

Item 1
JRPP 2015SYW141
DA1180/2010
1-3 Pretoria Parade and
2-4 College Crescent
Hornsby
Council Assessment
Report

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	2014SYW141
DA Number	DA/1180/2010/D Section 96 Application (lodged 27 July 2015)
Local Government Area	Hornsby Shire Council
Proposed Development	Section 96(2) application to modify an approved mixed use development comprising a church and a ten storey residential flat building with 80 units by increasing the number of units to 89, increase the gross floor area and amendments to the basement levels.
Street Address	Lots 3 and 4 DP 4023, Nos. 2 - 4 College Crescent, Lots 1 and 2 DP 4023 Nos.1 - 3 Pretoria Parade and Pretoria Lane, Hornsby
Applicant/Owner	Mario Khaicy/ Baptist Church Trustees, Baptist Union of NSW/ Baptist Church of NSW Property Trust/ Mr. S Najeeb/ Hornsby Shire Council
Number of Submissions	Three submissions
Regional Development Criteria (Schedule 4A of the Act)	Section 96(2) modification to a development approved by the JRPP
List of All Relevant s79C(1)(a) Matters	<p>State Environmental Planning Policy No. 55 Remediation of Land</p> <p>State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development</p> <p>State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004</p> <p>State Environmental Planning Policy No. 32 Urban Consolidation (Redevelopment of Urban land)</p> <p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</p> <p>Hornsby Local Environmental Plan 2013 - R4 High Density Residential Zone</p> <p>Hornsby Development Control Plan 2013</p> <p>Section 94 Contributions Plan 2012 - 2021</p>
List all documents submitted with this report for the panel's consideration	Locality Plan, Survey Plan, Architectural Plans, Landscape Plan, Shadow Diagrams , Photomontage, Notice of Determination
Recommendation	Approval
Report by	Aditi Coomar, Senior Town Planner

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves a Section 96(2) modification to an approved mixed use development comprising a church and a ten storey residential flat building with 80 units by increasing the number of units to 89, increase the gross floor area and amendments to the basement levels.
- The proposed modification is substantially the same development as approved pursuant to Section 96(2) of the *Environmental Planning and Assessment Act, 1979* and is generally in compliance with the *State Environmental Planning Policy No. 65, Apartment Design Guide* and *Hornsby Development Control Plan 2013*.
- Three submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, Development Application No. 1180/2010 for the demolition of existing structures, closure of existing road and the construction of a church, an early childhood centre and a ten storey residential flat building comprising eighty units with basement car parking, landscaping works and community title and strata title subdivision at Lots 3 and 4 DP 4023, Nos. 2 and 4 College Crescent, Lots 1 and 2 DP 4023 Nos. 1 and 3 Pretoria Parade and Pretoria Lane, Hornsby be amended as detailed in Schedule 1 of this report.

BACKGROUND

On 31 August 2011, the Sydney West Joint Regional Planning Panel approved Development Application No. 1180/2010 for the demolition of existing structures and the construction of a church, an early childhood centre and a ten storey residential flat building comprising eighty units with basement car parking, landscaping works and community title and strata title subdivision on the subject site as a deferred commencement requiring the purchase and closure of the Council road (Pretoria Lane) prior to the development consent being active.

Subsequently, four Section 96(1A) modifications have been approved by Council on 25 October 2012, 30 January 2013, 20 February 2013 and 28 October 2015 to modify the timeframe for the required works in the deferred commencement condition as to allow negotiations between Hornsby Council and the applicant regarding the purchase of Pretoria Lane. Currently, the deferred commencement condition allows the information to be submitted prior to 25 August 2016.

Negotiations are on-going between Council and the applicant and it is anticipated that the purchase may be completed by January 2016.

At the time of the original approval, the subject site was zoned Special Uses A (Community Purposes) and Residential D (High Density) under the *Hornsby Shire Local Environmental Plan 1994*. The subject land was subsequently rezoned to R4 (High Density Residential) pursuant to the *Hornsby Local Environmental Plan 2013*.

On 17 July 2015, the current Section 96(2) application to modify DA/1180/2010 was lodged. The initial application sought to increase the number of approved units from 80 to 90 and propose strata and stratum subdivision of the site among other amendments.

On 25 August 2015, Council sent a letter requesting additional information regarding compliance of the development with the provisions within the Apartment Design Guide.

On 1 October 2015, amended plans were submitted to Council. The plans address the issues raised by Council and reduce the proposed number of units to be 89.

On 4 November 2015, the applicant advised that the amendment to the subdivision be excluded from the modification.

THE SITE

The site is an L-shaped corner allotment located on the southern side of Pretoria Parade and the western side of College Crescent at the intersection of the roads with the Pacific Highway. The site comprises four parcels of land known as Nos. 2 – 4 College Crescent and Nos. 1 – 3 Pretoria Parade. A 6.09 metre wide road named Pretoria Lane bisects the site from north to south and then runs across a section of the southern boundary. The site has an average slope of 9.5 % towards the rear from the north-eastern corner to the south-western corner. The total area of the site including the road is 4275.1m².

Current improvements on Nos. 2 – 4 College Crescent include a two storey place of worship with an associated at-grade carpark and offices. The gross floor area of the church building is 1229.32m². The open car-parking area for the church extends at the rear to No. 1 Pretoria Parade with access off Pretoria Lane.

Current improvements on No. 3 Pretoria Parade include a single storey timber dwelling house and a detached garage.

The site is located in close proximity to the Hornsby Town Centre, being within 1 km of the Hornsby Railway Station and is surrounded by a mix of land uses including commercial, residential and educational establishments. Seven to eight storey residential flat buildings are located on the southern side of the site and ten to eleven storey apartments are located on Pound Road and along the Pacific Highway to the north. A recently built ten-storey residential flat building and a part one-two storey building used as for self-storage purposes, is located on the northern side of Pretoria Parade on the opposite side of the site. A number of commercial developments including motor showrooms and service stations are located on both sides of the Pacific Highway in close proximity to the development.

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

THE APPROVED DEVELOPMENT

The approved development includes the following:

- Demolition of the church and the dwelling-house;
- Closure of Pretoria Lane;
- Erection of a part three storey place of worship capable of accommodating 350 worshippers, including a prayer hall, a forecourt area, an early learning centre and offices at the corner of College Crescent and Pretoria Parade;
- The approved gross floor area of the church is 1673.8m²;
- Erection of a ten storey residential flat building comprising eighty units being 15 x 1 bedroom units, 46 x 2 bedroom units and 19 x 3 bedroom units with two storey units at the topmost level;

- The approved gross floor area of the residential flat building is 7038.6m²;
- Two levels of basement car parking in two separate sections for residential and community users comprising 102 residential and visitor's car spaces, 72 car spaces for church patrons, and 16 bicycle and motorcycle spaces with vehicular access from Pretoria Parade via a 6m wide driveway;
- A landscaped central forecourt area at the ground level separating the two uses, to be used as the entrance plaza and the garbage truck turning area for heavy rigid vehicles servicing the residential component only;
- A common garbage collection area at the ground level for the residential flat building with garbage facilities at each level;
- Communal open space area on the southern side of the residential flat building;
- Community title subdivision into three lots to create a Residential Lot, a Church Lot and a Community Lot (driveway);
- The forecourt area would belong to the Residential Lot at the ground level. Stratum subdivision is approved at the two basement levels where the community lot would extend to include the driveway area. The Church Lot would have right-of-way over a section of the Residential Lot at basement level 2; and
- Strata subdivision of the residential flat building.

THE PROPOSED MODIFICATION

The application seeks to modify the approved development as follows:

- Amend the internal layout of each floor of the residential flat building to increase the number of units from 80 to 89;
- The amended unit mix would comprise 1 x studio, 29 x 1-bedroom, 40 x 2-bedroom, 17 x 3-bedroom and 2 x 4 bedroom units;
- Amendments to the elevations to reflect the internal modifications;
- Modification to the shape and size of the terraces on the upper levels including reduction in the size of the south facing terraces;
- Amendments to the residential component of the basement carpark to accommodate 104 residential spaces including 16 visitors' spaces, four motorbike spaces and residential storage cages. The aisle widths and driveway ramp grades remain unchanged; and
- Bicycle spaces provided within the landscaped forecourt area.

The amended floorplate would be located within the same building footprint with minor alterations to the built form. The modified development would result in an increase of 234.8m² of gross residential floor area. The height of the building including the number of storeys and the RL of the roof-level, the garbage bin room at the ground level, truck access to the site and location of communal open space areas remain unchanged.

The church, the early learning centre and the associated activities including operating hours would remain unaltered.

The table below provides a comparison of the approved development and modified development.

Comparison of the Approved and Modified Development Proposal			
	Approved Development	Modified Proposal	Net Change
No. of storeys and RL	Ten (10) storeys RL 219.70	Ten (10) storeys RL 219.70	No change
Unit Mix			
studio	None	1	+1
1-bed	15	29	+14
2-bed	46	40	-6
3-bed	19	17	-2
4-bed	none	2	+2
Total Units	80 units	89 units	+9 units
Gross Floor Area			
Church	1673.8m ²	1673.8m ²	No change
Residential	7038.6m ²	7273.4m ²	234.8m ²
Total Parking	72 church spaces 102 residential car spaces 8 bicycle spaces 8 motorbikes	72 church spaces 104 residential car spaces 16 bicycle spaces 4 motorbikes	No change +2 spaces +8 spaces -4 spaces

ASSESSMENT

The development application has been assessed having regard to 'A Plan for Growing Sydney', 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 A Plan for Growing Sydney and (Draft) North Subregional Strategy

A Plan for Growing Sydney has been prepared by the NSW State Government to guide land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby to form the North Subregion. The *Draft North Subregional Strategy* will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development.

The modified proposal would be consistent with '*A Plan for Growing Sydney*', by providing additional dwellings and would contribute to housing choice in the locality.

2. STATUTORY CONTROLS

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

2.1 Environmental Planning and Assessment Act 1979 – Section 96(2)

Pursuant to Section 96(2) of the *Environmental Planning and Assessment Act 1979*, Council may consider an application to amend development consent provided that, inter alia:

- a) *it is satisfied that the development to which the consent as modified relates is substantially the same development, and*
- b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- c) *it has notified the application in accordance with the regulations, and*
- d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations.*

With regard to Section 96(2)(a), the modified proposal would be a ten-storey mixed use development comprising a church and a residential flat building over two levels of basement and a central forecourt area. The additional units and parking spaces would be located within the overall approved building envelope and would not substantially modify the built form. Accordingly, it is considered that the modified application is substantially the same as the development originally approved.

With regard to Section 96(2)(b), the original proposal was referred to State Rail and Roads and Maritime Services (RMS), for comment. The modified proposal was referred to RailCorp

for comments whereby no objections were raised. Given that the proposed modification does not involve any amendments to the driveway location, width or basement footprint, the application was not referred to the RMS for further comments. It is also noted that the development would generate less traffic, based on the current traffic generation rates published by the RMS.

In accordance with Section 96(2)(c) and (d), adjoining owners were notified of the application and four submissions have been received. The matters raised in submissions are discussed in Section 5 of this report.

2.2 Hornsby Local Environmental Plan 2013

The original development was assessed and approved pursuant to the provisions of the *Hornsby Shire Local Environmental Plan 1994 (HSLEP 1994)*, which has since been repealed and replaced by the *Hornsby Local Environmental Plan 2013 (HLEP)*. Accordingly, the current application has been assessed having regard to the provisions of the *HLEP*.

2.2.1 Zoning of Land and Permissibility

The subject land is zoned R4 (High Density Residential) under the *Hornsby Local Environmental Plan 2013 (HLEP)*. The objectives of the zone are:

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

The development proposed is a high density residential development and complies with the zone objectives. The proposed uses are defined as a "residential flat building", "places of public worship" and "child care centre" under the *HLEP* and are permissible in the zone with Council's consent.

2.2.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for Nos. 2 – 4 College Crescent is 23.5m and for Nos. 1 – 3 Pretoria Parade is 26.5m. The church, being located within the properties at Nos. 2 – 4 College Crescent, would comply with the 23.5m height provision. The residential flat building would be located in the section of the subject site with a permissible height limit of 26.5m. The proposed building does not comply with this provision, as it has an approved height of 32.3m above ground. Pursuant to the provisions of Section 96(3) of the Act, the impact of the additional height is required to be assessed on its merits and Clause 4.6 variation is not required to be submitted. The non-compliance is discussed below.

As stated above, the original development was assessed pursuant to the provisions of the *HSLEP 1994* which did not include a maximum height provision. The maximum permissible

height within the zone at that time was 9-storeys pursuant to the *High Density Multi Unit Housing Development Control Plan*. The approved building was nine-storeys plus a roof storey for the two storey units at the uppermost level (the highest point being at RL 219.70 for the building and RL 220.9 for the lift overrun). The non-compliance was assessed as satisfactory on merits at the time of assessment.

The current modification would maintain the maximum height at RL 219.70 for the building and RL 220.9 for the lift overrun. Given that the height remains unchanged, no further assessment in this regard is considered necessary.

2.2.3 Floor Space Ratio

Pursuant to the provisions of the HSLEP 1994, the following FSR provisions applied to the approved development:

- Clause 15(2) did not prescribe any FSR for the Special Uses A Zone. The application proposed an FSR of 0.9:1 in the Special Uses A Zone and accommodated the Church.
- The site was identified in Schedule BA of the *HSLEP*. Clause 15(3) of the *HSLEP* prescribed that the maximum floor space ratio (FSR) for the site located within the Residential D Zone identified in Schedule BA should not be less than 1.6:1 and not more than 2:1. The development resulted in an FSR of 2.9:1 in the Residential D Zone of the site and did not comply with the provisions of the *HSLEP*. The overall FSR for the consolidated site was 2:1.
- The application was supported by an objection pursuant to State Environmental Planning Policy No. 1 which was assessed as satisfactory at the time of assessment of the original application.

The current Section 96(2) application is assessed against the *HLEP* which does not include any FSR provisions for the site. The modified development would result in the addition of 234.8m² of additional floor space. Pursuant to the provisions of Section 96(3) of the Act, the impact of the additional floor space is required to be assessed on its merits. Council's assessed in this regard is considered satisfactory due to the following reasons:

- The additional floor space, being 234.8m², is minor compared to the overall scale of the development.
- The additional building bulk would be located within the approved building envelope and would be imperceptible from the public domain at the street level.
- The additional units would contribute towards housing choice in the locality without impacting adversely on the neighbouring properties due to privacy or overshadowing.
- The gateway site is located between the high density area of College Crescent and the Pound Road, Hornsby precinct. The modified development would result in orderly and economic development of underutilised land without further increasing the height of the building.

- The additional floor space would result in a parking requirement of 104 spaces which is provided within the basement carpark.

Based on this assessment, the additional floor space is supported.

