

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP Number	2013SYW099
DA Number	DA/987/2013 (Lodged 19 September 2013)
Local Government Area	Hornsby Shire Council
Proposed Development	Demolition of existing structures and construction of an Affordable Rental Housing development comprising 20 units, basement car parking for 20 cars and associated landscaping works.
Street Address	Lot 2 DP 533036 and Lot A DP 172343, Nos. 16 & 18 Werona Street Pennant Hills
Applicant/Owner	T C Tallwoods Pty Ltd/ Ms Yan Wu and Best Away Pty Ltd
Number of Submissions	65 submissions and 1 petition
Regional Development Criteria (Schedule 4A of the Act)	Community facilities over \$5 million (affordable rental housing) Capital Investment value of the development - \$5,000,000
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>• State Environmental Planning Policy No. 55 Remediation of Land</li> <li>• State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy - Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River</li> <li>• Hornsby Shire Local Environmental Plan 1994 - Residential A (Low Density)</li> <li>• Heritage Development Control Plan</li> <li>• Waste Minimisation and Management Development Control Plan</li> <li>• Sustainable Water Development Control Plan</li> <li>• Section 94 Contributions Plan 2012-2021</li> </ul>
List all documents submitted with this report for the panel's	<ul style="list-style-type: none"> <li>• Locality Plan - 1 page</li> <li>• Survey Plan - 1 page</li> </ul>

consideration	<ul style="list-style-type: none"><li>• Architectural Plans - 7pages</li><li>• Landscape Plans - 1 page</li><li>• Shadow Diagrams - 3 pages</li></ul>
Recommendation	Approval
Report by	Cassandra Williams

## **ASSESSMENT REPORT AND RECOMMENDATION**

### **EXECUTIVE SUMMARY**

1. The application proposes demolition of existing structures and construction of an Affordable Rental Housing development comprising 20 units, basement car parking and associated landscaping works.
2. The proposal complies with the provision of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
3. 65 submissions and 1 petition with 224 signatures have been received in respect of the application.
4. It is recommended that the application be approved.

### **RECOMMENDATION**

THAT Development Application No. 987/2013 for demolition of existing structures and construction of an Affordable Rental Housing development comprising 20 units, basement car parking and associated landscaping works at Lot 2 DP 533036 and Lot A DP 172343, Nos. 16 & 18 Werona Street Pennant Hills be approved subject to the conditions of consent detailed in Schedule 1 of this report.

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### **HISTORY OF THE SITE**

The site is currently used for residential development.

### **HISTORY OF THE APPLICATION**

- The Development Application was lodged on 19 September 2013.
- On 31 October 2013, Council requested additional information with regards to waste management. A further request for this information was made on 28 November 2013 and additional information with regards to the submitted flood study and specifically pre and post development flood levels; finished floor levels of the buildings and provision of a minimum 5 metre buffer setback to the watercourse.
- Council met with the applicant on 19 November 2013 to discuss planning concerns regarding the design of the buildings with respect to the orientation of balconies, the length of Building B and the local character test.
- On 19 December 2013, the Sydney West Joint Regional Planning Panel was briefed regarding the development proposal.
- On 11 February 2014, the Applicant submitted amended plans to address issues raised by Council officers. The amendments included reduction in the number of units from 24 to 20, increase in the sizes of the units, modification to building configuration, reduction in the gross floor area, landscaped area, deep soil zone, number of car spaces,

relocation of drainage channel, inclusion of privacy screens and improved building separation.

- The amended plans were re-notified for 14 days.
- On 13 March 2014, Council requested further information regarding unresolved waste management issues.
- On 4 April 2014, the Applicant submitted further amended plans addressing Council's concerns regarding waste management.

## **THE SITE**

The site comprises 2 allotments located on the eastern side of Werona Street, known as 16 & 18 Werona Street Pennant Hills. The site is L-shaped with a total site area of 3,197m<sup>2</sup>. The site has a combined frontage of 28.045m to Werona Street and a depth of 80.465m to the northern side and 62m to the eastern or rear boundary. The site has a fall of about 2m from west to east and a cross fall of almost 4m.

The site is currently occupied by a large timber clad dwelling with tile roof on No. 18 and a large rendered dwelling with metal roof at No. 16 Werona Street. The existing dwellings are not identified as heritage items. However, the adjoining properties, No. 14 Werona Street and the premises at the corner of Werona Street and Steven Street, No. 27 Steven Street, are listed as local heritage items.

The site is dissected by a natural water course approximately 15m east of the front boundary.

The area surrounding the subject site is generally low density residential in nature and comprises single and two storey residential dwellings on allotments generally smaller than the subject site.

The site is within 400m of Pennant Hills Railway Station and business/retail centre and other recreation facilities such as the Pennant Hills Branch of the Shire Library and the Pennant Hills Bowling and Recreation Club.

## **THE PROPOSAL**

The application (as amended) proposes the demolition of the site's existing structures and construction of an Affordable Rental Housing Development comprising 20 x 2 bedroom residential units (all less than 100m<sup>2</sup> in size) configured in 5 separate buildings labelled buildings 'A', 'B', 'C', 'D', and 'E' as follows:

- Building A comprises 4 x 2 bedroom dwellings over 2 levels above a semi-basement car park.
- Building B comprises 4 x 2 bedroom dwellings over 2 levels above a semi-basement car park.
- Building C comprises 4 x 2 bedroom dwellings.
- Building D comprises 4 x 2 bedroom dwellings.

- Building E comprises 4 x 2 bedroom dwellings.

The size of the units would vary between 81m<sup>2</sup> and 92m<sup>2</sup>. The gross floor area of the development would be 1885m<sup>2</sup>.

The applicant has advised that at least 20% of the floor area (4 dwellings) will be used and retained as affordable rental housing for a minimum period of 10 years in accordance with the provisions of *SEPP (Affordable Rental Housing)*.

All units are designed to ensure that they have a northerly aspect with private open space areas extending from the living areas. The upper floor units would have access from the ground floor via separate stairs.

The dwellings will be accessed via a common driveway located parallel to the sites northern boundary. Car parking is proposed in a semi-basement car park providing 20 car parking spaces including 2 disabled spaces and includes space for storage and bicycle parking.

The front setback area of the site is proposed to be landscaped with a pedestrian entry including letterbox stand provided on the southern edge of the development, incorporating a pathway providing separate pedestrian access to each of the dwellings.

It is also proposed to relocate the open drainage channel that is forward of the proposed dwellings.

