

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SNH015
DA Number	DA/213/2015/B
LGA	Hornsby Shire Council
Proposed Development	Section 96 (2) modification of an approved part 13 and part 14 storey mixed use development comprising 76 units and three levels of commercial floor space with basement car parking
Street Address	Lots 9-11 Section 6 DP 1880 Nos. 94-98 George Street Hornsby
Applicant	DMPS
Owner	L & C's Foundation Pty Ltd
Date of DA lodgement	28 September 2016
Number of Submissions	Six submissions and a petition with 8 signatories
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development with a CIV of over \$20 million Cost of Construction proposed = \$23,908,130
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Hornsby Local Environmental Plan 2013 • Hornsby Development Control Plan 2013 • Hornsby Shire Council Section 94 Development Contributions Plan 2014-2024 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Locality Plan • Site Plans • Floor Plans • Elevations & Sections • Landscape Plans • Shadow Diagrams • Solar Analysis Report
Report prepared by	Caroline Maeshian
Report date	13 December 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards **No**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions **No**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves a Section 96(2) modification to an approved mixed use development by altering the basement, commercial and residential levels, increasing the overall building height and the floor to ceiling heights for the residential levels, reduction of the ground floor communal open space area and amending the balustrades on the George Street elevation.
- 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*.
- Six submissions have been received from three parties objecting to the application and a petition with 8 signatories.
- 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. DA/213/2015 for demolition of existing structures and construction of a part 13 and part 14 storey mixed use development comprising 76 units and three levels of commercial floor space with basement car parking at Lots 9-11 Section 6 DP 1880 Nos. 94-98 George Street Hornsby be amended as detailed in Schedule 1 of this report.

BACKGROUND

On 14 July 2016, the Sydney West Joint Regional Planning Panel approved DA/213/2015 for the demolition of existing structures and construction of a part 13 and part 14 storey mixed use development comprising 76 units and three levels of commercial floor space with basement car parking.

On 2 August 2017, a Section 96(1) application was approved to modify Condition No. 5(a) of the Development Consent No. DA/213/2015 relating to payment of Section 94 contributions.

On 22 December 2016, a Section 96(2) application was lodged to modify the approved development by altering the basement, commercial and residential levels, increasing the overall building height, increasing the floor to ceiling heights for the residential levels, reduction of the ground floor communal open space area and amending the balustrades on the George Street elevation. This application is the subject of this report

On 22 February 2017, a request for additional information was issued to the applicant relating to the increase in the height of the building, the revised floor plates of the residential units, reduction of the deep soil area, privacy impacts, the design of the roof level communal open space area, garbage truck access and the design of the turntable.

On 14 March 2017, Sydney Trains requested additional information to be provided to confirm that all excavation (including footings and pilings) are more than 25m from the rail corridor boundary.

On 17 March 2017, the applicant submitted shoring information overlaid with survey plan to confirm that the piling/shoring is clear of the 25m setback from the rail corridor boundary.

On 2 May 2017, the applicant submitted amended plans to address Council's issues.

On 9 May 2017, the applicant was requested to submitted additional solar access information.

On 30 May 2017, the applicant was requested to submit additional information to address concerns with respect to the design of the truck loading bay and garbage bin rooms.

On 5 June 2017, the applicant submitted further solar access analysis prepared by Steve King.

On 13 June 2017, the applicant submitted revised basement plans to address the waste management issues.

On 14 June 2017, Council briefed the Sydney North Planning Panel regarding this application. The Sydney North Planning Panel requested the applicant to submit revised landscaping plans for the modified communal open space area at the rear of the site.

On 6 July 2017, further concerns were raised by Council regarding the bin storage rooms, truck vertical clearance and truck turning paths.

On 20 July 2017, the applicant submitted landscape plans and revised plans to address waste management issues.

On 8 August 2017, Council wrote to the applicant raising concerns that the proposed modification results in a shortfall of car parking spaces for the retail/commercial component of the development.

On 15 August 2017, the applicant submitted revised plans showing the provision of additional car parking spaces by the use of mechanical stackers.

On 5 September 2017, Council wrote to the applicant raising concerns that the proposed installation of car parking stackers would not be supported.

On 1 November 2017, the applicant submitted revised plans involving a reduction of commercial floor area and a removal of the proposed car parking stackers in the basement.

SITE

The subject site is located at Nos. 94-98 George Street within the Hornsby town centre. Hornsby Railway Station is located approximately 300m to the south-west of the site, on the opposite side of George Street.

The site comprises three individual lots and is legally described as Lots 9-11, Section 6, DP1880.