2.2.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The property is located opposite the Barker College Heritage Conservation Area as listed in Schedule E of the *HSLEP*. The street trees within the Pretoria Parade road reserve are listed as heritage items of local significance under the provisions of Schedule D of the *HSLEP*.

The proposed residential component of the development would be located approximately 85 metres from the Barker College Heritage Conservation Area. Further, the height, bulk and scale of the proposed building is similar to that of adjoining residential flat buildings along College Crescent and the nearby Hornsby town centre. Accordingly, the original proposal was assessed as satisfactory against Council's provisions regarding heritage.

The current modification would not alter the church building and add 234.8m² of floor area to the approved residential flat building with associated modifications to the external facades. The proposed external colours and finishes would be similar to that approved, but with darker tones.

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

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

2.2.5 Earthworks

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

The matter was assessed at the time of the original approval. The modified proposal does not include any further excavation. Accordingly, no further assessment in this regard is necessary.

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

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

The matter was assessed in detail under DA/1180/2010. The proposed modifications would not alter the compliance of the development with *SEPP 55*.

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

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The amended proposal includes an amended BASIX certificate for the proposed units and is considered to be satisfactory.

2.5 State Environmental Planning Policy (Infrastructure) 2007

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

2.5.1 Development in Rail Corridors

The development is located immediately adjoining the Northern Rail Corridor and would require excavation within 25 metres (measured horizontally) of the corridor. The original development required concurrence of RailCorp under Clause 85 and 86 of SEPP (Infrastructure). The modified proposal was also referred to RailCorp for comment. Since further excavation works are not proposed as part of this modification, no objections were raised.

2.5.2 Impact of Noise

Clause 87 of the SEPP (Infrastructure) applies to the development as it would be impacted upon by the noise and vibration from the rail corridor and the Pacific Highway. In accordance with the requirements of the *SEPP*, the original proposal has been assessed against the noise related controls contained within the Department of Planning's publication "*Development near Rail Corridors and Busy Roads – Interim Guidelines*". The applicant had addressed this requirement by submitting a detailed Noise and Vibration Intrusion Report that was assessed as satisfactory under the original development application.

Given that the proposed modification to the floorplate would be within the approved building envelope, the recommendations within the Noise and Vibration Intrusion Report regarding construction techniques to attenuate rail noise and vibration would apply to the modified development. Therefore, the application is assessed as satisfactory subject to implementation of the recommendations within this report.

2.5.3 Traffic Generating Development

The development is classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of *SEPP (Infrastructure)* as it would result in more than 75 dwellings with vehicular access located within 90m of a classified road.

The original application included a traffic assessment report and traffic modelling for the nearby intersection of Pretoria Parade and College Crescent. The report stated that the additional traffic generation would primarily be due to the residential component of the development since the church and the associated activities already exist on the site. The report calculated the trip generation for all components of the development in accordance with the Roads and Maritime Services guidelines and concluded that the residential development

would generate a total of 23.2 vehicle trips per hour. The report also detailed the additional vehicular movements during AM and PM peak periods.

Council's assessment of the traffic modelling results for the approved application concluded that east bound traffic on Pretoria Parade would queue across the driveway to the proposed development. However, RMS considered that the queuing would not have any adverse impact on the existing road network and did not raise any objections to the proposed development.

The modified proposal includes an amended Traffic Impact Report which indicates that 89 dwellings would generate 26.1 trips in the weekday peak hour based on the traffic generation rates applied in 2011 (under DA/1180/2010).

Council's assessment in this regard concludes that the traffic assessment undertaken in 2010 and 2011 used RMS traffic generation rates of 0.29 vehicular trips per dwelling resulting in 23.2 trips during the peak hour. The RMS has since released updated traffic generation rates via Technical Direction TDT 2013-14 which is specific for high density residential apartments in convenient proximity to transport services and provides the following traffic generation rates:

- 0.19 vtpd per apartment in the morning peak
- 0.15 vtpd per apartment in the afternoon peak

Applying the above values, the proposed residential development would generate 17.7 vehicular trips per hour in the AM and 13.5 vehicular trips per hour in the PM peak period. Given the above, it is concluded that the traffic generation would be less than that anticipated during the assessment of the original application.

As per comments provided by RMS for the original proposal, the additional 23.2 vehicles could be readily accommodated by the local road network. The modified proposal would generate less traffic and is assessed as satisfactory in this regard. Consequently, further referral to RMS has not been undertaken.

2.6 State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land (SEPP 32)

The modified development would not alter the compliance of the original proposal with regard to SEPP 32.

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

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

State Environmental Planning Policy No. 65 (SEPP 65) has been amended on 19 June 2015 following review of the policy by the Department of Planning and Environment. The amendments replace the *Residential Flat Design Code* with the *Apartment Design Guide* which prevails in the event of any inconsistency with a Development Control Plan. The

amendments include objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development application. The amendments make further provision for design review panels; include additional provisions for the determination of development application and for standards for car parking, visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage, which cannot be used as grounds for refusal of development consent.

Clause 31 (Transitional provisions for *SEPP 65 – Amendment No. 3*) states that *"If a development application or an application for the modification of a development consent has been made after the notification on the NSW legislation website of the making of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3) and the application has not been finally determined before the commencement of that amendment, the application must be determined under this Policy as amended by that amendment."*

Pursuant to the above provision, this amendment is required to be applied to the subject application as it modifies an approved development and was lodged on 27 July 2015.

The design principles of SEPP 65 are addressed in the following table.

Principle	Compliance
1. CONTEXT AND NEIGHBOURHOOD CHARACTER	Yes
<p>Comment: This matter was assessed in detail under DA/1180/2010.</p> <p>The modified development maintains the use of the land as a church and a residential flat building within a distinctive, contemporary building form adjoining the southern edge of the Hornsby Town Centre and is considered to respond suitably to the 'context and neighbourhood character' principle of <i>SEPP 65</i>.</p>	
2. BUILT FORM AND SCALE	Yes
<p>Comment: The proposed modification would result in additional building bulk. However, it would retain the approved built form and scale under DA/1180/2010.</p> <p>The proposed building achieves an appropriate built form for the site and its purpose, in terms of building alignments, proportions, and the manipulation of building elements. The building would appropriately contribute to the character of the desired future streetscape. The proposed materials and finishes would add to the visual interest of the development. Flat roof forms have been adopted with an increased top storey setback on the external facades to minimise bulk and height of the building as required by the <i>Hornsby DCP</i>.</p> <p>The modified development achieves a built form and scale consistent with the desired</p>	

outcome for the high density residential precinct.	
3. DENSITY	Yes
Comment: The proposed density is considered to be sustainable as it responds appropriately to the regional context, availability of infrastructure, public transport and community facilities. The matter is discussed in Section 2.2.3 of this report.	
4. SUSTAINABILITY	Yes
Comment: The applicant has submitted a BASIX Certificate for the amended development. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy efficiency, the proposed development would achieve efficient use of natural resources, energy and water throughout its full life cycle, including demolition and construction.	
5. LANDSCAPE	Yes
Comment: The modified proposal does not alter the street level planting as previously approved. Given the above, the application satisfies the intent of the 'Landscape' principle of SEPP 65.	
6. AMENITY	Yes
Comment: The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas have been provided within each unit and in the basement levels. The proposal would provide convenient and safe access via two central lifts connecting the basement and all other levels.	
7. SAFETY	Yes
Comment: The modified proposal would not alter the compliance of the original proposal with regard to "safety and security".	
8. HOUSING DIVERSITY AND SOCIAL INTERACTION	Yes
Comment: The modified proposal incorporates a range of unit sizes to cater for different	

budgets and housing needs. The development complies with the housing choice requirements of the *Hornsby Development Control Plan* by providing a component of adaptable housing and a mix of 1, 2, 3 and 4 bedroom dwellings. The proposal responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services as the site is located in close proximity to Hornsby Railway Station and shops.

9. AESTHETICS

Yes

Comment: The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is flat and incorporates eaves which would cast shadows across the top storey wall. The articulation of the building, composition of building elements, textures, recycled materials and colours would achieve a built form generally consistent with the design principles contained within the *Apartment Design Guideline* and the *Hornsby DCP*.

2.8 State Environmental Planning Policy No. 65 – Apartment Design Guide

Amendment No. 3 of the *SEPP 65* also requires consideration of the *Apartment Design Guide*, *NSW Department of Planning and Environment 2015*. The Guide includes development controls and best practice benchmarks for achieving the design principles of *SEPP 65*. The following table sets out the proposal's compliance with the Guide:

Apartment Design Guide				
Control	Proposal	Requirement	Compliance	
Deep Zone/Communal Space Soil Open	As approved	N/A	N/A	
Ground Level Private Open Space	<15m ² (A104 – A108)	15m ²	No	
	Min Depth of 2.5m	Min Depth of 3m	No	
Solar Access (Living rooms and private open space areas)	70.7%	2 hours for 70% of units	Yes	
No Solar Access allowable for units	None	0 hours for 15% of units	Yes	

Natural Cross Ventilation	62.9% (56/89)	60%	Yes
Minimum Dwelling Size	1 br – 55m ² -71m ² 2 br – 70m ² -93m ² 3 br –99m ² - 104.5m ² 4 br - 116 m ² - 127 m ²	1 br – 50m ² 2 br – 70m ² 3 br – 90m ² 4 br – additional 12 m ²	Yes Yes Yes Yes
Habitable room depth from a window for open plan layout	7.2m (max)	8m from a window (max)	Yes
Minimum Ceiling Height	2.7m	2.7m (habitable rooms) 2.4m (non-habitable rooms)	Yes
Minimum Balcony Size	1 bedroom 10m ² (min. depth 2m) 2 bedroom 10m ² - 14 m ² (min. depth 2m) 3 bedroom 10m ² - 15 m ² (min. depth 2.5m)	1 bedroom 8m ² (min. depth 2m) 2 bedroom 10m ² (min. depth 2m) 3 bedroom 12m ² (min. depth 2.4m)	Yes Yes No
Maximum Number of Units on a Single Level	7 units – 11 units	8 units off a circulation core	No
Total Storage Area	1 br - > 6m ³ 2 br - > 8m ³ 3 br - > 10m ³ 50% accessible from the apartments	6m ³ (Min) 8m ³ (Min) 10 m ³ (Min) 50% accessible from the apartments	Yes Yes Yes Yes

As detailed in the above table, the amended development does not comply with a number of prescriptive measures within the *Apartment Design Guide (ADG)*. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.8.1 Solar and Daylight Access

The proposal demonstrates that 70.7% of units would receive at least 2 hours of solar access during the Winter Solstice which complies with the minimum 70% requirement under the *ADG*. The *ADG* also requires that not more than 15% of apartments receive no solar access. The proposal complies with this requirement.

2.8.2 Apartment Size and Layout

The amended residential flat building incorporates a mix of single aspect and corner units comprising of one, two, three and four bedroom apartments. The majority of apartments would be well ventilated with some corner units provided with dual aspect balconies.

The proposed layout of all units consist of open plan living/dining rooms that have a minimum width of 3.6m for one bedroom units and a minimum width of 4m for two and three bedroom units and all window areas in habitable rooms are greater than 10%. This complies with the controls of the *ADG*. As the majority of units have also been designed for adequate cross ventilation, it is considered that these layouts are well designed and functional with generous unit sizes for a majority of units.

The *ADG* also prescribes that master bedrooms have a minimum size of 10m² with a minimum dimension of 3m excluding wardrobes and all other bedrooms to have a minimum size of 9m² with a minimum dimension of 2.8m. The proposed bedroom sizes comply with these requirements. Conditions of consent are recommended to ensure that the wardrobes are sized as per the requirements of the *ADG*.

2.8.3 Visual Privacy

The *ADG* specifies the following building separation requirements to achieve the visual privacy between two adjoining residential developments as follows:

Up to 12m (4 storeys): 12m (habitable rooms and balconies)

Up to 25m (5 – 8 storeys): 18m (habitable rooms and balconies)

The building separation requirements would apply to the southern and eastern setbacks of the subject site and half of the separation requirement should be provided along these boundaries. The modified proposal would achieve the required building separation on both sides. A minor encroachment is noted on the eastern side as discussed below.

The terraces to Units 509 and 609 would have a setback of 16m from the balconies and windows of the adjoining eastern building. The non-compliance arises as the adjoining building does not step back at the upper levels. Notwithstanding, the balconies of the east facing units would not directly front any balcony of the adjoining building. They would only front the secondary living spaces. Therefore, the reduced building separation would not result in unreasonable impact on the privacy of the adjoining developments. Consequently, the minor non-compliance is acceptable. The amended layout reduces the extent of terraces on the southern and eastern sides and would improve the impact on the privacy of the adjoining

buildings. Consequently, the modified development is assessed as satisfactory with regard to visual privacy.

2.8.4 Ground Floor Apartments and Private Open Space

The proposal does not comply with the Guide's design criteria for the private open space area of 15m² with 3m minimum width dimension for the ground level units on the western side (A104 – A108).

However, these units are to be located 3.5m above the ground. Therefore, strict compliance with the objectives and the prescriptive measure in relation to this control is not appropriate for these units. Notwithstanding the above, the private open space areas for all units comply with the minimum area requirement for the similar upper floor units and would be capable of accommodating a table with 2 - 4 chairs. In addition, the proposed ground floor open space areas are appropriate for the respective ground floor units in respect to dwelling size, unit layout and amenity and have been designed in accordance with the requirements of Council's *HDCP*. As such, the numerical non-compliance is considered minor and is acceptable.

2.8.5 Private open space

As stated in the above table, a number of balcony dimensions do not comply with the *ADG* requirements. The non-compliances are discussed below.

- The private open space areas of a number of three bedroom units being A203 – A603, A204 – 604, A704 and A804 would be less than the required 12m². However, the sizes of the balconies are identical to that approved under DA/1180/2010. At the time of assessment of the original application, the non-compliance was accepted since the applicant demonstrated that suitable outdoor furniture could be accommodated within the balconies. Given the circumstances, the balcony sizes are acceptable in the current form.
- In addition, units A203 – A803 also include additional balconies accessed from bedrooms. The total area of the balconies for these units would exceed 12m².
- The balconies for a number of 2-bedroom units on the northern façade, being units A201 -801 and A202 – A802 would not have an area of 10m² with a minimum dimension of 2m. However, these balconies have been designed as originally approved and the total area exceeds the minimum requirement. Further, each contributing section of the balcony would exceed 1m in width. Given this, the non-compliances are acceptable.

2.8.6 Acoustic Privacy

The internal layout of the residential units is designed such that noise generating areas would adjoin each other wherever possible. Storage or circulation zones would act as a buffer between units and wardrobes in bedrooms are co-located to act as sound buffers where possible. Bedroom and service areas such as kitchens, bathrooms and laundries would be grouped together wherever possible. The proposal is consistent with the *ADG* with regard to acoustic privacy.

