offs are also permitted in the no parking areas. Given this is an on-going temporary practise; Council's traffic assessment in this regard concludes that these on going arrangement would be satisfactory. The details regarding traffic generation and the accessway to the site are discussed in Section 2.4 of this report.

2.12 Access and Mobility Development Control Plan

The proposed development has been assessed having regard to the relevant performance and prescriptive design standards within Council's Access and Mobility Development Control Plan (the Mobility DCP). The following table sets out the proposal's compliance with the relevant prescriptive standards of the Plan:

Access and Mobility Development Control Plan			
Control	**Proposal**	**Requirement**	**Compliance**
Lift dimensions	1800mm x 2000 mm	1000 x 1100mm	Yes
Density	2 units	1 per 10 – 49 units	Yes
Entrance door width	800mm minimum	760mm minimum	Yes
Walkway width	1600mm	1350mm (minimum)	Yes
Disabled car space width	3.2 m x 5.5 m	3.2m x 5.5m (minimum)	Yes
No of disabled car spaces (residential)	2 spaces	1.9@2% minimum rate	Yes

As detailed in the above table, the proposed development complies with the prescriptive standards within Council's Mobility DCP.

The proposal includes an Access Report which provides the details of compliance with the requirements of a barrier free design. The proposed development would include a continuous path of travel to all areas within the Church and the early learning centre. Disabled unisex toilets are proposed in the non-residential building. All levels of the residential development would be accessible via a central lift. The development would include two adaptable units which comply with Council's requirements. Given the above, the proposal is assessed as satisfactory with regard to access and mobility subject to conditions.

2.13 Waste Management and Minimisation Development Control Plan

The proposal includes a waste management plan with details of waste management during the demolition phase and the construction phase of building works. The matters in relation to the on-going waste management for the site have been discussed below:

Residential development

The design of the residential development incorporates a common waste disposal area at the ground level in addition to temporary waste cupboards being provided for each unit and interim bin storage areas on each floor. A site caretaker would remove the garbage in accordance with the weekly schedule of garbage collection submitted with the application. This system is considered to be in line with the Better Practice Guide for Waste Management in Multi Unit Dwellings, 2008 and is therefore satisfactory. Conditions have been recommended restricting the times of garbage truck access within forecourt area to avoid conflict with peak pedestrian movements in this area.

It is noted that the ground floor plan provides direct access to the garbage room from the foyer area. This is not considered to be suitable and a condition of consent is recommended to relocate this access from the internal areas via the cleaner's room.

Church facility

The waste from the church and the associated uses are currently placed in bins along the College Crescent frontage on a weekly basis for collection. This practise would be continued in the future. As the proposal does not intensify the usage within the building, this system is considered to be suitable. Continuous paths of travel have been provided for wheeling the bin from the garbage room located at the lowest level, to the street frontage.

As discussed above, the application complies with the requirements of Council's Waste Management and Minimisation Development Control Plan and is assessed as satisfactory.

2.14 Sustainable Water Development Control Plan

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

2.15 Section 94 Contributions Plan

Council's Section 94 Plan applies to the development as it would result in the addition of eighty additional residential units. Accordingly, the requirement for a monetary Section 94 contribution has been recommended as a condition of development consent.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

The proposed development would result in the removal of a number of trees on the subject site. Council's assessment of the application in this regard included a detailed examination of the site. The trees are not considered to be significant and therefore no concerns are raised to their removal.

The proposed development is located in a dense urban area and the construction of the building would not result in a negative impact on the natural environment subject to implementation of recommended conditions during construction.

3.2 Built Environment

3.2.1 Built Form

The buildings would be located in a prominent location adjoining the Hornsby Town Centre. Being ten storeys high, the residential building would be visible from a number of public and private places within the locality.

The matters in relation to built form and the impact on the streetscape are discussed in detail in sections 2.5, 2.9 and 2.10 of this report. The site is surrounded by similar high density developments which are 8 – 10 storeys high. The structure would blend with the high density developments in the locality and is acceptable with regard to its visual impact on the built environment.

An amendment to the size and height of the cross in front of the church is recommended.

3.2.2 Traffic

The proposal is categorised as a traffic generating development. The details in relation to traffic are discussed in section 2.4 of this report.

Council's engineering assessment of the traffic impacts of the development concludes that the development is acceptable with regard to the level of traffic generated and the proposed car parking is also acceptable. The development is acceptable in relation to traffic.

3.3 Social Impacts

The social impacts of the development on the local and broader community have been considered in detail. The residential component of the development would improve the housing choice in the locality by providing eighty additional units that a range of sizes from one bedroom to three bedroom units. This is consistent with the North Subregion (Draft) Subregional Strategy.

The development would result in the provision of an improved community facility in the locality which would also act as the gateway element. It would generate a number of equivalent full time positions post construction, given the range of activities. This is consistent with the North Subregion (Draft) Subregional Strategy that provides a target of 9,000 jobs within the Hornsby LGA by 2031.

3.4 Economic Impacts

The development would result in a positive economic impact on the locality via employment generation during and post construction.