The site is bound by Nos. 100-102 George Street to the north, Nos. 88-90 George Street to the south, George Street to the west and Hunter Lane to the east. It is generally rectangular in shape and has an approximate area of 1,843m² with frontage of 30.175m to George Street and 30.175m to Hunter Lane.

The topography of the site falls significantly from west (George Street) to the east (Hunter Lane) east, with an approximate fall of 4.54m.

The site is currently occupied by a 2 to 3 storey brick building which previously accommodated the Hornsby – Ku-ring-gai PCYC.

To the south of the site is Nos. 88-90 George Street which contains a 14 storey mixed-use development. This building was constructed to its northern boundary (i.e. the southern boundary of the subject site), with window openings and balconies provided on the northern façade. To the north, the site is adjoined by Nos. 100-102 George Street to the north, which contains a one to two storey brick building. This building is constructed to its southern boundary (i.e. northern boundary of the site).

The north precinct of the Hornsby town centre, within which the site is located, is in a state of transition. The *HDCP* envisages that the north precinct will provide an extension of the existing commercial centre and will accommodate a range of living employment and recreational activities.

THE APPROVED DEVELOPMENT

The approved development involves the demolition of existing structures and construction of a part 13 and part 14 storey mixed use development comprising 76 residential units and commercial floor space with basement car parking.

Three (3) commercial floor levels have been approved, at ground, first and second floor level. 76 residential units are proposed above the commercial levels (i.e. levels 3-12). Communal open space is provided at ground level to the rear of the site fronting Hunter Lane and via a roof top terrace.

A community room is proposed at basement level 1 which can be accessed from the ground level communal open space.

The commercial element of the approved development comprises the following:

Commercial	No. of tenancies	Gross Floor Area
Ground floor	5 tenancies ranging from 51m ² – 128m ² , including two street frontage spaces suitable for retail.	477.3m ²
Level 1 (excluding Unit C108)	7 tenancies ranging from 84m ² – 112m ² .	757.9m ²
Level 2 (excluding Unit C208)	7 tenancies ranging from 80m ² – 108m ² .	724m ²

The residential element of the approval comprises of the following dwelling mix:

Dwelling Mix	No. of units
1 bedroom apartments	36
2 bedroom apartments	32
3 bedroom apartments	8

Adaptable Dwellings:

The approved development provides for a total of 24 (31.6%) adaptable dwelling units.

Vehicle Access and Car Parking Provision:

Vehicle access to the approved loading dock and basement car park is via Hunter Lane. The approved car parking provision comprises:

- 32 commercial spaces;
- 76 resident parking spaces plus 11 visitor spaces;
- 24 x resident bicycle spaces and 3 commercial bicycle spaces; and
- 3 x motorcycle spaces.

THE PROPOSED MODIFICATION

The modification seeks to make amendments to the basement, commercial and residential levels of the approved development.

The proposed amendments comprise the following:

- The approved development comprises a floor space ratio (FSR) of 4.045:1, including a residential FSR of 2.99:1 and a commercial FSR of 1.06:1. However, condition No. 3(a)(i) of development consent required deletion of commercial tenancies C108 and C208, at first and second floor level to maintain the amenity and solar access to dwellings within No. 88-90 George Street. These units have been deleted from the plans.
- The retail gross leasable floor area (GLFA) has been reduced from 183.2m² to 183m².
- The GFA of the commercial component of the proposed development has been reduced from 1,947m² (1.060:1) to 1,946.5m² (1.056:1).
- The FSR of the approved development has therefore been reduced by the proposed modifications from 4.045:1 to 4.016:1.
- An increase is also sought to the building height to accommodate the lift shaft (cart and overrun) and an increase of the floor to floor heights. The combination of floor to floor heights and an increase to the lift overrun results in a total increase of 980mm, thereby increasing the approved building height from 46.4m to 47.38m.
- The proposed modification includes minor changes to the George Street elevation. The balconies are proposed to be slightly reconfigured.

- Modification of communal landscape area at the rear of the site. Due to the proposed basement reconfiguration, allowance for escape paths of travel and essential services, the approved deep soil area at the rear of the site is to be reduced by 39.2m².

The modification to the approved basement, retail/commercial and residential levels comprise the following:

Basement Levels

- The basement levels have been revised, reconfigured and extended towards the rear boundary. The garbage room and visitor car parking spaces have been relocated.
- The loading dock has been redesigned. A hydrant pump room and plan room has been added.
- The stairs from the basement has been reconfigured and relocated to comply with fire separation requirements.
- Hydrant booster relocated from George Street to Hunter Lane (Basement 1). OSD tank relocated to Basement 2 and electrical and NBN room added.
- Community centre room layout on Basement 1 reconfigured.
- One car parking space deleted from basement level 1 and one additional car parking space added to basement levels 2 and 3.