2.8.7 Storage

The proposed residential flat building includes storage areas within the apartments, accessed from either circulation or living areas and within the basement levels. The internal storage cupboards for Units A203 – 803 are located within the main circulation spaces of the units, which are not considered ideal. Accordingly, a condition of consent (Condition No. 2i) recommends the relocation of the storage cupboards for these units against another wall.

To ensure that the storage provided is proportional to the size of the apartment, a condition is recommended that each dwelling within the development has a minimum storage area of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units, where at least 50% is required to be located within the apartment and provided in addition to storage in kitchens, bathrooms and bedrooms.

2.8.8 Facades

The amended design of the residential flat building incorporates high quality facades with a balanced composition of varied building elements including a defined base, middle and top of the building. The proposal is consistent with the *ADG* with regard to facades.

2.8.9 Internal circulation

The *ADG* encourages natural light and ventilation to the circulation corridors at each level. The proposal does not comply with this requirement. However, the development is a modification to an approved development and maintains the same building envelope. Accordingly, the corridor design has not been substantially amended. Given this, the non-compliance is acceptable.

Further, it is noted that 11 units would be accessed from a single level which does not comply with the *ADG* requirements. To address this non-compliance, each level has been divided into two separate cores serviced by a lift and stairs. A maximum of six units would be serviced per core. Accordingly, the proposal achieves the intent of the design criteria and is assessed as satisfactory in this regard.

In summary, the modified development is designed in accordance with the design principles of *SEPP 65* and generally complies in respect to the *Apartment Design Guide* subject to the imposition of appropriate conditions of consent. It is considered the proposal would achieve good residential amenity and contribute to the desired future character of the high density precinct at the southern edge of the Hornsby Town Centre.

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

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

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

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

Clause 74BA of the *Environmental Planning and Assessment Act, 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.11 Hornsby Development Control Plan 2013

The original application was assessed and approved having regard to the relevant performance and prescriptive design requirements contained within Council's *High Density Multi-Unit Housing Development Control Plan*, the *Car Parking DCP*, the *Access and Mobility DCP* and the *Waste Management and Minimisation DCP*. The documents have since been replaced by the Hornsby Development Control Plan 2013 (HDCP).

The modified development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

Hornsby Development Control Plan 2013			
Control	Proposal	Requirement	Compliance
Height Basement Above Ground Setbacks Deep Soil Communal Open Space	Unchanged as approved	N/A	N/A
Parking	Church parking unchanged 91 resident spaces 13 visitor spaces 16 bicycle racks and visitor bicycle racks	N/A 91 resident spaces 13 visitor spaces 18 bicycle racks 9 visitor bicycle	N/A Yes Yes No

	4 motorbike spaces	racks 2 Motorbike spaces	No Yes
Housing Choice	44.9% - 2 br 33.7% - 1br 21.3% - 3 br +	10% of each type (min)	Yes
Adaptable Units	5.6%	30%	No

As detailed in the above table, the modified development generally complies with the prescriptive requirements within the *HDCP* except for the bicycle parking and the adaptability requirements. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant desired outcomes.

2.11.1 Desired Future Character

The site is located within one of the high density residential precincts. The locality is characterised by residential flat buildings of 6 or more storeys in height in landscaped settings with underground car parking opposite a heritage conservation area. The *HDCP* requires a development to demonstrate compatibility with the "Desired Future Character Statement" which states that development footprints maintain landscape corridors around development sites with limited façade widths, avoid continuous walls, consolidate communal open spaces, provide wrap around or corner balconies, well-articulated built forms, active living principles in prioritized pedestrian and cyclist entrances to buildings and connectivity to the public domain.

The proposed modification includes nine additional units within the building envelope of the approved development. The resultant built form would be consistent with the desired character for the precinct as outlined in the *HDCP*.

2.11.2 Height/Setbacks/Landscaping

The modified proposal would retain the height, setbacks, built-form, landscaping and security measures as approved under DA/1180/2010. The application is assessed as satisfactory in this regard.

2.11.3 Built Form/Separation and Privacy

The modified building would be appropriately separated from the neighbouring properties. The locations of the balconies and windows would not result in adverse impact on the privacy of the future occupants of the building or the adjoining buildings. The matter is discussed in detail in Section 2.8.3 of this report.

2.11.4 Open Space

The modified development achieves compliance with the ADG having regard to minimum size and dimension of open spaces. The non-compliances have been addressed in Section 2.8.4 and 2.8.5 of this report.

2.11.5 Housing Choice

The development includes a range of housing types and provision for people with disabilities and for aging in place in accordance *HDCP* prescriptive measures. However, as stated in the table above, the modified development does not include 30% adaptable units. The non-compliance is accepted due to the following reasons:

- The original proposal was approved as per the requirements of Council's *Access and Mobility Development Control Plan* which required 1 unit per 10 – 49 units to be adaptable. Accordingly, 2 units were proposed to be adaptable. The *Access and Mobility Development Control Plan* has since been repealed and replaced by *Hornsby Development Control Plan 2013* (HDCP) which requires 30% of the units to be adaptable. Given the unit layouts, compliance with *HDCP* cannot be achieved in this regard.
- The applicant argues that 30% of the nine additional units (being 3 units) have been proposed to be adaptable.
- A total of 5 units would be adaptable (including the two approved units). This constitutes 5.6% of the total yield. Given that the proposal is for modification to an approved development, the application is assessed as satisfactory in this regard.
- A condition of consent is recommended requiring the 5 units to be accessible for people with a disability.

2.11.6 Vehicular Access and Parking

As stated in the table, the modified proposal would require 104 residential car spaces in total. The basement includes 105 car spaces including disabled parking and a car wash bay and complies with this requirement. A condition of consent recommends the reallocation of the parking spaces to provide 91 resident car spaces and 13 visitors' car spaces.

As noted in the above table, the development would not comply with the bicycle parking requirements for the subject site. The original development included 8 bicycle racks and 8 motorbike parking spaces. The approved development includes 16 bicycle parking spaces in the forecourt area which is an improved outcome for the site. Given that the basement footprint is not increased, further bicycles cannot be accommodated within the basement.

Notwithstanding, it is noted that the basement carpark includes 2 spare motorbike parking spaces and one additional visitor's car space. A condition of consent requires these spaces to be utilised for resident bicycle parking. This would ensure that additional bicycle parking spaces are available for the future occupants.

The site is located in close proximity to public transport and provides satisfactory on-site car parking facilities. The shortfall is minor and considered acceptable.

2.11.7 Waste Management

The original proposal included a waste management plan with details of waste management during the demolition phase and the construction phase of building works.

The proposed development would require 5 x 660 litre garbage bins service thrice weekly, plus 10 x 240 litre recycling bins serviced twice weekly and 1 x 1100 litre paper/cardboard bin serviced weekly. A garbage room is proposed at the ground level at the same location as approved and is capable of accommodating the required number of bins.

Each residential level accommodates two garbage facilities including a garbage bin and a recycle bin in each service core. The garbage facility at each level can be accessed by persons with a disability.

The approved development allowed Heavy Rigid Vehicle truck access within the forecourt area to facilitate garbage collection, as per the requirements of the RMS. The modified development would retain this arrangement. No amendments are proposed to the garbage collection provisions for the church.

The modified proposal is assessed as satisfactory against the provisions of the *HDCP* in this regard.

2.12 Section 94 Contributions Plans

Given that the proposal would result in a modified unit mix, the applicable Section 94 contributions have been amended in accordance with the Hornsby Shire Council Section 94 Contributions Plan 2012-2021. The original approval required the Section 94 contributions to be paid prior to the issue of the Occupation Certificate. The timing of payment would remain unchanged.

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 Tree and Vegetation Preservation

The matter was discussed in detail within the assessment of the original application. The modified proposal does not change the impact of the development on the natural environment and no further assessment in this regard is necessary.

3.1.2 Stormwater Management

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

No amendments are proposed to the approved stormwater design.

3.2 Built Environment

3.2.1 Built Form

The modified development would retain the height of the approved development and therefore, would not alter the impact on the locality with regard to built-form. The additional bulk would be located within the approved building envelope and would be appropriate considering the character of the precinct.

The matters in relation to built-form of the modified proposal and the impact on the streetscape are discussed in detail in Sections 2.8 and 2.11 of this report.

3.2.2 Traffic

The impact of the modified development on the local traffic network has been discussed in Section 2.5.3 of his report.

3.3 Social Impacts

The matter has been assessed in detail within the assessment of the original development application. The proposed modification would improve the housing choice in the locality and have a positive social impact.

3.4 Economic Impacts

The matter has been assessed in detail within the assessment of the original development application. The modified proposal would add residential units and would not have a negative economic impact on the locality.

4. SITE SUITABILITY

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

The matter has been assessed in detail within the assessment of the original development application. No further assessment is necessary.

5. PUBLIC PARTICIPATION


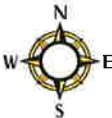
Section 79C(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 6 August 2015 and 26 August 2015 in accordance with the Notification and Exhibition requirements of the *HDCP*. During this period, Council received three submissions including one from the Owners Corporation of a nearby property. 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	
One submission with no address			

The submissions are discussed below:

5.1.1 Location of the driveway

- One submission considers the approved driveway location to be unsafe, being on the opposite side of Wanderers Way and in close proximity to a busy intersection. Further, the location of the driveway would not be visible to the eastbound drivers along Pretoria Parade.

Comment: The location of the driveway was assessed as satisfactory by Council and RMS, during the assessment of the original application. The amendments do not

propose to alter the approved access arrangements. Therefore, no further assessment in this regard is necessary.

Gaps in the traffic flow created by phasing of nearby traffic signals would assist drivers to access Pretoria Parade. Residents would also have the option of turning left on to Pretoria Parade to utilise the local network and avoid the busy intersection.

5.1.2 Updated traffic volume studies and traffic improvement policies

- One submission raises concerns that the modified development is based on the Traffic Studies undertaken in 2010 and 2011. Since then, the traffic situation in the locality has changed and therefore updated traffic volume studies should be undertaken prior to approving the increase in the number of units.

Comment: As discussed in Section 2.5.3 of this report, the proposal is classified as a Traffic Generating development, pursuant to the provisions of *SEPP (Infrastructure)*. The original traffic report approved by RMS stated that the proposed development would generate 23.5 vehicle trips per hour (vtp) during peak periods. Since then RMS has published updated traffic generation rates via Technical Direction TDT 2013-14 specifically for residential flat buildings in convenient proximity to transport services as follows:

- 0.19 vtp per apartment in the morning peak
- 0.15 vtp per apartment in the afternoon peak

Application of the above criteria shows that the modified development would generate 17.7 vtp during AM peak hour and 13.5 vtp during PM peak hour.

The updated traffic generation assessment in accordance with RMS TDT 2013-4 indicates that the development will not result in an increase of traffic when compared with the approved development which was assessed under the old traffic guidelines.

5.1.3 Impact on the structural condition of adjoining properties

A resident of No. 105 Pacific Highway raises concerns that the development would result in structural deterioration of the residential flat building on this allotment.

Comment: The subject site does not adjoin No. 105 Pacific Highway and is separated by Pretoria Parade. It is not considered that excavation of this site would have adverse impact on the structural condition of No. 105 Pacific Highway.

5.1.4 Impact on solar access of adjoining properties

A resident of No. 105 Pacific Highway raises concerns that the proposed development would restrict solar access to the existing residential units on this site.

Comment: No. 105 Pacific Highway is located on the northern side of the proposed building. Therefore, the development would not restrict solar access to the existing development on this allotment.

5.1.5 Impact of the construction works on Wanderers Way

Submissions raise concern that the increase in heavy vehicles involved in the construction process would cause damage to Wanderers Way, which is a private road. Further, on-going construction works are causing disruption to local traffic and this development would increase the congestion in the area.

Comment: In order to address the above concern, a condition of consent (No. 11B) is recommended requiring the submission of a Construction Traffic Management Plan to Council prior to the issue of the Construction Certificate, for approval. This would ensure that construction activity in the area is coordinated to minimise impact on local traffic.

5.1.6 Traffic improvement policies in the area

- The original Traffic Impact statement supporting the development application indicated queuing problems for eastbound traffic at the Pacific Highway/College Crescent intersection, especially for traffic exiting right from driveway of the proposed development. The submission enquires whether Council intends to undertake its own assessment of this critical location propose any traffic control/road changes to assist the queuing problem.

The submission also raises concerns that no amendments to the traffic management of the area have been proposed under this development application including widening of the railway bridge on Pretoria Parade.

Comment

Traffic Management Measures

The original application included a detailed Traffic Report and traffic modelling of the nearby intersection. Council's assessment of the traffic modelling results concluded that east bound traffic on Pretoria Parade would queue across the driveway to the proposed development. However, RMS considered that this queuing is minor and would not have any impact on the local road network. Accordingly, concurrence was granted to the proposal. The current application does not alter the access to the site and would generate less traffic than anticipated. Therefore, the modification would not adversely impact on the local road network.

As stated earlier, phasing of the traffic signals at the intersection would allow vehicles to pass and turn right on to Pretoria Parade from the subject driveway.

Notwithstanding, Council's Traffic Branch will monitor and review the parking conditions on Pretoria Parade, adjacent to the driveway once the development is operational and refer the matter to the Hornsby Local Traffic Committee, should further parking restrictions be warranted, in accordance with Council's "Code - Parking Restrictions near Driveways and Laneways".

Railway Bridge

The railway bridge is owned by State Rail and there are no proposals to widen the bridge at this time.

5.2 Public Agencies

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

5.2.1 RailCorp

RailCorp has reviewed the application and raises no objections to the proposed modification subject to an additional condition regarding the high voltage power lines that adjoin the development to its west.

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

CONCLUSION

The application proposes to amend the approved mixed use development comprising a church and a ten storey residential flat building by providing nine additional residential units within the approved building envelope and amend the façade design to reflect the internal layout. The modification would result in an increase of the gross floor area of the residential premises by 234.8m².

The proposal would be consistent with Section 96(2) of the Environmental Planning and Assessment Act, 1979 and is substantially the same development as originally approved.

The modified proposal is assessed as satisfactory having regard to matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979.

Having regard to the circumstances of the case, approval of the modification 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.