4. SITE SUITABILITY

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

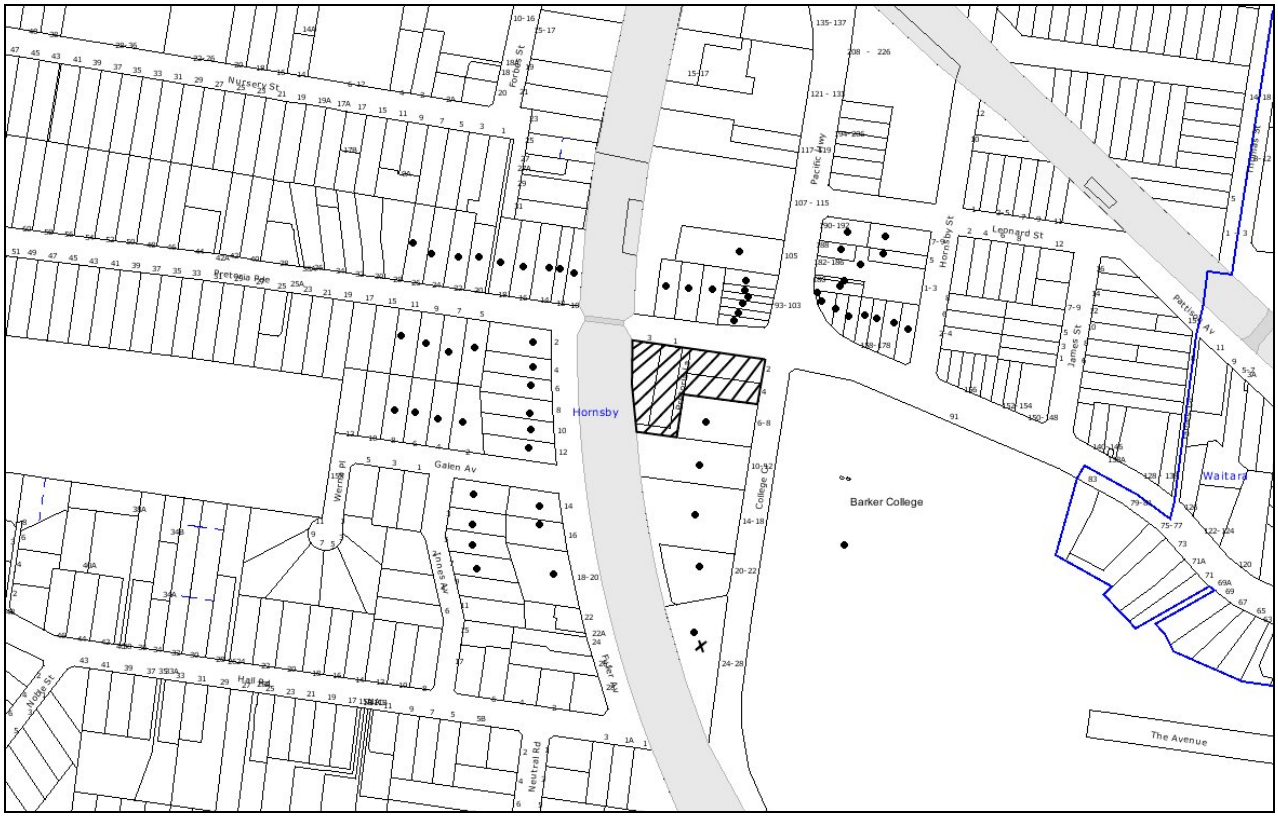
There is no known hazard or risk associated with the site with respect to landslip, subsidence, flooding and bushfire that would preclude development of the site. For the reasons detailed in this report it is considered that the site is suitable to accommodate the development.

5. PUBLIC PARTICIPATION

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

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 7 October 2010 and 12 November 2010 in accordance with Council's Notification and Exhibition Development Control Plan. During this period, Council received one submission. The map below illustrates the location of the nearby landowner who made a submission who is in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	PROPERTY SUBJECT OF DEVELOPMENT	N W E S

One submission objected to the development, generally on the following grounds:

- The demolition of the existing church building would be a loss of landmark to the area as the church building exists on the site since early 1900s.
- The Hornsby Baptist church should be heritage listed and the proposal should be amended to retain the existing church building and propose extensions to this building.
- The height and scale of the proposed residential flat building is excessive.
- The residential flat building would reduce the significance of the church.
- The proposal should include surplus parking spaces for the church patrons to avoid further traffic hazards along college Crescent.

The matters raised in the community submission have been discussed in the body of this report with the exception of the following:

5.1.1 Heritage listing of existing church

The church building is not heritage listed under the HSLEP and Council's assessment raises no objections on heritage grounds regarding the demolition of this building. No further assessment in this regard is required.

5.2 Public Agencies

The application was referred to the following Agencies for comment:

5.2.1 Roads and Traffic Authority

The matter has been discussed in detail in section 2.4 of this report.

5.2.2 State Rail

The matter has been discussed in detail in section 2.4 of this report.