## **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 *Metropolitan Plan for Sydney 2031* is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2031; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The *Draft North Subregional Strategy* acted as a framework for Council in its preparation of the Hornsby Local Environmental Plan 2015.

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

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

The proposed development would be consistent with the *Metropolitan Plan for Sydney 2031* by providing an additional 18 dwellings and would contribute towards improved housing choice and housing affordability 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 regulations*".

## **2.1      Hornsby Shire Local Environmental Plan 1994**

The subject land is zoned Residential A (Low Density) under the *Hornsby Shire Local Environmental Plan 1994 (HSLEP)*. The objectives of the Residential A (Low Density) 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 low density residential environment.
- (c)      to provide for development that is within the environmental capacity of a low density residential environment.

The compliance of the development with the zone objectives must be read in the context of the aims of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)*. An assessment of the application against the Policy is held at section 2.3 of this report.

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

Clause 15 of the *HSLEP* prescribes that the maximum floor space ratio (FSR) of development within the Residential A zone is 0.4:1. The proposal exceeds this requirement and relies on the provisions of *SEPP ARH* which permits a maximum floor space ratio of up to 0.9:1 and prevails to the extent of any inconsistency with the *HSLEP*.

Clause 18 of the *HSLEP* sets out heritage conservation provisions for Hornsby Shire. The property is located in the vicinity of the following heritage listed items of local significance under the provisions of Schedule D of the *HSLEP*:

- No. 9 Werona Street, Pennant Hills (Hillcourt)
- No. 14 Werona Street, Pennant Hills (Karooa)
- Nos. 25-27 Stevens Street, Pennant Hills (Bushloe)

Council’s heritage assessment of the proposed development concludes that the proposal is consistent with the *Heritage DCP* and has been designed to minimise any impacts on the heritage significance of the nearby heritage items and their setting. The multi-unit flat buildings comprise a complex pitched gable and hipped roof form, external materials of face brick and a painted rendered finish and a building height no higher than 1m above the ridge of the adjacent heritage item (No.14 Werona Street), that is in keeping with the form, orientation and scale of the early 20th century buildings within the streetscape. In addition, the roof pitches have been reduced from 23 degrees to 15 degrees, reducing the ridge heights and minimising the impact on the adjacent heritage items and streetscape.

Amended plans submitted by the applicant (received on 11/02/2014) reduced the front setback from 22m to 19.8m. However, given the various setbacks of the adjacent dwelling-houses, the proposed front setback is considered consistent with the streetscape.

The amended plans (submitted on 11/02/2014) increase the side boundary setbacks from No. 14 Werona Street and No. 25-27 Stevens Street, respecting the predominant setbacks and curtilage of the two adjacent heritage items.

The amended landscape plan is generally consistent with the previous plan in providing adequate boundary landscaping to soften the impact of the development from the neighbouring allotments and modifications to the streetscape. As such, the proposed development would not dominate or provide a significant change to the setting of the adjacent heritage items.

Accordingly, no objections are raised on heritage grounds.

## **2.2     Hornsby Local Environmental Plan 2013**

The *Hornsby Local Environmental Plan 2013* was made on 27 September 2013 and came into effect on 11 October 2013. The *HLEP* includes a savings provision 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 R2 - Low Density Residential pursuant to the Land Use Table of the *HLEP*. The proposed development is defined as multi dwelling housing and is prohibited under the *HLEP* in the R2 zone. Notwithstanding, the proposal is permissible under *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

### **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 R2 zone is 8.5m. The proposal would comply with this provision.

## **2.3     State Environmental Planning Policy (Affordable Rental Housing) 2009**

The application has been assessed against the requirements of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)*. This *Policy* provides State-wide planning controls for the delivery of affordable rental housing through planning incentives to increase rental housing close to business centres and transport nodes, and to expand the role of non-profit housing providers. A discussion on the compliance of the proposal with the various development controls and best practice standards within the *SEPP ARH* is provided below.

### **2.3.1     Clause 10 Development to which Division applies**

Clause 10 states that:

- (1) *This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:*
  - (a) *the development concerned is permitted with consent under another environmental planning instrument, and*
  - (b) *the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.*

- (2) *Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.*

The proposed development is located in a zone which permits 'multi-unit housing' developments. The site does not accommodate a heritage item listed in Schedule D of the HSLEP. Accordingly, the proposal is a permissible use in the Residential A (Low Density) zone subject to Council's consent.

The SEPP ARH defines 'accessible area' as follows:

***"accessible area means land that is within:***

- (a) *800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) *400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) *400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday."*

The site is located within 535 metres of the entrance to Pennant Hills Railway Station. Accordingly, the site is categorised as an accessible area for the purpose of affordable rental housing.

### **2.3.2 Clause 13 Floor Space Ratio**

Clause 13 states that:

- (1) *This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.*

The development proposes 20% of the units as affordable rental housing. Therefore, Clause 13 applies.

- (2) *The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:*

- (a) *if the existing maximum floor space ratio is 2.5:1 or less:*

- (i) *0.5:1 - if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or*
- (ii) *Y: 1 - if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:*

*AH is the percentage of the gross floor area of the development that is used for affordable housing.*

$$Y = AH \div 100$$



Clause 12(2)(a)(ii) applies to the development as the permissible floor space ratio within the Residential A zone is 0.4:1 and the percentage of affordable housing proposed is less than 50%.

In accordance with this Clause, the permissible floor space ratio (FSR) for the proposed development is 0.6:1 (0.4:1 + 0.2:1 as the bonus FSR). The development proposes a floor space ratio of 0.59:1 and complies with this requirement.

### 2.3.3 Clause 14 Standards that cannot be used to refuse consent

The following table sets out the compliance of the proposal against the development standards within Clause 14 of the *ARH SEPP*:

SEPP - Affordable Rental Housing			
Control	Proposal	Requirement	Compliance
Site Area	3197m <sup>2</sup>	450m <sup>2</sup>	Yes
Landscaped Area	40%	30%	Yes
Deep Soil Zone	27%	15%	Yes
Minimum dimension of deep soil zone	3m	3m	Yes
Solar Access	100%	70%	Yes
Car parking (0.5 space per dwelling)	20 spaces	20 spaces	Yes
Dwelling Size ( 2 bed)	min 81m <sup>2</sup>	min 70m <sup>2</sup>	Yes

As indicated in the above table, the proposal complies with the requirements of *SEPP ARH*. The units include sufficiently sized private open space areas for outdoor recreation. The balconies and ground floor courtyards have been orientated to maximise solar access to the living areas of the dwellings.