Ground Floor Level

- The ground floor retail units and lobby have been reconfigured and revised.
- The residential lobby has been enlarged and the amenities have been relocated.
- Two commercial units have been deleted and two retail and one commercial unit have been provided. The modified units have the following areas:

Unit G01 - 239.3m²

Unit G02 - 79.2 m² and

Unit G03 – 103.8 m²

Commercial Levels 1 and 2

- The commercial levels 1 and 2 have been reconfigured and revised.
- Commercial units C108 and C208 have been deleted as per DA/213/2015 condition No. 3(a)(i).
- The toilets on each floor have been consolidated and centralised. The commercial unit layouts and number of units has been revised to include four commercial units on each floor ranging in size from 82.5m² to 237.8m².

Residential Levels

- On the residential levels, the floor to floor heights have been increased by 20mm for Levels 3 –11 and 50mm for Level 12.

- The approved development has floor to floor heights of 3 metres. The proposed floor to floor height would be 3020mm. The increase to each residential floor level increases the overall building height to the finished roof level and parapet by 230mm.
- Reconfiguration of the bedrooms in typical units 01 and 08. The eastern walls of bedrooms 1 and 2 have been slightly shifted. A privacy screen has been retained on both of the bedroom windows of typical units 01.
- Provision of a lift lobby for the communal open space area on the roof top level.

1. ASSESSMENT

The development application has been assessed having regard to the 'A Plan for Growing Sydney', the 'Draft North District Plan' 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.

2. STRATEGIC CONTEXT

2.1 A Plan for Growing Sydney and (Draft) North District Plan

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 and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. 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, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The Greater Sydney Commission has realised the draft North District Plan which includes priorities and actions for the Northern District for the next 20 years. The identified challenge for Hornsby Shire will be to provide an additional 4,350 dwellings by 2021 with further strategic supply targets to be identified to deliver 97,000 additional dwellings in the North District by 2036.

The modified development would be consistent with '*A Plan for Growing Sydney*' and '*Draft North District Plan*.'

3. 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".

3.1 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 involve a reconfiguration of the basement, commercial and residential levels, increase of the overall building height and the floor to ceiling heights for the residential levels, reduction of the ground floor communal open space area and amendment of the balustrades on the George Street elevation. No additional residential units are proposed and the proposal would not significantly 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 modified proposal required referral to Sydney Trains. Sydney Trains raised no objections to the modified development subject to additional condition No. 33A.

In accordance with Section 96(2)(c) and (d), adjoining owners and objectors were notified of the application and six submissions and a petition with 8 signatories have been received. The matters raised in submissions are discussed in Section 6 of this report.

3.2 Hornsby Local Environmental Plan 2013

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

3.2.1 Zoning of Land and Permissibility

The subject land is zoned B4 Mixed Use under the *HLEP*. The objectives of the zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The modified development is a mixed-use development which consists of “commercial premises” and “shop top housing”. The approved uses are permissible in the B4 Mixed Use zone with Council’s consent. The modified development is consistent with the objectives of the zone.

3.2.2 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 the subject site is 40m. The development standard was subject to variation pursuant to Clause 4.6 of *HLEP* to permit non-compliance with the maximum building height in respect to building height RL220.15 exceeding 40m height by 6.4m.

The proposed modification seeks to increase the height from RL 220.15m to RL 221.13m which exceeds the 40m maximum building height standard. This results in a total increase in building height of 980mm, increasing the approved building height from 46.4m to 47.38m at the lift over run.

The proposed increase in building height is relatively minor and would not alter the approved bulk and scale, visual quality, streetscape or residential amenity. Accordingly, the non-compliance with the maximum building height is acceptable.

3.2.3 Floor Space Ratio

Clause 4.4 of the *HLEP* provides that the FSR of a building should not exceed the maximum FSR shown for the land on the Floor Space Ratio Map. The maximum permissible FSR for the site is 5:1, with a maximum residential FSR of 3:1.

The approved development comprises a floor space ratio (FSR) of 4.045:1, including a residential FSR of 2.99:1 and a commercial FSR of 1.06:1. However, condition No. 3(a)(i) of development consent required deletion of commercial tenancies C108 and C208, at the first and second floor level to maintain the amenity and solar access to units within the adjoining development at Nos. 88-90 George Street. The modified development involves the deletion of Units C108 and C208.

The layouts and number of the remaining commercial units have been revised to include four commercial units on each floor ranging in size from 82.5m² to 237.8m². The proposed modification involves a reduction of the commercial floor space ratio (FSR) from 1,947m² (1.060:1) to 1,946.5m² (1.056:1). The FSR of the approved development has subsequently been reduced from 4.045:1 to 4.016:1.