SCHEDULE 1

Date of 1st modification:	25 October 2012
Details of 1st modification:	Section 96(1A) to reword the deferred commencement condition
Conditions Added:	None
Conditions Deleted:	None
Conditions Modified:	Deferred Commencement Condition (A)
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Date of 2nd modification:	30 January 2013
Details of 2nd modification:	Section 96(1A) to reword the deferred commencement condition
Conditions Added:	None
Conditions Deleted:	None
Conditions Modified:	Deferred Commencement Condition (A)
<hr/>	
Date of 3rd modification:	20 February 2013
Details of 3rd modification:	Section 96(1) to correct a typographical error in the wording of the deferred commencement condition
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	Deferred Commencement Condition (A)
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Date of 4th modification:	28 October 2015
Details of 4th modification:	Section 96(1A) to reword the deferred commencement condition
Conditions Added:	None
Conditions Deleted:	None
Conditions Modified:	A

Date of this modification: 2 December 2015

Details of this modification: Section 96(2) to modify the residential flat building by adding nine units, amending the façade design and residential component of the basement carpark and minor amendments to the forecourt area

Conditions Added: 2(i), 11A, 11B, 30f, 30g, 48f, 48g

Conditions Deleted: 2d, 2f, 36, 55a, 55c

Conditions Modified: 1, 2a, 2c, 2e, 2g(iii), 7, 8, 39, 44, 55d

CONDITIONS OF APPROVAL

Deferred Commencement

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

- a) The Council road, Pretoria Lane, must be purchased, closed and the resultant allotment registered with NSW Land and Property Information.

Such information shall be submitted by 25 August 2016.

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

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Plan name	Plan and Rev No.	Drawn by	Dated
Survey and Locations Plan	DA01-B	Nelson Architecture	2/12/2010
Site Analysis Plan	DA02-A	Nelson Architecture	17/09/2010
Level B2 Plan	A1.01 - C	Giles Tribe Architects	1/09/2015
Level B1 Plan	A1.02 - C	Giles Tribe Architects	1/09/2015
Level 1 Plan	A1.03 - C	Giles Tribe Architects	1/09/2015
Level 2 – 6 Plan	A1.04 - C	Giles Tribe Architects	1/09/2015
Level 7 – 8 Plan	A1.05 - C	Giles Tribe Architects	1/09/2015
Level 9 Plan	A1.06 - C	Giles Tribe Architects	1/09/2015
Level 9 Mezzanine Plans	A1.07 - C	Giles Tribe Architects	1/09/2015
Level 1 Floor Plan	DA05-J	Nelson Architecture	1/07/2011
Level 2 Floor Plan	DA06-D	Nelson Architecture	1/07/2011
Level 3 (Typical) Floor Plan	DA07-D	Nelson Architecture	1/07/2011
Roof Plan	DA10-C	Nelson Architecture	27/05/2011

Furniture Layout and Storage Plans Level 1, 2- 6, 7 – 8, 9 and 9 mezzanine	-	Giles Tribe Architects	Received on 1/10/2015
Church Elevations and Section	DA11-C	Nelson Architecture	27/05/2011
Elevations	A1.08 - C	Giles Tribe Architects	1/09/2015
Sections	A1.09	Giles Tribe Architects	15/07/2015
Site 3D Views	DA14-C	Nelson Architecture	27/05/2011
Photomontage	-	Giles Tribe Architects	Received on 1/10/2015
Montage Views	DA19-B	Nelson Architecture	27/05/2011
Indicative Land Title information	DA20-A	Nelson Architecture	17/09/2010
Hydraulic Services existing site plan and legend and erosion and sediment control assessment	HD01/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B2 Drainage	HD02/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B1 Drainage	HD03/P4	Whipps-Wood Consulting	18/01/2010
Roof Plans and Details of Drainage	HD04/P4	Whipps-Wood Consulting	18/01/2010
Erosion and Sediment Control Plan	HD05/P1	Whipps-Wood Consulting	18/01/2010
Landscape Plan	DA1-D	Isthmus Pty Ltd	May 2011
Landscape Details A and B	DA2-D	Isthmus Pty Ltd	May 2011
Landscape Details C	DA3-D	Isthmus Pty Ltd	May 2011
Landscape Details D	DA4-D	Isthmus Pty Ltd	May 2011
Landscape Details	DA5-D	Isthmus Pty Ltd	May 2011
Landscape Planting Plan	L01 – A	Susan Read Landscapes	September 2015

Document No.	Prepared by	Dated
SH001 – Site Shadows June	Giles Tribe Architects	17/08/2015
SH009 – North Elevation Shadows	Giles Tribe Architects	9/02/2015
SH010 – East Elevation Shadows	Giles Tribe Architects	9/02/2015
SH011 – West Elevation Shadows	Giles Tribe Architects	9/02/2015
BASIX Certificate No. 655178M_02	BASIX Services Australia	11/09/2015
Assessor Certificate Multiple dwellings	David Cooper	11/10/2010
Noise and Vibration Intrusion Report	Day Design Pty Ltd	23/12/2010
Noise Assessment Report	Day Design Pty Ltd	11/02/2010
Internal Acoustic Report for the Church	Day Design Pty Ltd	11/02/2010
Geotechnical Investigation Report + Assessment of Impact on Rail Corridor (Ref 23055Z Hrpt)	Jeffery and Katauskas Pty Ltd	28/07/2009 and 20/06/2011
Addendum to Geotechnical Report and dwg SK1 and Sk2	Simpson Design Associates	
Preliminary Environmental Site Assessment	ASBOS	January 2011
Hazardous Material Survey Report	ASBOS	November 2010
Asbestos Clearance Certificate	ASBOS	19/08/2008
Letter on Soil Contamination	ASBOS	11/04/2011
Information on Substation	ABBA Consulting Engineers	12/10/2010

Traffic Report (10017) + Supplementary Traffic Advice + Traffic Modelling	Transport and Traffic Planning Associates	August 2010, 8/03/2011 and 7/01/2011
Traffic Impact and Carpark and Driveway Certification	Northgrace Unit Trust	September 2015
Preliminary Building Access Review	NBRS + Partners	22/10/2010
Waste Management Plan (Construction and Demolition only)	NBRS + Partners	14/09/2010
Design Verification Statement	Stuart Hill	15/07/2015
Design Issues, Information on On-going Waste management for the site and Storage areas	NBRS + Partners	30/05/2011
Statement of Environmental Effects	Planning Strategies	September 2010
Statement of Environmental Effects	James Nangle	September 2015
ADG Table	Giles Tribe Architects	Received on 1/10/2015
Apartment Schedule	Giles Tribe Architects	Received on 1/10/2015
Landscape Statement	Mathew Wood	September 2010
Coloured elevations A1.008	Giles Tribe Architects	15/07/2015

2. Amendment of Plans

- a) The approved plans listed below are to be amended to incorporate the floor plan of the church and all associated landscaping works approved under DA05 – J, DA06 – J , DA07 – J prepared by Nelson Architecture dated 1/07/2011:

Plan name	Plan and Rev No.	Drawn by	Dated
Level 1 Plan	A1.03 - C	Giles Tribe Architects	1/09/2015
Level 2 – 6 Plan	A1.04 - C	Giles Tribe Architects	1/09/2015

- b) The height of the proposed steel cross as marked in DA-11C be reduced to be no higher than 15 metres from the ground level of the entry forecourt area of the church.
- c) The following plans are to be amended to incorporate the approved floor plan of the residential flat building in "A1.03 – C prepared by Giles Tribe Architects dated 1/09/2015", the approved "Basement floor plans A1.01 – C and A1.02 – C prepared by Giles Tribe Architects dated 1/09/2015" and the "Landscape Planting Plan L01 – A, prepared by Susan Read Landscapes dated September 2015":

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

- d) Delete

- e) The approved "*West Elevation*" in the approved plan A1.08 – C, prepared by *Giles Tribe Architects* dated 1/09/2015 is to be amended so that the upper level balconies/ terraces, external fire escapes, roof terraces and ground level terraces located within 20 metres of the rail corridor incorporate the following design requirements:
 - i) A 2 metre high glass wall/balustrade along the western elevation of all balconies at ground level;
 - ii) Enclosure of the western elevation of the upper level balconies and roof terraces on the western façade of the building by providing 1 metre high glass louver screening (maximum 80 mm opening) on top of 1 metre high balustrade.
- f) Delete
- g) The following details must be incorporated in the approved plans in accordance with the Preliminary Building Access Review prepared by NBRBS + Partners dated 22/10/2010:
 - i) The auditorium seating to include at least three wheel chair accessible spaces
 - ii) The doors to the church premises must have 850 mm clear opening dimensions
 - iii) Delete
 - iv) Increase the clear dimension of all accessible toilets within the church building to comply with AS1428.1
- h) The Noise and Vibration intrusion report prepared by Day Design Pty Ltd dated 23/12/2010 must be amended to include the modified unit numbers approved under this development consent.
- i) The storage cupboards within units A103 – A803 must be relocated so that the main circulation space is not obstructed. Details are to be provided with the Construction Certificate Plans.

3. **Removal of Existing Trees**

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. **Building Code of Australia**

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

5. **Contract of Insurance (Residential Building Work)**

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

6. Water/Electricity Utility Services

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

- a) *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Sydney Water* – the submission of a 'Notice of Requirements' under s73 of the *Sydney Water Act 1994*.

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

7. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining properties at Nos. 6 – 8 College Crescent and Nos. 10 – 12 College Crescent, Hornsby.

8. Adaptable Units/Letter Boxes/Acoustic Measures/Storage/wardrobes/Waste Facility

- a) The Construction certificate plans must demonstrate compliance with the following:
 - i) Recommendations in Section 7 of the "Noise and Vibration Intrusion Report" prepared by Day design Pty Ltd dated 23/12/2010 and as amended by Condition 2(h) of this development consent.
 - ii) Recommendations in Section 6 of the "Environmental Noise Impact Statement" prepared by Day Design Pty Ltd dated 11/02/2010.
 - iii) Recommendations in Section 4 and 5 of the "Internal Acoustics Report" prepared by Day Design Pty Ltd dated 11/02/2010.
- b) The development is required to provide 5 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan 2013. In this regard, 5 car parking spaces are to be designed for people with a disability and allocated to 5 accessible units. The details of all adaptable units must be provided with the Construction Certificate plans;
- a) The waste facility on each residential level must be accessible by persons with a disability;
- b) The letter boxes must be located as shown on the approved A1.03 - C. Details are to be included in the Construction Certificate Plans;

- c) The main bedroom (labelled as "Master bedroom" in the approved plans) of each dwelling must be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high;
- d) All bedrooms (other than the "Master Bedroom") must have a wardrobe of minimum length 1.5m; and
- e) Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units, where 50% is required to be located within the apartment and accessible from either the hall or living area. Details must be submitted with the Construction Certificate plans.
- f) The bin rooms at each residential level space must be a minimum 1400 mm wide by 900 mm deep. The bin rooms at the ground level (not the common garbage room) must be a minimum 2100 mm wide by 600 mm deep. The bin cupboard door opening is to be centred on the bins and is to be a minimum 1400mm wide except for the ground level where it is to be a minimum 2100mm wide

9. Waste Management Plan

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

10. Cycleway approval

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

11. Window Opening Requirements

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

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

11A. Certification of Traffic Engineer

Prior to the issue of a Construction Certificate a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS 2890.1, AS 2890.2 and the approved Development Consent plans and conditions.

11B. Construction Traffic Management Plan

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan with scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller must be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:

- a) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- b) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.
- c) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Roads and Maritime Services or Hornsby Shire Council.
- d) The Plan shall be generally in compliance with the requirements of the Road and Maritime Service's "Traffic Control at Worksites Manual 1998" and detailing:-
 - i) Public notification of proposed works;
 - ii) Long term signage requirements;
 - iii) Short term (during actual works) signage;
 - iv) Vehicle Movement Plans, where applicable;
 - v) Traffic Management Plans;
 - vi) Pedestrian and Cyclist access and safety;
- e) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- f) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.

- g) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
- h) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Roads and Maritime Services or Hornsby Shire Council is to be made prior to the issue the Construction Certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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12. Site Remediation Verification

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

13. Erection of Construction Sign

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

- a) Showing the name, address and telephone number of the principal certifying authority for the work.
- b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours.
- c) Stating that unauthorised entry to the work site is prohibited.

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

14. Protection of Adjoining Areas

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b) Could cause damage to adjoining lands by falling objects.
- c) Involve the enclosure of a public place or part of a public place.

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

15. Toilet Facilities

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

- a) be a standard flushing toilet connected to a public sewer; or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

16. Erosion and Sediment Control

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

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

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

17. Construction Work Hours

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

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

18. Demolition

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

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

- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

19. Environmental Management

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

20. Council Property

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

21. Excavated Material

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

22. Landfill

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

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b) A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

23. Survey Report – Finished Floor Level

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

- a) The building, retaining walls and the like have been correctly positioned on the site.
- b) The finished floor levels are in accordance with the approved plans.

24. Contamination during construction works

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

25. Waste Management

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written record of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

- a) The identity of the person removing the waste.
- b) The waste carrier vehicle registration.
- c) Date and time of waste collection.
- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.
- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) Whether the waste is expected to be reused, recycled or go to landfill.

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

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

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

26. Fulfilment of BASIX Commitments

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

27. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water.

28. Stormwater Drainage

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

- a) Connected to the existing Council piped drainage system.

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

29. On Site Stormwater Detention

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

- a) Have a capacity of not less than 40.8m³ cubic metres, and a maximum discharge (when full) of 73.5 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

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

30. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary be obtained from Council.
- b) The driveway be a rigid pavement.
- c) The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
- d) The driveway servicing the garbage collection area must have a minimum width at the kerb and at the boundary line of 5.5 metres. A 2.0 metre splay is to be provided on each side of the driveway at the boundary for safety purposes in accordance with *Figure 3.3 of AS 2890.2 – 2004*.
- e) The common driveway servicing the residential and church component of the development area must have a minimum width at the kerb and at the boundary line of 6.0 metres.

- f) The forecourt area (including vehicle turning area, loading area and site entry/exit) to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Heavy Rigid Vehicles.

- g) Details are to be submitted with the Construction Certificate Plans.

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

31. Footpath

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

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

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

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

32. Vehicular Crossing

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

- a) The vehicle crossing for the garbage collection area must have a minimum width of 5.5 metre and be constructed of 200mm thick concrete and reinforced with 2 layers of F72.
- b) The vehicle crossing for the driveway to the basement must have a minimum width of 6.0 metres and be constructed of 150mm thick concrete and reinforced with F72.

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

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

33. Road Works

All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and a separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council. The engineering plans must address the following requirements:

- a) The existing kerb and gutter across the frontage of the site in College Crescent and Pretoria Parade is to be removed and reconstructed.
- b) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

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

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

34. Cycleway

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

- a) A pram ramp to be constructed at the Pretoria Parade entrance of the cycleway.
- b) The cycleway to be constructed so as not create a drainage nuisance.
- c) The shared cycleway is to be appropriately line marked and signposted in accordance with the NSW Bicycle Guidelines.
- d) A "U Rail" is to be constructed at the Pretoria Parade frontage in accordance with the requirements of Austroads.
- e) The cycleway to be appropriately lighted.

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

35. Damage to Council Assets

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

36. Delete

37. Creation of Easements

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

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b) To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.
- c) The creation of an easement for a minimum 3 metre wide pedestrian pathway and cycleway benefitting Hornsby Shire Council.

