JOINT REGIONAL PLANNING PANEL

(SYDNEY WEST REGION)

JRPP No	**2013SYW013**
DA Number	**DA/1370/2012 (Lodged 21 December 2012)**
Local Government Area	**Hornsby Shire Council**
Proposed Development	**Demolition of existing dwellings and construction of 4 x 5 storey residential flat buildings containing 110 units**
Street Address	**7-15 Fisher Avenue & 2-6 Trebor Road, Pennant Hills**
Applicant	**Boronia Estates**
Number of Submissions	**54 - original application** **113 - amended plans August 13** **71 - amended plans October 13**
Recommendation	**Approval**
Report by	**Garry Mahony – Senior Town Planner**

RECOMMENDATION

THAT Development Application No. 1370/2012 for demolition of existing dwellings and construction of 4 x 5 storey residential flat buildings containing 110 units at Lots 18, 19, 20, & 21 DP 11134, Lots A & B DP 311388 and Lots A & B DP 357677, Nos. 7-15 Fisher Avenue & 2-6 Trebor Road, Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of this report.

EXECUTIVE SUMMARY

1. The application proposes demolition of existing dwellings and construction of 4 x 5 storey residential flat buildings containing 110 units.
2. The proposal generally complies with the provisions of State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development, the Residential Flat Design Code, Hornsby Shire Local Environmental Plan 1994 and the Housing Strategy Development Control Plan.
3. A total of 237 submissions have been received in respect of the application.
4. It is recommended that the application be approved.

HISTORY OF THE APPLICATION

The application was lodged on 21 December 2012.

On 7 March 2013, the Joint Regional Planning Panel was briefed regarding the proposal.

On 25 July 2013, the applicant submitted amended plans to address issues raised by Council concerning urban design, access, setbacks, internal design and stormwater drainage.

On 30 September 2013, the applicant submitted amended plans to address compliance for balcony areas and dimensions, setbacks for landscaping, setbacks for the basement car park and excess car parking provision.

On 23 October 2013, the applicant submitted revised materials and finishes to complement the locality.

HISTORY OF THE SITE

On 1 October 2003, Council approved DA/406/2003 for demolition of 3 existing dwellings and construction of a two storey SEPP 5 development comprising 15 units (Nos. 7 & 9 Fisher Avenue and 2 Trebor Road). The development did not proceed.

On 2 September 2011, the site was rezoned from Residential A (Low Density) to Residential C (Medium/High Density) under Hornsby Shire Local Environmental Plan 1994. The site is within the 'Fisher Avenue, Pennant Hills Precinct' of Council's Housing Strategy.

THE SITE

The site has an area of 6,365m^2 and is bounded to the north and west by Fisher Avenue, to the south by Trebor Road and east by an unnamed lane and an adjoining medical centre. The site has a frontage of 170.6m to Fisher Avenue, a frontage of 48.7m to Trebor Road and a frontage of 52.4m to the unnamed lane. The eastern boundary of the site adjoining the medical centre (Pennant Hills Community Health Centre) at No. 5 Fisher Avenue, has a dimension of 56.6m.

The site comprises seven dwelling houses on existing suburban lots. The northern part of the site is traversed by a Council stormwater drainage easement and pipeline along a former watercourse. The site has an average gradient of 8% to the Fisher Avenue northern frontage. The site includes numerous trees, a number of which are identified as significant trees.

The site is adjacent to the Pennant Hills commercial centre, Pennant Hills Railway Station and Pennant Hills Road (Cumberland Highway). The existing Fisher Avenue streetscape is mainly characterised by brick and tile dwelling houses. A number of houses opposite the site on Fisher Avenue are used for health care consultancies. The site is opposite St Agatha's Catholic Primary School south-west of the site on Trebor Road. The Pennant Hills Primary School is located 230m north-west of the site at the end of Trebor Road.

The surrounding area north and west of the site is a low density residential area. The areas east and south of the site include the Pennant Hills commercial centre together with an area of high density housing on the southern side of Pennant Hills Road.

Pennant Hills Park is located 780m south east of the site.

THE PROPOSAL

The proposal is for the demolition of existing dwelling houses and construction of four x 5 storey residential flat buildings containing 110 units over a basement car park. Each building includes a central lift.

Proposed Block A has frontage to the corner of Fisher Avenue and Trebor Road. The building contains 28 units and includes 3 x 1 bedroom, 23 x 2 bedroom and 2 x 3 bedroom units. Entry to the building is at the eastern elevation off the internal central pathway.

Proposed Block B has frontage to the site's northern corner to Fisher Avenue. The building contains 28 units and includes 3 x 1 bedroom, 23 x 2 bedroom and 2 x 3 bedroom units. Entry to the building is at the eastern elevation off the internal central pathway.

Proposed Block C has frontage to Fisher Avenue. The building contains 28 units and includes 3 x 1 bedroom, 23 x 2 bedroom and 2 x 3 bedroom units. Entry to the building is at the southern elevation off the internal central pathway.

Proposed Block D has frontage to the unnamed lane and Trebor Road. The building contains 26 units and includes 6 x 1 bedroom, 12 x 2 bedroom and 8 x 3 bedroom units. Entry to the building is at the western elevation off the internal central pathway.

The proposed buildings are sited over a proposed basement car park which has three levels and is accessed off the site's western frontage with Fisher Avenue. The lower level includes 52 car parking spaces and resident storage. The common level includes 80 car parking spaces and resident storage, 10 bicycle spaces, bin storage areas and chute service areas. The upper level includes 44 spaces, resident storage and 6 bicycle spaces.

The proposal includes an integrated landscaping plan linking the buildings with common open space areas and the street entries to the development.

The proposal includes relocation and upgrading of the stormwater drainage line that traverses the northern part of the site.

ASSESSMENT

The development application has been assessed having regard to the *'Metropolitan Plan for Sydney 2031'*, 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). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2031 and (Draft) North Subregional Strategy

The *(Draft) Metropolitan Strategy for Sydney 2031* is a broad framework to provide for Sydney's growth to help plan for housing, employment, transport, infrastructure, the environment and open space. It outlines a vision for Sydney to 2031; the challenges faced, and the directions to follow to address these challenges and achieve the vision.

The North Subregion comprises Hornsby, Kuring-gai, Manly, Warringah and Pittwater Local Government Areas. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP* by the end of 2013.

Within the North Subregion, the *Draft Metropolitan Strategy* proposes:

- Population growth of 81,000 from the current 2011 baseline of 529,000
- Housing growth of 37,000 from the current 2011 baseline of 204,000
- Employment growth of 39,000 from the current 2011 baseline of 186,000

The proposed development would be consistent with the *Metropolitan Plan for Sydney 2031* by providing an additional 103 dwellings and would increase housing choice 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 Local Environmental Plan 1994

The subject land is zoned Residential C (Medium/High Density) Zone under the Hornsby Local Environmental Plan 1994 (HSLEP). The objectives of the zone are:

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 medium to high density residential environment.

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

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

Clause 15A of the HSLEP prescribes that a maximum building height of 17.5m applies to the land. The proposed development complies with this requirement.

Clause 18 of the HSLEP sets out heritage conservation provisions for Hornsby Shire. The site is not identified as a heritage item or within a heritage conservation area. The site is in the vicinity of the former Westpac Bank building, a heritage item on the corner of Fisher Avenue and Pennant Hills Road and also an item comprising the grounds of St Agatha's Primary School. The proposed development would not detract from the significance of the heritage items.

2.2 Hornsby Local Environmental Plan 2013

The Hornsby Local Environmental Plan 2013 (HLEP) was gazetted by the Minister for Planning and Infrastructure on 27 September 2013 and came into force on 11 October, 2013. The *HLEP* includes a savings provision under Clause 1.8A stating that if a development application is made and not finally determined before the commencement of the *HLEP*, the application must be determined as if the Plan had been exhibited but not commenced. The relevant provisions of the *HLEP* are addressed below.

2.2.1 Zoning

The site is zoned *R4 (High Density Residential)* pursuant to the Land Use Table of the *HLEP*. The objectives of the zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is defined as a 'residential flat building' and is a permissible use in the zone with Council's consent.

2.2.2 Height of Building

Clause 4.3 of the *HLEP* provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 17.5m. The proposal complies with this provision.

2.2.3 Heritage

The site is in the vicinity of an item of heritage at 18-26 Boundary Road Pennant Hills – 'St Agatha's Primary School – grounds (excluding buildings)' and also at 370 Pennant Hills Road – 'Westpac' former bank building.

The proposed development would not detract from the heritage significance of these items.

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

The application has been assessed against the requirements of *SEPP 32*, which 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 application complies with the objectives of the Policy as it would facilitate increased availability of housing in close proximity to transport and community facilities. The proposal would also provide greater diversity of housing types in the locality to meet the demand generated by changing demographics and household needs.

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

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

The residential site is located in the vicinity of Pennant Hills Road with high traffic flows over many years. The development includes the demolition of existing buildings and substantial excavation works which would remove any potential for contamination from vehicle pollution. A condition of consent is recommended regarding the site disposal of demolished building waste.

No further assessment is considered necessary in this regard.

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

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State.

The applicant has submitted a design verification statement prepared by a qualified designer stating how the proposed development achieves the design principles of *SEPP 65*. The design principles of *SEPP 65* and the submitted design verification statement are addressed below.