The site layout provides one parking space per dwelling. The location of the parking spaces would not have any adverse amenity impacts on the residents or the surrounding properties.

### 2.3.4 Clause 15 Design Requirements

Clause 15 of the *SEPP ARH* applies design criteria for low rise and high rise developments. With regard to the subject site, *SEPP ARH* requires consideration of the design requirements of the *Seniors Living Policy: Urban Design Guidelines for Infill Development*.

A discussion on compliance with the design principles and best practice standards within the *Urban Design Guidelines for Infill Development* is provided as follows:

#### 2.3.4.1 Responding to Context

The immediate locality is characterised by a mix of single and two storey residential developments. There is no strong architectural character prevalent in the locality.

The proposed development provides a contemporary architectural form and includes a mix of materials and finishes. The proposal introduces a new built form and style of housing but would maintain the existing pattern of buildings in the streetscape.

The development makes good use of internal and external spaces and incorporates sustainable building practices. Accordingly, it is considered that the development appropriately responds to the context.

#### **2.3.4.2 Site Planning and Design**

The objectives of the best practice standards are to provide a high level of amenity to the new dwellings and minimise impact on the neighbourhood character. The site is L-shaped and is situated on the lower side of the street. It does not include any significant constraints to the development other than the existing watercourse/ drainage channel that traverses the site. The site planning incorporates the following:

- The proposed dwellings are orientated to maximise solar access to the private open space areas and living areas. The proposed dwelling design would achieve a high level of energy efficiency and amenity.
- The design of the development is contemporary, however incorporates a pitched roof form which is dominant in the locality. The side elevations have been articulated to avoid long walls without any break. The front elevations would include solid and void areas to achieve an articulated façade.
- Separate pedestrian and vehicular access has been provided to the proposed blocks of units.
- The proposed landscaped setback would act as a screen between the development and the road.
- The guidelines encourage provision of mid-block deep soil zones acting as communal open space. The shape of the site and the provision of basement car parking would restrict the location of the deep soil zone at the centre of the site. However, given that provision of the car spaces is a requirement of *SEPP AHR* and the proposal includes satisfactory car parking within the site, the outcome is considered reasonable for the site. Notwithstanding this, the site plan does achieve appropriate separation between the dwelling units that would maintain privacy of the living areas.
- The proposal adheres to the established streetscape pattern along Werona Street, given the large setbacks, the orientation of the blocks of units and the pattern of placement of the buildings on the site, being similar to a conventional subdivision pattern.

#### **2.3.4.3 Impacts on the Streetscape**

*The Guidelines* require the design of buildings to respond to Council's local planning controls that specify the character or desired character of the area and to maintain the established front setback.

The proposed site layout includes a single driveway located on the northern boundary and is consistent with the layout of the desired pattern of development in the locality with separate blocks of two storey units, similar in appearance to a dwelling-house, separated from the street via landscaping.

Existing development within Werona Street has a variable front setback. The proposed buildings have a minimum front setback of 16m, which is not inconsistent with the existing streetscape. The large setback in conjunction with the proposed landscaping, and the fact that the development sits below the street level due to the fall of the land, provides privacy to the ground floor units fronting the street. Dense landscaping is proposed along the entire frontage to maintain the established streetscape character. The garbage enclosure would be located within the front setback and would include a skillion roof to minimise its bulk and scale.

Subject to implementation of the landscape plan, the proposal is considered acceptable in respect to impact on the existing streetscape.

#### **2.3.4.4 Impacts on Neighbours**

The proposed development is considered acceptable in respect to privacy and amenity to the adjoining developments at the rear and the sides subject to the construction of new boundary fencing. The proposed buildings would not overshadow neighbouring properties to the extent of any non-compliance with the *Urban Design Guidelines for Infill Development*, noting that the orientation of the private open space of No. 14 Werona Street is to the south east and in conjunction with the existing large privacy screen on that site, the development would not further reduce the solar access to this area.

The proposed rear blocks of units would incorporate a minimum setback of 3.9m from the rear boundary. The ground floor levels and the deck of Unit 10 at the rear would be approximately 1m above natural ground level at the rear boundary. Overlooking opportunities from the ground floor units would be minimised by the presence of the 1.8m high fence at the rear and the intermediate landscaped area. To minimise overlooking of adjoining properties from the units on the upper floor, the proposal provides for bedrooms only to be orientated towards the rear at the first floor level.

A minimum 3m wide deep soil landscaping area is proposed along the rear of the development. The majority of the proposed deep soil zone at the rear of the site is proposed for lawn area with some screen planting.

The *Urban Design Guidelines for Infill Development* includes controls for the rear 25% of the site to be single storey. However, *SEPP AHR* does not include this requirement which prevails to the extent of the inconsistency with the *Guidelines*.

The proposed design is considered to be a reasonable outcome with regard to its impact on the neighbouring properties.

#### **2.3.4.5 Internal Site Amenity**

The following design elements have been incorporated to achieve internal site amenity:

- The fin walls of the proposed buildings give separation and identity to individual dwellings within the development.

- Fences and landscaping provide suitable screening for proposed private open space areas. The first floor balconies do not front each other to avoid overlooking opportunities.
- The site planning incorporates a direct and safe access to all units via pedestrian paths.

### **2.3.5 Clause 16A Character of the Local Area**

In accordance with the requirements of Clause 16A of *SEPP ARH*, the applicant has submitted a Local Character Statement which is summarised as follows:

- With this proposal it is considered that there is an appropriate relationship of built form with the surrounding development in terms of height, setbacks and landscaping.
- Whilst this proposal will generate change, that is to be expected noting the age and condition of the existing dwelling and the size of the allotment which allows a 5 lot subdivision and construction of 2 storey dwellings on each of these allotments.
- The proposal includes a setback of 18.855m to Werona Street. This retains the importance of the adjoining heritage built properties to the north and south of the site, retains existing view lines and provides an appropriate landscape separation between the proposed dwelling and adjoining properties.
- The proposal contains compliant areas of deep soil landscaping so that the new buildings can be appropriately framed by canopy trees which include the planting of 3 Sydney Red Gums, 3 Turpentine and 35 Blueberry Ash trees.
- It is noted that both of the existing dwellings and properties are in need of maintenance and repair and it is submitted that what is proposed would result in an improved environmental outcome.