The modified proposal provides an overall FSR of 4.016:1, with a residential FSR of 2.976:1 in accordance with Clause 4.4 of the *HLEP*.

3.2.4 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire Council. The site does not include a heritage item and is not located in a heritage conservation area. However, the site is located within the immediate vicinity of heritage listed item No. 485 (SRA electricity plant and signal box – Hornsby Railway Station) and within the visual catchment of the Peats Ferry Road Precinct, West Side Hornsby Conservation Area (HCA), under the provisions of Schedule 5 of the *HLEP*.

The proposed modification would not alter the approved bulk and scale of the building. The original proposal was assessed as satisfactory against Council's provisions regarding heritage. Furthermore, no change is proposed to the approved external colours and finishes.

Accordingly, it is considered that the modified development would not have a detrimental impact on the heritage listed items and the West Side Hornsby Conservation Area.

3.2.5 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 in detail under DA/213/2015. The proposed modifications would not alter the compliance of the development with Clause 6.2 of the *HLEP*.

3.2.6 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/213/2015. The proposed modifications would not alter the compliance of the development with *SEPP 55*.

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

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The amended proposal does not involve the modification of the residential units, therefore an amended BASIX certificate is not required.

3.2.8 State Environmental Planning Policy (Infrastructure) 2007

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

3.2.9 Development in Rail Corridors

The development is located opposite the Main Northern Rail line and would require excavation within 25m (measured horizontally) of the corridor.

Sydney Trains granted its concurrence to the approved development, subject to recommended conditions.

Sydney Trains has reviewed the modified proposal under Clause 85 of *State Environmental Planning Policy (Infrastructure) 2007* and requested the imposition of additional condition No. 33A.

3.2.10 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.

A Design Verification Statement from a qualified designer is required to be submitted at lodgement of the development application. A “Design Verification Statement” prepared by a qualified Architect (Tony Owen of Tony Owen Partners Architects) stating how the proposed development achieves the design principles of *SEPP 65* was provided with the original application and this remains unchanged.

The design principles of *SEPP 65* and the submitted design verification statement are addressed in the following table.

Principle	Compliance
1. Context	Yes
<p>Comment: This matter was assessed in detail under DA/213/2015.</p> <p>The modified development maintains the use of the land as mixed use development. The proposed modification maintains the desired future character of the precinct as envisaged by Council for mixed use development with underground car parking. The modified proposal is considered to respond suitably to the ‘context and neighbourhood character’ principle of <i>SEPP 65</i>.</p>	
2. Scale	Yes
<p>Comment: Although an increase in height is proposed, the overall bulk and scale of the building remains consistent with the original approval. The modified development achieves a built form and scale consistent with the desired outcome for the mixed use precinct.</p>	
3. Built Form	Yes
<p>Comment: The built form is similar to that originally approved by the Sydney West Joint Regional Planning Panel. The height of the approved development is proposed to be increased by approximately 1m.</p> <p>The amended proposal continues to provide a commercial level podium with residential units above as is envisaged for the Hornsby Town Centre North Precinct.</p> <p>The proposed modification includes minor changes to the George Street elevation reflecting a rationalisation of the building’s balcony configuration and balustrade fenestration. The changes are considered to be minor and the amended architectural plans continue to demonstrate consistency with the solar access requirements of the <i>ADG</i> to the private open space and living room windows at mid-winter achieved by the approved development.</p>	

4. Density	Yes
Comment: The amended proposal complies with the 5:1 FSR limit for the site and 3:1 FSR for residential.	
5. Resource, Energy and Water Efficiency	Yes
Comment: The applicant was not required to submit an amended BASIX Certificate for the proposed development. The proposal does not involve modification to the residential units.	
6. Landscape	Yes
<p>Comment: The applicant submitted a revised concept landscape plan. The deep soil and landscaping arrangements within the front setback remain unchanged.</p> <p>The modification results in a minor reduction of the deep soil area and communal open space area at the rear. The reduction is as a result of the proposed basement reconfiguration, allowance for escape paths of travel and essential services.</p> <p>The approved communal open space area at the rear is proposed to be reduced from 306m² to 226m². This area would continue to provide a communal BBQ and dining area, large open lawn and perimeter planter boxes. A deep soil strip is proposed to the east of the landscaped area. Whilst the modification results in a decrease in communal open space at the rear, approximately 675.5m² of communal open space would be provided on the site (37% of site area). This includes the large roof top terrace communal open space area.</p> <p>A portion of the deep soil area is approximately 1 m deep as it is located above basement level 02. These areas have not been assessed as part of the deep soil calculations. The approved development provides 125m² deep soil area. The modified development provides 85.6m² which equated to 4.6% of the deep soil area provided on the site. This is considered acceptable given the context and high density urban nature of the site.</p> <p>Given the above, the application satisfies the intent of the 'Landscape' principle of <i>SEPP 65</i>.</p>	
7. Amenity	Yes
Comment: Concerns were raised regarding the revised floor plates of units numbered 01 on Levels 3-12 abutting the north facing balconies of No. 90 George Street. To address this concern, the applicant submitted revised plans showing a reduction of the floor plates of typical Unit 01 on Levels 3 – 12. The eastern wall of bedrooms 1 and 2 that have shifted to the west, to improve the relationship of the bedroom windows with the balcony on the adjoining property. In addition, the proposal involves the retention of privacy screens to the bedroom windows.	
8. Safety and Security	Yes
Comment: The modified proposal would not alter the compliance of the original proposal with regard to "safety and security".	