2.5.1 Principle 1 - Context

Design Principle 1 is as follows:

> *Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.*
>
> *Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.*

The context of the site is defined by the *Desired Future Character Statement* of the *Housing Strategy Development Control Plan (Housing Strategy DCP)*. The desired future character of the precinct is that of a high density residential precinct incorporating five storey developments in a landscaped setting with underground car parking.

The submitted statement is supported in respect to this Principle.

2.5.2 Principle 2 - Scale

Design Principle 2 is as follows:

> *Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*
>
> *Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.*

The precinct is undergoing transition. The scale of the future built environment is commensurate with Council's planning controls which promote five storey residential flat buildings with a maximum height of 17.5 metres. The elevations achieve an appropriate aesthetic outcome and composition and create the appearance of separate pavilions. The scale of the proposed development is appropriate for the site and in accordance with the planning controls and desired future character of the precinct.

2.5.3 Principle 3 – Built Form

Design Principle 3 is as follows:

> *Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*
>
> *Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas, and provides internal amenity and outlook.*

The *Housing Strategy DCP* includes planning controls for height, setbacks, building footprints and articulation, which prescribe the future built form of the precinct. The proposed four buildings are appropriately sited, modulated and articulated to reduce bulk and scale and express residential character. The proposed buildings would relate to existing built form by the roof design, recessed bays, fenestration, textures and materials. The proposed buildings align with the street layout and are considered acceptable in terms of built form.

The submitted statement is supported in respect to this Principle.

2.5.4 Principle 4 – Density

Design Principle 4 is as follows:

> *Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).*
>
> *Appropriate densities are sustainable and consistent with the existing density in an area or in precincts undergoing a transition, are consistent with the stated desired future density.*

Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The site density is regulated by the statutory height control of 17.5m and the controls contained within the *Housing Strategy DCP*. The proposal is within the *DCP* prescriptive measures as addressed in Section 2.10 of this report.

The high density development is moderated by large setbacks and separation between buildings. The density is appropriate to the location in close proximity to high frequency public transport, shops and community facilities.

The submitted statement is supported in respect to this Principle.

2.5.5 Principle 5 – Resource, Energy and Water Efficiency

Design Principle 5 is as follows:

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The applicant has submitted BASIX Certificate No. 461893M for the proposed 110 dwellings. The proposed development achieves the BASIX targets for sustainable water use, thermal comfort and energy efficiency. The building design achieves an efficient use of natural resources, includes sustainable materials and passive solar design principles.

The submitted statement is supported in respect to this Principle.

2.5.6 Principle 6 – Landscape

Design Principle 6 is as follows:

Good design recognises that together landscape and buildings operate as an integral and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.

The application includes a landscape concept plan which integrates the proposed buildings with landscaped grounds and common open space areas. The proposal retains a number of significant trees and includes additional canopy trees within deep soil zone areas. The proposed development is

in accordance with the landscaping principle of *SEPP 65* and the *Housing* S*trategy DCP* objective for buildings within landscaped settings.

The submitted statement is supported in respect to this Principle.

2.5.7 Principle 7 – Amenity

Design Principle 7 is as follows:

> *Good design provides amenity through the physical, spatial and environmental quality of a development.*
>
> *Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.*

The proposed development is in accordance with the requirements of the *Residential Flat Design Code* including requirements for solar access, visual and acoustic privacy, apartment layouts, private open spaces and natural ventilation.

The submitted statement is supported in respect to this Principle.

2.5.8 Principle 8 – Safety and Security

Design Principle 8 is as follows:

> *Good design optimises safety and security, both internal to the development and for the public domain.*
>
> *This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.*

The applicant's statement includes the following comment:

> *The orientation of buildings, floor layouts and provision of balconies provide natural passive surveillance of public domain and common open space. Appropriate security arrangements would be provided within the entry lobby and access to common open spaces. All pedestrian areas are designed to provide clear sight lines and minimise potential for "hiding" places for attacks. Storage cages will be of chain wire partitioning to allow visual sight lines.*

The proposed buildings are considered satisfactory in providing passive surveillance of access points and common open space areas. The proposed design includes secure access to the basement car parks and to the lift access. NSW Police assessed the application in respect to Crime Prevention Through Environmental Design Principles (CPTED) and raised no objection to the proposal subject to recommended conditions.

The applicant's statement is supported in respect to this Principle. Refer also to comments in Section 2.6.4.

2.5.9 Principle 9 – Social Dimensions and Housing Affordability

Design Principle 9 is as follows:

> *Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.*
>
> *New development should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.*
>
> *New development should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*

The *Housing Strategy DCP* includes prescriptive measures for housing choice and for adaptable housing to provide for aging in place. The proposed development complies with the prescriptive measures and is supported in respect to this Principle.

2.5.10 Principle 10 – Aesthetics

Design Principle 10 is as follows:

> *Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.*

The applicant's statement includes the following comment:

> *The use of detail and texture and the high degree of articulation in the façade composition has the result of creating a high quality building which sits well in the precinct and compliments the existing streetscape.*

The proposed development includes materials and finishes and treatment that has regard to the surrounding built environment and complements the development in the streetscape.

The applicant's statement is supported in respect to this Principle.

2.6 SEPP 65 – Residential Flat Design Code

SEPP 65 also requires consideration of the *Residential Flat Design Code, NSW Planning Department 2002*. The *Code* includes development controls and best practice benchmarks for achieving the design principles of the *SEPP 65*. The following table sets out the proposal's compliance with the *Code*:

Residential Flat Design Code			
Control	**Proposal**	**Requirement**	**Compliance**

Deep Soil Zone	37%	25%	Yes
Communal Open Space	30%	25-30%	Yes
Gnd Level Private Open Space	$11m^2$ - $25m^2$ Min Dimension 2.5m	$25m^2$ Min Dimension $4m^2$	No No
Building Separation	12m – 4 storey 18m – 5 storey	12m – up to 4 storey 18m – 5 storey to 8 storey	Yes Yes
Minimum Dwelling Size	1 br – 50+m^2 2 br – 70+m^2 3 br – 95+m^2	1 br – $50m^2$ 2 br – $70m^2$ 3 br – $95m^2$	Yes Yes Yes
Maximum Kitchen Distance	8m	8m	Yes
Minimum Balcony Depth	2.5m	2.0m	Yes
Dual Aspect & Cross Ventilation	71%	60%	Yes
Adaptable Housing	30%	10%	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the *Residential Flat Design Code* other than the ground floor open space areas. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.6.1 Apartment Layout and Mix

The proposed residential flat buildings are designed in response to the shape of the site and have regard to separation and window and balcony placement of the opposing buildings. The proposal includes a range of apartment sizes and layouts appropriate to the configuration of the buildings.

Block A includes Units 1 to 28, Block B Units 29 to 56, Block C Units 57 to 84 and Block D Units 85 to 110. The units range in size from $50m^2$ to $64m^2$ (1 bedroom units), $70m^2$ to $88m^2$ (2 bedroom units)

and 95m^2 to 110m^2 (3 bedroom units). One of the 2 bedroom units includes a study. The proposed 34 adaptable units include a range of 1, 2 and 3 bedroom units.

The proposed apartment layouts result in functional, well appointed spaces. The depth and width of the units ensures adequate natural light and ventilation. The majority of kitchen spaces either include a window, or are located within 8m of a window.

The proposal includes a range of smaller units providing for housing choice.

It is considered the proposed units meet the best practice requirements of the *Code*.

2.6.2 Ground Floor Apartments

The *Code* encourages separate entries for ground floor apartments and private gardens areas at ground level.

The proposed ground floor unit open space areas include landscaped balconies contained within the building envelope. The unit open space areas are considered appropriate for the respective ground floor units in respect to dwelling size, aspect, unit configuration and amenity. The non-compliance with the best practice 25m^2 open space area and 4m dimension is considered acceptable as the larger area would be lost to private use and would not contribute to landscaping in accordance with the *Housing Strategy Development Control Plan* key principle for five storey residential flat buildings in garden settings.

Eleven of the proposed ground floor apartments (32%) are adaptable dwellings with convenient access to common outdoor open space areas.

It is considered the design of the proposed ground units is satisfactory in meeting the requirements of the *Code*.

2.6.3 Internal Circulation

The proposed buildings have frontage to communal open space areas with pathways connecting to the street frontages. The building entries are well defined and integrated with the landscape treatment for street access.

Each floor includes a central lift accessible to the respective units. The lift corridors meet the *Code's* requirements for the number of units accessed (less than 8) and design for amenity.

The proposed internal pathways would provide pedestrian linkages to communal open space areas and between buildings.

It is considered the proposed internal circulation spaces achieve the best practice requirements of the *Code*.

2.6.4 Safety and Visual Privacy

The proposed development is designed to enable casual surveillance of public access to the development and communal open space areas without compromising resident privacy.

Appropriate conditions for building security and graffiti management, are recommended for the safety and security of residents of the proposed development.

2.6.5 Acoustic Privacy

Proposed Building D is located within 40m of Pennant Hills Road. The applicant submitted a Road Traffic Noise Impact Assessment which details predicted noise levels at the facades of the proposed buildings. The assessment includes recommended acoustic measures for the development to meet the internal noise level criteria under Clause 102 of *State Environmental Planning Policy (Infrastructure) 2007* ie:

- in any bedroom in the building – 35 dB(A) at any time between 10 pm and 7 am
- anywhere else in the building (other than garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.

A condition is recommended for the development to be carried out in accordance with the recommended acoustic measures which include specified glazing for bedroom, living / dining room windows.

The proposed floor plan layouts for the proposed buildings ensures effective grouping and separation of the noise generating kitchen, bathroom and laundry areas from the quieter bedroom areas of the units.