The matters identified in the Local Character Statement have been assessed in this report and the following comments are provided:

- The proposal would have regard to the local character of the area via the setbacks, the site layout and the landscaped front and rear setbacks.
- The site would incorporate a higher density development, when compared to most of the low density developments adjoining the site. However, the proposal complies with the requirements of *SEPP AHR* with regard to the density provisions and being in close proximity to the Pennant Hills Railway Station, the proposed form of development is not inconsistent with the character of the local area.
- The development on the site has been proposed under *SEPP ARH* which allows a denser form of development in the locality. The proposal incorporates façade articulation and appropriate separation of buildings which result in lowering the overall building bulk and providing a transition between the development and the existing low density residential developments.

Given that the development controls for the low density zone are not applicable for this development and that affordable housing can be suitably sited in this location, the proposed design is considered to be reasonable when compared to the local character of the area.

### **2.3.6 Clause 17 Must be used for Affordable Housing for 10 years**

In compliance with the requirements of this provision the applicant proposes that 4 of the proposed dwellings would be dedicated as affordable rental dwellings for a period of 10 years and that a registered Affordable Housing provider would be appointed to manage these dwellings in accordance with the requirements of the applicable legislation.

In accordance with the requirements of sub-clause (1)(b) of this clause, a condition of consent would be imposed requiring a restriction-as-to-user to be registered on the title of the land so as to ensure that the requirements of paragraph (a) are met (refer to condition No. 55).

### **2.3.7 Clause 18 Subdivision**

The application does not propose subdivision of the resultant development.

## **2.4 State Environmental Planning Policy No. 55 Remediation of Land**

The policy provides guidelines for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

Given the site has a history of residential use; it is not likely that the site has experienced any significant contamination, and further assessment under SEPP 55 is not required.

## **2.5 State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004**

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)* requires all new development applications for BASIX affected buildings to be accompanied by a BASIX Certificate, to demonstrate that proposals will meet the NSW State government targets for sustainability, including water, thermal comfort and energy efficiency.

The application is accompanied by a BASIX Certificate which indicates that the sustainability targets will be met, provided that the development is constructed in accordance with the BASIX commitments specified in the Certificate.

## **2.6 State Environmental Planning Policy: Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River**

The application has been assessed against the requirements of *Sydney Regional Environmental Plan No. 20 (SREP 20)*. This Policy provides controls to protect the environment of the Hawkesbury-Nepean system, including its water quality. The Plan addresses matters related to water quality, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

The proposed development includes a satisfactory stormwater management plan and is consistent with the objectives of the *SREP 20* subject to implementation of conditions regarding erosion and sediment control measures on site.

## **2.7 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.

## **2.8 Heritage Development Control Plan**

The primary purpose of the DCP is to manage heritage in Hornsby Shire and to provide guidance and outline specific controls for development relating to heritage items. Issues relating to heritage have been discussed in Section 2.1 of this report.

## **2.9 Waste Minimisation and Management Development Control Plan**

The primary purpose of this Development Control Plan is to provide planning strategies and controls to promote waste minimisation and management.

The proposal includes a waste management plan with details of waste management during the demolition and construction phase of building works and is assessed as satisfactory.

The development includes a bin storage room in the basement and the residents would be required to store their garbage in the shared area. All dwellings are less than 75m from the bin storage area and therefore, the proposed waste collection is acceptable.

A bin bay has been provided at the front of the site for bins to be placed for servicing. A site caretaker is required to transfer the bins between the basement bin storage room and the ground level bin bay.

The waste collection vehicle would collect the bins from Werona Street. In this regard, appropriate conditions of consent are recommended.

## **2.10 Sustainable Water Development Control Plan**

The DCP aims to achieve the implementation of sustainable water practices into the management of development in Hornsby Shire. Subject to provision of erosion and sediment control measures during the demolition and construction phases of the development, the proposal would satisfy the provisions of the DCP.

## **2.11 Section 94 Contributions Plan 2012 - 2021**

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 proposed development would be required to pay a contribution which is proposed to be levied as a condition of consent.

### **3. ENVIRONMENTAL IMPACTS**

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

#### **3.1 Natural Environment**

##### **3.1.1 Impact on Trees**

The site comprises a number of exotic, native planted trees and locally indigenous specimens and includes a group of predominantly locally indigenous trees determined as significant under Hornsby Councils' Assessment of a Significant Group of Trees.

Council's assessment of the proposal included a detailed examination of the existing trees on site in conjunction with the submitted Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd, dated 16 September 2013 and concluded:

- Trees numbered 3, 4, 7, 8 - 15, 21 - 26, 28, 29, 32, 33 and 35-46 would be removed or adversely affected by the development proposal.
- Tree numbered 4 is located on the nature strip and the proposed development would likely result in the removal of this tree for the construction of the proposed driveway. Whilst this tree is located on the nature strip Council would support the removal of this tree provided the tree is replaced with one locally indigenous specimen located on the nature strip area.
- The construction of the driveway is proposed within the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of trees numbered 2, 5 and 6.
- An encroachment within the TPZ of trees is considered acceptable under *Australian Standard AS4970-2009, "Protection of trees on development sites"* subject to tree sensitive construction measures, including investigative excavation for pier and beam, construction at existing grade, tunnel boring, excavation by hand and compaction control. Construction of the driveway can be achieved by using these tree sensitive construction measures within the measured TPZ of all trees to be retained.
- To allow for temporary access for construction, soil and root protection must be undertaken along the proposed driveway access within the TPZ of these trees in accordance with the submitted Arboricultural Impact Assessment to avoid root disturbance and soil compaction.
- The proposed waste enclosure, accessible path and letter boxes are to be constructed within the TPZ's of trees No. 16, 17, 18 and 49. These proposed structures are to be constructed using sensitive construction techniques within the measured TPZ of these trees under the supervision of an appointed project arborist.



- Trees numbered 1, 2, 5, 6, 16, 17, 18, 19, 20, 27, 30, 31, 34, 47, 48 and 49 will require tree protection.
- The amended plans propose an increased incursion to the TPZ of trees Nos. 27 and 47 located on the adjoining property to facilitate development. Provided that tree protection measures as stated in the submitted Arborist Report prepared by Footprint Green dated 16 September 2013 are undertaken in accordance with AS 4970 2009, the incursion into the TPZ of trees 27 and 47 to facilitate the development of Block C and Block E is unlikely to adversely impact on these trees.

Subject to the recommended conditions and compliance with the recommendations contained within the Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd, dated 16 September 2013, the proposed development is satisfactory with respect to impact on trees.