5.2.3 New South Wales Police Force

The development was referred to the NSW Police Force for comments with regard to Crime Prevention. No response has been received.

6. THE PUBLIC INTEREST

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

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

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

CONCLUSION

The proposed development involves demolition of an existing church and a single storey dwelling house and the erection a new place of worship with associated uses and a detached ten storey residential development comprising eighty units. Parking provisions for the site would comprise two levels of basement car park, accessed off Pretoria Parade. The application involves the closure of a laneway named Pretoria Lane, community title subdivision of the site and strata subdivision of the residential units.

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the design principles within SEPP 65, the standards

within SEPP (Infrastructure) 2007, the Hornsby Shire Local Environmental Plan 1994 and the objectives of the development controls within the high density Multi Unit Housing DCP and the Community Uses DCP.

The proposal does not comply with the floor space ratio development standard of the Hornsby Shire Local Environmental Plan 1994. The applicant has submitted an objection pursuant to State Environmental Planning Policy No.1 to support the non-compliance. The objection is considered to be well founded and is supported. The proposal does not comply with the "Height" standard of the High Density Multi Unit Housing DCP and the non-compliance is supported.

The site is identified as a visually prominent 'gateway' site adjoining the Hornsby Town Centre. The proposed development would include two components. The three storey church building would present a visually interesting façade and presentation to Pretoria Parade, College Crescent and the Pacific Highway. The residential building, being ten storeys high, would appear to step up from the church building.

The proposal would result in improvement of housing choice in the locality in accordance with the desired future character. The town centre incorporates core infrastructure services including road network, water and electricity to service the increase in population. The proposal would result in the expansion of an urban built form in character with the existing, approved and future uses of land in the vicinity of the development in accordance with the Draft North Subregional Strategy. The provision of improved community facility would have a positive social impact on the community.

Approval of the proposal as deferred commencement is recommended.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979 in respect of the subject planning application.

Attachments:

1. Locality Plan-1 Page
2. Survey Plan and Site analysis plan – 2 pages
3. Basement Floor Plans – 2 pages
4. Site/Ground floor and Upper level Floor Plans-4 pages
5. Elevations, Sections and Perspectives – 7 pages
6. Subdivision Plan – 1 page
5. Shadow Plans – 3 pages
6. Solar Access tables and diagrams for typical units-3 pages
7. Landscape Plans – 5 pages
8. Hydraulic Plans -1 Page
9. Urban Design Assessment Report

SCHEDULE 1

Deferred Commencement

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

A. The land, subject to this application, is to be consolidated into one allotment. Evidence of the consolidation is to be submitted to Hornsby Shire Council.

Such information shall be submitted within 24 months of the date of this notice.

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

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

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

Plan name	***Plan and Rev No.***	***Drawn by***	***Dated***
Survey and Locations Plan	DA01-B	Nelson Architecture	2/12/2010
Site Analysis Plan	DA02-A	Nelson Architecture	17/09/2010
Level B2 Plan	DA03-C	Nelson Architecture	27/05/2011
Level B1 Plan	DA04-C	Nelson Architecture	27/05/2011
Level 1 Floor Plan	DA05-J	Nelson Architecture	1/07/2011
Level 2 Floor Plan	DA06-D	Nelson Architecture	1/07/2011
Level 3 (Typical) Floor Plan	DA07-D	Nelson Architecture	1/07/2011
Levels 8 and 9 Floor Plans	DA08-E	Nelson Architecture	1/07/2011
Level 10 and 11 Floor	DA09-D	Nelson Architecture	1/07/2011

Plans			
Roof Plan	DA10-C	Nelson Architecture	27/05/2011
Church Elevations and Section	DA11-C	Nelson Architecture	27/05/2011
Residential Elevations	DA12-C	Nelson Architecture	27/05/2011
Residential Sections	DA13-C	Nelson Architecture	27/05/2011
Site 3D Views	DA14-C	Nelson Architecture	27/05/2011
Residential 3D Views	DA15-B	Nelson Architecture	27/05/2011
Montage Views	DA19-B	Nelson Architecture	27/05/2011
Indicative Land Title information	DA20-A	Nelson Architecture	17/09/2010
Hydraulic Services existing site plan and legend and erosion and sediment control assessment	HD01/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B2 Drainage	HD02/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B1 Drainage	HD03/P4	Whipps-Wood Consulting	18/01/2010
Roof Plans and Details of Drainage	HD04/P4	Whipps-Wood Consulting	18/01/2010
Erosion and Sediment Control Plan	HD05/P1	Whipps-Wood Consulting	18/01/2010
Landscape Details	DA5-D	Isthmus Pty Ltd	May 2011