To minimise noise impacts on residential amenity during construction of the development, a condition is recommended for compliance with the *Interim Construction Noise Guidelines 2009 – NSW Department of Environment and Climate Change*.

Subject to recommended conditions for noise mitigation, the proposed development meets the *Code's* best practice requirements for acoustic privacy.

2.6.6 Building Separation

The proposed four buildings are separated by internal courtyards and open space areas with pathway linkages.

The proposed separation between the buildings is in accordance with the *Codes* best practice for a separation of 12m for buildings up the 4 storey and a separation of 18m for buildings 5 to 8 storey.

The proposed separation enables design for daylight access, visual and acoustic privacy.

2.6.7 Storage

The proposed units include built-in robes and kitchen cupboard storage. The basement includes 51 individual storage areas and 4 shared storage areas for residents. To ensure adequate storage areas for residents, a condition is recommended for compliance with the *Code's* best practice requirement for storage areas as follows:

- $6m^2$ – one bedroom units;
- $8m^2$ – two bedroom units;
- $10m^2$ – three bedroom units.

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

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The application includes a BASIX Certificate for the

units within the proposed development which demonstrates compliance with the requirements of the SEPP.

2.8 State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007*.

The proposed development is located approximately 40m from a State Road (Pennant Hills Road) and is subject to the provisions of the Policy in respect to traffic generating developments (Clause 102) and also in respect to the mitigation of road traffic noise (Clause 104).

The Roads and Maritime Services has granted its concurrence to the proposed development in respect to the traffic generated and the operation of Pennant Hills Road. Refer to discussion in Section 3.2.2.

The applicant submitted a Road Traffic Noise Impact Assessment which included predicted noise levels from traffic on Pennant Hills Road and the necessary noise mitigation measures to required pursuant to Clause 104 of the Policy. Refer to discussion in Section 2.6.5.

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

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would comply with the requirements of the Policy.

2.10 Clause 74BA Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans

On 1 March 2013, the *Environmental Planning and Assessment Act, 1979* was amended so that a DCP provision will have no effect if it has the practical effect of "*preventing or unreasonably restricting development"* that is otherwise permitted and complies with the development standards set out in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitating development that is permissible under any such instrument; and achieving the objectives of land zones under any such instrument. The provisions of a development control plan made for that purpose are not statutory requirements.

2.11 Hornsby Development Control Plan 2013

The Hornsby Development Control Plan (HDCP) 2013 applies to all land within Hornsby Shire and provides development controls to complement the *HLEP*. The HDCP came into effect on 11 October 2013.

The following sections of this report include a detailed assessment of the proposal against Council's existing DCP controls. Although the HDCP was not in force at the date of lodgement of this application, the development proposal has been assessed against the Plan.

The HDCP is generally a transition of Council's earlier DCPs including the *Housing Strategy DCP*, into a consolidated Plan. Notwithstanding, it is noted that the following controls are in addition to the *Housing Strategy DCP* requirements.

2.11.1 Building Form and Separation

The required minimum separation between buildings on large sites is increased from 6m to 9m under the HDCP and the proposed development complies with this requirement.

The HDCP also requires that the minimum separation between residential buildings should comply with Table 3.4.6(a) which states:

Table 3.4.6(a): Minimum Separation Between Buildings	
5 Storey RFB Building	**Separation**
Up to 4 storeys/ 12m	12m between unscreened habitable rooms/ balconies/ principal private open space areas
Up to 5 storeys/ over 12m	18m between unscreened habitable rooms/ balconies/ principal private open space areas
Facing side or rear boundaries shared with an undeveloped site	Half of the building separation required by the Residential Flat Design Code under *SEPP 65 - Design Quality of Residential Flat Buildings*

The proposed development complies with these requirements.

2.11.3 Landscaping

The landscaping area between buildings is increased from a minimum 6m x 6m to 7m x 7m of deep soil landscaping under the HDCP. This would equate to a total of 196m^2 for the four residential flat buildings on the site.

The proposed separation between the four buildings includes a section of deep soil landscaping with an area of 548m^2 between Blocks A & D, Blocks B & C and Blocks C & D. The proposal does not include deep soil landscaping between Block A & B. Notwithstanding, the proposed deep soil landscaping exceeds the minimum area requirement.

2.11.3 Open Spaces

The minimum private open space requirement for one, two and three bedroom dwellings remains the same. However, an additional separate screen clothes drying area is required under the HDCP.

A number of the proposed balconies are of design to meet this requirement. However, given the majority of balconies would require redesign with regard to increased private open space, articulation and privacy, it is considered onerous to require compliance given the savings provision under Clause 1.8A of *HLEP* requires assessment according to the statutory planning controls prior to 11 October 2013. The non-compliance does not warrant refusal of the application.

2.11.4 Vehicle Access and Parking

A reduction for car parking is provided for development located within 800m of a railway station. A total of 136 car parking spaces including 22 visitor spaces would be required for the development, together with 3 motor cycle spaces, 22 resident bicycle spaces and 11 visitor bicycle spaces.

A condition is recommended for compliance with the updated car parking requirements including provision for motor cycles.

2.12 Housing Strategy Development Control Plan

The proposed development has been assessed having regard to the desired outcomes and prescriptive measures within Council's *Housing Strategy Development Control Plan (Housing Strategy DCP).* The following table sets out the proposal's compliance with the prescriptive measures of the Plan:

Housing Strategy Development Control Plan			
Control	**Proposal**	**Requirement**	**Compliance**
Site Width	86m	Min – 30m	Yes
Height	Block A - 5 storey – 17.5m Block B – 5 storey – 17.5m Block C – 5 storey – 17.5m Block D – 5 storey – 17.5m	5 storey – 17.5m	Yes Yes Yes Yes
Lowest Residential Floor Above Ground	N/A	Max - 1.50m	N/A
Maximum Floorplate Dimension	Block A – 32m Block B – 30m Block C – 30m Block D – 34.5m	35m	Yes Yes Yes Yes
Building Indentations	4m x 4m	4m x 4m	Yes
Bldg A - Front Setback Fisher Avenue (West)	10.5m – 13m 8m < 1/3rd building Balc. 8m	10m 8m < 1/3rd building Balc. 7m	Yes Yes Yes

Bldg A – Front Setback Trebor Road (secondary frontage)	6.8m – 8.5m (zero encroachment) Balc. 6m	6m 4m<1/3rd building Balc. 4m	Yes Yes Yes
Bldg B – Front Setback Fisher Avenue (West)	10.2m – 12m 8m < 1/4 building Balc. 0m	10m 8m < 1/3rd building Balc. 7m	Yes Yes Yes
Bldg B – Front Setback Fisher Avenue (North)	10m 8m < 1/3rd building Balc. 7m	10m 8m < 1/3rd building Balc. 7m	Yes Yes Yes
Bldg C – Front Setback Fisher Avenue (North)	10m – 12m 8m < 1/3rd building Balc. 7.6m	10m 8m < 1/3rd building Balc. 7m	Yes Yes Yes
Bldg C – East Side	6m – 14m 5.5m – 4.5m < 1/3rd Balc. 4m	6m 4m < 1/3rd building Balc. 4m	Yes Yes Yes
Bldg D – Front Setback Trebor Road	8+m Balc. 7.2m	6m Balc. 4m	Yes Yes
Bldg D – East Side	6m 4m < 1/3rd building Balc. N/A	6m 4m < 1/3rd building Balc. 4m	Yes Yes Yes
Building Separation	Block A / Block B – 12m Block A / Block D – 12m Block B / Block C – 12m Block C / Block D – 12m	12m 12m 12m 12m	Yes Yes Yes Yes
Top Storey Setback From Ground Floor	Block A - 3+m Block B – 3+m Block C – 3+m Block D – 2.6+m	3m 3m 3m 3m	Yes Yes Yes No

Underground Parking Setback – Lower Basement	Fisher Ave Front – 7m-8m E Side – 4.0m-8.6m	7m 4m	Yes Yes
Underground Parking Setback – Common Basement	Fisher Ave Front – 7m-8m E Side – 4m-8.6m Lane – 4m Trebor Rd S – 4.2m-7m	7m 4m 4m 4m	Yes Yes Yes Yes
Underground Parking Setback – Basement Upper	Fisher Ave – 8m Trebor Rd S – 4.2m-7m Lane – 4m	7m 4m 4m	Yes Yes Yes
Basement Above Ground	1.5m	1m	No
Separation Building A & Building B	12m	6m	Yes
Car Parking	176 spaces	115 resident spaces 22 visitor spaces	Yes Yes
Landscaping	Fisher Ave Front – 7m-8m Trebor Rd S – 7m-8m Lane – 4m East S – 4m-8.6m	7m 4m 4m 4m	Yes Yes Yes Yes
Private Open Space Min Width 2.5m	1 br units - > $10m^2$ 2 br units - > $12m^2$ 3 br units - $14m^2$ (Units 1, 29, 103)	$10m^2$ $12m^2$ $16m^2$	Yes Yes No
Communal Open Space	30%	25%	Yes
Sunlight Access	75%	70%	Yes

Housing Choice	15 x 1 br units – 14% 81 x 2 br units - 74% 14 x 3 br units – 12%	10% 10% 10%	Yes Yes Yes
Adaptable Units	30%	30%	Yes

As detailed in the above table, the proposed development generally complies with the prescriptive measures within Council's *Housing Strategy DCP*. The matters of non-compliance are detailed below, as well as a brief discussion regarding the desired outcomes and the prescriptive measures.