### **3.1.2 Stormwater Management**

The site is traversed by a watercourse/ drainage channel and falls to the rear. The application proposes to realign the existing watercourse that traverses the site and includes a detailed Stormwater Management Plan and design of the on-site detention system to discharge to the watercourse. The proposed stormwater management solution is considered satisfactory and the development would not have any adverse impact on the existing street drainage system nor adjoining properties, subject to the recommended conditions.

## **3.2 Built Environment**

### **3.2.1 Visual Impact**

The impact of the proposed development on the built environment of the locality with regard to streetscape presentation and overall visual impact has been discussed in detail in the previous sections of this report.

### **3.2.2 Access, Parking and Traffic**

The site is located in close proximity to the Pennant Hills Railway Station.

The *Roads and Maritime Services* publication *"Guide to Traffic Generating Development"* states that traffic speed limits are necessary on minor roads as pedestrian safety here is of primary concern. The speed limit on Werona Street is 50kms/hr which is considered appropriate for a local road. The Guideline also states that environmental capacity considerations are relevant to streets in residential areas and includes a table with the recommended Environmental Capacity performance standards. In accordance with this table, the maximum peak hour traffic volume that can be safely accommodated on a local road with a speed limit of 40kms/hr is 300 vehicles per hr.

The proposal includes a Traffic and Parking Assessment Report which estimates the net increase in the traffic generation potential as a result of the redevelopment of the site, to be 10 vehicle trips per hour during commuter peak periods. The estimation is based on the traffic generation rates for medium density developments published in *"Guide to Traffic Generating Developments, Section 3- - Landuse traffic Generation (October 2002)"*. Notwithstanding the increase in traffic generation from the development, the maximum peak hour traffic volumes



in Werona Street would be below the recommended maximum volumes identified in the RMS Guidelines.

Based on the above, it is considered that the projected increase in traffic activities is minimal when compared to the maximum number of vehicles that can be accommodated by the local road network surrounding the site. Further, the amended proposal reduces the number units to 20 which would also reduce the traffic generation associated with the proposed development.

Council's traffic assessment concludes that the proposal would not result in an unsafe environment for pedestrians in the locality and would not have a negative impact on the local traffic network.

The proposal includes parking facilities within the site which satisfy the requirements of *SEPP ARH*. Vehicular access complies with the Australian Standards. The application is assessed as satisfactory with regard to traffic and parking.

### **3.3 Social Impacts**

The proposed development would result in a positive social impact in providing affordable rental accommodation, thus reducing social disadvantage and fostering inclusive and diverse communities in accordance with the NSW State Plan. The assessment recognises that affordable housing would be suitable for the site and that the development would have a net benefit to the community.

### **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"*.

### **4.1 Flooding**

Part of the site is identified as being below the 1:100 year flood level. A watercourse/ open channel traverses the site which forms part of Council's stormwater system. The proposal includes works to relocate the drainage line.

The application was accompanied by a Drainage Report prepared by ACOR Consultants Pty Ltd which addresses flood levels in the 1 in 100 ARI, the containment of the overland flow path and the potential flooding impacts of the proposal on existing development. The report concludes that:

- The site is partially affected by low to high hazard 100 year ARI floodwaters;
- The proposed development would not adversely impact on flooding behaviour on the subject site and on the adjoining properties; and

- The flood planning level for the site (based on 500mm freeboard) is RL 156.79 AHD. Therefore, the design floor level RL 156.95 is appropriate.

Council's engineering assessment concludes that the post development flood levels are equal to or less than the pre development 1 in 100 year ARI flood levels. The pre and post development flood levels on the adjoining properties to the north and south of the development site have also been assessed as satisfactory. The structures are located outside the overland flow path and a minimum 500mm freeboard has been maintained for all structures. Accordingly, it is considered that the proposed development would not be impacted upon by the 1 in 100 year storm event.

## **5. PUBLIC PARTICIPATION**


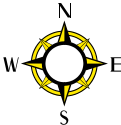
Section 79C(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.

### **5.1 Community Consultation**

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 31 October and 14 November 2013 in accordance with Council's *Notification and Exhibition Development Control Plan*. The amended plans were re-notified between 17 February and 3 March 2014 Council received a total of 65 submissions and 1 petition with 224 signatures from 39 residents/ community groups from both exhibition periods. 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	
11 RESIDENTS/ COMMUNITY GROUPS OUT OF MAP RANGE			

65 submissions and 1 petition with 224 signatures objected to the development. The objections have been discussed below:

- ***Overdevelopment for the site due to construction of 20 units***  
**Comment:** As discussed in Section 2.3 of this report, the proposed development constitutes a permissible use in the zone and has been designed in accordance with the development controls within *SEPP ARH*. The proposal complies with the height limit and floor space requirements and would not result in an overdevelopment of the site.
- ***Development that is excessive in bulk and scale***  
**Comment:** The proposed development involves construction of five separate two storey structures. The built form resembles the building envelope of dwelling houses and is not considered to be excessive in bulk and scale. The design of the development and the impact on the neighbouring properties is discussed in Section 2.3.4.4 of this report.
- ***Out of character with the area***

**Comment:** The applicant has submitted a Local Character Statement pursuant to Clause 16A of *SEPP ARH*. The Statement is assessed as satisfactory (discussed in Section 2.3.5 of this report).

- ***Adverse privacy impacts on neighbouring properties including heritage items***

**Comment:** The application has been amended to include privacy screens to the first floor balconies of units 7, 8, 11 and 12, which front the adjoining properties. Given the proposed building separations, 1.8m high boundary fence and landscape screening the proposal would maintain privacy of the future occupants and neighbouring properties.

The existing privacy screen along the eastern boundary of No. 14 Werona Street (heritage item), with a top RL of 161.15 AHD would restrict any adverse impact on the neighbours due to the proposed development.

The impact on privacy of neighbouring properties has been discussed in detail in Section 2.3.4.4 of this report.

- ***Adverse overshadowing impacts on neighbouring properties***

**Comment:** The submitted shadow diagrams demonstrate that the proposal would not restrict solar access to the neighbouring properties. A minimum of 3 hours of sunlight access would be maintained to principle private open space areas of adjoining properties during Winter Solstice.

- ***Increased crime risk in the locality***

**Comment:** The development would be used for residential purposes. The proposed is compatible with the surrounding uses. No increase in crime risk is envisaged as a result of this development.

