

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

JRPP No	2016SYW148
DA Number	DA/818/2016
Local Government Area	Hornsby Shire Council
Proposed Development	Removal and relocation of demountable buildings, demolition of a building, refurbishment of classrooms, installation of a two storey demountable and erection of a two storey building for an educational establishment.
Street Address	Lots 1 & 2 DP 712372, Lot 11 & 12 773674, Nos. 28 -60 Purchase Road, Cherrybrook
Applicant/Owner	NSW Department of Education
Number of Submissions	No submissions
Regional Development Criteria (Schedule 4A of the Act)	Development with a CIV of over \$5 million – Crown Development Cost of Construction proposed = \$12,000,000
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Hornsby Local Environmental Plan 2013</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy No. 44 - Koala Habitat</i> • <i>State Environmental Planning Policy No.55 – Remediation of Land</i> • <i>State Environmental Planning Policy – Sydney Regional Environmental Plan No.20</i> • <i>Hornsby Development Control Plan 2013</i>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Locality Plan • Site Plan • Floor Plans • Elevations & Sections • Landscape plan • Shadow diagrams
Recommendation	Approval

Report by	Matthew Miles – Town Planner
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ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application includes removal and relocation of demountable buildings, demolition of a building block, refurbishment of a building, installation of two storey demountable and erection of a two storey building to an existing educational establishment.
- The proposal generally complies with the *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*. The applicant has made a submission in accordance with Clause 4.6 'Exceptions to development standards' of the *HLEP 2013* to vary the height standard. The submission is considered well founded and is supported.
- No submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. DA/818/2016 for removal and relocation of demountable buildings, demolition of a building block, refurbishment of building, installation of a two storey demountable and erection of a two storey building at Lot 1 & 2 DP 712372, Lot 11 & 12 773674, Nos. 28 – 60 Purchase Road, Cherrybrook be approved subject to the conditions of consent detailed in Schedule 1 of this report

BACKGROUND

On 13 August 1990, Development Application No. 466/1989 was approved for construction of a new 800 student high school known as Cherrybrook Technology High School.

On 29 June 1993, Development Application No. 234/1993 was approved for erection of two shade areas.

On 4 May 2001, Development Application No. 1838/2000 was approved for alterations and additions to the existing technology high school building.

On 31 August 2001, Development Application No. 1304/2001 was approved for the construction of a storeroom in a hallway.

On 12 December 2001, Development Application No. 2345/2001 was approved for erection of a workshop was approved.

On 8 March 2007, Development Application No. 33/2007 was approved for the erection of a covered outdoor learning area.

SITE

The site has an area of 40,520m² and is located on the south-eastern side of Purchase Road. The site is currently used for an 'educational establishment', known as Cherrybrook Technology High School. The site adjoins John Purchase Public School to the north and a mix of low density residential development to the eastern and southern boundaries. The school currently accommodates approximately 2020 students and 150 staff.

The site sits on a ridge and slopes away in two different directions, 10 metres to the south-west towards Purchase Road and 4 metres to the eastern rear boundary.

The site includes two car parks which accommodate 117 car spaces located at the northern and southern boundaries.

An easement on the adjoining John Purchase Public School benefits Cherrybrook Technology High School for access to the northern carpark.

The existing school comprises 55 permanent buildings clustered into 7 blocks, 38 demountable classrooms, agricultural sheds, car parks with access roads, two basketball courts, assembly and recreational areas. The site adjoins a large sports field located over John Purchase Public School and connected to the Cherrybrook Community Centre and additional public sports fields at Greenway Park.

The south-eastern, rear portion of the site contains bushland identified as Sydney Turpentine Ironbark Forest, which is an endangered ecological community listed under the *Commonwealth Environment Protection and Biodiversity Act 1999* and the *NSW Threatened Species Conservation Act 1995*.

PROPOSAL

The application proposes the removal of 21 demountable buildings, relocation of demountable buildings, demolition of an existing building and erection of a two storey building to be used for class rooms. The proposed development would comprise the following:

- Demolition of 21 demountable classrooms, (during construction, the demountable classrooms would be temporarily relocated to the existing basketball court prior to their removal);
- Relocation of one single storey demountable building on the site;
- Installation of two storey demountable transported from Artarmon Public School;
- Refurbishment of the existing building in block G;
- Erection of a 2000m² two storey school building at the rear of the site comprising 9 class rooms, 1 shared learning space, 2 seminar rooms, male and female toilets and a sports storeroom on the ground floor and 7 classrooms, a kiln room, 5 store rooms, a comms room, staff toilets, a cleaners room and a studio on the first floor. The building would be built on the Cherrybrook Tech site Lots 1 & 2 DP 712372 and part of the adjoining John Purchase Public School site, Lot 12 773674.