2.12.1 Desired Future Character

The proposed development for four x 5 storey residential flat buildings would establish the 'Fisher Avenue, Pennant Hills' housing precinct in accordance with required key principles for the precinct, namely for well articulated five storey residential flat buildings in garden settings with basement car parking. The proposed materials and finishes include face brick in earth tone colours in keeping with materials of the surrounding area.

In submissions, concern is raised that the site should be limited to 43 dwellings in accordance with Council's Housing Strategy. The 43 dwellings noted under Council's Housing Strategy for the site was based on indicative yields developed in consultation with the Department of Planning and Infrastructure and based on densities achieved for this form of development in other local government areas. The indicative dwelling yields were a mechanism to demonstrate that Council's dwelling target would be achieved. The yield is not included as a development control in Council's planning instruments. The proposed number of units is subject to merit assessment in accordance with the requirements of the *Housing Strategy Development Control Plan* and impacts on the built environment.

The density of the proposed development is guided by the *Housing Strategy DCP* requirements for building height, setbacks, landscaping, floorplates and separations, open space and dwelling mix.

2.12.2 Design Quality – SEPP 65

The proposed development accords with the design principles of *SEPP 65* as discussed in Sections 2.5 and 2.6 of this report.

The proposed development includes landscape treatment, podium design and entry features to facilitate way-finding for residents and visitors to the four buildings within the development.

2.12.3 Site Requirements

The site adjoins No. 5 Fisher Avenue (lot 22 DP 1053427) which has an area of 916m^2, is an irregular shaped lot with a frontage of 22m to Fisher Avenue. A two storey medical centre building is sited on the land owned by Hornsby and Kuring-gai Hospital Area Health Services.

The applicant submitted a letter from NSW Health – Northern Sydney Local Health District declining an offer to purchase the land for inclusion in the proposed development. The letter advised of no

plans to divest the property and that divestment could only occur under a competitive tendering process, not by direct sale.

The applicant submitted concept plans for a five storey residential flat building on the adjoining site which demonstrate the site could be developed generally in compliance with the *Housing Strategy DCP* requirements for height, setbacks and floorplates, notwithstanding the non-compliance with the required 30m frontage.

The proposal therefore, would not isolate the adjoining site from future development and is considered acceptable in respect to the *Housing Strategy DCP* prescriptive measures for site consolidation.

2.12.4 Height

The site has a moderate slope to the northern frontage and includes a former watercourse across the northern part of the site. The proposed buildings are appropriately sited having regard to the slope of the land.

The proposed five storey buildings comply with the maximum 17.5m building height. The proposed buildings involve excavation works for the basement car park and for finished ground levels. The proposed fifth floor is generally setback where the basement car park extends above ground level. The proposed basement marginally exceeds 1m above ground at a section of the northern frontage of Building B and a section of the northern frontage of Building D. The non-compliance is considered satisfactory in respect to the proposed development's compliance with the 17.5m height limit, the limited impact of the fifth floor in the streetscape and compliance with the solar access prescriptive measure.

Accordingly, the proposed development is considered satisfactory in respect to five storey built form.

2.12.5 Setbacks

The site generally occupies the majority of the 'Fisher Avenue, Pennant Hills Precinct' with each of the proposed four buildings fronting a street and configured in a uniform arrangement on the site. Fisher Avenue is the primary frontage. Trebor Road and the unnamed lane are secondary frontages.

The proposed buildings comply with the minimum front setback requirements in providing for building articulation and landscaping in the streetscape and meet the key principle of the *Housing Strategy DCP* for broad setbacks along street frontages.

Proposed Block C adjoins the existing medical centre at No. 5 Fisher Avenue at the eastern boundary. The building complies with the side setback prescriptive measures and would not restrict future development of the adjoining site.

2.12.6 Landscaping

The proposed development would provide suitable landscaped areas for the presentation of the proposed buildings in the streetscape, for the provision of active and passive open space areas and for screen planting. The proposed landscaping includes the planting of 20 locally indigenous trees in suitable locations that would contribute to the streetscape setting and the local tree canopy.

The submitted landscaping plan includes a number of existing exotic species suitable for retention in the streetscape other than Trees Nos. 17, 17a, 18, 19, 19a, 21, 22, 23, 24, 26, 27, 28, 29 and 57. A condition is recommended for removal and replacement of these trees with locally indigenous trees to maintain consistency in the streetscape. The retained trees would provide screening of the development in the streetscape.

The submitted landscaping plan details paved pedestrian access to ground floor units Nos. 1, 2 and 3 at the frontage of Block A. The separate use of the frontage for private open space of the ground floor units is inconsistent with the *Housing Strategy DCP* requirement for buildings in landscape settings. A condition is recommended for the separate accessways and fence openings to be deleted and the unit landscaped areas incorporated into common open space, consistent with the Blocks B, C and D.

The proposal includes canopy trees in deep soil areas between Building B and Building C and between Building C and Building D. A condition is recommended for a canopy tree in deep soil between Building A and Building D to enhance the visual amenity and view lines between the buildings.

Subject to recommended conditions, the proposed landscaping complies with the landscaping prescriptive measures and meets the *Housing Strategy* key principle for five storey residential flat buildings in garden settings.

2.12.7 Floorplates and Separations

The proposed buildings comply with the maximum floorplate dimension of 35m and incorporate 4m x 4m indentations.

The proposed buildings comply with the 12m building separation requirement of the *SEPP 65 Code*. The separation includes a substantial area of deep soil between Block A and Block D, Block B and Block C and Block C and Block D. The deep soil area is considered appropriate in respect to the *Housing Strategy DCP* requirement for a minimum of 6m x 6m deep soil between buildings; with regard to the total site provision of deep soil (37%).

The proposed development achieves the *Housing Strategy DCP* desired outcome for floorplates and separations.

2.12.8 Articulation

The proposed buildings are stepped to conform with the topography of the site and are well articulated with the façade treatment, size and placement of windows, wrap-around balconies, vertical panels, indentations and setback variations to minimise the bulk and scale of the buildings.

The proposed facades include a mix of contrasting materials, finishes and fenestration that contribute to the building articulation. While the proposed buildings are essentially of the same design, the proposed landscaping, podium treatment and materials and finishes, provide separate treatment and identity to each building.

The proposed buildings comply with the *Housing Strategy DCP* articulation prescriptive measures and meet the desired outcome for development of a scale and bulk which enhances the streetscape character.

2.12.9 Open Space

The proposed private open space areas generally comply with the prescriptive area requirements, include a range of layouts with access off living areas and would provide for a range of outdoor activities.

The private open space for Units 1, 29 and 103 do not comply with the required minimum dimension of 2.5m The non-compliance is considered acceptable given the available private open space areas for these units is $20m^2$, $21m^2$ and $19m^2$ respectively.

The proposed communal open space areas comply with the prescriptive area requirements and would provide for larger gatherings and family groups.

The proposed basement includes provision for bike storage comprising 20 resident bike racks. A total of 22 resident bike racks and 11 visitor bike racks are required in accordance with the *Housing Strategy DCP* and could be made available with regard to the surplus car parking spaces. A condition is recommended in this regard.

It is considered the proposed open space provision would provide for a range of outdoor activities and encourage active living.

2.12.10 Privacy

The proposed development is appropriately designed for privacy with the majority of units having an external outlook. The proposed balconies with internal orientation are generally non-opposing and are provided with privacy screens. The proposed glazed balcony balustrades are in obscure glass. The proposed development complies with the required 12m separation between buildings.

The proposed development does not adjoin any residential property. There are a number of dwelling houses opposite the site fronting Fisher Avenue. Given the separation afforded by the street and the existing large front setbacks, it is considered the proposed development would not significantly detract from private open space of existing dwelling houses opposite.

The balconies of proposed Units 67, 73 and 79 at the north eastern corner of Block C are in close proximity to the first floor windows of the adjoining medical centre. A condition is recommended for privacy louvres to the unit balconies at the eastern elevation.

2.12.11 Sunlight and Ventilation

The proposed development complies with the *Housing Strategy DCP* prescriptive measure for at least 70% of dwellings to receive 2 or more hours of sunlight to living room windows and private open space. The proposal complies with the requirement for at least 60% of dwellings to have dual aspect and natural cross ventilation.

The proposed development would not result in overshadowing of any adjacent dwellings.

2.12.12 Housing Choice

The proposed buildings include a mix of dwellings including; one bedroom, two bedroom, two bedroom + study and three bedroom dwellings.

Of the proposed dwellings 14% are one bedroom, 74% two bedroom and 12% three bedroom dwellings. The adaptable dwellings include 30% of dwellings.

The proposed housing mix complies with the *Housing Strategy DCP* requirement for at least 10% of each dwelling type and for 30% adaptable units.

2.12.13 Vehicle Access and Parking

Vehicle access to the proposed basement car park is via a 6.3m wide driveway off the western frontage to Fisher Avenue toward the centre of the street block. The basement car park design provides access for a Small Rigid Vehicle (SRV) for waste collection.

The basement is shared between the four proposed buildings and includes 176 car parking spaces and 20 bicycle spaces. The proposed car parking includes 36 spaces surplus to that required for the

development. The applicant submits additional parking is provided in response to on-street parking restrictions.

A condition is recommended for the configuration of the basement to facilitate provision for a minimum of 115 resident car parking spaces including 34 accessible car parking spaces, 22 visitor car parking spaces, 3 motor cycle parking spaces (refer Section 2.11.4), 22 resident bike racks and 11 visitor bike racks.