Document No.	***Prepared by***	***Dated***
Shadow Diagrams-16B	Nelson Architecture	27/05/2011
Shadow Diagrams-17B	Nelson Architecture	27/05/2011
Shadow Diagrams-18B	Nelson Architecture	27/05/2011
Information on Solar access to units	NBRS + Partners	19/11/2010
BASIX Certificate No. 335862M	David Cooper	22/12/2010
Assessor Certificate Multiple dwellings	David Cooper	11/10/2010
Noise and Vibration Intrusion Report	Day Design Pty Ltd	23/12/2010
Noise Assessment Report	Day Design Pty Ltd	11/02/2010
Internal Acoustic Report for the Church	Day Design Pty Ltd	11/02/2010
Geotechnical Investigation Report + Assessment of Impact on Rail Corridor (Ref 23055Z Hrpt)	Jeffery and Katauskas Pty Ltd	28/07/2009 and 20/06/2011
Addendum to	Simpson Design Associates	

Geotechnical Report and dwg SK1 and Sk2		
Preliminary Environmental Site Assessment	ASBOS	January 2011
Hazardous Material Survey Report	ASBOS	November 2010
Asbestos Clearance Certificate	ASBOS	19/08/2008
Letter on Soil Contamination	ASBOS	11/04/2011
Information on Substation	ABBA Consulting Engineers	12/10/2010
Traffic Report (10017) + Supplementary Traffic Advice + Traffic Modelling	Transport and Traffic Planning Associates	August 2010, 8/03/2011 and 7/01/2011
Preliminary Building Access Review	NBRS + Partners	22/10/2010
Waste Management Plan (Construction and Demolition only)	NBRS + Partners	14/09/2010
Design Verification Statement	NBRS + Partners	September 2010
Design Issues, Information on On-going Waste management for the site and Storage areas	NBRS + Partners	30/05/2011
Statement of Environmental Effects	Planning Strategies	September 2010
Landscape Statement	Mathew Wood	September 2010

2. Amendment of Plans

a. The following plans are to amended to incorporate the approved Ground Floor Plan prepared by Nelson Architecture dated 1/07/2011

Plan name	***Plan and Rev No.***	***Drawn by***	***Dated***
Landscape Plan	DA1-D	Isthmus Pty Ltd	May 2011
Landscape Details A and B	DA2-D	Isthmus Pty Ltd	May 2011
Landscape Details C	DA3-D	Isthmus Pty Ltd	May 2011
Landscape Details D	DA4-D	Isthmus Pty Ltd	May 2011

b. The height of the proposed steel cross as marked in DA-11C be reduced to be no higher than 15 metres from the natural ground level measured at that point.

c. The BASIX Certificate must be amended to incorporate the details of the approved residential units (90 units to be replaced by 80 units).

d. The approved Northern Elevation, DA12-C prepared by Nelson Architecture dated 27/05/2011 is to be amended so that the vertical clearance under the entry feature of the forecourt area is a minimum of 4.5 metres.

e. The approved Western Elevation, DA12-C prepared by Nelson Architecture dated 27/05/2011 is to be amended so that the upper level balconies/ terraces, external fire escapes, roof terraces and ground level terraces located within 20 metres of the rail corridor incorporate the following design requirements:

    (i) A 2 metre high glass wall/balustrade along the western elevation of all balconies at ground level;

    (ii) Enclosure of the western elevation of the upper level balconies and roof terraces on the western façade of the building by providing 1 metre high glass louver screening (maximum 80 mm opening) on top of 1 metre high balustrade.

f. The approved Ground Floor Plan prepared by Nelson Architecture dated 1/07/2011 must be amended as follows:

    (i) Relocate the doorway to the garbage room as marked in red

    (ii) A bin cupboard of sufficient size to accommodate three garbage bins (each with a capacity of 240 litres) is to be located adjoining the cleaner's room as marked in red. The bin room must be accessible to residents from the passage way and have a lockable back door opening directly into the garbage room.

g. The following details must be incorporated in the approved plans in accordance with the Preliminary Building Access Review prepared by NBRS + Partners dated 22/10/2010:

    (i) The auditorium seating to include at least three wheel chair accessible spaces

    (ii) The doors to the church premises must have 850 mm clear opening dimensions

    (iii) The adaptable units A101 and A808 must comply with the requirements of AS1428.1 (2009)

(iv) Increase the clear dimension of all accessible toilets within the church building to comply with AS1428.1

h. The Noise and Vibration intrusion report prepared by Day Design Pty Ltd dated 23/12/2010 must be amended to include the modified unit numbers approved under this development consent.

3. Removal of Existing Trees

The two existing Jacaranda Trees within the road reserve of Pretoria Parade in front of the site must be retained.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a *'Construction Certificate'* by either Hornsby Shire Council or an accredited certifier. All necessary information to demonstrate compliance with the following conditions of consent must be submitted with the application for a construction certificate.

4. Building Code of Australia

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

5. Contract of Insurance (Residential Building Work)

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

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

6. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

a. *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

b. *Sydney Water* – the submission of a 'Notice of Requirements' under s73 of the *Sydney Water Act 1994.*

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

7. Dilapidation Report

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

8. Acoustic Details

The Construction certificate plans must demonstrate compliance with the following:

a. Recommendations in Section 7 of the "Noise and Vibration Intrusion Report" prepared by Day design Pty Ltd dated 23/12/2010 and as amended by Condition 2(h) of this development consent.

b. Recommendations in Section 6 of the "Environmental Noise Impact Statement" prepared by Day Design Pty Ltd dated 11/02/2010.

c. Recommendations in Section 4 and 5 of the "Internal Acoustics Report" prepared by Day Design Pty Ltd dated 11/02/2010.