To minimise disruption and relocation of students to other schools, it is proposed to stage the proposed works into 4 stages. Stage 1 would involve relocating 14 existing demountables to the basketball court, Stage 2 would involve construction of the two storey building. Stage 3 would involve removal of 18 demountables from the site, resurface sports court, complete landscaping and install 2 storey demountable from Artarmon Public School. Stage 4 would involve Block G refurbishment.

It is not proposed to increase student or staff population.

A total of 16 trees would be removed as part of this application.

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 proposed development would be consistent with 'A Plan for Growing Sydney', by providing improved educational facilities to support a growing population.

2. STATUTORY CONTROLS

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

2.1 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

2.1.1 Zoning of Land and Permissibility

The subject land is zoned R2 Low Density Residential under the *HLEP*. The objectives of the R2 zone are:

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

The development is defined as an 'educational establishment' under the *HLEP* and is permissible in the zone with Council's consent. The proposed development would provide for educational facilities for the current college population, thereby providing an educational service to meet the day to day needs of the local residents and the school community. The proposal is consistent with the objectives of the zone.

2.1.2 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 the subject site is 8.5 metres. The 9.8 metre height of the proposed rear two storey building does not comply with this provision.

2.1.3 Exceptions to Development Standards

The application has been assessed against the requirements of Clause 4.6 of the *HLEP*. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tender to hinder the attainment of the objectives of the zone.

The proposed rear, two storey building has a maximum height of 9.8 metres above natural ground level which exceeds the 8.5 metre maximum building height prescribed under Clause 4.3 "Height of buildings" stipulated under the *HLEP*. The objective of the Height of Buildings control is to permit building heights that are appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The applicant has made a submission in support of a variation to the development standard in accordance with Clause 4.6 of the *HLEP*. The development application seeks to vary the development standard by 1.3 metres. The applicant states the proposed variation is considered to be consistent with the objectives of the control and is justified as follows:

- *The raised slab minimises excavation and preserves the natural topography of the land. It also minimises cost to the Department of Education associated with excavation and allows funds allocated to this development to be used for providing high quality teaching and learning environments.*
- *The non-compliance is for the roof of the school building only and will not have unreasonable privacy impacts. The vegetation which sits above the maximum roof height of the proposed building will provide privacy screening as well as providing a visual buffer.*
- *The residential development at Chatham Court is already significantly overshadowed by existing vegetation and the height variation of the building would cause minimal additional overshadowing during the winter solstice.*
- *The sloped roof form contributes to the visual interest of the building and provides an overhang which will increase shade provided to classroom windows, contributing to the minimisation of need for air conditioning.*
- *The school building represents the orderly and economic development for the land in a manner which achieves the objectives of the relevant planning controls.*
- *The non-compliance will result in improvements to the physical appearance of the site through a carefully designed building that is responsive to site context and its intended function.*
- *The architectural design of the new development provides a good quality built form outcome for the site.*
- *Compliance could be achieved by reducing the scale of the development but this would undermine the visual quality of the design and the School's accommodation requirements would not be met.*

State Government Guidelines on varying development standards recommend considering the provisions of Clause 4.6 of the LEP and the 'five part test' established by the Land and Environment Court as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

The applicant's submission to vary the Height of Building development standard is considered well founded for the following reasons:

- The height non-compliance would be located at the rear of the site which adjoins dense bushland comprising Sydney Turpentine Ironbark Forest. The additional height would not be perceptible when viewed from adjoining properties and would not cause significant adverse impacts to surrounding residential properties in terms of overshadowing, visual impacts or view loss;
- The proposal would not set an unacceptable precedent for the surrounding area, taking into account that the excess height is a result of providing a level building platform for the entire length of the building which reduces the need for substantial excavation and the height exceedance provides for a modern architectural skillion roof;
- As the site adjoins a dense endangered bushland community between the adjacent residential properties to the rear, the height variation would not exacerbate amenity impacts to adjoining residential properties or other impacts that would arise from the non-compliance;
- The scale of the development is consistent and appropriate for the site and generally complies with the built form controls of the *HLEP* and *HDCP*, in particular maximum site coverage and minimum boundary setbacks;
- The proposal is considered to be in the public interest as it achieves consistency with the objectives of the R2 Low Density Zone and the objective of the Height of buildings development standard. Notwithstanding the building height non-compliance, the application is a reasonable outcome for the site and achieves the aims of the *HLEP* and *HDCP*; and
- Satisfies the Land and Environment Court's parameters for a well-founded objection to depart from a development standard.