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

38. **Works as Executed Plan**

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

39. **Completion of Landscaping**

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

- a) Street tree planting to include two (2) *Jacaranda mimosifolia* (jacaranda) trees planted at a minimum pot size of 75 litres within the Pretoria Parade frontage as marked on the approved Landscape Plan.
- b) Street tree planting to include two (2) *Sapium sebiferum* (Chinese tallow wood) trees minimum 75 litre pot size at a minimum pot size of 75 litres on the College Crescent frontage as marked on the approved Landscape Plan.
- c) On slab planter boxes to include automatic drip irrigation, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric), and waterproofing.

- d) 500 mm soil depth and 75mm mulch be provided for shrubs.
- e) 1000 mm soil depth and 75 mm mulch be provided for trees and palms.

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

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

40. **External Lighting**

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

41. **Garbage Collection Easement**

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

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

42. **Cooling Towers**

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

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

- a) Type of system.
- b) The address of the premises on which the system is installed.

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

43. **Car Park Management Plan**

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

44. **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	\$ 107,823.35
Open Space and Recreation	\$ 1,053,412.30
Community Facilities	\$ 146,858.80
Plan Preparation and Administration	\$ 4,400.75
TOTAL	\$1,312,495.20

being for 1 x studio, 29 x 1-bedroom, 40 x 2-bedroom, 17 x 3-bedroom and 2 x 4 bedroom units with a credit of four residential lots.

- b) The value of this contribution is current as at 9 November 2015. If the contributions are not paid within the financial quarter that this condition was generated, 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:

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

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

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

CPI_{dc} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

- c) The monetary contributions shall be paid to Council:
- i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

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

45. **Accessibility Requirements**

- a) Handrails must be provided on both sides of the stairways required to access the church and the associated facilities.
- b) Tactile ground surface indicators are to be positioned at the top and bottom of all stairs and ramps
- c) Kitchen cupboards and equipments must not obstruct wheelchair access around doors
- d) Braille and tactile signage must be provided to all sanitary facilities and directional signage to the facilities must be provided from the main foyer

46. **Kitchen Exhaust Installation**

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

47. **Construction for a safe environment**

The site must include the following elements:

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

- b) The entryway to the site be illuminated in high luminance at all times
- c) The communal open space at the rear of the site be illuminated with high luminance by motion sensor lighting
- d) The service areas of the ground floor including the garbage room be illuminated with high luminance by motion sensor lighting
- e) The forecourt area and the pathway to the rear communal open space be illuminated during night time with low luminance.
- f) The plaza in front of the church must be illuminated during night time with low luminance.
- g) A small inspection window be installed in the stairwell door to allow viewing from inside prior to exiting the building.
- h) The driveway and the basement carpark is to be illuminated with low luminance at all times.
- i) Anti-graffiti paint be used for the walls adjacent to College crescent and Pretoria Parade.
- j) Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas.

48. **Waste Management Details**

The following waste management requirements must be complied with:

- a) The bin storage room must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation.
- b) A report must be prepared by an appropriately qualified person, certifying the following:
 - 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.

- c) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.
- d) Space must be provided for either individual compost containers for each unit or a communal compost container;
Note: The location of the compost containers should have regard for potential amenity impacts.
- e) The bin carting route must be devoid of any steps.
Note: Ramps between different levels are acceptable.
- f) A bin lifter must be provided for decanting the 240 L garbage bins into the 660 L garbage bins.
- g) Prior to residential occupation, a 240 L garbage bin with red lid is to be provided and installed in each waste facility (bin cupboard) on each residential level, except for the ground level where two 240 L garbage bins with red lid are to be provided and installed. A 240 L recycling bin is to be installed in each waste facility next to the 240 L garbage bin(s).

OPERATIONAL CONDITIONS

49. Use of Premises

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

50. Maximum Capacity of Premises

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

51. Hours of Operation

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

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

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

52. Car Parking and Deliveries

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

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

53. Noise

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

54. Fire Safety Statement - Annual

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

55. Waste Storage area and waste management

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

- a) Delete
- b) Site security measures be implemented to prevent access to the waste storage rooms by waste removal services.
- c) Delete
- d) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, decanting the 240 L garbage bins into the 660 L garbage bins, 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. The site caretaker must be employed for a sufficient number of hours each week to allow all

waste management responsibilities to be carried out to a satisfactory standard.

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

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

56. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

57. Landscape Establishment

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

58. Substation operation

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

CONDITIONS OF CONCURRENCE – STATE RAIL

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

59. Construction Certificate Plans

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

- a) All methods to be followed for excavation and construction works be detailed in the construction certificate plans and specifications, in accordance with the methodology/recommendations detailed in the Geotechnical Investigation Report prepared by Jeffery Katauskas Pty Ltd dated 20/07/2009, additional Geotechnical Analysis Report prepared by Jeffery Katauskas Pty Ltd dated 26/06/2011, Report and dwg SK1 and SK2 prepared by Simpson Design and Associated Consulting Engineers dated May 2011 and be endorsed by RailCorp.
- b) No rock anchors/bolts are to be placed within RailCorp's property or easements.
- c) A registered surveyor must prepare a survey plan locating the development with respect to the rail boundary and rail infrastructure and the plan be endorsed by RailCorp.
- d) A report be prepared by a qualified Electrolysis expert on the Electrolysis Risk of the development from stray currents and the measures to be incorporated to control that risk.
- e) The recommended measures to control the electrolysis risks be included in the construction certificate plans.
- f) Plans and documentation must be submitted to RailCorp incorporating details of all craneage and other aerial operations prior to works commencing on site.

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

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

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

- h) A report be prepared by a qualified structural engineer demonstrating that the development satisfies the requirements of AS5100 and this report be endorsed by RailCorp.
- i) Written confirmation from RailCorp is required for any works to be undertaken or access within the rail corridor or its easements.

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

60. Rail Services

- a) Identification and location of all rail services within the development site or in the near vicinity of the site must be established prior to the issue of the

Construction Certificate. The persons performing the search must use equipment that do not impact on the rail services or signalling.

- b) Note: The applicant must obtain advice from RailCorp regarding the need to undertake such a search for the site.
- c) Should rail services be identified within the development site, the applicant must discuss with the RailCorp regarding relocation of the services or incorporation within the proposed development.
- d) A joint inspection of all rail infrastructure and rail property in the near vicinity of the development (dilapidation survey) is to be conducted jointly by a RailCorp representative and the applicant prior to the issue of the Occupation Certificate. The dilapidation survey is to establish the extent of an existing damage (if any) and identify the extent of deterioration of that damage during construction works on the site.

61. Dilapidation Report

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

62. Vibration Monitoring System

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

63. Reflective materials

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

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

64. Placing of machinery

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

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

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

65. Environmental Harm

- a) The construction/demolition works must not result in any environmental harm to the rail corridor at any stage of the development.
- b) The construction /demolition works and the on-going use on the site must not result in any pollutant entry to the rail corridor.
- c) The stormwater from the development site must be adequately disposed off and managed. This development consent does not allow any disposal of stormwater on to the rail corridor without prior approval from RailCorp.

66. Access to Rail corridor

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

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

67. Maintenance

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

CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES

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

68. Design of the Access driveways

- a) The layout of the access driveway to the site must be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- b) Any redundant driveways must be removed and replaced by kerb and gutter to match the existing.

69. Stormwater discharge

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

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

Details should be forwarded to:

The Sydney Asset Management

Roads and Traffic Authority

PO BOX 973 Parramatta CBD 2124

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

70. Road Occupancy License

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

71. Construction works

- a) All demolition and construction vehicles are to be contained within the site and vehicles must enter the site before stopping.
- b) A construction zone is not permitted on College Crescent.
- c) The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.

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

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

- 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.

Advertising Signage – Separate DA Required

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

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Rain Water Tank

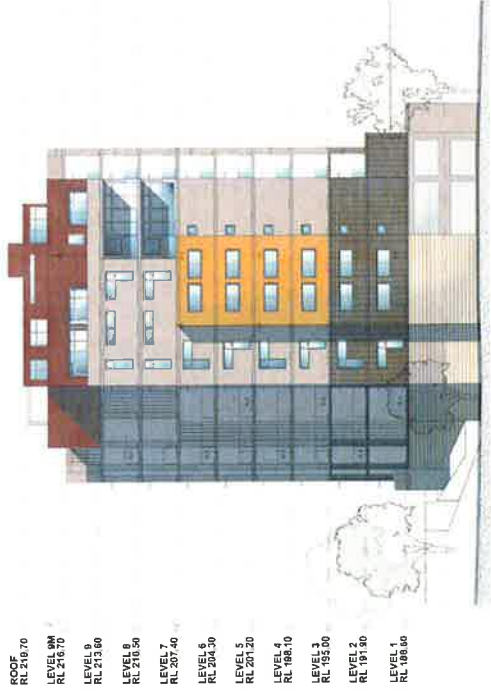
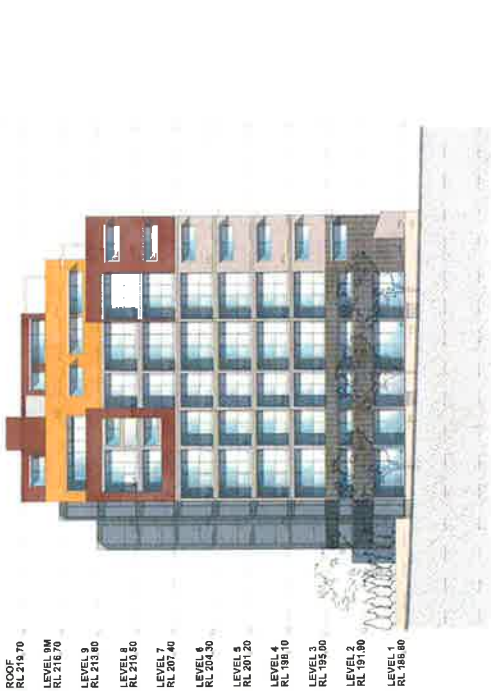
It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Council Notification – Food Premises

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

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

Item 1
JRPP 2015SYW141
DA1180/2010
1-3 Pretoria Parade and
2-4 College Crescent
Hornsby
Supporting Documents



LEGEND:

- GLASS - GLASS CURTAIN WALL (GLASSWALL)
- BRICK - BRICK CURTAIN WALL (BRICKWALL)
- CONCRETE - CONCRETE CURTAIN WALL (CONCRETEWALL)
- STEEL - STEEL CURTAIN WALL (STEELWALL)
- WOOD - WOOD CURTAIN WALL (WOODWALL)
- ROOF - ROOF CURTAIN WALL (ROOFWALL)
- WALL - WALL CURTAIN WALL (WALLWALL)
- WALL - WALL CURTAIN WALL (WALLWALL)

Project & Client
Proposed New Ministry Centre
Palston Parade & College Crescent, Hornsby NSW

Hornsby Baptist Church

Architect
NBRSPARTNERS
Level 3, 4 Glen Street, Mosman NSW 2086 Australia
612 9522 2344 612 9522 1308
architect@nbrspartners.com.au www.nbrspartners.com.au

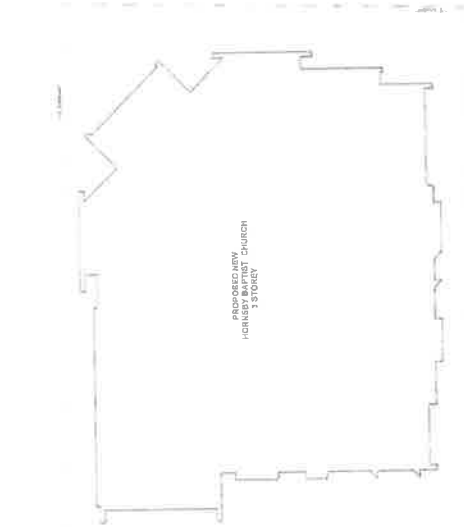
GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS
Level 3, 4 Glen Street, Mosman NSW 2086 Australia
612 9522 2344 612 9522 1308
giles@tribe.com.au www.tribe.com.au

HORNSBY BAPTIST CHURCH - APARTMENTS
CAN COLLEGE CRES & PRETORIA PDE

HORNSBY

ELEVATIONS

15004 A1.08



COLLEGE CRESCENT

Architect
NBBJ + PARTNERS

Level 3 c. Golan Street Mirassol Point NSW 2061 AU
T. 61 2 9922 2364 F 61 2 9922 1308
E architect@mirassol.com.au W www.mirassol.com.au

GILES TRIBE ARCHITECTS
600 LUTHER A. LUTHER PLACE
DALLAS, TEXAS 75201
(214) 741-1111

David B. 263 Commerce Street, NEWARK, NJ 07102-1000
 (908) 621-0291; Karen V. 1000 Broadway, NEWARK, NJ 07102-1000
 (908) 621-0291; Fax: (908) 621-0291

HORNSBY BAPTIST CHURCH - APARTMENTS
CNR COLLEGE CRES & PRETORIA PDE

HORNBY

LEVEL 2-6 PLAN

100 200 300 400 500 600 700 800 900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 2500 2600 2700 2800 2900 3000 3100 3200 3300 3400 3500 3600 3700 3800 3900 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000



Energy Rating

☒ people starting today

“I’ve just discovered (asked for a trial copy)
I couldn’t wait until I got my own copy.”

Get your 100 pages today! ☒ Yes, send me a
free trial copy today!