9. Waste Management Plan

A Waste Management Plan must be submitted in accordance with the requirements of *"Section 2 – Design Stage"* of Council's Waste Minimisation and Management Development Control Plan.

10. Cycleway Approval

A detailed design for the 2.5m cycleway adjacent to the rail corridor must be provided to Council and approved by the Hornsby Local Traffic Committee. The design of the facility shall be in accordance with RTA guidelines, Hornsby Shire Council design requirements and Austroads standards. The cycleway design must incorporate the requirements specified in Condition 34 of this development consent.

11. Window opening requirements

Details of mechanisms that limit the opening of windows or provision of awning windows and enclosures to the balconies as per condition 2(e) of this development consent, along the western elevation of the residential flat building or any opening on other elevations of this building directly facing the rail corridor, must be incorporated in the Construction Certificate Plans.

Reason: This condition ensures that the likelihood of objects being dropped or thrown from the windows, balconies and any other external feature that are within 20 metres of or face the rail corridor is limited.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The conditions have been imposed to ensure that the works are carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

12. Site Remediation Verification

a. The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor.

b. A validation report must be prepared by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines validating that the proposed development has been remediated and is suitable for its intended use. The validation report is to be submitted to Council for approval.

13. Erection of Construction Sign

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

a. Showing the name, address and telephone number of the principal certifying authority for the work.

b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours.

c. Stating that unauthorised entry to the work site is prohibited.

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

14. Protection of Adjoining Areas

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

a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.

b. Could cause damage to adjoining lands by falling objects.

c. Involve the enclosure of a public place or part of a public place.

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

15. Toilet Facilities

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

a. be a standard flushing toilet connected to a public sewer; or

b. have an on-site effluent disposal system approved under the *Local Government Act 1993*; or

c. be a temporary chemical closet approved under the *Local Government Act 1993*.

16. Erosion and Sediment Control

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

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

REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent must be complied with during the construction of the development. The conditions have been imposed to ensure that the works are carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

17. Construction Work Hours

All work on site (including demolition and earth works) must only occur between the following hours:

Monday to Saturday	7 am to 5 pm
Sunday & Public Holidays	No work

18. Demolition

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

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

b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.

c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

19. Environmental Management

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

20. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

21. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

22. Landfill

Landfill must be constructed in accordance with Council's *'Construction Specification, 2005'* and the following requirements:

a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

b. A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

23. Survey Report – Finished Floor Level

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

a. The building, retaining walls and the like have been correctly positioned on the site.

b. The finished floor levels are in accordance with the approved plans.

24. Contamination during construction works

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during demolition, the applicant must immediately notify the Principal Certifying Authority and Council.

25. Waste Management

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written record of the following items must be maintained during the

removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

a. The identity of the person removing the waste.

b. The waste carrier vehicle registration.

c. Date and time of waste collection.

d. A description of the waste (type of waste and estimated quantity).

e. Details of the site to which the waste is to be taken.

f. The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).

g. Whether the waste is expected to be reused, recycled or go to landfill.

Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the *'Principal Certifying Authority'* issuing an *'Occupation Certificate'*

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

26. Fulfilment of BASIX Commitments

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

27. Sydney Water – s73 Certificate

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

28. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

a. Connected to the existing Council piped drainage system.

Note: A construction certificate is to be issued prior to the commencement of any works.

29. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

a. Have a capacity of not less than 40.8m^3 cubic metres, and a maximum discharge (when full) of 73.5 litres per second.

b. Have a surcharge/inspection grate located directly above the outlet.

c. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.

d. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: A construction certificate is to be issued prior to the commencement of any works.

30. Internal Driveway/Vehicular Areas

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

a. Design levels at the front boundary be obtained from Council.

b. The driveway be a rigid pavement.

c. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.

d. The driveway servicing the garbage collection area must have a minimum width at the kerb and at the boundary line of 5.5 metres. A 2.0 metre splay is to be provided on each side of the driveway at the boundary for safety purposes in accordance with *Figure 3.3 of AS 2890.2 – 2004.*

e. The common driveway servicing the residential and church component of the development area must have a minimum width at the kerb and at the boundary line of 6.0 metres.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

31. Footpath

A concrete footpath must be constructed along the full frontage of the subject site in accordance Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

a. The existing footpath being removed and a new footpath constructed.

b. The land adjoining the footpath to be fully turfed.

c. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

Note: Prior to the issue of a Construction Certificate for these works a separate application under the Local Government Act, 1993 and the Roads Act, 1993 must be submitted to Council for the construction of footpaths within the road reserve.