The basement includes resident storage spaces. A condition is recommended for storage provision to meet the minimum requirements of the *SEPP 65 Code*, for $6m^2$ – one bedroom units, $8m^2$ – two bedroom units, and $10m^2$ – three bedroom units.

Subject to recommended conditions, the proposal is considered satisfactory in respect to the *Housing Strategy DCP* requirements for vehicle access and parking.

2.13 Waste Minimisation and Management Development Control Plan (WMMDCP)

Each floor in the proposed development of 110 units is provided with chutes for waste disposal. Each garbage chute terminates in a bin storage/ chute service room in the basement. The proposal includes two bin collection rooms from which the bins would be serviced in the basement. The rooms include a mix of garbage and recycling bins in each, but for ease of collection the garbage bins should be in one room and the recycling bins in the other. The bin collection rooms are adequately sized.

The proposed development would be serviced by a small rigid waste collection vehicle (SRV).

The proposed development would meet the waste facility design performance criteria of the WMMDCP subject to recommended conditions for design for access and waste collection by a SRV.

The submitted Demolition Waste Management Plan and Construction Waste Management Plan are considered acceptable in facilitating waste reduction. The Waste Management Plan – Use And On-Going would be acceptable subject to recommended conditions for implementation.

3. ENVIRONMENTAL IMPACTS

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

3.1 Natural Environment

3.1.1 Trees

The site includes a total of 98 trees of which 7 trees are locally indigenous. The proposed development would necessitate the removal of 57 trees from the site including 2 locally indigenous trees Nos. 61 and 62.

The submitted landscaping plan includes planting of 45 locally indigenous tree species including *Acmena smithii* Lilly Pilly, *Angophora costata* Sydney Red Gum, *Angophora floribunda* Rough-barked Apple, *Elaeocarpus reticulates* Blueberry Ash, *Eucalyptus piperita* Sydney Peppermint, *Eucalyptus punctata* Grey Gum, *Melaleuca linariifolia* Snow-In-Summer, *Syncarpia glomulifera* Turpentine and *Tristaniopsis laurina* Water Gum. The proposed tree planting would contribute to the natural environment and the local tree canopy. The proposed removal of two locally indigenous trees is therefore considered acceptable.

The site includes two large significant *Eucalyptus saligna* Sydney Blue Gums (Tree No. 40 and Tree No. 91). Tree No. 40 is located on the frontage with the unnamed lane and has a Tree Protection Zone (TPZ) of 13m. A 12% encroachment is proposed which is considered acceptable with regard to the soil volume that would be maintained. Tree No. 91 is located on the Fisher Avenue northern frontage and has a TPZ of 15m. The proposed development would be a significant encroachment on the TPZ. However, the existing dwelling house is located within the TPZ thereby limiting root development. Subject to recommended conditions it is not expected for the proposed development to adversely impact on Trees Nos 40 and 91.

A condition is recommended for the landscaping plan to be amended to remove non-indigenous trees Nos. 17, 17a, 18, 19, 19a, 21, 22, 24, 26, 27, 28, 29 and 57 for replacement with locally indigenous trees. Appropriate conditions are recommended to protect existing trees to be retained during construction of the development.

Subject to recommended conditions, the proposed development is considered acceptable in respect to the natural environment.

3.1.2 Stormwater Drainage

A Council stormwater drainage easement affects the site. The stormwater drainage system flows to Zig Zag Creek a tributary of Berowra Creek and the Hawkesbury River.

The proposed development involves the relocation of the stormwater drainage system to Fisher Avenue and the upgrading of the stormwater drainage system downstream to Hillcrest Avenue via the existing easement. The work would be required to be undertaken before the excavation works for the basement car park. The relocation would not impact on existing trees. Appropriate conditions are recommended for these works to be carried out with minimal impact on the road network, adjoining property and downstream water quality.

The proposed stormwater drainage system includes an overland flow path designed around the frontage of Block B to the frontage of Block C. The overland flow path would have a maximum depth of 270mm around the buildings and by design is incorporated into the proposed landscaping to maintain design flow and landscape plantings. The proposed overland flow path would not result in flooding of ground floor units or private open space areas.

Subject to recommended conditions, the proposed stormwater drainage works would not adversely impact on the natural environment.

3.2 Built Environment

3.2.1 Built Form

The site is surrounded by a mix of land uses including low and high density residential, commercial, medical and educational with corresponding built development form for these land uses.

The proposed development for 4 x five storey residential flat buildings would interface with existing single storey dwelling houses on the opposite site of Fisher Avenue and depart from the existing residential built form. The departure is considered acceptable with regard to the built form of other surrounding land uses and the *Housing Strategy DCP* Key Principles for the 'Fisher Avenue, Pennant Hills Precinct'.

The applicant submitted a Building Code of Australia (BCA) Compliance Assessment Report which states the performance requirements of the BCA can be achieved by the proposed development.

3.2.2 Traffic Generation and Road Safety

The proposed development comprising 110 dwellings would generate 32 vehicles per hour during the morning (7.00am to 8.00am) and afternoon (5.15pm to 6.15pm) commuter peak periods, in accordance with the Roads and Maritime Services *Guide to Traffic Generating Developments Section 3 – Land Use Traffic Generation (October 2002)* for high density residential flat building Peak Hour Vehicle Trips rate of 0.29 vehicle trips per dwelling.

The 7 existing dwelling houses proposed to be demolished for the proposed development generate 6 vehicle trips per hour during peak commuter periods. Accordingly, the total additional traffic generated by the proposal would be 26 vehicles per hour during the commuter peak.

The applicant submitted a Traffic and Parking Report concerning the impact of the proposed development on the efficiency of the local road network and the intersection of Trebor Road and Pennant Hills Road. The report was referred to Roads and Maritime Services which raised no objection to the proposed development subject to recommended conditions for a Construction Traffic Management Plan, compliance with AS 2890.1-2004 and design to mitigate road traffic noise.

The submitted traffic report notes that St Agatha's Catholic Primary School has an enrolment of over 500 students and generates approximately 375 vehicles during the school peak periods (8:15am to 9:15am and 2:45pm to 3:34pm). The applicant also submitted a SIDRA Analysis to determine the intersection performance of Pennant Hills Road and Trebor Road in respect to the proposed additional traffic generation (26 vehicles per hour commuter peak). The analysis determined:

- *The intersection will continue to operate at current Levels of Service under the projected additional traffic flows expected to be generated by the development proposal.*
- *The existing queue length in the right-turn bay in Pennant Hills Road turning right into Trebor Road may increase by 1 car length, and will be fully accommodated within the existing right-turn bay.*

There is significant traffic and parking demand during the morning and afternoon peak periods in Trebor Road and Fisher Avenue due to Pennant Hills Commercial centre activities and parents picking up and dropping off children who attend St Agatha's Primary School. The Trebor Road leg of the intersection of Pennant Hills Road / Trebor Road / Cityview Rd is operating at level of service F. Vehicle queuing along Trebor Road at the unnamed lane prevents right turns into the lane and obstructs west bound traffic. The provision of a median in Trebor Road would improve access off Pennant Hills Road by preventing right turn access into the lane. A condition is recommended for construction of a median strip in this regard.

The proposed development would increase pedestrian flows across Fisher Avenue for resident access to, and from, the shops and Pennant Hills Railway Station. A condition is recommended for the construction of pedestrian refuge islands in Fisher Avenue for traffic and pedestrian safety.

The development would be subject to further consideration by the Local Area Traffic Committee in respect to traffic control measures and parking restrictions, following completion of the development.

Subject to recommended conditions the proposed development is considered acceptable in respect to traffic and road safety.

It should be noted in regard to Pennant Hills Road, the Federal and State Governments have committed $405 million to the construction of a tolled motorway linking the M1 Pacific Motorway at Wahroonga with the M2 Motorway at West Pennant Hills. The tolled motorway proposed to be constructed by Transurban at a cost of approximately $2.65 billion and comprise twin motorway tunnels. A decision to proceed with the project is expected by the end of 2013. The tolled motorway

link would reduce the number of heavy vehicles and traffic congestion along Pennant Hills Road and improve amenity.

3.2.3 Excavation

The proposal involves excavation works for the basement car park and the relocation of the stormwater drainage system. A condition is recommended for a dilapidation report to be prepared for the adjoining property, the properties opposite the site fronting Fisher Avenue and the unnamed lane.

The proposed excavation works involve the removal of existing sewer mains across the site. A condition is recommended for Sydney Water requirements to be determined prior to the issue of a Construction Certificate.

3.2.4 Construction

The applicant submitted a Construction Traffic Management Plan which is considered acceptable in minimising disruption to traffic on Fisher Avenue and Trebor Road in accessing the Pennant Hills commercial centre and local schools.

The four proposed buildings are sited over the basement car park. The applicant proposes to progressively construct and market the development and has requested the issue of separate occupation certificates for the development. The separate occupation of a building during construction of the development would result in considerable disruption and adverse amenity impacts for new residents, due to the shared basement car park, pedestrian access and common open space areas. It is considered separate occupation prior to final completion of the development could not readily be achieved without substantial disruption. The proposed development therefore would need to be completed in its entirety prior to the issue of an Occupation Certificate.

3.3 Social Impacts

The proposed development would increase the availability of housing in the locality including the provision of adaptable housing and be of positive social impact.