Based on this assessment, it is considered that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case. Accordingly, the Clause 4.6 submission is supported.

2.1.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site does not include a heritage item and is not located in a heritage conservation area. Accordingly, no further assessment regarding heritage is necessary.

2.1.5 Earthworks

Clause 6.2 of the *HLEP* requires consent for earthworks and requires Council to assess the impacts of the proposed earthworks on adjoining properties, drainage patterns and soil stability of the locality, before granting development consent for such works.

A geotechnical investigation was prepared by JK Geotechnics dated 19 November 2015 and makes a number of recommendations to be implemented during the construction phase of the development. A condition has been recommended for the development to be carried out in accordance with the recommendations within the report. Further conditions are recommended for excavated material to be disposed of at a licenced facility and for all fill that is to be imported to the site to consist of Virgin Excavated Natural Material (VENM).

The proposal is assessed as satisfactory with regards to Clause 6.2 of the *HLEP* subject to conditions.

2.1.6 Terrestrial Biodiversity

Clause 6.4 of the *HLEP* applies to the proposal as part of the site is identified as 'Biodiversity' on the Terrestrial Biodiversity Map. This Clause requires Council to consider whether the development is likely to adversely impact on the ecological value of flora and fauna and for Council to be satisfied that development has been designed, sited and managed to avoid any significant adverse environmental impact.

The site contains Sydney Turpentine Ironbark Forest (STIF) which is listed as a Critically Endangered Ecological Community under the *Commonwealth Environment Protection and Biodiversity Act 1999* and the *NSW Threatened Species Conservation Act 1995*.

The application was supported by a Flora and Fauna survey and Ecological Impact Assessment prepared by UBM Ecological Consultants, dated 23 May 2016 and an Arborist report prepared by Bluegum tree care and consultancy, dated May 2016.

The arborist report identifies that 16 out of 181 trees identified on the site would be removed by the proposal. The Flora and Fauna report concludes that the loss of 16 canopy trees (10 of which are characteristic of the STIF community) is unlikely to have a significant adverse impact on the STIF vegetation community and its habitat and makes a number of recommendations to ameliorate further impacts.

Council concurs with the findings of the report and conditions have been recommended for ongoing management and protection of the bushland and replanting of 13 trees from the STIF vegetation community. Subject to conditions, the proposal is unlikely to have an adverse impact on the condition, ecological value and significance of the flora and fauna on the site. Furthermore, it is considered that none of the trees proposed for removal were observed to be hollow-bearing and their removal would not lead to losses in breeding or roosting habitat and fragmentation of the existing STIF vegetation community.

Further assessment for tree removal has been addressed in Section 3.1.1 of this report below.

2.2 State Environmental Planning Policy No. 44 – Koala Habitat Protection

The proposal has been assessed against the provisions of *State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44)* which aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. The provisions of *SEPP44* apply to the proposal as the site area is greater than 1 hectare. The proposal requires assessment of whether the site is a 'potential koala habitat', which is defined as areas of native vegetation where at least 15% of the trees on site constitute koala feed species.

The application includes a Flora and Fauna Impact Assessment prepared by UBM Ecological Consultants as well as an Arboricultural Impact Assessment prepared by Bluegum Tree Care and Consultancy. The reports do not identify the presence of any koala feed trees listed under Schedule 2 of the Policy. The site is therefore not considered a 'potential koala habitat' and no further investigations are required for the purpose of *SEPP44*.

2.3 State Environmental Planning Policy (Infrastructure) 2007

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

2.3.1 Traffic Generating Development

The development is not categorised as a traffic generating development in accordance with Clause 104 and Schedule 3 of the SEPP as it would not increase the current operational capacity of the school.

The application was supported by a traffic impact assessment prepared by traffix, dated May 2016. The traffic assessment provided a preliminary construction management traffic plan and a swept path analysis which indicated that during construction, the site can be accessed solely through the easement at John Purchase Public School via the Purchase Road driveway and that heavy-rigid vehicles could enter and leave the site in a forward direction during construction.

It is considered that the proposed development will not generate any additional traffic over existing conditions other than during demolition and construction phases of the development. A condition is recommended requiring a Construction Management Plan to minimise disruption during construction.

2.4 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.

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

Under the provisions of Clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land*, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated or requires remediation for the proposed use.