- ***Increased on-street parking problems due to insufficient parking on the site***

**Comment:** As mentioned in Section 2.3 of this report, the proposal provides the required number of car spaces on site and therefore would not lead to on-street parking problems. As under the ARH SEPP, the proposal complies with the required number of parking spaces, this cannot be used to refuse consent.

- ***Increased accidents in the area***

**Comment:** Council's Traffic assessment concludes that the proposed development would generate an additional 10 vtpd during commuter peak periods and would not reduce the safety of pedestrians in the locality. Vehicular access to the development complies with the Australian Standards with regard to minimum sight distances. The likelihood of increased accidents in the area due to this development is considered negligible.

- ***Unacceptable location of vehicular access***

**Comment:** The location of the driveway is based on the slope of the site and the suitability of access to the proposed basement. The driveway is proposed to be located at an appropriate distance from the roundabout at the intersection of Werona Street and Stevens Street. The driveway location complies with the Australian Standards with regard to minimum sight distances.

- ***Insufficient landscaping***

**Comment:** The site plan includes deep soil zones, lawn areas, planting and landscape screening along the boundaries which would enable an appropriate level of landscaping to be provided for the site. The proposal complies with AHR SEPP with regards to landscaping and therefore, this cannot be used to refuse consent.

- ***Impact of development on trees on the subject site and adjoining property***

**Comment:** Section 3.1.1 includes a detailed assessment regarding impact of the development on trees in the locality. Council's assessment in this regard concludes the proposal is satisfactory.

- ***Increased stormwater run-off and drainage/ flood impacts***

**Comment:** The application includes a flood study which assesses the proposal as satisfactory as detailed in Section 4.1 of this report. The proposed buildings would maintain a 500mm freeboard to allow the flow of flood water. The post development flood levels would be equal to or less than the pre development 1 in 100 year ARI flood levels. The development would not increase flood risk to adjoining properties.

- ***Adverse impact on the locality due to noise***

**Comment:** The proposed development is for residential use and would not generate unreasonable noise in the locality.

- ***Appropriate boundary fencing should be incorporated in the development***

**Comment:** It is considered to be a reasonable request that the applicant be required to construct the boundary fence at nil cost to the neighbouring property owners. A recommended condition of consent has been included in Schedule 1 (refer to condition No.49).

- ***There is no footpath in Werona Street and existing residents walk on the road***

**Comment:** A condition has been imposed in Schedule 1 (Condition No. 40) requiring the construction of a footpath along the frontage of the development. The continuation of the footpath to connect to the existing footway network would be undertaken by Council as part of its ongoing infrastructure works.

- ***The submitted Statement of Environmental Effects and Access report contain inaccuracies and generalisations***

**Comment:** The submitted documents have been assessed as satisfactory having regard to requirements of the *EP&A Act*, *SEPP ARH* and the relevant Australian Standards.

## **5.2 Public Agencies**

The NSW Office of Water advised that for the purposes of the *Water Management Act 2000*, a controlled activity approval is not required for the realignment of the watercourse on the site as the proposed activity is not occurring on waterfront land which includes:

- i) *the bed of any river together with any land within 40 metres inland of the highest bank of the river,*
- ii) *The bed of any lake, together with any land within 40 metres of the shore of the lake, or.*
- iii) *The bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary.*

Accordingly, the proposed development is not Integrated Development under the Act.

## **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 criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

## **CONCLUSION**

The proposed development is for the erection of an affordable rental housing development comprising 20 units located in 5 x two-storey buildings, and parking for 20 cars at Nos. 16-18 Werona Street, Pennant Hills.

The application has been assessed having regard to the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* and the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The proposed affordable housing development is permissible on the site pursuant to the provisions of *SEPP ARH*.

The development complies with the development standards prescribed under *SEPP ARH* in respect to floor space ratio, car parking, landscaping, deep soil zones, dwelling size and solar access. The impact of the proposal on the locality and the site planning and design comply with the best practice standards provided in the “*Seniors Living: Urban Design Guidelines-Infill Developments*.” The development satisfies the objectives of the *SEPP ARH* and the design of the development would not have an unreasonable impact on the local character.

Accordingly, approval of the proposal is recommended.

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

### **Attachments:**

1. Locality Plan
2. Survey

3. Architectural Plans
4. Landscape Plans
5. Shadow Diagrams

## 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:

*Architectural Plans prepared by McCullum Ashby Architects*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Rev</b>	<b>Dated</b>
DA 03	Basement Plan	E	28 March 2014
DA 04	Ground Floor Plan	E	28 March 2014
DA 05	First Floor Plan	D	4 February 2014
DA 06	Elevations	E	28 March 2014
DA 07	Sections	D	4 February 2014
DA 08	Demolition and Waste Management Plan	E	28 March 2014

*Landscape Plan prepared by Site Design Studios*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Rev</b>	<b>Dated</b>
LP 01	Landscape Plan	C	31 March 2014



*Stormwater Management & Drainage Channel Realignment plans prepared by ACOR Consultants (CC) Pty Ltd*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Issue</b>	<b>Dated</b>
C1	Cover Sheet and Notes	3	7 February 2014
C2	Stormwater Management Ground Floor Plan	3	7 February 2014
C3	Detail Plan - Stormwater and Flood Mitigation	3	7 February 2014
C4	Stormwater Management Basement Floor Plan	3	7 February 2014
C5	Watercourse Long Section	3	7 February 2014
C6	Watercourse Cross Section Sheet No. 1	3	7 February 2014
C7	Watercourse Cross Section Sheet No. 2	3	7 February 2014
C8	Stormwater Management Details Sheet 1	3	7 February 2014
C9	Stormwater Management Details Sheet 2	3	7 February 2014
C10	Erosion and Sediment Control Plan	3	7 February 2014
C11	Erosion and Sediment Control Notes	3	7 February 2014
C12	Erosion and Sediment Control Details	3	7 February 2014
C1.01	Cover sheet, notes and Legends	1	7 February 2014
C2.01	Drainage Channel Realignment Plan	1	7 February 2014
C3.01	Drainage Channel Realignment Longitudinal Section and Cross-Sections	1	7 February 2014

*Supporting Documents*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
BASIX Certificate No. 504613M_02	Taylor Smith Consulting	4 February 2014
NatHERS Certificate No. 14720108	Taylor Smith Consulting	4 February 2014

Survey Job No. 91355	John Lowe & Assoc.	13 September 2013
Arboricultural Impact Assessment	Footprint Green Pty Ltd	16 September 2013
Calculations and Finishes Schedule Dwg DA 01 Rev D	McCullum Ashby Architects	4 February 2014
Disability Access Report Ref: 1368	Linsday Perry	23 January 2014
Statement of Heritage Impact	NBRS+Partners	January 2014
Traffic and Parking Assessment Report Ref: 13487	Varga Traffic Planning Pty Ltd	18 September 2013

## **2. Amendment of Plans**

The approved plans are to be amended as follows:

- a) The 8m<sup>2</sup> grassed bulky waste storage area is to be relocated to adjoin both the driveway and the bin bay.