32. Vehicular Crossing

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

a. The vehicle crossing for the garbage collection area must have a minimum width of 5.5 metre and be constructed of 200mm thick concrete and reinforced with 2 layers of F72.

b. The vehicle crossing for the driveway to the basement must have a minimum width of 6.0 metres and be constructed of 150mm thick concrete and reinforced with F72.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

33. Road Works

All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and a separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be

submitted to Council. The engineering plans must address the following requirements:

a. The existing kerb and gutter across the frontage of the site in College Crescent and Pretoria Parade is to be removed and reconstructed.

b. The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

Note: Prior to the issue of a Construction Certificate for these works a separate application under the Local Government Act, 1993 and the Roads Act, 1993 must be submitted to Council for the construction of footpaths within the road reserve.

34. Cycleway

A 2.5m wide cycleway must be constructed from Pretoria Parade to the existing cycleway located on the western boundary (adjoining the rail corridor). The cycleway is to be constructed in accordance with Councils Civil Works Specification, Part 6A of Austroads Pedestrian and Cyclist Paths Guide and the following requirements:

a. A pram ramp to be constructed at the Pretoria Parade entrance of the cycleway.

b. The cycleway to be constructed so as not create a drainage nuisance.

c. The shared cycleway is to be appropriately line marked and signposted in accordance with the NSW Bicycle Guidelines.

d. A "U Rail" is to be constructed at the Pretoria Parade frontage in accordance with the requirements of Austroads.

e. The cycleway to be appropriately lighted.

Note: The approved pathway is concept only and must be built in accordance with design specifications prescribed by Hornsby Council prior to the issue of the construction certificate.

35. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

36. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual*

1998 and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following:

a. Arrangements for public notification of the works.

b. Temporary construction signage.

c. Permanent post-construction signage.

d. Vehicle movement plans.

e. Traffic management plans.

f. Pedestrian and cyclist access/safety.

g. Details of pedestrian and vehicular access to the property at No. 10 Edgeworth David Avenue, in accordance with the construction management plan.

37. Creation of Easements

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

a. The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.

b. To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

c. The creation of an easement for a minimum 3 metre wide pedestrian pathway and cycleway benefitting Hornsby Shire Council.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

38. Works as Executed Plan

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

certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

39. Completion of Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the Landscape plans, amended as per Condition 2(a) of this development consent, the minimum construction standards identified in the Hornsby Shire Council Landscape Code for development applications and the following additional requirements for works on the street frontages:

a. Street tree planting to include two (2) *Jacaranda mimosifolia* (jacaranda) trees planted at a minimum pot size of 75 litres within the Pretoria Parade frontage as marked on the approved Landscape Plan.

b. Street tree planting to include two (2) *Sapium sebiferum* (Chinese tallow wood) trees minimum 75 litre pot size at a minimum pot size of 75 litres on the College Crescent frontage as marked on the approved Landscape Plan.

c. On slab planter boxes to include automatic drip irrigation, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric), and waterproofing.

d. 500 mm soil depth and 75mm mulch be provided for shrubs.

e. 1000 mm soil depth and 75 mm mulch be provided for trees and palms.

Note: Any proposed landscaping or fencing must not obstruct the clear sightlines of pedestrians or cyclists travelling along the footpath of College Crescent and Pretoria Parade.

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

40. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting.* Certification of compliance with the Standard must be obtained from a suitably qualified person.

41. Garbage Collection Easement

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of garbage collection must be granted to Council by the owner of the land.

Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.

42. Cooling Towers

All cooling towers must be designed and installed in accordance with the Public Health Act 1991, the Public Health (Microbial Control) Regulation 2000 and Australian/New Zealand Standard AS/NZS 3666 – Air-Handling and Water Systems of Buildings. Certification of compliance with the Standard must be obtained from a suitably qualified person.

Note: Under clause 15 of the Public Health (Microbial Control) Regulation 2000 the occupier of the part of premises where a regulated system is installed must notify the Council of the following particulars:

a. *Type of system.*

b. *The address of the premises on which the system is installed.*

c. *The name, and the residential and business addresses, of the owner of the premises.*

d. *If the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier the telephone numbers at which, during business hours and after business hours, the person or persons referred to in the above point may be contacted.*

43. Car Park Management Plan

A Car Park Management Plan must be submitted to Council for approval to ensure that long term parking by motorists, not occupying or using the development for any purpose, is prevented during operation of the site.

44. s94 Infrastructure Contributions

The payment to Council of a contribution of $968150.00 for seventy-nine additional dwellings (15 x one bedroom units, 46 x two bedroom units and 19 x three bedroom units) towards the cost of infrastructure identified in Council's Development Contributions Plan 2007-2011.