The application was supported by a Stage 1 and 2 Environmental site assessment prepared by Environmental Investigation Services (EIS), dated 20 April 2016. The area to be developed is currently occupied by demountable school buildings, a footpath and small to large trees.

A search of Council's records and aerial images reveals that the property was occupied by an orchard from 1943 to 1968 and has been used as an educational establishment since 1991 with no record of any site contamination.

Borehole testing at the site, undertaken by EIS revealed that the site did not contain concentrations of contaminants in soil samples. As the proposed works involve demolition of demountable buildings which may contain hazardous building materials, a condition is recommended requiring a hazardous materials report, prepared by a suitably qualified Occupational Hygienist, recommending that the site is clear of contamination and suitable for the intended use.

2.6 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.

2.7 Hornsby Development Control Plan 2013

The proposed 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

Site Area	40,520m ²	N/A	N/A
Number of Students	2020 students	Existing	Unchanged
Site Coverage (overall)	32%	30%	Yes
Height of rear 2 storey building	9.8m	8.5m	No
Height of 2 storey demountable	7m	8.5m	Yes
Setbacks of rear building			
• Front	Unchanged	6m	Yes
• Sides	Unchanged	1.5m	Yes
• Rear	6m – 26m	8m	No
Parking	117	Existing	Unchanged
Solar Access	>3hrs between 9am and 3pm	3hrs between 9am and 3pm	Yes

As detailed in the above table, the proposed development complies with the relevant prescriptive measures stipulated within the HDCP other than the maximum building height and rear setback requirement. Below is a brief discussion on the relevant development controls under the *HDCP*.

2.7.1 Scale

Whilst the height of the development exceeds the 8.5m building height requirement, the scale, form, character of the development is considered acceptable for its intended use and relates to the site's constraints. The development will appear low in scale in relation to adjoining residential properties and the existing development on the school site.

In addition, the development would be largely screened by existing dense bushland at the rear of the site between the school and the adjoining residential area.

2.7.2 Site Coverage

The HDCP recommends that development on sites 1500m² or large should have a maximum site coverage of 30%.

The site coverage of the existing school site is 30.7%. The proposed site coverage for the site would be 32% as the additions would be primarily located on land already occupied by buildings and would represents a minor increase of 1.3%.

Notwithstanding the non-compliance, the proposed development would not be visually dominant when viewed from the adjoining residential area, would be screened by existing vegetation and would have an appropriate interface with neighbouring properties.

2.7.3 Landscaping

A landscape plan prepared by Context landscape design dated 10 October 2016 was submitted with the application. The landscape plan proposes to plant 13 canopy trees, derived from the Sydney Turpentine Forest TIF community and over 2000 native shrubs and grasses around the new building and surrounding school site. The landscaping proposed has been designed to fit with the design of the building and the existing bushland at the rear of the site and is considered acceptable.

2.7.4 Setbacks

The HDCP recommends that the rear setback for a single storey building should be 3 metres and 8 metres for the first floor.

The new rear two storey school building is sited in the approximate footprint of the existing demountable buildings. The rear setback of the two wings for both storeys of the building are:

- 16.2m from the southern wing to the rear boundary; and
- 6 to 30m for the northern wing to the rear boundary.

The 2 metre non-compliant setback to the northern wing is a result of the unusual configuration of the rear boundary and is limited to a small portion of the building. The 6 metre rear setback, which is limited to an 8 metre portion of the building would be compatible with adjacent residential development and allow for sufficient room for future landscaping. Furthermore, the rear building is setback at an average of 16 metres to a maximum 30 metres from the rear boundary which adjoins residential properties, significantly exceeding HDCP setback requirements.

2.7.5 Open Space

The two storey, rear building is proposed in an area of the site that is currently occupied by demountable buildings and not used for active open space. The school currently shares a sports oval located on the adjoining John Purchase High School and uses the nearby Greenway oval facilities for sport events. The proposal incorporates seating areas, paving and landscaping for recreation areas and would not decrease the active open space available currently for students and is considered acceptable.

2.7.6 Shadowing

The proposed shadow diagrams for the rear, two storey building demonstrate that the proposed development causes minimal additional overshadowing, with additional overshadowing concentrated on the heavily vegetated areas adjoining the development site.

Adjoining residential development on Chatham Court already experiences significant overshadowing due to the scale of vegetation surrounding the residences and the change in topography between the development site and neighbouring properties.