## **3. Project Arborist**

A Project Arborist is to be appointed prior to commencement of any works in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the demolition and development process.

## **4. Removal of Existing Trees**

This development consent only permits the removal of trees numbered 3, 4, 7, 8-15, 21-26, 28, 29, 32, 33 and 35-46 as identified on the Existing Site - Tree Location Plan (tstn 2.01 Revision 0.1 Sheet 2 of 10) in the Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd dated 16 September 2013. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

The removal of tree numbered 4 located on the nature strip shall be undertaken in accordance with the following:

- a) A suitably qualified and experienced Arborist (Australian Qualification Level 3 or higher) shall be employed to undertake the works.
- b) A copy of the Arborists (Tree Contractors) Public Liability Insurance Certificate and qualifications shall be provided to Council prior to the works date.
- c) Notification of the date of works is to be provided one week in advance.

## **5. Pruning of Branches**

All pruning works shall be in accordance with Australian Standard 4373-2007. Any pruning on trees must not exceed 10% of the foliage area.

## 6. 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	\$ 11,972.20
Open Space and Recreation	\$227,535.60
Community Facilities	\$ 31,908.60
Plan Preparation and Administration	\$ 934.00
<b>TOTAL</b>	<b>\$272,350.80</b>

being for 20 units and 2 credits.

- 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:

$$\text{\$C}_{PY} = \text{\$C}_{DC} \times \text{CPI}_{PY}$$

$$\text{CPI}_{DC}$$

### Where:

$\text{\$C}_{PY}$  is the amount of the contribution at the date of Payment.

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

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

$\text{CPI}_{DC}$  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:
- prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - prior to the issue of the first Construction Certificate where the development is for building work; or
  - prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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**7. Building Code of Australia**

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

**8. 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.

**9. 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.*

**10. 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.

#### **11. Dilapidation Report**

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

#### **12. Car Parking and Deliveries**

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

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e) Sight triangles in accordance with *AS/NZS 2890.1:2004* are to be provided for the driveway at the boundary line.
- f) All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

#### **13. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) is to be prepared by a suitable qualified traffic engineer and is to be submitted to Hornsby Shire Council for approval prior to the issue of a Construction Certificate. The CTMP is to be approved by Council prior to the issue a Construction Certificate. The following issues are to be addressed in the CTMP.

- a) Number of truck movements per day during the various construction stages.
- b) Vehicle movement plans for truck movements. It should be noted that load limits apply to streets in Hornsby Shire Council and the vehicle routes are to comply with these restrictions.
- c) Location of parking areas for construction workers.
- d) Traffic Control Plans for vehicles entering and leaving the site.
- e) Plans depicting unloading and loading areas.

#### **14. Registered Housing Provider**

Evidence must be provided to the Principal Certifying Authority that at least four dwelling units would be managed by a *registered community housing provider* as defined in the *Housing Act 2001*.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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#### **15. 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.*

#### **16. 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.*

#### **17. 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*.

## **18. 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.*

## **19. Tree Protection Barriers**

Tree protection fencing must be erected around trees numbered 1, 2, 5, 6, 16, 17, 18, 19, 20, 27, 30, 31, 34, 47, 48 and 49 to be retained at the measured Tree Protection Zone. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'.

To avoid injury or damage, trees numbered 2, 5, 6, 16, 17 and 49 must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way).

Once erected, tree protection fencing must not be removed or altered without approval by the project arborist.

<b>REQUIREMENTS DURING CONSTRUCTION</b>
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## **20. Construction Work Hours**

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays.

## **21. Demolition and Construction Vehicles**

All demolition and construction vehicles shall be contained wholly within the site as a work zone permit will not be approved for Werona Street

## **22. Compliance with Construction Traffic Management Plan**

The approved Construction Traffic Management Plan must be complied with during construction works.

## **23. 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.

#### **24. 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.

#### **25. Street Sweeping**

Street sweeping must be undertaken following sediment tracking from the site along Werona Street, Pennant Hills during works and until the site is established.

#### **26. 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) within the measured TPZ of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out 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).

The driveway is to be laid above existing grade to avoid root severance with no excavation or fill with the TPZ or pier and beam construction of the driveway within the TPZ shall be used with piers being located no closer than 3 metres to the trunks of the trees. The driveway edge is to be located no closer than 1 metre to the edge of the trunk. The excavation for the piers within the measured TPZ must be carried out using hand tools. A qualified and experienced arborist is to be on site overseeing the work to ensure that roots are not injured or severed that would adversely affect the longevity of the tree(s).

No tree roots of 30mm or greater in diameter located within the measured TPZs of trees to be retained, shall be severed or injured in the process of any site works during the construction period. Tree roots between 10mm and 30mm diameter, severed during excavation, shall be cut cleanly by hand.

The waste enclosure, accessible path and letter boxes are to be constructed using sensitive construction techniques within the TPZ of any tree to be retained in accordance with specific tree protection measures as stated in the Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd, dated 16 September 2013 and under the supervision of the project arborist.



Excavation for the installation of underground services within the specified TPZ of trees to be retained shall be carried out by hand or by using the thrust boring method. Tunnel boring shall be carried out at least 1 metre beneath natural ground surface at the tree/s to minimise damage to tree/s root systems.

*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.*

**27. Setback from Prescribed Stream**

A buffer setback of 5 metres must be provided from the crest of the watercourse to any construction works. The setback area must be suitably vegetated with native grasses to facilitate the filtration of surface runoff.

**28. 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.

**29. Disturbance of Existing Site**

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

**30. Landfill**

Landfill must be constructed in accordance with Council's 'Construction Specification 2005' and 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.

**31. 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.

### **32. 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.

### **33. Waste Management During Demolition and Construction**

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.

### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION 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.*

### **34. Fulfilment of BASIX Commitments**

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

### **35. 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 directly to the watercourse via the On Site Detention system in accordance with the Office of Water requirements.
- b) The existing depression/watercourse be reconstructed to contain the 1 in 100 year Average Recurrence Interval storm event. All works are to be in accordance with the Office of Water requirements. The overland flow path is to be kept a minimum of 0.5m clear of any building foundation.
- c) Note: A certificate from a chartered civil engineer together with a works as executed design plan must be submitted to the principal certifying authority to demonstrate that the overland flow path contains the in 100 year ARI storm event and is clear of all structures.