3.4 Economic Impacts

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

4. SITE SUITABILITY

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

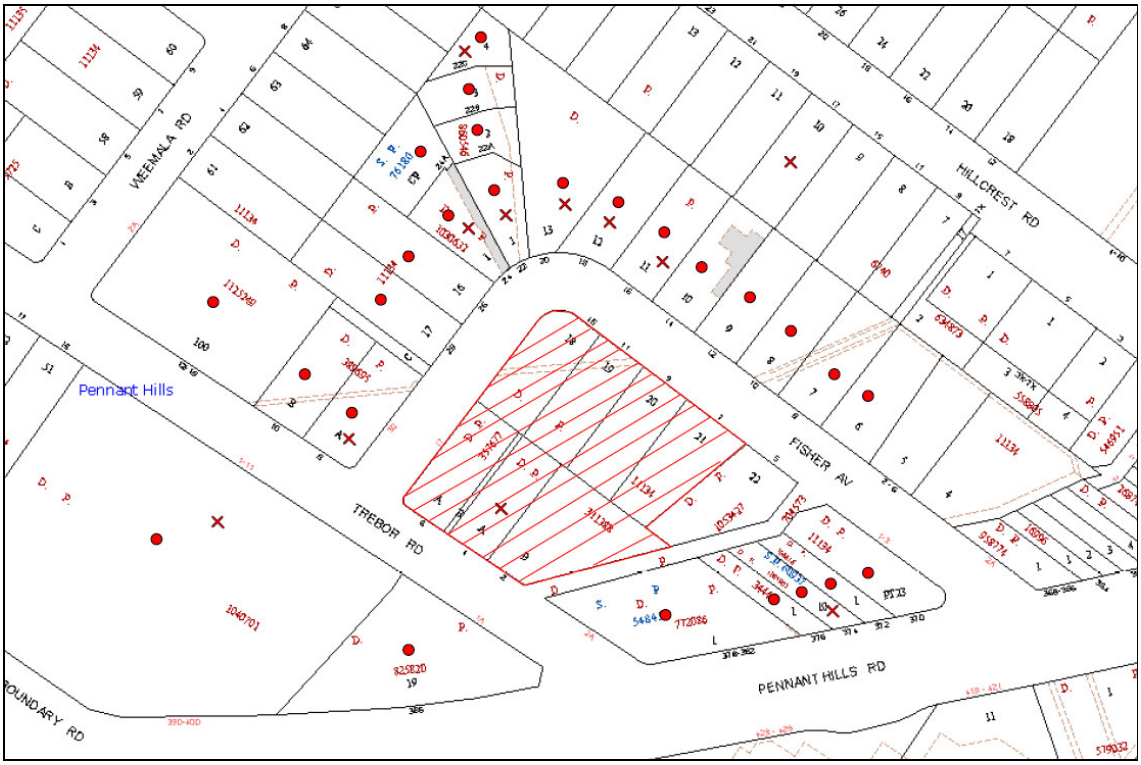
The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

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 22 January and 14 February 2013 in accordance with Council's Notification and Exhibition Development Control Plan. Amended plans for the proposal were similarly notified to landholders and respondents between 7 August and 21 August 2013 and between 25 October and 13 November 2013. During these periods, Council received 54, 113 and 71 submissions respectively. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

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

A total of 237 submissions objected to the development including submissions from 71 objectors reiterating previous concerns in responding to the amended plans. The submissions include 210 pro-forma letters from parents of students attending adjacent primary schools together with a petition with 146 signatories.

The submissions object generally on the following grounds:

<u>Original Proposal</u>

- Congested traffic conditions Pennant Hills Road/Trebor Road;

- School peak traffic congestion and road safety;
- Traffic and Parking Report deficient in addressing local road network conditions;
- Known traffic problems, limited access and road capacity and low level of service at intersections;
- Housing Strategy limited development to 43 dwellings within Fisher Avenue Precinct;
- Existing drainage easement not addressed;
- Brightly painted buildings not compatible with streetscape;
- Loss of residential amenity;
- Impact of basement excavations;
- Excess car parking provision;
- Congested Pennant Hills Road results from lack of government planning and funding for roads for Sydney's growth;
- Application should be deferred until Transurban F3-M2 Sydney Orbital Link decided;
- Non-compliance Housing Strategy DCP;
- Landscaping inadequate to screen 4 x 5 storey buildings;
- Does not meet design principles of SEPP 65;
- Development should be subject to a Construction Management Plan.

Amended Proposal – August 13

- Development would generate more than 26 extra traffic movements per day;
- Development must blend with local streetscape;
- Landscaping inadequate to screen 4 x 5 storey buildings;
- Pedestrian crossing needed in Fisher Avenue;
- Dilapidation report required;
- Construction noise during development;
- Amended traffic report does not address congestion from local schools and impact on child safety;
- Car parking spaces excessive;
- Unacceptable for development to rely on intersection with poor level of service;
- Absence of detailed master planning;
- Housing density exceeds that envisaged by Housing Strategy;
- Privacy impacts overlooking residential property in Fisher Avenue;
- RMS Annual Average Daily Traffic Data should not be relied on – Traffic Report misleading and inaccurate;
- Inadequate setbacks and landscaping in Fisher Avenue and Trebor Road;
- Proposal does not satisfy SEPP 65 Design Principles;

- Unsatisfactory development of isolated site; and
- Development should be subject to Construction Management Plan.

Amended Proposal - October 13

- Development should be two to three storey;
- Road safety concerns during construction;
- Traffic report does not address Pennant Hills Primary School, congestion and queue length on Weamala Road;
- Excess car parking proposed in basement;
- Better options for reducing traffic impacts;
- Traffic report inaccurate and misleading; and
- Significant impact on surrounding streets with existing low level of service at intersections.

One submission supports the proposed development in respect to the provision of additional housing.

The merits of the matters raised in community submissions have been addressed in the body of the report. The amended plans and additional information submitted by the applicant address many of the concerns raised in the earlier submissions.

5.2 Public Agencies

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

5.2.1 Roads and Maritime Services (RMS)

Following the submission of additional traffic analysis concerning the intersection of Pennant Hills Road and Trebor Road, Roads and Maritime Services raised no objection to the proposal subject to recommended conditions.

5.2.2 NSW Police

The NSW Police recommended conditions for provision of safety and security in respect to Crime Prevention Through Environmental Design Principles (CPTED).

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 by providing additional housing opportunities and housing mix to meet the demands of a growing population with changing demographics. Accordingly, it is considered that the approval of the proposed 5 storey residential flat development would be in the public interest.

7. CONCLUSION

The proposed development is for the demolition of existing dwellings and construction of 4 x 5 storey residential flat buildings containing 110 dwellings over a basement car park.

The proposed development is in accordance with the provisions of *HSLEP* and meets the zoning objectives for the provision of housing within a medium to high density residential environment. The proposal is considered satisfactory in respect to the requirements of the *Housing Strategy DCP* in meeting the key development principles for the 'Fisher Avenue, Pennant Hills Precinct'. The proposal complies the *Housing Strategy DCP* desired outcome for future character, design quality, site requirements, height, setbacks, landscaping, floorplates and separations, articulation, open space, privacy, sunlight and ventilation, housing choice and vehicle access and parking.

The proposed development is in the vicinity of Pennant Hills Road and high traffic flows that impact on the local road network. The Traffic and Parking Report submitted by the applicant is satisfactory in demonstrating the proposed development would not significantly impact on the capacity of the road network. In this regard, the Roads and Maritime Services has granted concurrence to the proposal subject to recommended conditions.

The proposed development is in accordance with the design principle of *SEPP 65 – Design Quality Residential Flat Development* and the best practice requirements of the *Residential Flat Design Code*. The built form of the proposed development is considered an appropriate response to the precinct and the surrounding built environment.

The proposal is subject to considerable public interest with 237 submissions received in response to the proposal, mainly in relation to traffic and road safety concerns of the two adjacent primary schools. The proposed development is considered acceptable in respect to the concerns raised in the submissions subject to recommended conditions.

The application is recommended for approval.

ATTACHMENTS:

1. Locality Plan
2. Site Plans
3. Basement Plans
4. Floor Plans
5. Roof Plan
6. Elevations
7. Sections
8. Podium & Entry Details
9. Landscape Plan
10. Site & Roof Drainage Plan

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

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

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

1. Approved Plans and Supporting Documentation

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

Plan No.	***Drawn by***	***Dated***
DA 04-27 Issue B Site Analysis BASIX & BADV	Adriaan Winton Architects Pty Ltd	05.07.13
DA 05-27 Issue C Site Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 06-27 Issue C Lower Basement	Adriaan Winton Architects Pty Ltd	27.09.13
DA 07-27 Issue C Common Basement Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 08-27 Issue C Upper Basement	Adriaan Winton architects Pty Ltd	27.09.13
DA 09-27 Issue C Ground Floor Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 10-27 Issue C Level 1 Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 11-27 Issue C Level 2 Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 12-27 Issue C Level 3 Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 13-27 Issue B Level 4 Plan	Adriaan Winton Architects Pty Lrd	05.07.13