2.7.7 Noise

The HDCP recommends that noise generating developments should be accompanied by an acoustic report that demonstrates the development is sited and designed to:

- Minimise the effect of noise and vibration on surrounding sensitive landuses, and
- comply with relevant State Government and Council guidelines.

The application was supported by an Acoustic report prepared by Wilkinson Murray, dated 15 April 2016.

It is considered that the design of the rear two storey building facilitates shielding of outside play and sports areas from nearby residences with verandahs, entries and exits orientated towards the school and not adjoining residences which is considered acceptable.

2.7.8 Waste Management

The proposal includes a Waste Management Plan for the construction and on-going operation of the proposal. The proposed development would not result in any change to the existing arrangements for the storage and collection of waste from the school.

2.7.9 Access and Mobility

The school building is required to comply with the accessibility provisions in the Building Code of Australia and the provisions of the Disability (Access to Premises – Buildings) Standards 2010. The proposed two storey building and new demountable building will incorporate continuous and unobstructed paths of travel and lifts to the first floor in accordance with the standard.

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 proposed location of the two storey demountable building and two storey rear building would require the removal of 16 trees from the site.

The application includes an Arborist report prepared by Bluegum tree care and consultancy, dated May 2016.

The arborist report identifies that 16 out of 181 trees identified on the site would be removed by the proposal and that 10 of these trees are characteristic of the Sydney Turpentine Ironbark Forest.

The applicant also provided a landscape plan, prepared by context landscape design, dated 10 October 2016 which identifies that 13 mature trees, with a height of 20 to 30 metres, deprived from the Sydney Turpentine Ironbark Forest community will be planted within the subject site after the construction of the two storey demountable building and two storey rear building. An additional 6 Blueberry Ash trees and 1 Jacaranda tree will be planted within the site.

Council's assessment concludes that the proposed removal of 16 trees and replacement planting of 13 Sydney Turpentine Ironbark trees is considered acceptable and the proposed removal of trees is unlikely to have an adverse impact on the critically endangered Sydney Turpentine Ironbark Forest on the site subject to compliance with a number of conditions including the replacement planting of 13 trees from the Sydney Turpentine Ironbark Forest vegetation community.

Further conditions are recommended for protection of trees identified for retention and for an arborist on site to supervise works. Subject to conditions, proposal is unlikely to have any significant adverse ecological impact and is acceptable with respect to the natural environment.

3.1.2 Stormwater Management

A stormwater management plan prepared by Woolacotts consulting engineers was submitted with the proposal.

The stormwater management plan for the site has been designed to ensure that the runoff flow rate produced from the post development site during the 50 year storm event is less than the runoff flow rate produced from the pre-development site during the five year storm event. This will be achieved through the use of an underground onsite detention tank within the paved area to the west of the new rear building. The plan also incorporates water sensitive urban design principles including grassed swales, enviropods, stormfilters and a trash rack within the detention tank to achieve an increase of oval stormwater quality.

Council's engineering assessment of the proposal raises no objections the proposed storm water management system.

3.2 Built Environment

3.2.1 Built Form

The proposed alterations and additions to the school have been designed to relate to the site constraints, are of quality architectural design and are acceptable with respect to the built environment.

3.3 Social Impacts

The proposal would result in a positive social benefit to the locality in providing improved facilities at an existing educational establishment.

3.4 Economic Impacts

The proposal would have a positive economic impact on the locality in terms of employment generation during the construction phase of the development.