### **36. Stormwater Drainage - Land Adjoining a Watercourse**

In addition to other stormwater drainage requirements under this consent, all headwall outlets must incorporate flow velocity reduction controls (i.e. bedded boulders and small stones) to minimise erosive and scouring impacts to the watercourse. Energy dissipater controls must be landscaped to accommodate outlet sheet flow (forced jump). No engineering works are permitted within the bed of the watercourse.

### **37. On Site Stormwater Detention**

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

- a) Have a capacity of not less than 30 cubic metres, and a maximum discharge (when full) of 110 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

### **38. 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 25 percent and changes in grade must not exceed 8 percent;
- d) The driveway pavement must be a minimum 3 metres wide, 0.15 metres thick reinforced concrete with F72 steel reinforcing fabric and a 0.15 metre sub-

base. The access crossing shall have a minimum width of 5.5m from the kerb line to 6m inside the property boundary.

- e) The pavement must have a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a lintel and pit provided at the low point;
- f) Retaining walls required to support the carriageway and the compaction of all fill batters must be in accordance with the requirements of a chartered structural engineer;
- g) Safety rails and a kerb on each side of the bridge are to be provided.
- h) The soffit level of the bridge must be at or above 156.14m AHD. At the completion of the bridge a certificate from a registered surveyor is to be submitted to the PCA confirming that the minimum soffit level of 156.14m AHD has been achieved.

### **39. Vehicular Crossing**

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

- a) Any redundant crossings must be replaced with integral kerb and gutter;
- b) The footway area 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.*

### **40. Footpath**

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

- a) The land adjoining the footpath to be fully turfed.
- b) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

*Note: The applicant must obtain written approval from Council prior to any works on the public road being undertaken.*

### **41. Traffic Control Plan**

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard 1742.3 for all work on a public road and be submitted to Council. The TCP must detail the following where required:

- a) Arrangements for public notification of the works.

- b) Temporary construction signage.
- c) Permanent post-construction signage.
- d) Vehicle movement plans.
- e) Traffic management plans.
- f) Pedestrian and cyclist access/safety.

#### **42. Damage to Council Assets**

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervision must be notified for a formwork inspection prior to pouring concrete.

#### **43. Creation of Easements**

The following matter(s) must be created on the title of the property in accordance with the *Conveyancing Act 1919*:

- a) A restriction over the overland flow path for the 100 year average recurrence interval storm event. The "Restriction on the Use of Land" over the affected area is 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) The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- c) To register the OSD easement and Restriction to User for overland flow, a "works-as-executed" details of the on-site-detention system and overland flow path 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.*

#### **44. Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

#### **45. Waste Management**

The following waste management requirements must be complied with:

- a) The bin bay at the ground level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door(s), sealed and impervious surface, adequate lighting and ventilation. The bin storage rooms at the basement 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*

#### **46. Completion of Landscaping**

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

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

**47. Retaining Walls**

All required retaining walls must be constructed as part of the development.

**48. Installation of Air Conditioner**

To protect the amenity of adjacent properties, the condenser unit for any air conditioner must be sited a minimum of 3 metres from the property boundary of any adjoining residential premises unless a certificate has been prepared by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above background noise levels when tested at the property boundary between 8 pm and 10 pm.

**49. Boundary Fencing**

Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres at the proponent's cost.

*Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).*

**50. External Lighting**

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

**51. Construction for a Safe Environment**

The site must include the following elements to provide a safer environment for the residents:

- a) An intercom system be installed at gate locations to ensure screening of persons entering dwellings.
- b) The entryway to the site be illuminated in high luminance at all times.
- c) Front and rear yard spaces of each dwelling be illuminated in high luminance by motion sensor lighting.
- d) The common driveway and parking areas are to be illuminated with low luminance at all times.
- e) Vandal proof locking mechanisms to be installed in all gates to individual units.
- f) Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas.



**52. 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.*

**53. Provision for National Broadband Network (NBN)**

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

**54. Maintain Canopy Cover**

The submitted Landscape Plan prepared by Site design Studios drawing No LP 01 Revision A dated 16 September 2013 must be adhered to.

In accordance with Hornsby Shire Council Development Control Plan (HDCP), Chapter 1B.6.1 Tree Preservation any tree approved to be removed from a site should be replaced with a tree of like habit and indigenous to Hornsby Shire. The planting location shall not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The trees are to be planted as near as practicable to the location of the removed tree, grown to maturity and replaced if the planting fails to survive and thrive.

*Note: A certificate from suitably qualified and experienced Horticulturalist is to be submitted to the Principal Certifying Authority stating that all plant stock meet the specifications outlined in Specifying Trees' (Ross Clark, NATSPEC Books) and that the planting methods were current professional (best practice) industry standards at the time of planting.*

**55. Restriction as to User – Affordable Rental Housing**

To inform current and future owners that the townhouse development on the site is for affordable rental housing, a Restriction as to User must be created under Section 88B of the *Conveyancing Act 1919* identifying the following:

- a) The development is for affordable rental housing pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009* for a period of 10 years from the date of the issue of the occupation certificate.
- b) Four dwelling units must be used for the purpose of affordable housing pursuant to Clause 6 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- c) The four dwelling units identified in condition 55() must be managed by a *registered community housing provider* as defined in the *Housing Act 2001*.



*Note: The wording of the Restriction as to User must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.*

## **OPERATIONAL CONDITIONS**

### **56. Resident and Visitor Car Park Access**

Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.

Visitors must be able to access the visitor parking spaces in the basement car park at all times. Visitor access to the basement car park shall be by an audio/visual intercom system located at the top of the ramped driveway.

### **57. Ongoing 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, 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.

### **58. 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.

**- 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 and Vegetation Preservation**

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

*Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDGP 1B.6.1.c).*

*Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".*

*Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.*

### **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.

### **Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

### **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](http://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](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

### **House Numbering**

House numbering can only be authorised by Council. Before proceeding to number each premise in the development, the allocation of numbers is required to be obtained from Council's Planning Division prior to the issue of a Subdivision Certificate. The authorised numbers are required to comply with Council's Property Numbering Policy and be displayed in a clear manner at or near the main entrance to each premise.

### **Rain Water Tank**

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