Note: ***** *The value of contribution is current as at 8 August 2011. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to confirm the value of the contribution prior to payment

45. Accessibility Requirements

a. Handrails must be provided on both sides of the stairways required to access the church and the associated facilities.

b. Tactile ground surface indicators are to be positioned at the top and bottom of all stairs and ramps

c. Kitchen cupboards and equipments must not obstruct wheelchair access around doors

d. Braille and tactile signage must be provided to al sanitary facilities and directional signage to the facilities must be provided from the main foyer

46. Kitchen Exhaust Installation

A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997.*

47. Construction for a safe environment

The site must include the following elements:

a. An intercom system be installed at gate locations to ensure screening of persons entering the units.

b. The entryway to the site be illuminated in high luminance at all times

c. The communal open space at the rear of the site be illuminated with high luminance by motion sensor lighting

d. The service areas of the ground floor including the garbage room be illuminated with high luminance by motion sensor lighting

e. The forecourt area and the pathway to the rear communal open space be illuminated during night time with low luminance.

f. The plaza in front of the church must be illuminated during night time with low luminance.

g. A small inspection window be installed in the stairwell door to allow viewing from inside prior to exiting the building.

h. The driveway and the basement carpark is to be illuminated with low luminance at all times.

i. Anti-graffiti paint be used for the walls adjacent to College crescent and Pretoria Parade.

j. Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas.

48. Waste Management Details

The following waste management requirements must be complied with:

a. The bin storage room must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation.

b. A report must be prepared by an appropriately qualified person, certifying the following:

- A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

  Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

- That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

  Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

c. Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.

d. Space must be provided for either individual compost containers for each unit or a communal compost container;

Note: The location of the compost containers should have regard for potential amenity impacts.

e. The bin carting route must be devoid of any steps.

Note: Ramps between different levels are acceptable

OPERATIONAL CONDITIONS

The following conditions have been applied to ensure that the ongoing use of the land is carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

49. Use of Premises

The proposed non-residential building approved under this consent must only be used for "a place of worship" and ancillary activities generally as identified in Statement of Environmental Effects –Schedule of Church Operations prepared by Planning Strategies dated September 2010 and not for any other purpose without Council's separate written consent.

50. Maximum Capacity of Premises

The total number of patrons to be accommodated within the "Place of worship" at any one time must not exceed 350.

51. Hours of Operation

The hours of operation of the premise are restricted between the following hours each day unless otherwise specified in the schedule approved in Condition 49 of this development consent:

Sunday: 9am – 8pm
Monday-Friday: 7am – 10pm
Saturday:8:30am - 8pm

To maintain amenity of the adjoining properties, the section carpark associated with the church building must be closed at the conclusion of activities every day.

52. Car Parking and Deliveries

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

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

b. Car parking, loading and manoeuvring areas to be used solely for nominated

purposes.

c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;

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

53. Noise

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

54. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

55. Waste Storage area and waste management

The waste management on site must be in accordance with the following requirements:

a. Each unit be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's segregated garbage and recycling generation.

b. Site security measures be implemented to prevent access to the waste storage rooms by waste removal services.

c. No steps be located along any of the bin carting routes.

d. A site manager or caretaker must be employed and be responsible for moving bins from the bin storage area to the waste collection point, washing bins and maintaining storage areas, managing the communal composting area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the waste management system.

e. All non-residential users (church and the early learning centre) must keep written evidence of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on the site.

Note: The evidence must be kept on site at all times.

56. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and

liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

57. Landscape Establishment

The landscape works must be maintained to ensure the establishment and successful growth of plant material including (but not be limited to) watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

58. Substation operation

a. The construction, operation and maintenance of the proposed substation is to comply with the *National Health and Medical Research Council (NHMRC) Interim Guidelines on Limits of Exposure to 50/60Hz Electric and Magnetic Fields* (1989) and the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) *EMF Radiation Protection Standards*.

b. A Site Compliance Certificate issued by a NATA accredited service is to be submitted to Council for the proposed substation confirming the operating EMF levels within 60 days of operation. The substation is to be assessed and found to comply with the ARPANSA's *Radiation Protection Standards* and the NHMRC's *Interim Guidelines on Limits of Exposure to 50/60Hz Electric and Magnetic Fields* (1989).

CONDITIONS OF CONCURRENCE – STATE RAIL

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

59. Construction Certificate Plans

The following requirements must be complied with prior to the issue of a Construction Certificate:

a. All methods to be followed for excavation and construction works be detailed in the construction certificate plans and specifications, in accordance with the methodology/recommendations detailed in the Geotechnical Investigation Report prepared by Jeffery Katauskas Pty Ltd dated 20/07/2009, additional Geotechnical Analysis Report prepared by Jeffery Katauskas Pty Ltd dated 26/06/2011, Report and dwg SK1 and SK2 prepared by Simpson Design and Associated Consulting Engineers dated May 2011 and be endorsed by RailCorp.

b. No rock anchors/bolts are to be placed within RailCorp's property or easements.

c. A registered surveyor must prepare a survey plan locating the development with respect to the rail boundary and rail infrastructure and the plan be endorsed by RailCorp.

d. A report be prepared by a qualified Electrolysis expert on the Electrolysis Risk of the development from stray currents and the measures to be incorporated to control that risk.

e. The recommended measures to control the electrolysis risks be included in the construction certificate plans.

f. Plans and documentation must be submitted to RailCorp incorporating details of all craneage and other aerial operations prior to works commencing on site.