4. SITE SUITABILITY

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

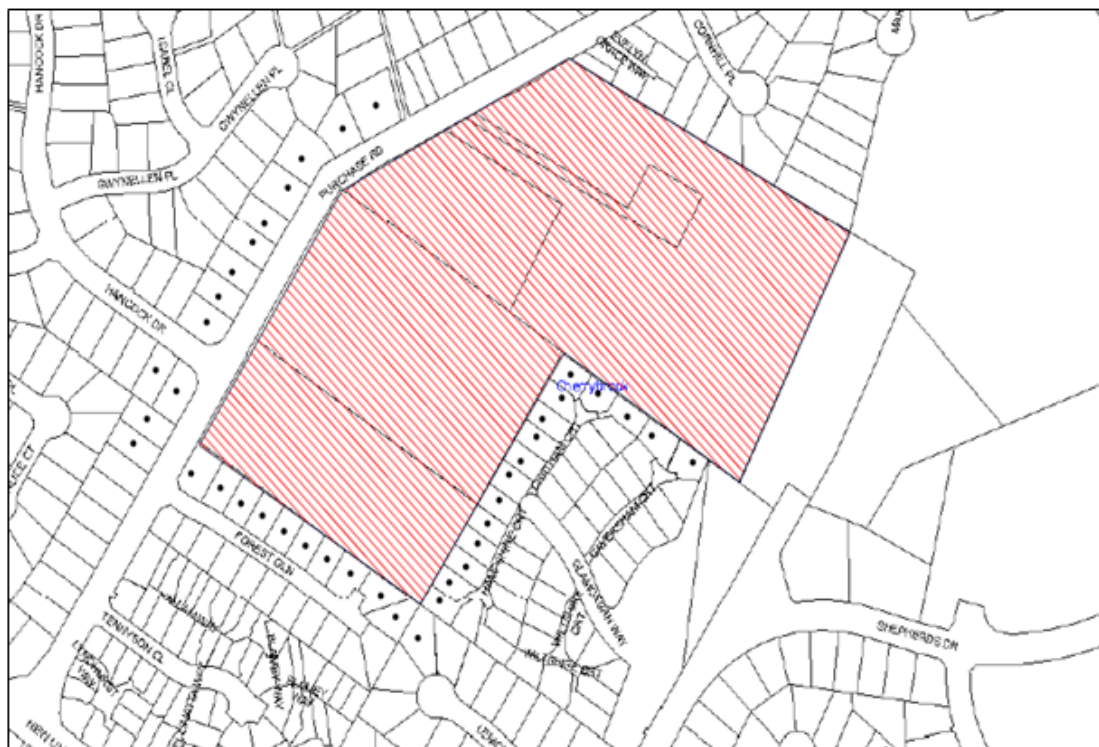
The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5. PUBLIC PARTICIPATION

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



5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 13 July 2016 and 28 July 2016 in accordance with the Notification and Exhibition requirements of the HDCP. During this period, Council received no submissions. The map below illustrates the location of the landowners in close proximity to the development site and those that were notified of the application.



NOTIFICATION PLAN

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• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
insert no. SUBMISSIONS RECEIVED OUT OF MAP RANGE Delete if not applicable			

5.2 Public Agencies

The development application was not referred to any Public Agencies for comment.

6. THE PUBLIC INTEREST

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

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

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. The addition of a two storey school building for classrooms, relocation and removal of existing demountable buildings will add to the supply of educational and social facilities within the locality. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes removal and relocation of demountable buildings, demolition of a building, installation of a two storey demountable and erection of a two storey building for an existing educational establishment.

The proposal has been assessed against the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979. It is considered that the proposed development would not result in any unreasonable impacts and is suitable for the site. The Clause 4.6 variation submitted for the height variation of the development is considered well founded and is supported.

Approval of the application is recommended.

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

Attachments:

1. Locality Plan
2. Site Plan
3. Landscape Plan
4. Floor Plans
5. Elevations
6. Shadow Plans

SCHEDULE 1

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Approved Plans:

Plan No.	Plan Title	Drawn by	Dated
AR-DA-1201, Rev B	Proposed site plan	Tanner Kibble Denton Architects	Aug 2016
AR-DA-2001, Rev B	Ground floor plan	Tanner Kibble Denton Architects	Aug 2016
AR-DA-2002, Rev B	Level 01 Floor plan	Tanner Kibble Denton Architects	Aug 2016
L-0002, Issue F	Materials & finishes schedule, plant schedule	Context landscape design	10/10/2016
L-4001 to L-4005, Issue D	Planting plan, Sheet 02 - 05	Context landscape design	05/10/2016
L-4006, Issue C	Planting plan, Sheet 06 - 07	Context landscape design	22/09/2016
AR-DA-1102, Rev	Site demolition plan	Tanner Kibble Denton	09/06/2016