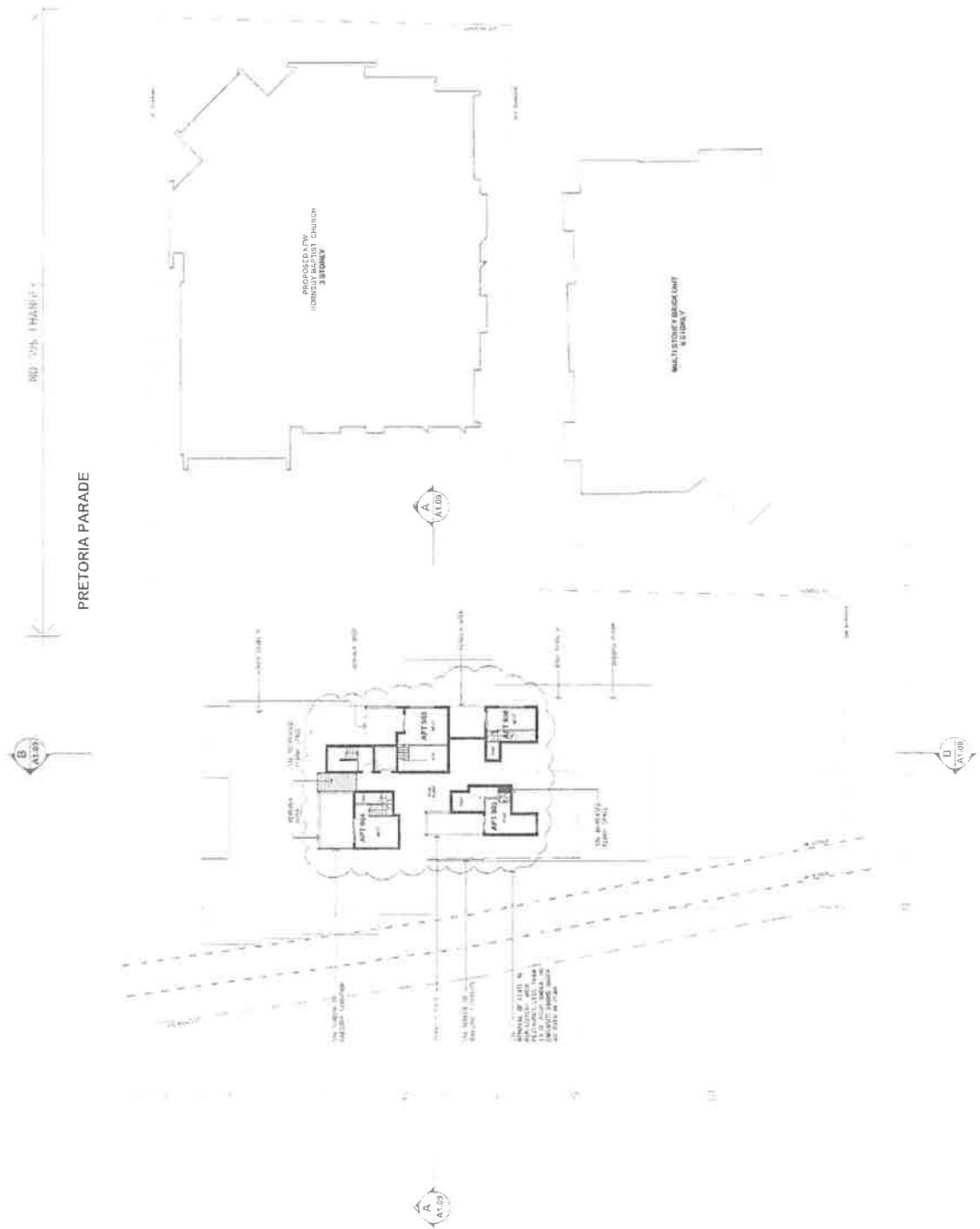
Discover Your Leadership Potential

Circle 10 on Reader Service Card



LEVEL 9 PLAN

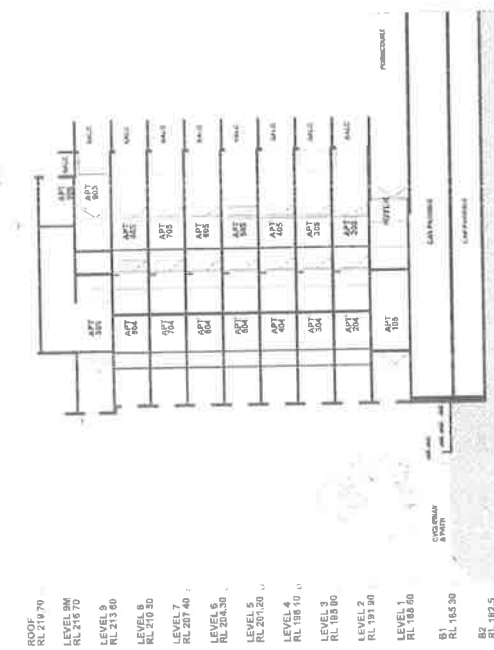
15004 A1.06C



LEVEL 9 MEZZANINE PLAN



Energy Rating 4.5 out of 6 15004 A1.07C	
Project Details Project Name: 15004 A1.07C Project Address: 15004 A1.07C Project Type: Residential Project Status: Approved	
Client Details Client Name: 15004 A1.07C Client Address: 15004 A1.07C Client Contact: 15004 A1.07C	
Design Details Design Name: 15004 A1.07C Design Address: 15004 A1.07C Design Contact: 15004 A1.07C	
Approval Details Approval Name: 15004 A1.07C Approval Address: 15004 A1.07C Approval Contact: 15004 A1.07C	
Notes 1. This is a preliminary drawing and should not be used for construction without the approval of the relevant authorities. 2. All dimensions are in millimeters unless otherwise stated. 3. The drawing is the property of the architect and should not be reproduced without written permission.	



Project & Client:
Proposed New Ministry Centre

Project Location & Contact Location: Homsey 1959

Homsey Baptist Church

A 1001

NBRSPARK11NRS

Level 3, 4 Glen Street, Homsey Post, NSW 2007 Australia
T 01202 23244 F 012022 1306
L admin@nbspark.com.au W www.nbspark.com.au

NBS+PARINERS
Level 3, 4 Glen Street, Alounga Point NSW 2205 Australia
T 012 0022 2344 F 012 0022 1308
E auccat@nbspariners.com.au W www.nbspariners.com.au

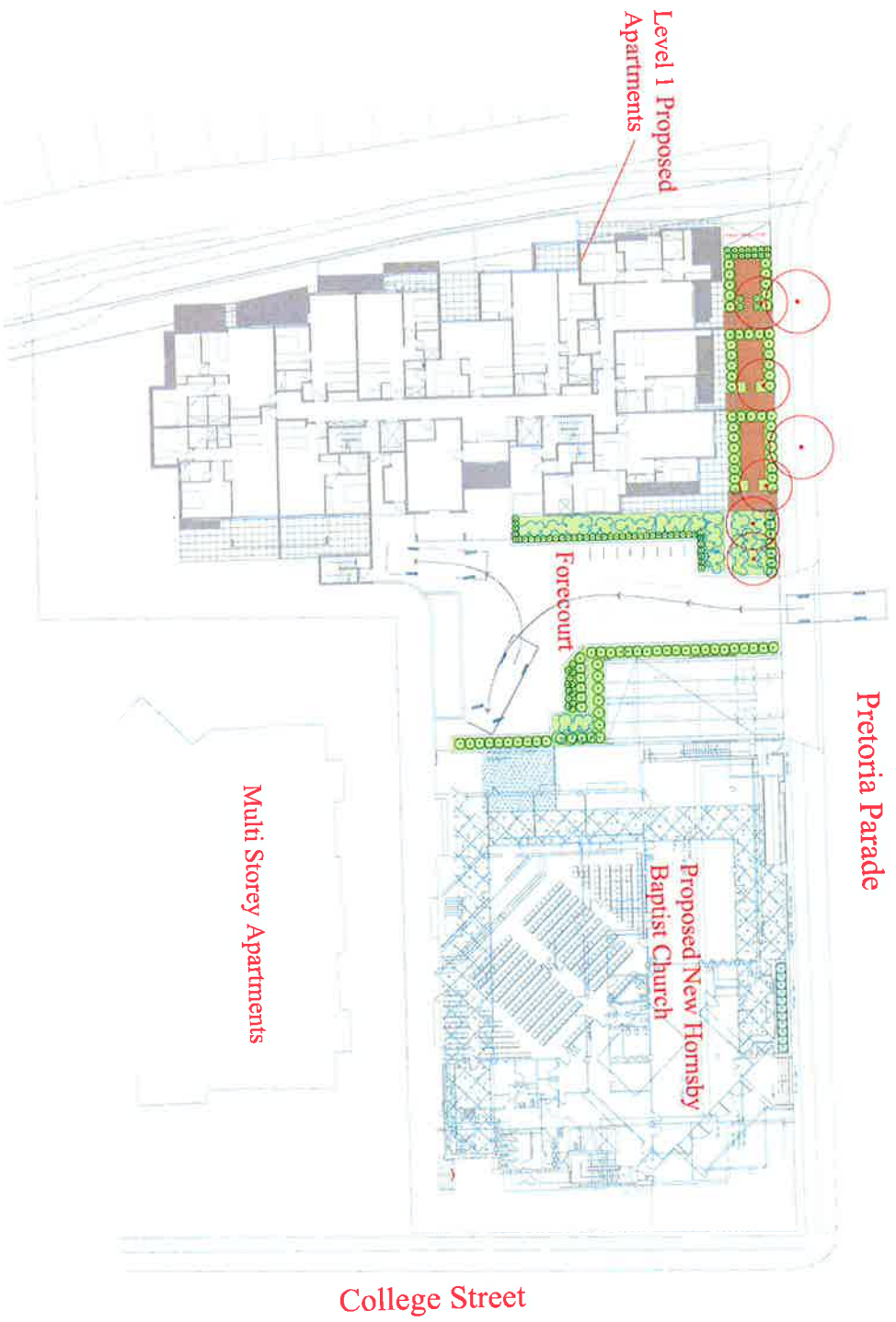
GILES TRIBE ARCHIELECTS
ALPHA, BETA, GAMMA, DELTA, EPSILON, ZETA, THETA, IOTA, KAPPA, LAMDA, MU, NU, XI, PI, RHO, SIGMA, TAU, Upsilon, PHI, CHI, PSI, OMEGA, LAMBDA, MU, NU, XI, PI, RHO, SIGMA, TAU, Upsilon, PHI, CHI, PSI, OMEGA

Project:
HORNSBY BAPTIST CHURCH - APARTMENTS
CNR COLLEGE CRES & PRETORIA PDE

HORNBY
SECTIONS

SECTIONS

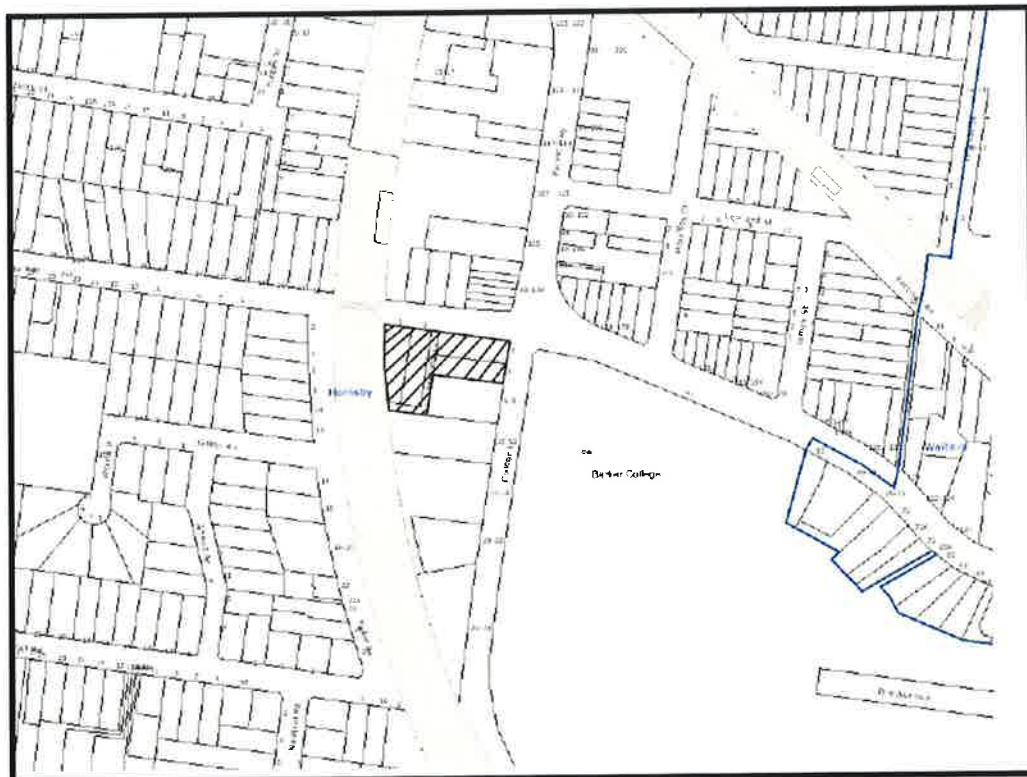
700	500 No.	2000 No.
15004	15004	A1.09B



Scale, 1:200 On A1

Please Note: All Plant Species can be seen on Isthmus
P/L Draw IS008/DA3 Issue D May 2011

Amended plan for council requirements for garbage truck access Only	
LANDSCAPE PLANTING PLAN	
Date: 10/05/2011 Drawn: 1:200 Title: L 01	Checked: S. Read Date: 10/05/2011 Title: A



LOCALITY PLAN

DA/1180/2010

2 – 4 College Crescent, 1 – 3 Pretoria Parade and Pretoria Lane, Hornsby

Captain Developments Pty Ltd
22 Alice Street
MACQUARIE FIELDS NSW 2564

NOTICE OF DETERMINATION

APPROVAL

Development Application No. DA/1180/2010

This development consent is issued pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979. This consent is subject to the conditions specified in this notice and will lapse unless the development is physically commenced within five years of the date of this notice.

Section 82A of the Act allows an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination subject to Council being in a position to finalise the review within 6 months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of an application, a right of appeal to the Land and Environment Court within 6 months from the date of this notice.

Property:	Lot 3 DP 4023, Lot 4 DP 4023, Lot 2 DP 4023, Lot 1 DP 4023 No. Church Baptist, 2 and 4 College Crescent and 1 and 3 Pretoria Parade, Hornsby.
Development:	Demolition of existing structures, closure of a Council road and construction of a church, an early childhood centre and a ten storey residential flat building comprising eighty units with basement car parking, community title and Strata title subdivision.