DA 14-27 Issue B Roof Plan	Adriaan Winton Architects Pty Ltd	05.07.13
DA 15-27 Issue D Elevations Sheet 1	Adriaan Winton Architects Pty Ltd	16.10.13
DA 16-27 Issue D Elevations Sheet 2	Adriaan Winton Architects Pty Ltd	16.10.13
DA 17-27 Issue B Sections	Adriaan Winton Architects Pty Ltd	05.07.13
DA 18-27 Issue D Streetscape Elevations	Adriaan Winton Architects Pty Ltd	16.10.13
DA 19-27 Issue B Details Adaptable Units	Adriaan Winton Architects Pty Ltd	05.07.13
DA 20-27 Issue B Details – Fence & Entry	Adriaan Winton Architects Pty Ltd	05.07.13
DA 21-27 Issue B Details - Podium	Adriaan Winton Architects Pty Ltd	05.07.13
DA 22-27 Issue B Soil & Water Management Plan	Adriaan Winton Architects Pty Ltd	05.07.13
DA 23-27 Issue B Demolition Plan	Adriaan Winton Architects Pty Ltd	05.07.13
12215DA 1 Rev E Landscape Concept Plan	Vision Dynamics	25.9.13
12MB5282/D01 Issue D Sheet 1 of 5 Site And Roof Drainage Plan	United Consulting Engineers	28/8/13
17369 Plan Showing Selected Details & Levels	Norton Survey Partners	26-6-12

Document Title	**Prepared by**	**Dated**
Design Verification Statement	Adriaan Winton	December 2012 Revised July 2013
Building Code of Australia Compliance Assessment Report	Adriaan Winton Architects Pty Ltd	10 December 2012
BASIX Certificate No. 461893M	Energy Approvals	21 December 2012
Waste Management Plan	Planning For Less Waste	29/11/2012
Work Method Statement	IDRAFT Plans	December 2012

Construction Traffic Management Plan	Varga Traffic Planning Pty Ltd	8 July 2013
Arboricultural Impact Assessment	Urban Tree Management	17 December 2012 Revised August 2013
Access / Compliance Report	Peter Simpson	12 February 2013
Road Traffic Noise Impact Assessment	Global Environmental Solutions	10 December 2012

2. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 9, 10, 11, 17, 17a, 18, 19, 19a, 21, 22, 24, 26-29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 66, 69, 70-72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 87, 88, 90 & 96 as identified on Plan No. 17369 prepared by Norton Survey Partners dated 26-6-12. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

3. Amendment of Plans

The approved plans are to be amended as follows:

a) Each dwelling within the development must have a minimum area for storage (not including built-in storage) of $6m^2$ for one bedroom units, $8m^2$ for two bedroom units and $10m^2$ for three bedroom units.

b) The individual entries and pathways to the ground floor units at the Fisher Avenue frontage of Building A detailed on the Landscape Concept Plan 12215DA 1 Rev E must be deleted and the entries and pathways replaced with fencing and landscaping for common open space.

c) The basement car park must include a minimum of 115 resident car parking spaces including 34 accessible car parking spaces, 22 visitor car parking spaces, 3 motorcycle parking spaces, 22 resident bike racks and 11 visitor bike racks.

d) The pedestrian access to each building entry in the development is to include a continuous unobstructed path of travel from the public footpath designed in accordance with the *Disability (Access to Premises – Buildings) Standards 2010*.

e) The pedestrian entry and accessways to include treatment for wayfinding to respective buildings by use of matching materials and durable finishes.

f) Trees Nos. 17, 17a, 18, 19, 19a, 21, 22, 23, 24, 26, 27, 28, 29 and 57 in the Fisher Avenue frontage must be removed and the frontage landscaped with locally indigenous trees continuous with the proposed landscaping on the northern side of the accessway.

f) A locally indigenous canopy tree (Minimum Pot Size 45 litres) must be planted in the deep soil area between Building A and Building D.

4. Construction Certificate

A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.

5. Relocation of the Council-controlled Drainage System

Prior to the release of a Construction Certificate for excavation of the proposed basement carpark, the existing Council-controlled drainage system through the site shall be reconstructed generally in accordance with Drawing 12MB5282/D01 Issue D Sheet 1 of 5 Site And Roof Drainage Plan, Hornsby Shire *Council's Civil Works - Design and Construction Specification 2005* and the following requirements:

a) Pursuant to Sections 59A and 68 of the *Local Government Act 1993* and s138 *Roads Act 1993*, an Application shall be made to Hornsby Shire Council for consideration and approval of proposed Council-controlled drainage works, prior to the release of the Construction Certificate for those works. Application requires payment of Council's fee for assessment, approval and compliance inspections,

b) The existing 750 mm diameter pipe in Fisher Avenue shall be removed, designed and reconstructed as a 1050 mm diameter rubber ring joint concrete pipe between Pit 3059 (Fisher Avenue, Pennant Hills) and Pit 20167 (4-10 Hillcrest Road, Pennant Hills) at least, with Council's standard cast in-situ kerb inlet pits on grade and in sag areas,

c) Pipe runs parallel to streets shall provide for pipe alignment under the line of existing kerb, except where oversized junction pits are used on the 90 degree bend of Fisher Avenue. The pipe alignment should provide for a Council standard junction pit on grade on the kerbline adjacent 8 Fisher Avenue and adjustment and connection of all incoming systems,

d) Decommissioned pipes must be removed and all affected utilities, services, assets and signage shall be adjusted at the Applicant's own cost,

e) A Dilapidation Report is to be prepared by a Chartered Structural Engineer detailing the structural condition of all properties and pavements at or adjoining the Council–controlled drainage works.

f) 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 along the route of the Council-controlled drainage. The TCP must detail the following:-

   i) Arrangements for public notification of the works.

   ii) Temporary construction signage.

   iii) Permanent post-construction signage.

   iv) Vehicle movement plans.

   v) Traffic management plans.

   vi) Pedestrian and cyclist access/safety.

g) The construction plans must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to *www.sydneywater.com.au* or telephone 13 20 92 for assistance.

h) The Applicant must ensure registered proprietors of all property affected by drainage works are given reasonable notice prior to the carrying out of drainage works on their land, including advice regarding the day works are proposed, pursuant to Section 191 of the *Local Government Act 1993*. All land over which the drainage works are proposed shall be restored to the satisfaction of Hornsby Shire Council or registered proprietors,

i) All drainage works must only occur between 7am and 5pm Monday to Saturday, except where agreed by Council they may be adjusted, for reasons such as to better suit the business use of a premises. No work is to be undertaken on Sundays or public holidays.

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

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

k) 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:

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

ii) Could cause damage to adjoining lands by falling objects.

iii) 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.

l) During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The site of the works and the public reserve must be kept in a clean, tidy and safe condition at all times.

m) The following matter(s) must be nominated and registered using appropriate dealing forms under s88E of the *Conveyancing Act 1919*:-

i) Disused Drainage Easements are to be removed.

ii) Creation of a Drainage Easement 3 metres wide over burdened properties in favour of Council and in accordance with the terms set out in *Memorandum B5341305V* filed with the *NSW Department of Lands*.

n) A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, and public drainage

systems. 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.

o) Compliance inspections shall be carried out by Hornsby Council's Planning Division. Council shall consider the Council controlled drainage system for approval and acceptance after completion of works and restoration of all land affected. All other Construction Certificates related to the Development Application must not be released until after release of Hornsby Council Planning Division's written approval of Council-controlled drainage works within this condition of this Consent,

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

7. Contract of Insurance (Residential Building Work)

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

8. Notification of Home Building Act, 1989 Requirements

Residential building work within the meaning of the *Home Building Act, 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

a) In the case of work for which a principal contractor is required to be appointed:

i) The name and licence number of the principal contractor; and

ii) The name of the insurer by which the work is insured under Part 6 of that Act.

b) In the case of work to be done by an owner-builder:

i) The name of the owner-builder; and

ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

9. Water/Electricity Utility Services

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

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

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

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

10. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the following properties:

a) Nos. 5, 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28 Fisher Avenue, Pennant Hills

b) No. 8 Trebor Road, Pennant Hills

c) Nos. 378-382 Pennant Hills Road, Pennant Hills

11. Adaptable Units

a) The details of the adaptable units Nos. 1, 5, 11, 12, 17, 18, 24, 29, 33, 34, 39, 40, 46, 52, 57, 61, 62, 63, 66, 67, 68, 69, 72, 74, 75, 78, 80, 87, 89, 90, 96, 102, 103 and 107 must be provided with the Construction Certificate Plans.

12. Noise – Pennant Hills Road

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled 'Road Traffic Noise Impact Assessment', prepared by Global Environmental Solutions and dated 10 December 2012 and the requirements of Clause 102 – (impact of road noise or vibration on non-road development) of *State Environmental Planning Policy (Infrastructure) 2007*.

13. Waste Management Details

The following waste management requirements must be complied with:

a. The dimensions, geometry, gradients and vertical clearance of the travel path of the small rigid waste collection vehicle, must comply with AS 2890.2 – 2002.

b. There must be an area of at least 8 m^2 provided in the basement for residents to place unwanted bulky items awaiting removal.

14. 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 proposed Council-controlled piped drainage system in Fisher Avenue.

15. 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 maximum Permissible Site Discharge of the 5 year average recurrence interval (ARI) predevelopment site area and have a storage capacity capable of storing the 20 year ARI runoff rate, using slow rise and fall in water level methodology,

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) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.