A		Architects	
AR-DA-1301, Rev A	Site control plan – Stage 1	Tanner Kibble Denton Architects	09/06/2016
AR-DA-1302, Rev A	Site control plan – Stage 2	Tanner Kibble Denton Architects	09/06/2016
AR-DA-1303, Rev A	Site control plan – Stage 3	Tanner Kibble Denton Architects	09/06/2016
AR-DA-1304, Rev A	Site control plan – Stage 4	Tanner Kibble Denton Architects	09/06/2016
AR-DA-7101, Rev A	Materials and finishes	Tanner Kibble Denton Architects	09/06/2016
AR-DA-2003, Rev A	Roof plan	Tanner Kibble Denton Architects	09/06/2016
AR-DA-2102, Rev A	Block G demolition plan	Tanner Kibble Denton Architects	09/06/2016
AR-DA-2103, Rev A	Block G Refurbishment	Tanner Kibble Denton Architects	09/06/2016
AR-DA-3101, Rev A	Sections	Tanner Kibble Denton Architects	09/06/2016
AR-DA-3001, Rev A	Elevations	Tanner Kibble Denton Architects	09/06/2016
A2-FP1, Rev D	Ground floor plan	BRB Modular	02/06/2014
A2-FP2, Rev C	First floor plan	BRB Modular	02/06/2014
A2-FP3, Rev B	Fire services ground floor	BRB Modular	02/06/2014
A2-FP4, Rev B	Fire services first floor	BRB Modular	02/06/2014
A4-SC1, Rev B	Section	BRB Modular	02/06/2014
A5-RP1, Rev B	Roof plan	BRB Modular	02/06/2014
A3-EL1, Rev C	Elevations	BRB Modular	02/06/2014
A3-EL2, Rev C	Elevations	BRB Modular	02/06/2014

Supporting Documentation:

Document No.	Prepared by	Dated
Aboricultural Impact Assessment	Bluegum Tree Care and Consultancy	May 2016

Acoustic report	Wilkinson murray	15 April 2016
Waste Management Plan	TKD Architects	June 2016
Hazardous building materials survey	Hibbs & Associates	May 2016
Preliminary stage 1 environmental site assessment	Environmental Investigation Services	17 December 2015
Preliminary stage 2 environmental site assessment	Environmental Investigation Services	20 April 2016
BCA/Access report	Design Confidence	10 June 2016
Erosion & Sediment control plan & details, Job No.15-200, Rev C	Woolacotts consulting engineers	25.05.2016
Stormwater management plan & details, Job No. 15-200, Rev D	Woolacotts consulting engineers	25.05.2016
Traffic impact assessment	Traffix	May 2016
Flora & Fauna Survey & Ecological Assessment	UBM Ecological Consultants	23 May 2016
Statement of environmental effects	Urbis	June 2016
Geotechnical Report	JK Geotechnics	19 Nov 2015
Shadow diagrams, Dwg No. AR-DA-7001 – 70044	Tanner Kibble Denton Architects	09/06/2016
Perspective images, Dwg No. AR-DA-7201	Tanner Kibble Denton Architects	09/06/2016

2. Appointment of a Project Arborist

A project arborist (AQF Level 5) must be appointed to provide monitoring and certification throughout the development process.

3. Geotechnical Details

A structural engineer shall be engaged to provide certification that the design incorporates the recommendations within Part 4 of the Geotechnical Report prepared by JK Geotechnics dated 19 November 2015, have been complied with.

4. Removal of Trees

- a) This development consent permits the removal of trees numbered 29, 30, 38, 81, 98, 100, 143, 147, 176, 177, 178, 179, 180 and 181 as identified in the Tree Location Plan on page 5 in the Aboricultural Impact Assessment prepared by Bluegum Tree Care and Consultancy dated May 2016.
- b) The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).

5. Pruning Works

- a) This development consent only permits the pruning of trees numbered 139 and 150 as identified in Tree Location Plan on page 5 contained in the supplied Aboricultural Impact Assessment provided by Bluegum Tree Care and Consultancy dated May 2016
- b) All approved pruning works must be undertaken by a qualified Arborist (minimum AQF3).
- c) The pruning on trees must not exceed 15% of the total foliage area.
- d) Certification must be supplied within 7 days of the works being undertaken confirming compliance with AS4373-2007.
- e) The pruning of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2013 (HDCP).

6. Installation of Tree Protection

- a) Tree protection fencing must erected around retained trees as specified in the Tree Protection Plan (Attachment C) contained in the Supplied Aboricultural Impact Assessment provided by Bluegum Tree Care and Consultancy dated May 2016
- b) All Tree Protection Zones must have a layer of wood-chip mulch installed prior to works commencing and must be maintained throughout the period of construction at a depth of 100mm – 150mm using material that complies with Australian Standard AS4454-2012.
- c) Mulch shall be spread by hand to avoid soil disturbance and compaction within the tree protection zone.
- d) To avoid injury or damage, trees numbered 99, 101, 102, 103, 131, 136, 139, 150, 156, 157 160, 161 and 164 must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way).