Effective date of this determination:	25 August 2011
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Per:
Manager, Assessments
Planning Division

Contact: Aditi Coomar (9847 6760 – 8.30 am to 5.00pm)

CONDITIONS OF APPROVAL

Deferred Commencement

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

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

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

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

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

<i>Plan name</i>	<i>Plan and Rev No.</i>	<i>Drawn by</i>	<i>Dated</i>
Survey and Locations Plan	DA01-B	Nelson Architecture	2/12/2010
Site Analysis Plan	DA02-A	Nelson Architecture	17/09/2010
Level B2 Plan	DA03-C	Nelson Architecture	27/05/2011
Level B1 Plan	DA04-C	Nelson Architecture	27/05/2011
Level 1 Floor Plan	DA05-J	Nelson Architecture	1/07/2011
Level 2 Floor Plan	DA06-D	Nelson Architecture	1/07/2011

Level 3 (Typical) Floor Plan	DA07-D	Nelson Architecture	1/07/2011
Levels 8 and 9 Floor Plans	DA08-E	Nelson Architecture	1/07/2011
Level 10 and 11 Floor Plans	DA09-D	Nelson Architecture	1/07/2011
Roof Plan	DA10-C	Nelson Architecture	27/05/2011
Church Elevations and Section	DA11-C	Nelson Architecture	27/05/2011
Residential Elevations	DA12-C	Nelson Architecture	27/05/2011
Residential Sections	DA13-C	Nelson Architecture	27/05/2011
Site 3D Views	DA14-C	Nelson Architecture	27/05/2011
Residential 3D Views	DA15-B	Nelson Architecture	27/05/2011
Montage Views	DA19-B	Nelson Architecture	27/05/2011
Indicative Land Title information	DA20-A	Nelson Architecture	17/09/2010
Hydraulic Services existing site plan and legend and erosion and sediment control assessment	HD01/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B2 Drainage	HD02/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B1 Drainage	HD03/P4	Whipps-Wood Consulting	18/01/2010
Roof Plans and Details of Drainage	HD04/P4	Whipps-Wood Consulting	18/01/2010
Erosion and Sediment Control Plan	HD05/P1	Whipps-Wood Consulting	18/01/2010
Landscape Details	DA5-D	Isthmus Pty Ltd	May 2011

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
Shadow Diagrams-16B	Nelson Architecture	27/05/2011
Shadow Diagrams-17B	Nelson Architecture	27/05/2011
Shadow Diagrams-18B	Nelson Architecture	27/05/2011
Information on Solar access to units	NBRS + Partners	19/11/2010
BASIX Certificate No. 335862M	David Cooper	22/12/2010
Assessor Certificate Multiple dwellings	David Cooper	11/10/2010
Noise and Vibration Intrusion Report	Day Design Pty Ltd	23/12/2010
Noise Assessment Report	Day Design Pty Ltd	11/02/2010
Internal Acoustic	Day Design Pty Ltd	11/02/2010

Report for the Church		
Geotechnical Investigation Report + Assessment of Impact on Rail Corridor (Ref 23055Z Hrpt)	Jeffery and Katauskas Pty Ltd	28/07/2009 and 20/06/2011
Addendum to Geotechnical Report and dwg SK1 and Sk2	Simpson Design Associates	
Preliminary Environmental Site Assessment	ASBOS	January 2011
Hazardous Material Survey Report	ASBOS	November 2010
Asbestos Clearance Certificate	ASBOS	19/08/2008
Letter on Soil Contamination	ASBOS	11/04/2011
Information on Substation	ABBA Consulting Engineers	12/10/2010
Traffic Report (10017) + Supplementary Traffic Advice + Traffic Modelling	Transport and Traffic Planning Associates	August 2010, 8/03/2011 and 7/01/2011
Preliminary Building Access Review	NBRS + Partners	22/10/2010
Waste Management Plan (Construction and Demolition only)	NBRS + Partners	14/09/2010
Design Verification Statement	NBRS + Partners	September 2010
Design Issues, Information on On-going Waste management for the site and Storage areas	NBRS + Partners	30/05/2011
Statement of Environmental Effects	Planning Strategies	September 2010
Landscape Statement	Mathew Wood	September 2010

2. Amendment of Plans

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

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

- b. The height of the proposed steel cross as marked in DA-11C be reduced to be no higher than 15 metres from the ground level of the entry forecourt area of the church.
- c. The BASIX Certificate must be amended to incorporate the details of the approved residential units (90 units to be replaced by 80 units).
- d. The approved Northern Elevation, DA12-C prepared by Nelson Architecture dated 27/05/2011 is to be amended so that the vertical clearance under the entry feature of the forecourt area is a minimum of 4.5 metres.
- e. The approved Western Elevation, DA12-C prepared by Nelson Architecture dated 27/05/2011 is to be amended so that the upper level balconies/ terraces, external fire escapes, roof terraces and ground level terraces located within 20 metres of the rail corridor incorporate the following design requirements:
 - (i) A 2 metre high glass wall/balustrade along the western elevation of all balconies at ground level;
 - (ii) Enclosure of the western elevation of the upper level balconies and roof terraces on the western façade of the building by providing 1 metre high glass louver screening (maximum 80 mm opening) on top of 1 metre high balustrade.
- f. The approved Ground Floor Plan prepared by Nelson Architecture dated 1/07/2011 must be amended as follows:
 - (i) Relocate the doorway to the garbage room as marked in red
 - (ii) A bin cupboard of sufficient size to accommodate three garbage bins (each with a capacity of 240 litres) is to be located adjoining the cleaner's room as marked in red. The bin room must be accessible to residents from the passage way and have a lockable back door opening directly into the garbage room.
- g. The following details must be incorporated in the approved plans in accordance with the Preliminary Building Access Review prepared by NBRS + Partners dated 22/10/2010:

- (i) The auditorium seating to include at least three wheel chair accessible spaces
 - (ii) The doors to the church premises must have 850 mm clear opening dimensions
 - (iii) The adaptable units A101 and A808 must comply with the requirements of AS1428.1 (2009)
 - (iv) Increase the clear dimension of all accessible toilets within the church building to comply with AS1428.1
- h. The Noise and Vibration intrusion report prepared by Day Design Pty Ltd dated 23/12/2010 must be amended to include the modified unit numbers approved under this development consent.

3. Removal of Existing Trees

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

4. Building Code of Australia

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

5. Contract of Insurance (Residential Building Work)

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

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

6. Water/Electricity Utility Services

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

- a. *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the *Sydney Water Act 1994*.

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

7. Dilapidation Report

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

8. Acoustic Details

The Construction certificate plans must demonstrate compliance with the following:

- a. Recommendations in Section 7 of the “Noise and Vibration Intrusion Report” prepared by Day design Pty Ltd dated 23/12/2010 and as amended by Condition 2(h) of this development consent.
- b. Recommendations in Section 6 of the “Environmental Noise Impact Statement” prepared by Day Design Pty Ltd dated 11/02/2010.
- c. Recommendations in Section 4 and 5 of the “Internal Acoustics Report” prepared by Day Design Pty Ltd dated 11/02/2010.

9. Waste Management Plan

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

10. Cycleway Approval

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

11. Window opening requirements

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

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

12. Site Remediation Verification

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

13. Erection of Construction Sign

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

- a. Showing the name, address and telephone number of the principal certifying authority for the work.
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours.
- c. Stating that unauthorised entry to the work site is prohibited.

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

14. Protection of Adjoining Areas

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

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

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

15. Toilet Facilities

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

- a. be a standard flushing toilet connected to a public sewer; or
- b. have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
- c. be a temporary chemical closet approved under the *Local Government Act 1993*.

16. Erosion and Sediment Control

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

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

REQUIREMENTS DURING CONSTRUCTION

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

17. Construction Work Hours

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

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

18. Demolition

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

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER

ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

19. Environmental Management

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

20. Council Property

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

21. Excavated Material

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

22. Landfill

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

- a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b. A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

23. Survey Report – Finished Floor Level

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

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

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

24. Contamination during construction works

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

25. Waste Management

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written record of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

- a. The identity of the person removing the waste.
- b. The waste carrier vehicle registration.
- c. Date and time of waste collection.
- d. A description of the waste (type of waste and estimated quantity).
- e. Details of the site to which the waste is to be taken.
- f. The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g. Whether the waste is expected to be reused, recycled or go to landfill.

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

26. Fulfilment of BASIX Commitments

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

27. Sydney Water – s73 Certificate

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

28. Stormwater Drainage

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

- a. Connected to the existing Council piped drainage system.

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

29. On Site Stormwater Detention

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

- a. Have a capacity of not less than 40.8m³ cubic metres, and a maximum discharge (when full) of 73.5 litres per second.
- b. Have a surcharge/inspection grate located directly above the outlet.
- c. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.

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

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

30. Internal Driveway/Vehicular Areas

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

- a. Design levels at the front boundary be obtained from Council.
- b. The driveway be a rigid pavement.
- c. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
- d. The driveway servicing the garbage collection area must have a minimum width at the kerb and at the boundary line of 5.5 metres. A 2.0 metre splay is to be provided on each side of the driveway at the boundary for safety purposes in accordance with *Figure 3.3 of AS 2890.2 – 2004*.
- e. The common driveway servicing the residential and church component of the development area must have a minimum width at the kerb and at the boundary line of 6.0 metres.

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

31. Footpath

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

- a. The existing footpath being removed and a new footpath constructed.
- b. The land adjoining the footpath to be fully turfed.
- c. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

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

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

32. Vehicular Crossing

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

- a. The vehicle crossing for the garbage collection area must have a minimum width of 5.5 metre and be constructed of 200mm thick concrete and reinforced with 2 layers of F72.
- b. The vehicle crossing for the driveway to the basement must have a minimum width of 6.0 metres and be constructed of 150mm thick concrete and reinforced with F72.

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

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

33. Road Works

All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and a separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council. The engineering plans must address the following requirements:

- a. The existing kerb and gutter across the frontage of the site in College Crescent and Pretoria Parade is to be removed and reconstructed.
- b. The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

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

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

34. Cycleway

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

- a. A pram ramp to be constructed at the Pretoria Parade entrance of the cycleway.
- b. The cycleway to be constructed so as not create a drainage nuisance.
- c. The shared cycleway is to be appropriately line marked and signposted in accordance with the NSW Bicycle Guidelines.
- d. A "U Rail" is to be constructed at the Pretoria Parade frontage in accordance with the requirements of Austroads.
- e. The cycleway to be appropriately lighted.

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

35. Damage to Council Assets

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

36. Traffic Control Plan

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

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans.

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

37. Creation of Easements

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

- a. The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b. To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.
- c. The creation of an easement for a minimum 3 metre wide pedestrian pathway and cycleway benefitting Hornsby Shire Council.

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

38. Works as Executed Plan

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

39. Completion of Landscaping

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

Landscape Code for development applications and the following additional requirements for works on the street frontages:

- a. Street tree planting to include two (2) *Jacaranda mimosifolia* (jacaranda) trees planted at a minimum pot size of 75 litres within the Pretoria Parade frontage as marked on the approved Landscape Plan.
- b. Street tree planting to include two (2) *Sapium sebiferum* (Chinese tallow wood) trees minimum 75 litre pot size at a minimum pot size of 75 litres on the College Crescent frontage as marked on the approved Landscape Plan.
- c. On slab planter boxes to include automatic drip irrigation, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric), and waterproofing.
- d. 500 mm soil depth and 75mm mulch be provided for shrubs.
- e. 1000 mm soil depth and 75 mm mulch be provided for trees and palms.

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

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

40. External Lighting

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

41. Garbage Collection Easement

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

Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the

effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.

42. Cooling Towers

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

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

- a. Type of system.*
- b. The address of the premises on which the system is installed.*
- c. The name, and the residential and business addresses, of the owner of the premises.*
- d. If the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier the telephone numbers at which, during business hours and after business hours, the person or persons referred to in the above point may be contacted.*

43. Car Park Management Plan

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

44. s94 Infrastructure Contributions

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

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

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

45. Accessibility Requirements

- a. Handrails must be provided on both sides of the stairways required to access the church and the associated facilities.
- b. Tactile ground surface indicators are to be positioned at the top and bottom of all stairs and ramps
- c. Kitchen cupboards and equipments must not obstruct wheelchair access around doors
- d. Braille and tactile signage must be provided to all sanitary facilities and directional signage to the facilities must be provided from the main foyer

46. Kitchen Exhaust Installation

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

47. Construction for a safe environment

The site must include the following elements:

- a. An intercom system be installed at gate locations to ensure screening of persons entering the units.
- b. The entryway to the site be illuminated in high luminance at all times
- c. The communal open space at the rear of the site be illuminated with high luminance by motion sensor lighting
- d. The service areas of the ground floor including the garbage room be illuminated with high luminance by motion sensor lighting
- e. The forecourt area and the pathway to the rear communal open space be illuminated during night time with low luminance.
- f. The plaza in front of the church must be illuminated during night time with low luminance.
- g. A small inspection window be installed in the stairwell door to allow viewing from inside prior to exiting the building.

- h. The driveway and the basement carpark is to be illuminated with low luminance at all times.
- i. Anti-graffiti paint be used for the walls adjacent to College crescent and Pretoria Parade.
- j. Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas.

48. Waste Management Details

The following waste management requirements must be complied with:

- a. The bin storage room must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation.
- b. A report must be prepared by an appropriately qualified person, certifying the following:
 - A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

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

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

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

- c. Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.
- d. Space must be provided for either individual compost containers for each unit or a communal compost container;

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

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

Note: Ramps between different levels are acceptable

OPERATIONAL CONDITIONS

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

49. Use of Premises

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

50. Maximum Capacity of Premises

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

51. Hours of Operation

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

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

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

52. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard*

2890.2 - 2002 – *Off Street Commercial*, the submitted Delivery Management Plan and the following requirements:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

53. Noise

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

54. Fire Safety Statement - Annual

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

55. Waste Storage area and waste management

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

- a. Each unit be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's segregated garbage and recycling generation.
- b. Site security measures be implemented to prevent access to the waste storage rooms by waste removal services.
- c. No steps be located along any of the bin carting routes.
- d. A site manager or caretaker must be employed and be responsible for moving bins from the bin storage area to the waste collection point, washing bins and maintaining storage areas, managing the communal composting area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the waste management system.

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

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

56. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

57. Landscape Establishment

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

58. Substation operation

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

CONDITIONS OF CONCURRENCE – STATE RAIL

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

59. Construction Certificate Plans

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

- a. All methods to be followed for excavation and construction works be detailed in the construction certificate plans and specifications, in accordance with the methodology/recommendations detailed in the Geotechnical Investigation Report prepared by Jeffery Katauskas Pty Ltd dated 20/07/2009, additional Geotechnical Analysis Report prepared by Jeffery Katauskas Pty Ltd dated 26/06/2011, Report and dwg SK1 and SK2 prepared by Simpson Design and Associated Consulting Engineers dated May 2011 and be endorsed by RailCorp.
- b. No rock anchors/bolts are to be placed within RailCorp's property or easements.
- c. A registered surveyor must prepare a survey plan locating the development with respect to the rail boundary and rail infrastructure and the plan be endorsed by RailCorp.
- d. A report be prepared by a qualified Electrolysis expert on the Electrolysis Risk of the development from stray currents and the measures to be incorporated to control that risk.
- e. The recommended measures to control the electrolysis risks be included in the construction certificate plans.
- f. Plans and documentation must be submitted to RailCorp incorporating details of all craneage and other aerial operations prior to works commencing on site.

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

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

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

- h. A report be prepared by a qualified structural engineer demonstrating that the development satisfies the requirements of AS5100 and this report be endorsed by RailCorp.
- i. Written confirmation from RailCorp is required for any works to be undertaken or access within the rail corridor or its easements.

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

60. Rail Services

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

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

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

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

61. Dilapidation Report

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

62. Vibration Monitoring System

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

63. Reflective materials

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

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

64. Placing of machinery

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

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

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

65. Environmental Harm

- a. The construction/demolition works must not result in any environmental harm to the rail corridor at any stage of the development
- b. The construction /demolition works and the on-going use on the site must not result in any pollutant entry to the rail corridor.
- c. The stormwater from the development site must be adequately disposed off and managed. This development consent does not allow any disposal of stormwater on to the rail corridor without prior approval from RailCorp.