Note: No loads are to be carried over RailCorp's land.

g. A Risk Assessment/Management Plan and detailed Safe Work Method Statement (SWMS) for the proposed demolition, excavation and construction works are to be submitted to RailCorp for endorsement.

Note: RailCorp's representatives may require further conditions to be complies with regard to the above and require the provision of on-site Safe Working supervision for certain aspects of the works.

h. A report be prepared by a qualified structural engineer demonstrating that the development satisfies the requirements of AS5100 and this report be endorsed by RailCorp.

i. Written confirmation from RailCorp is required for any works to be undertaken or access within the rail corridor or its easements.

Note: The principal certifying authority must not issue the Construction Certificate or Occupation Certificate prior to written confirmation from RailCorp, should a condition of consent require endorsement by RailCorp.

60. Rail Services

a. Identification and location of all rail services within the development site or in the near vicinity of the site must be established prior to the issue of the Construction Certificate. The persons performing the search must use equipments that do not impact on the rail services or signalling.

Note: The applicant must obtain advice from RailCorp regarding the need to undertake such a search for the site.

Should rail services be identified within the development site, the applicant must discuss with the RailCorp regarding relocation of the services or incorporation within the proposed development.

b. A joint inspection of all rail infrastructure and rail property in the near vicinity of the development (dilapidation survey) is to be conducted jointly by a RailCorp representative and the applicant prior to the issue of the Occupation Certificate. The dilapidation survey is to establish the extent of an existing damage (if any) and identify the extent of deterioration of that damage during construction works on the site.

61. Dilapidation Report

Unless otherwise notified by RailCorp, a dilapidation report s required to be submitted prior to the issue of the Occupation Certificate.

62. Vibration Monitoring System

A Monitoring Pan for vibration and deformation of the adjoining rail corridor during the construction works must be submitted to and be endorsed by RailCorp prior to commencement of works on site.

63. Reflective materials

Prior to the installation of any light, sign or reflective material, whether temporary or permanent, in the proximity of the rail corridor or in a location which is visible from the rail corridor, approval must be obtained from RailCorp.

Note: The glare and reflectivity must be limited to the satisfaction of RailCorp.

64. Placing of machinery

a. No ladders, tapes and plant/machinery or conductive material are to be used within 6 metres (measured horizontally) of any live equipment.

Note: This condition applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks and to any high voltage aerial supplies within or adjacent to the rail corridor.

b. Details of all scaffoldings to be installed on RailCorp land/easements or within 6 metres of the rail corridor, including materials, type of screening to be installed to prevent objects falling onto the rail corridor and means of erection is to be submitted to RailCorp for approval prior to commencement of works.

65. Environmental Harm

a. The construction/demolition works must not result in any environmental harm to the rail corridor at any stage of the development

b. The construction /demolition works and the on-going use on the site must not result in any pollutant entry to the rail corridor.

c. The stormwater from the development site must be adequately disposed off and managed. This development consent does not allow any disposal of stormwater on to the rail corridor without prior approval from RailCorp.

66. Access to Rail corridor

Fencing must be installed along the rail corridor frontage to prevent unauthorised entry to RailCorp land. Details of the fencing and methods of erection must be endorsed by RailCorp prior to installation.

Note: RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

67. Maintenance

A Maintenance plan must be submitted to RailCorp for approval prior to the issue of the Occupation Certificate. The plan must demonstrate methods of maintenance of that component of the development which fronts the rail corridor.

CONDITIONS OF CONCURRENCE – ROADS AND TRAFFIC AUTHORITY

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

68. Design of the Access driveways

a. The layout of the access driveway to the site must be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.

b. Any redundant driveways must be removed and replaced by kerb and gutter to match the existing.

69. Stormwater discharge

The post development Stormwater discharge from the subject site onto the RTA drainage system (if any) must not exceed the pre-development discharge.

Note: All detailed design plans and hydraulic calculations of any changes to the Stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO BOX 973 Parramatta CBD 2124

A plan checking fee is payable and a performance bond may be required prior to the issue of RTA approval. With regard to Civil Works please contact RTA's Project Engineer, External Works Ph: 8849 2114.

70. Road Occupancy License

A Road Occupancy License must be obtained from the RTA for any works that may impact on traffic flows on Pacific Highway during construction activities.

71. Construction works

a. All demolition and construction vehicles are to be contained within the site and vehicles must enter the site before stopping.

b. A construction zone is not permitted on College Crescent.

c. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.

Note: All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

- The Environmental Planning and Assessment Act 1979 requires:

- A construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Services Branch on 9847 6760.

- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.

- Council to be given at least two days written notice prior to the commencement of any works.

- Mandatory inspections of nominated stages of the construction inspected.

- An occupation certificate issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the approved building envelope without prior written consent from Council. Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined British Standard BS 5837: 2005, "Trees in Relation to Construction – Recommendations".

Disability Discrimination Act

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

Advertising Signage – Separate DA Required

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

Dial Before You Dig

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

Asbestos Warning

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

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Council Notification – Food Premises

Prior to the commencement of the operation, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.