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

16. Road Works

All road works approved under this consent must be designed and constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:-

a) The existing kerb and gutter on the Trebor Road and Fisher Avenue frontages of the site and areas affected by Council-controlled drainage works shall be removed. The existing road pavement shall be saw cut a minimum of 300 mm from the existing edge of the bitumen to match new kerb and gutter work.

b) Subsequent to drainage works outlined in Condition titled "Council Controlled Stormwater Drainage Works" being completed, Council's standard 150mm integral kerb and gutter shall be reconstructed on the previous kerb alignment. Road shoulder adjacent the kerb shall be designed and constructed as 300 mm thick flexible road pavement.

c) Council's standard 1.2m wide 80 mm thick concrete footpath shall be designed and constructed on the standard alignment on similar frontages as kerb and gutter work described above.

d) A new connecting 1.2m wide 80mm thick concrete foot path must be constructed along the western frontage of the site to Fisher Avenue to the corner Trebor Road.

e) Council's standard perambulator ramps shall be designed and constructed adjacent all intersections.

f) The Applicant shall relocate all public utilities and signage necessary through the construction of works in this condition, or the provision of access to the site, at their own cost.

g) Compaction Certificates from a geotechnical Engineer shall be submitted for base layers constructed as part of flexible road construction within road reserves.

h) Pursuant to s138 *Roads Act 1993*, an Application shall be made to Hornsby Shire Council for consideration and approval of proposed public road assets in this condition, prior to the release of the Construction Certificate for those works. Application requires payment of Council's fee for assessment, approval and compliance inspections.

i) Compliance inspections shall be carried out by the Roads Authority. The Roads Authority shall consider the construction for approval and acceptance after completion of works and restoration of affected lands. A Compliance Certificate for Road Works shall be issued by the Roads Authority prior to the release of the final Occupation Certificate for the building works.

j) A preliminary design for pedestrian refuge islands or kerb blisters on Fisher Avenue is to be provided to Council. The preliminary design will then be used for public consultation purposes, and pursuant to appropriate amendments will be considered by the Hornsby Local Traffic Committee.

k) A preliminary design for the finger median in Trebor Road is to be provided to Council. The preliminary design will then be used for public consultation purposes, and pursuant to appropriate amendments, will be considered by the Hornsby Local Traffic Committee.

17. 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 any redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* for two-way movements of vehicles and the following requirements:-

a) The crossing levels required by Council shall be incorporated into the driveway design longsection.

b) Any redundant crossings must be replaced with integral kerb and gutter;

c) Footway areas must be restored by turfing;

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.

18. 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 must be obtained from Council;

b) The driveway must be a rigid pavement;

c) The driveway grade must not exceed maximum grades for reversing, or maximum transitions for changes of grade, or service bay area grades as required by AS2890.2 – 2002 for the design large vehicle being accommodated;

d) The pavement must have a one-way crossfall where it is used to direct major system design overland flows towards the proposed major system channel on the western and northern side of the buildings.

19. Overland Flow Path

To prevent nuisance flooding from the design major system overland flow in the Fisher Avenue sag upstream, the following shall be designed and constructed in accordance with Hornsby Shire Council's Design and Construction Specification 2005 (The Spec);-

a) The footpath verge in Fisher Avenue and landscaping levels within the site shall be graded to accommodate the 100 year average recurrence interval (ARI) stormflow from upstream areas. The design flow rate is 3.03 m^3/s if not discounted by pipe flows in the Council controlled drainage system (refer Spec Section D5),

b) To prevent stormwater inundation of the developing areas, proposed buildings and landscaping features shall be located outside the extent of design flow,

c) All habitable and lockable rooms shall be located 0.5 m above the design flow water profile,

d) For safety, no courtyard or common use area shall be proposed within any part of the design storm flooded area where the velocity x depth product exceeds 0.4 m^2/s;

e) For safety, all driveway areas within the design flow area shall have a flow depth of not more than 200 mm and have velocity x depth product not exceeding 0.7 m^2/s,

f) Fences across overland flow paths are to be hinged or permeable to above the design flow flood level and designed to ensure that there is no impediment to flow,

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

20. Erection of Construction Sign

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

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

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

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

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

21. 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.

22. Toilet Facilities

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

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

b) be a temporary chemical closet approved under the *Local Government Act, 1993; or*

c) have an on-site effluent disposal system approved under the *Local Government Act, 1993.*

23. Erosion and Sediment Control

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

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

24. Tree Protection Barriers

Tree protection fencing must be erected around trees to be retained in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Urban Tree Management Australia Pty Ltd, dated 17 December 2012.

REQUIREMENTS DURING CONSTRUCTION

25. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday, in accordance with *Interim Construction Noise Guidelines 2009 – NSW Department of Environment and Climate Change*.

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

26. 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 must 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* ;and

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.

27. 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.

28. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Fisher Avenue, Trebor Road and unnamed laneway during works and until the site is established.

29. Works Near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) are to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Urban Tree Management Australia Pty Ltd, dated 17 December 2012, under the supervision of an *'AQF Level 5 Arborist'* and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s) to be retained.

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.

30. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve must be kept in a clean, tidy and safe condition at all times.

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.

31. 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.

32. Excavated Material

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

33. Survey Report – Finished Floor Level

A report(s) 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; and

b) The finished floor level(s) are in accordance with the approved plans.

34. Waste Management Details

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

35. Work Zone

All demolition and construction vehicles must be contained wholly within the site as a work zone permit will not be approved for Fisher Avenue or Trebor Road.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR STRATA SUBDIVISION CERTIFICATE

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

36. Fulfilment of BASIX Commitments

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

37. Safety and Security

a) Fire exist doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.

b) Ground floor windows must be fitted with window locks that can be locked with a key.

c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.

d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway. The access control to include an audio/visual intercom system to allow visitor access to the parking area.

e) Lighting of pedestrian pathways throughout the development must comply with *Australia and New Zealand Lighting Standard 1158.1 – Pedestrian*.

f) Sign posting and way finding to be colour coded with the respective unit block in clear legible signage so that emergency services are able to clearly identify location of a unit and location of the unit block entry.

g) Front fencing to be designed to allow casual surveillance at the frontage.

h) Lobby access to be controlled by security card or similar.

38. Sydney Water – s73 Certificate

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

39. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment.

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.

40. Creation of Easements

The following matter(s) must be nominated on the strata plan under s88 of the *Conveyancing Act 1919*:-

a) A restriction over the flow path for a 100 year average recurrence interval storm. The *"Restriction on the Use of Land"* over the affected area to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council.

b) A *"Restriction on the Use of Land"* requiring the finished floor level of any habitable or lockable room to be not less than 0.5 m above the 100 year average recurrence interval storm level. The levels must be related to *Australian Height Datum*.

c) 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 lot 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.

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

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

41. Damage to Council Assets

All 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. The restoration of public assets shall be completed prior to the release of the final Occupation Certificate.

42. Preservation of Survey Marks

Prior to the issue of a construction certificate, a registered surveyor shall identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the Surveying and Spatial Information Act 2002 and following the Surveyor General's Directions No.11 – "**Preservation of Survey Infrastructure"**.

43. Waste Management Details

The following waste management requirements must be complied with:

a) The bin storage room at the basement level 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, and must be lockable. The bin cupboard at each residential level must include sealed and impervious surface, adequate lighting and ventilation.

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

i. 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

ii. 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.

iii All waste was taken to site(s) that were lawfully permitted to accept that waste.

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 routes must be devoid of any steps.

Note: Ramps between different levels are acceptable

f) "No parking" signs must be erected to prohibit parking in the waste collection vehicle turning area and loading area.

g) A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the issue of the Subdivision/Occupation Certificate, certifying that: The finished access way (including ramp, vehicle turning area, loading bay and site entry/exit) to be used by waste collection vehicles, complies with *Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities* for small rigid vehicles (with minimum design vehicle dimensions of 6.4 metres overall length, width of 2.3 metres), with regards to gradient (maximum gradient is 1:6.5), vertical clearance (minimum 3.5 metre clearance height), dimensions and geometry.

h) The 3.5 metre clearance height within the truck travel path must not be reduced by ducting, pipes, speed humps or anything else.

44. Traffic Control Measures

a) The pedestrian facility is to be constructed in Fisher Avenue subject to detailed design and approval process by RMS and Council.

b) The finger median is to be constructed in Trebor Road, from the end of the existing finger median adjacent to the lane to Fisher Avenue, subject to detailed design and approval process by RMS and Council, at no cost to RMS or Council.

45. Planter Boxes / On Slab Planting

On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

46. Completion of Landscaping

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

47. Section 94 Development Contributions

a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021*, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)

Roads	$71,882.70
Open Space and Recreation	$1,278,506.35
Community Facilities	$179,244.00
Plan Preparation and Administration	$5434.00
TOTAL	**$1,535,067.05**

being for 15 x 1 bedroom units, 81 x 2 bedroom units, 14 x 3 bedroom units and including a credit for 7 existing allotments.

a) If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

b) The monetary contributions shall be paid to Council:

i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or

ii) prior to the issue of the first Construction Certificate where the development is for building work; or

iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or

iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

OPERATIONAL CONDITIONS

48. Waste Management

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

a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system.

b) Site security measures implemented on the property, including electronic gates, must not prevent access to the bin room/collection point by waste removal services.

49. 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.

50. Landscape establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

51. Furniture Removal

Provision is to be made for a Medium Rigid Vehicle to park on site. For this purpose a reverse in or reverse out manoeuvre from the development is acceptable.

CONDITIONS OF CONCURRENCE – ROADS & MARITIME SERVICES

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.

52. Roads & Maritime Services (RMS)

a) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks. Hours of operation, access arrangements and traffic control should be submitted to RMS for determination prior to the issue of a construction certificate.

b) The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

c) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004.

d) The proposed development should be designed such that traffic noise from adjacent public roads is mitigated by durable material and comply with requirements of Clause 102 – (impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

f) All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act, 1979 Requirements

The Environmental Planning and Assessment Act, 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

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

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

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

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

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

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

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/s, 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.

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.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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