66. Access to Rail corridor

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

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

67. Maintenance

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

CONDITIONS OF CONCURRENCE – ROADS AND TRAFFIC AUTHORITY

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

68. Design of the Access driveways

- a. The layout of the access driveway to the site must be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- b. Any redundant driveways must be removed and replaced by kerb and gutter to match the existing.

69. Stormwater discharge

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

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

Details should be forwarded to:

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

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

70. Road Occupancy License

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

71. Construction works

- a. All demolition and construction vehicles are to be contained within the site and vehicles must enter the site before stopping.
- b. A construction zone is not permitted on College Crescent.
- c. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.

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

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

- The Environmental Planning and Assessment Act 1979 requires:
- A construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate issued before occupying any building or commencing the use of the land.

Long Service Levy

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

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

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

Tree Preservation Order

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

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

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

Disability Discrimination Act

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

Advertising Signage – Separate DA Required

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

Dial Before You Dig

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

Asbestos Warning

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

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

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

Rain Water Tank

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

Council Notification – Food Premises

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

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

1&3 Pretoria Parade and 2&4 College Crescent, Hornsby

S96 Photomontage
View from Pretoria Parade

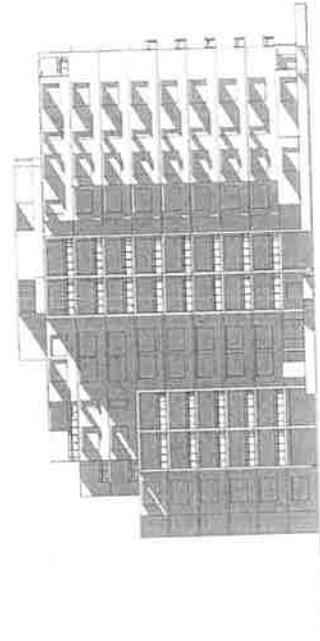




10 AM



9 AM



11 AM

Architect
10/10/2020
10/10/2020
SH010

PROPOSED RESIDENTIAL BUILDING
HORNSBY

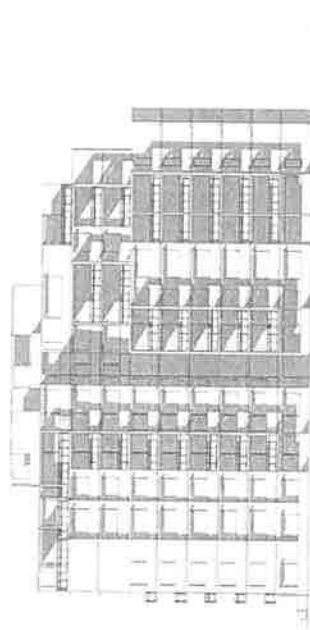
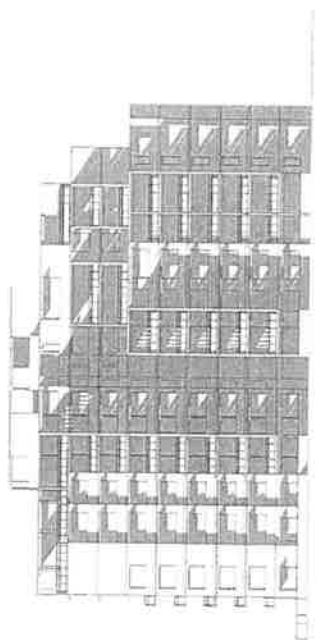
GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

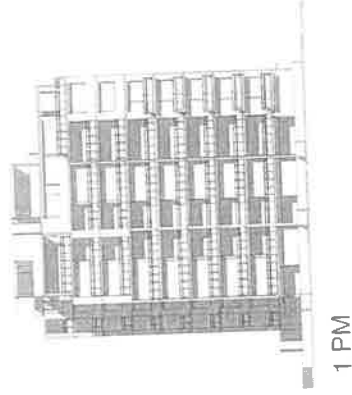
Project No: 2020/0053
Client: Hornsby Council

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Project No: 2020/0053
Client: Hornsby Council





Received 26 April 1993
Accepted 10 May 1993

$\Delta G_{\text{eq}}^{\text{eq}} = 1.1 \text{ kcal/mol}$, $\Delta G_{\text{eq}}^{\text{eq}} = 1.1 \text{ kcal/mol}$
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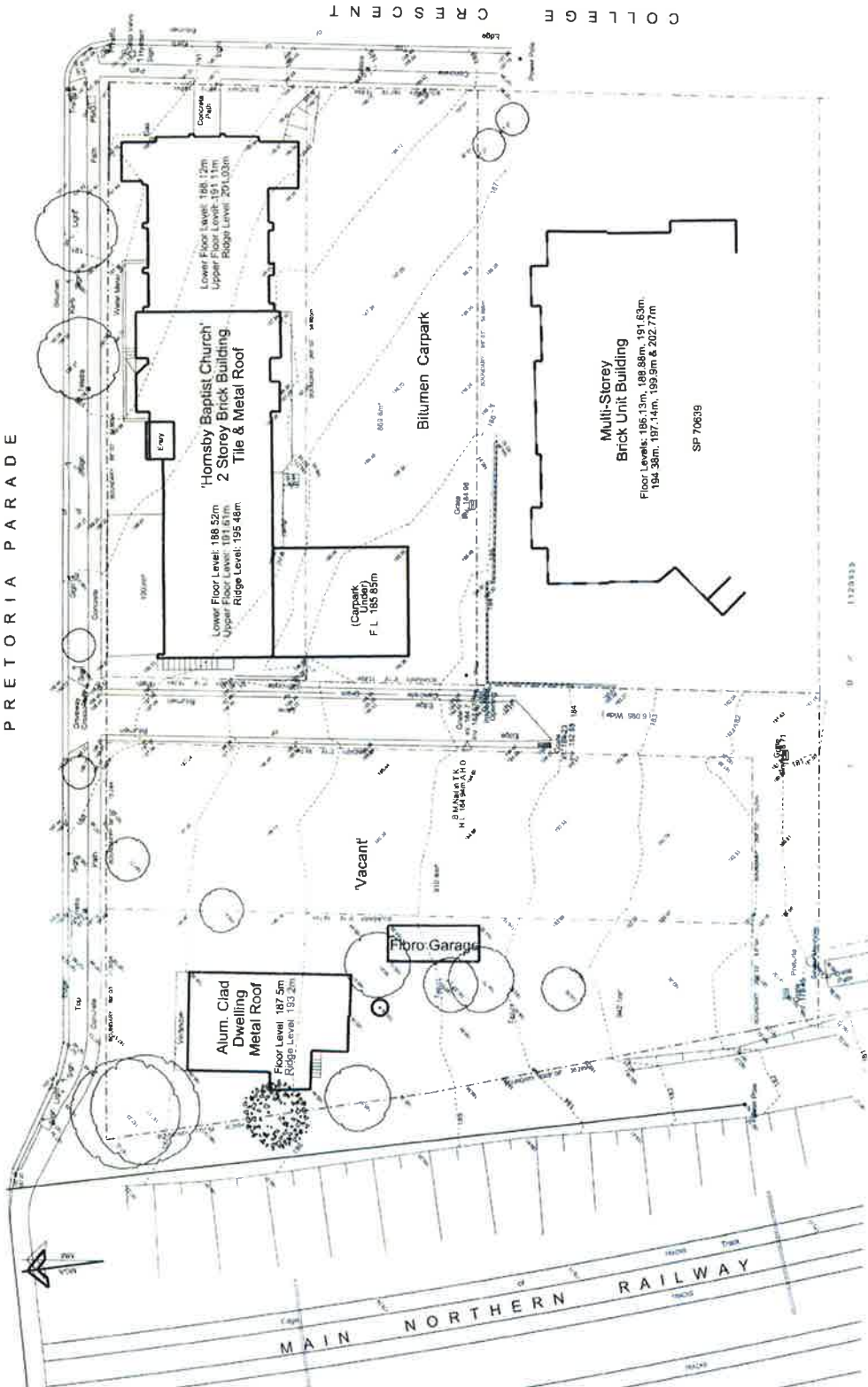
**PROPOSED RESIDENTIAL BUILDING
HORNSBY**

GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

NORTH ELEVATION SHADOWS
10/27/14
SH009

15004

PRETORIA PARADE



03 AERIAL VIEW
NTS



02 LOCATION PLAN
NTS

01 SURVEY PLAN
1:200

Legend

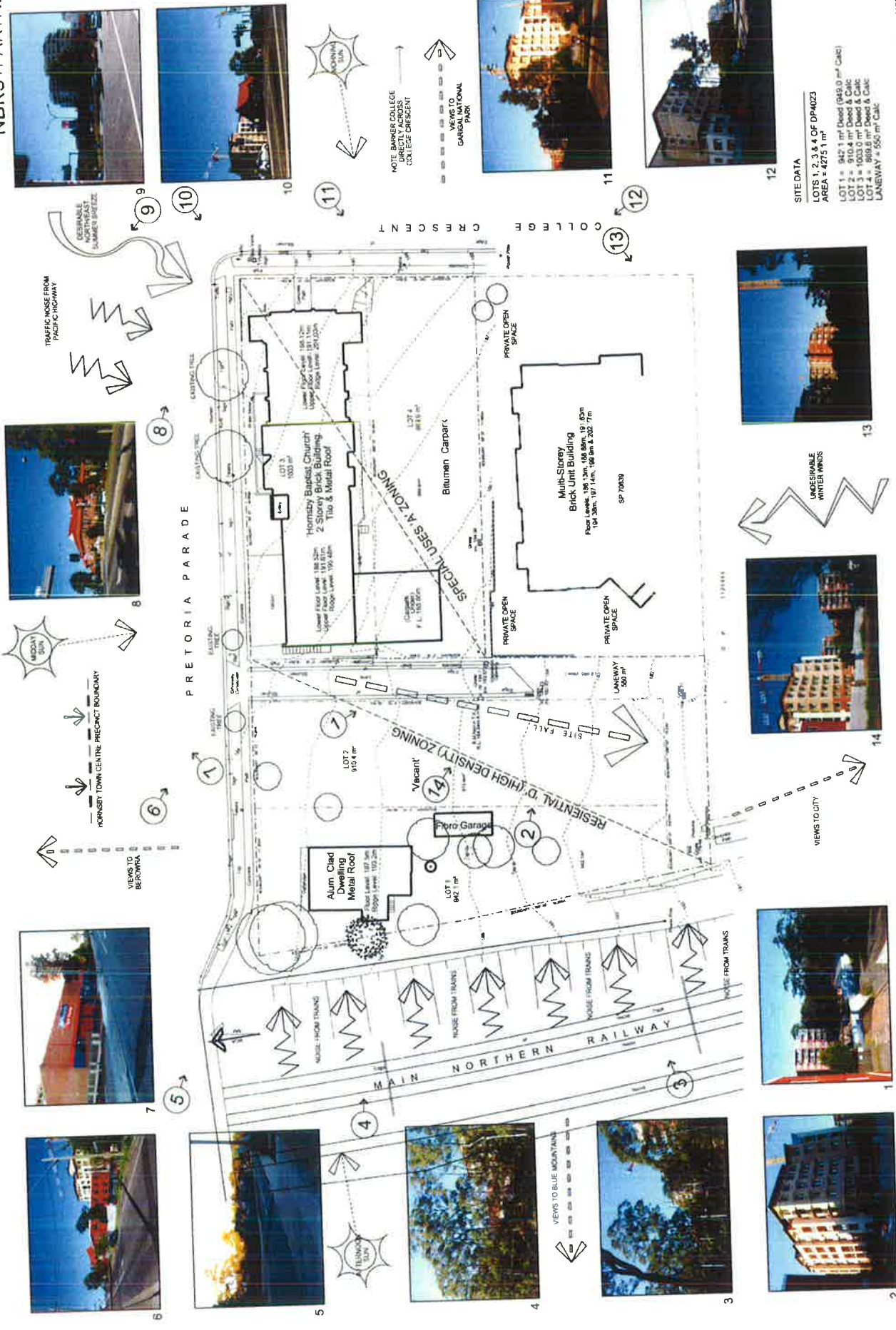
Item	Description	Color
1	Proposed New Church & Residential Development	Green
2	Existing Buildings	Yellow
3	Proposed Parking Areas	Blue
4	Proposed Roads	Red
5	Proposed Fences	Black
6	Proposed Landscaping	Grey

Drawing Title
Survey & Location Plans

Project & Client
 Proposed New Church & Residential Development
 Pretoria Parade & College Crescent, Hombsy NSW
 Hombsy Baptist Church

Station Design
 42231 Victoria Road RU
 Remington NSW 2217
 NELSON
 ARCHITECTS
 ABN 42 060 381 056 ACN 0606 056
 ARCHITECTS REGISTRATION 44790

Architect
 NBRS+PARTNERS
 Level 2, 4 Glen Street, Melbourne VIC 3000 Australia
 Tel: 61 3 9622 2344 Fax: 61 3 9622 1308
 Email: architect@nbsr.com.au Web: www.nbsr.com.au
 Date: 01/06/2011
 Scale: 1:200 @ A1
 Drawing Reference: 10036-DA01-B



SITE DATA
 LOTS 1, 2, 3 & 4 OF DP4023
 AREA = 4275.1 m²
 LOT 1 = 942.1 m² (Deed 9493.0 m² Calc)
 LOT 2 = 910.4 m² Deed & Calc
 LOT 3 = 1003.0 m² Deed & Calc
 LOT 4 = 869.5 m² Deed & Calc
 LANEWAY = 550 m² Calc

NBRS+PARTNERS
 Architects
 Level 3, 1 Glen Street, Midway Point, NSW 2217
 T: 02 9622 2344 F: 02 9622 1306
 E: info@nbns.com.au
 ON THE WAY TO THE FUTURE

10036-DA02-A
 Date: 01/06/2011
 Scale: 1:250 @ A1
 Drawing: 10036-DA02-A

Project & Client
 Proposed New Church & Residential Development
 at
 Pretoria Parade & College Crescent, Hornsby NSW
 for
 Hornsby Baptist Church

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 ON THE WAY TO THE FUTURE

Drawing Title
 Site Analysis Plan

Legend

Symbol	Description	Code
(Symbol)	Lot Boundary	LB
(Symbol)	Proposed Building Footprint	PB
(Symbol)	Private Open Space	POS
(Symbol)	Site Filling	SF
(Symbol)	Views to City	VC
(Symbol)	Views to Blue Mountains	VB
(Symbol)	Views from Trains	VT
(Symbol)	Noise from Trains	NFT
(Symbol)	Views to Bedfordvale	VBV
(Symbol)	Views to City	VC
(Symbol)	Views to Blue Mountains	VB
(Symbol)	Views from Trains	VT
(Symbol)	Noise from Trains	NFT
(Symbol)	Views to Bedfordvale	VBV