9. Social Dimensions and Housing Affordability	Yes
Comment: The modified development does not involve any changes to the approved adaptable housing and a mix of 1, 2 and 3 bedroom dwellings.	
10. Aesthetics	Yes
<p>Comment: The geometry of the glass balustrades of the George Street façade is proposed to be amended to comply with the <i>Building Code of Australia</i> balustrade requirements. The proposed changes are minor in nature and the modified development continues to demonstrate compliance with the solar access requirements of the <i>Apartment Design Guide</i>.</p> <p>The amendments to the façade are considered consistent with the design approved originally by the Panel.</p>	

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

SEPP 65 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 Soil Zone			
Approved:	6.8%	7%	No
Proposed:	4.6%	7%	No
Communal Open Space (includes roof top area)	37% (675.5m ²)	25-30%	Yes
Building Separation	As approved	12m – up to 4 storey 18m – 5 to 8 storey 24m – 9 storeys + Non-habitable rooms: 6m – up to 4 storey 9m – 5 to 8 storey 12m – 9 storeys +	No

		Allow zero building separation in appropriate context	
Minimum Dwelling Size	As Approved	Studio – 35m ² 1 br – 50m ² 2 br – 70m ² 3 br – 90m ² (+5m ² for extra bathroom)	Yes
Minimum Balcony Depth	As Approved	2m	Yes
Minimum Ceiling Height	3.02m residential floor to floor	2.7m	Yes
Total Storage Area	Studio – 4m ³ 1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min) 50% accessible from the apartments	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 3 bed - 10m ³ (Min) 50% accessible from the apartments	Yes
Solar Access (living rooms and private open space areas)	As approved	2 hours for 70% of units	N/A
Dual Aspect and Cross Ventilation	As approved	60%	No
Adaptable Housing	As approved	10%	Yes

As detailed in the above table, the amended development complies with the prescriptive measures within the *Apartment Design Guide (ADG)* other than deep soil zone. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

3.3.1 Building Separation and Setbacks

As outlined in original assessment of the application, the proposal did not fully comply with the building separation requirements of the *ADG*. However, side boundary setbacks within the Hornsby Town Centre are prescribed by Section 4.5.5(f) of the *HDCCP*, which establish that zero side boundary setbacks are required for both commercial and residential levels of development within the North Precinct. These setbacks are supported by the *ADG* which permits a zero side setback where the desired character is for a continuous street frontage.

A number of submissions raised privacy concerns relating to the proposed relocation of the units numbered Unit 01 on Levels 3-12 adjacent to the north facing balconies of No. 88-90 George Street. To address this concern, the applicant submitted revised plans showing a reduction of the floor plates of typical Unit 01 on Levels 3 – 12. The eastern wall of bedroom Nos. 1 and 2 have shifted to the west, to improve the relationship of the bedroom windows with the balcony on the adjoining property. In addition, the proposal involves the retention of louvered screens to the bedroom windows to maintain the privacy of the north facing balconies of the adjoining development.

Concerns were raised that the proposed extension of the roof top communal area would have a privacy impact on the north facing balcony of No. 88-90 George Street. The applicant submitted amended plans showing a reduction of the rooftop communal open space area. The extent of the proposed planter boxes have been amended to accommodate the proposed changes to the roof area and to allow additional planting to mitigate privacy impacts from the roof top communal open space area to the north facing balcony of Nos. 88-90 George Street.

3.3.2 Deep Soil Zone

The modification results in a reduced deep soil area and communal open space area at the rear. The reduction is as a result of the proposed basement reconfiguration and allowance for escape paths of travel and essential services.

The approved communal open space area at the rear is reduced from 306m² to 226m². This area would continue to provide a communal BBQ and dining area, large open lawn and perimeter planter boxes. A deep soil strip is proposed to the east of the landscaped area. A portion of the deep soil area is approximately 1m deep as it is located above basement level 2. These areas have not been included as part of the deep soil calculations. The approved development provides 125m² deep soil area. The modified development provides 85.6m² which equates to 4.6% of the deep soil area provided on the site.