7. Works near Trees

- a) Maintaining Tree Health

The project arborist must monitor and record any necessary remedial actions for maintaining tree health.

b) Maintenance and Monitoring of Tree protection

The appointed project arborist must monitor and record all changes or modifications to required tree protection measures for the period of construction.

c) Excavation

Any necessary excavation must be undertaken by sensitive methods such as pneumatic or by hand as prescribe in AS 4970-2007 Sections 4.5.5.

d) Root Pruning

All Root pruning must be recorded and undertaken as specified in Australian Standard AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5.

e) Installing Services

i) The installation of all services which enter or transects a designated TPZ must utilise sensitive methods of installation such as directional drilling or in manually excavated trenches.

ii) The process must be monitored by the project arborist to assess the likely impacts of boring and bore pits on retained trees.

iii) For manual excavation of trenches the project arborist must advise on roots to be retained and must monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.

f) The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

8. Building Code of Australia

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

9. Sydney Water – Approval

This application must be submitted to *Sydney Water* for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Building plan approvals can be obtained online via *Sydney Water Tap in™* through www.sydneywater.com.au under the Building and Development tab.

10. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with the following requirements:

- a) Connected to the existing internal drainage system.

11. 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) Be generally in accordance with Job No.15-200 Drawing No.SW1 Revision D dated 25/5/2016 by Woolacotts Engineers.
- b) Have a capacity of not less than 117 cubic metres, and a maximum discharge (when full) of 103 litres per second;
- c) Have a surcharge/inspection grate located directly above the outlet;
- d) Discharge from the detention system must 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;
- e) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed; and
- f) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

12. Stormwater Quality Requirements

Stormwater quality treatment measures shall be designed generally in accordance with Job No.15-200 Drawing No.SW1 Rev D dated 25/5/2016 by Woolacotts Engineers and the Stormwater Management Report No.15-200 Rev A dated 26/5/2016 by Woolacotts Engineers.

A qualified engineer must certify that the MUSIC model and stormwater treatment design plans are in accordance with the stormwater quality targets outlined in Hornsby Council's Development Control Plan 2013 - Table 1C.1.2(b) and MUSIC Link Validation Report.

13. Damage to Council Assets

Any damage caused to Council's assets including the removal, damage, destruction, displacement or defacing of the existing survey marks as a result of the construction of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervision must be notified for a formwork inspection prior to pouring concrete.

14. 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 and scaled construction plans shall be prepared and submitted to Hornsby Shire Council prior to the commencement of works and 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 Hornsby Shire Council.
- d) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority'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 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 Hornsby Shire Council is to be made.

15. Construction Work Hours

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

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

16. Occupational Hygienist

In the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works should stop and an environmental consultant should be engaged to inspect the site and address the issue.

17. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with “*Australian Standard 2601-2001 – The Demolition of Structures*” and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

18. 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.

19. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed 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.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or

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

20. Erosion and Sediment Control

To protect the water quality of the downstream environment, 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 non-compliance with this requirement without any further notification or warning.

21. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Purchase Road during demolition and construction works and until the site is established.

22. 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; and/or
- 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.

23. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - ii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

24. 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, stormwater quality treatment system 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 and stormwater quality treatment system is to be clearly indicated on the title;
- b) The positive covenant for the stormwater quality treatment system shall include a maintenance schedule.
- c) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system and stormwater quality treatment 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 detention system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations;

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

25. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed drainage works, water quality treatment devices and on-site detention system.

26. Preservation of Survey Marks

A certificate by a Registered Surveyor shall be submitted certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 – "Preservation of Survey Infrastructure".

27. Certification of WSUD Facilities

A certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP.

28. Landfill

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

- a) All fill material being 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 material approved under the *Department of Environment*.
- b) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.

29. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility.

30. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

31. Retaining Walls

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

32. External Lighting

To protect the amenity of adjacent residential premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.

33. Noise

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

34. Completion of Landscaping

The proposed landscaping must address the following:

- a) A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying

that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

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

35. Bushland Restoration

To ensure the regeneration of bushland, the applicant must ensure the following:

- a) A total of 8 Rough-Barked Apple trees (*Angophora floribunda*) and 5 Turpentine (*Syncarpia glomulifera*) trees with a pot size of 200 litres are to be planted on the site to replace the 16 trees to be removed as detailed on the Landscape plan, Drawing numbers L-4001 – 4007, Revision D, dated 05/10/2016.
- b) The erection of a post and wire (or similar) fence around the bushland area to physically keep machinery and equipment away from sensitive area of the site.

Note: Advice on appropriate bush regeneration methods and the removal of noxious and environmental weeds can be obtained from Council's Bushland and Biodiversity Management Team on 9847 6542.

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:

- 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.

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.

Covenants

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

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au 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.