This is considered acceptable given the context and high density urban nature of the site.

3.3.3 Height and Solar Access

The approved development provides a floor to floor height of 3m between all residential floors in the development, which is considered sufficient to allow the minimum floor to ceiling heights of 2.7 metres required under *SEPP 65* and the *Apartment Design Guide*.

The proposed modification involves an increase of floor height from 3m to 3.02m to comply with the *ADG* requirements for ceiling height. The applicant submitted information explaining

that the proposed floor to floor height of 3.02m would comprise the following elements to achieve the required floor to ceiling height:

- 200mm floor slab
- 20mm floor finishes
- 2700mm headroom
- 10mm plasterboard ceiling
- 90mm slim line type of duct system for bathroom exhausts

Total 3020 mm (floor to floor height)

In addition, an increase is sought to the overall building height to accommodate the lift shaft (cart and overrun), to manufacturers specifications. This results in a total increase in building height of 980mm, increasing the approved building height from 46.4m (RL 220.15) to 47.38m (RL221.13).

The minor increase to each residential floor level and the overall building height is considered acceptable.

3.3.4 Solar Access

The plans submitted as part of the Section 96 application include the deletion of two commercial units, increase in building height and extension of the commercial levels towards Hunter Lane. The proposal involves no change to the setback to the rear of the residential levels.

A number of submissions raised concerns regarding solar access impacts on the adjoining development at No. 88-90 George Street. One submission raises concerns that the solar access diagrams submitted with the original application are inaccurate and that the proposed modification would exacerbate the impacts on the adjoining building at Nos. 88-90 George Street.

This matter was referred to the applicant to address the accuracy of the solar access plans. The applicant submitted a solar access analysis report to Council prepared by Steve King. A copy of the report is attached.

The report provides a peer review and evaluation of the shadow diagrams and overshadowing analysis for the approved development and the proposed Section 96 application. In the report, the following solar access analysis is provided:

“The Architects used a computer mediated analysis technique based on a 3D digital model for their analysis, but illustrate the outcome on their plans with a 2D ‘fan’ diagram superimposed on the relevant ‘cutoff edges’.

I first confirm whether the designated azimuth angles are correct, by comparing the applicant’s diagram with a top-down view of the shadow as it appears in my calibrated 3D digital model, set for 9 am on June 21.

I note in approximately 1° discrepancy between the two angles. Explanation: At Hornsby, the MGA North (grid north) supplied on conventional surveys, is almost exactly 1° different to True North. This small discrepancy is effectively irrelevant in quantifying solar access and overshadowing, and may be safely disregarded.

The 2D azimuth angle 'fans' in plan remains unchanged between the approved DA and the s.96 application. The significance of this point is that it determines the extent of overshadowing for the north-east corner apartment in the 14 storey 'Avanti' building at 88-90 George Street.

I note that interpretation of 2D azimuth angle 'fans', as with conventional plan and elevation shadow diagrams, may be inadequate to conclusively quantify overshadowing impact or solar access. Therefore I present the same condition in the form of 3D projections which clarify the information.

I note that the 3D view at 11am shows slightly less of the affected verandas and living room glazing than suggested by the Applicant's 2D 'fan'. In the context of the full sun access before 9am, I consider this small discrepancy negligible.

I am satisfied from my independent analysis using a 3D digital model that the solar geometry employed by the architects is accurate to a suitable degree for conventional solar access and overshadowing analysis.

I address myself in particular to the question whether the proposed s.96 amendments would increase overshadowing of individual apartments in the building to the south of the subject development.

The critical vertical edge of the subject building which occasions the potential overshadowing impact has been designated as 'point A' in plan throughout the foregoing discussion. I can safely infer that this building edge has been carefully positioned to assure two hours of morning sun on June 21, to glazing and private open space of the apartments in the north-east corner of the 'Avanti' building.

I note that the relevant building edge is not affected by the s.96 amendments, and therefore I would expect that the degree of overshadowing predicted would remain the same. My independent 3D model analysis confirms this to be the case."

Based on the additional solar access elevational diagrams, it is considered that the proposed modifications would have no further impact upon the amount of sunlight received to the north east facing living room windows and private open space of apartments of the adjoining development at Nos. 88-90 George Street.

3.4 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 as per the conditions of consent, the proposal would comply with the requirements of the Policy.

3.5 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
Height			
Approved:	46.4m (RL220.15)	40m (12 storeys)	No
Proposed:	47.38m (RL221.13)		No
Setback			
Commercial Floors and Basement Levels			
Hunter Lane	39.5m	41 m measured from George Street frontage for Commercial Level	Yes
Side Boundary	Nil	Nil	Yes
Basement			
Front (George Street):	As approved	6m	N/A
Side:	Nil	Nil	Yes
Rear (Approved):	54.435m	44m	No
Rear (Proposed):	55.9m	44m	No
Private Open Space	Unchanged as approved	N/A	N/A
Housing Choice			
Adaptable Units			

As detailed in the above table, the proposed development does not comply with height and setback prescriptive requirements within the *HDCP*. The matters of non-compliance are detailed below, as well as a brief discussion on compliance with relevant desired outcomes.

3.5.1 Height

Section 4.5.4 of the *HDCP* establishes that mixed use buildings within the North Precinct are to incorporate a commercial podium height of 3 storeys (12m) with an overall height of 12 storeys.

A part 13/14 storey mix used development with a three (3) storey commercial podium has been approved on the site. As discussed in Section 2.1.2 of this report, the modified development involves a minor increase in the height of the approved building. The non-compliance is attributable to the lift overrun, which is setback from the George Street frontage and provides access to the roof top terrace.

3.5.2 Setbacks, Separation and Privacy

3.5.2.1 Basement Setbacks

The modified development involves the extension of the basement levels towards to the eastern boundary. The modification is considered acceptable as sufficient deep soil planting is to be provided.

3.5.2.2 Commercial Setbacks

The balconies for commercial levels 1 and 2 of the approved development are to be extended towards to the eastern boundary. The modified building would be contained within the 41m maximum distance from the George Street frontage.

The revised plans include amendments to the approved development required by Condition No. 3(a)(i) of the development consent. The two commercial tenancies on levels 1 and 2 have been removed. As the amendments prescribed by this condition have been completed, the condition is recommended to be deleted.

3.5.2.3 Residential Setbacks

A number of submissions have been received raising concerns with respect to building separation between the southern side elevation and units at No. 88-90 George Street. It is noted that the proposed modification retains the approved setback of 0 to 6m from the boundary on the northern and southern side elevations. The two commercial units adjacent to the southern boundary have been deleted in accordance with the condition of consent.

To address the concern raised regarding the relocation of the Units numbered 01, the applicant submitted revised plans showing a reduction of the floor plates of typical Unit 01 on Levels 3 – 12. The eastern wall of bedroom Nos. 1 and 2 of these units have been shifted to the west, to improve the relationship of the bedroom windows with the balconies on the adjoining property. Furthermore, privacy screens would be provided to the bedroom windows.

The proposal would meet the separation and privacy requirements of *HDCP* and *ADG*.

3.5.3 Landscaping

A landscape plan submitted with the modified proposal includes revised plantings along the street frontage and rear boundary. The proposed adjustment of the basement levels has

resulted in a reduction of deep soil area to the rear fronting Hunter Lane. Subject to a condition requiring additional tree planning at the rear, the proposed modification would achieve a development consistent with the desired future character of the precinct.

3.5.4 Vehicular Access and Parking

The revised proposal involves a reduction of the approved retail and commercial floor space, as a result of the deletion of the two commercial units. The retail gross leasable floor area (GLFA) has been reduced from the approved 183.2m² to 183m². The Gross Floor Area (GFA) of the commercial component of the proposed development has been reduced from 1,763.8m² to 1,763.5m². The modified proposal would continue to provide a total of 120 car parking spaces in the basement. There is no additional demand for car parking generated by the modified proposal.

3.5.5 Waste Management

The proposed modification involves enlargement of the commercial bin room to accommodate 4 of 1100L bins or the equivalent 7 of 660L bins.

The residential component would require 5 of 660L garbage bins serviced three times per week, 10 of 240L recycling bins serviced twice per week and one of 1100L paper/cardboard bin serviced weekly. The site would also require 2 spare 660L garbage bins and 10 spare 240L recycling bins for use on collection days. The revised residential bin room has sufficient space to store all of the bins.

The garbage chute system is to be fitted with a 4x660L bin carousel. A bulky waste storage area of 8m² has been provided at Basement level 1.

The waste facility on each residential level consists of a garbage chute behind the lift and a recycling bin in a cupboard opposite the chute. The hoist for the commercial tenancies has been widened to 1.5m making it a more practical size (1100L bins will be able to be taken to the tenancies). Lift 3 has been designed to open into the loading bay making it more useful for the other commercial tenancies.

The truck travel path to the loading area within the site has been changed from forward in forward out to reverse in and forward out. The applicant has provided a swept path of a HRV entering and exiting the site. Hunter Lane currently has "No Parking" restrictions on both sides. Given that the reversing manoeuvre would be 38 metres long, Council's traffic assessment has raised no objections to the modified loading dock subject to a condition requiring a convex mirror to be installed for safety reasons. A convex safety mirror would assist car drivers intending to leave the site to see the reversing truck.

3.6 Section 94 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2014-2024 applies to the development. The proposal involves modification of the retail/commercial floor space, therefore the Section 94 contributions condition would be required to be amended.

4. 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”*.

4.1 Natural Environment

4.1.1 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.

4.2 Built Environment

4.2.1 Built Form

The modified development would involve a minor increase of the height of the approved development and would not alter the impact on the locality with regard to built-form. The matters in relation to built-form of the modified proposal and the impact on the streetscape are discussed in detail in Sections 3.2.2 and 3.2.10 of this report.

4.3 Social Impacts

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

4.4 Economic Impacts

The matter has been assessed in detail within the assessment of the original development application. The proposed modification would have a positive economic impact on the locality.

5. 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 within the assessment of the original development application. No further assessment is necessary.

6. PUBLIC PARTICIPATION

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

6.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 4 January 2017 and 2 February 2017 in accordance with the Notification and Exhibition requirements of the *HDCP*. During this period, Council received six submissions from three parties objecting to the application and a petition with 8 signatories. 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

<ul style="list-style-type: none"> • PROPERTIES NOTIFIED 	<ul style="list-style-type: none"> X SUBMISSIONS RECEIVED 	 <ul style="list-style-type: none"> PROPERTY SUBJECT DEVELOPMENT 	<ul style="list-style-type: none"> OF 
<p>ONE SUBMISSION RECEIVED OUT OF MAP RANGE</p>			

Six submissions and a petition with 8 signatories objected to the development, generally on the grounds that:

- The use of yellow fin walls would have a visual impact on the living area of the adjoining development.
- The solar access consultant has shown the building to be higher than Avanti's living levels. This height difference of the building has not been correctly shown in architectural plans.
- Inadequate separation between the southern side elevation and residential units at No. 88-90 George Street.

- Loss of privacy.
- Inaccurate shadow diagrams have been submitted.
- The internal areas of Avanti apartments would lose all sunlight (from sunrise).
- Sunlight access plan prepared by the solar access consultant are required to consider 9am onwards and not from 8am.
- The two very large floor-to-ceiling glass sliding doors lighting the interior bedroom, kitchen and dining area would not receive solar access.
- The very large Avanti living room window is completely in shadow from 8:50am and partially in shadow since 8:10am.
- Use of flammable cladding on the proposed building.
- Certification for correct installation of fire safety measures.
- Unacceptable use of car parking stackers in the basement.

6.1.1 Colour of the materials

A number of submissions have raised concerns regarding the approved colour of the blade walls at the rear of the building. The modified development does not seek to amend the approved colour scheme or the materials and finishes.

6.1.2 Development that is excessive in height

A submission has raised concern that the solar access consultant has shown the building to be higher than living levels of the adjoining development at No. 88-90 George Street (Avanti building) and the architect has not correctly shown the height of the modified building. The solar access consultant has used a model which illustrates each of the residential apartments within the adjoining building and has excluded the building's rooftop bulk. The elevation plans prepared by the architect clearly illustrate the height of the building compared to the Avanti building. The proposed building height (RL 221.13) remains below the maximum building height of the adjoining development (RL 222.20).

6.1.3 Inadequate building separation and loss of privacy

A number of submissions have been received raising concerns with respect to separation between the southern side elevation and units at Nos. 88-90 George Street. It is noted that the proposed modification retains the approved setback of 0 to 6m from the boundary on the northern and southern side elevations. The two commercial units adjacent to the southern boundary have been deleted in accordance with the development consent condition No. 3(a)(i).

To address the privacy concerns of the location of these units, the applicant submitted revised plans showing a reduction of the floor plates of Unit Nos. 01 on Levels 3 – 12. Furthermore, privacy screens would be provided to the bedroom windows.

6.1.4 Inaccurate shadow diagrams

A number of submissions raised concerns regarding the accuracy of the solar access diagrams prepared by the architect for the approved and proposed development. This matter has been addressed in detail in Section 3.3.4 of this report.

6.1.5 The internal areas of Avanti apartments would lose all sunlight from sunrise

The *Apartment Design Guide* and the *HDCP* require consideration of the amount of sunlight received by a development at mid-winter (21 June), between the hours of 9am and 3pm.

Whilst it has been acknowledged that an amount of sunlight would be lost to the neighbouring development, however, it has previously been demonstrated that a minimum of 2 hours of sunlight is able to be achieved to the living room windows and private open space of the adjoining apartments.

The proposed modifications would have no impact upon the amount of sunlight received to the east facing main living room windows and private open space of apartments within the adjoining development.

6.1.6 Sunlight access plan prepared by the solar access consultant are from 8am

The applicant has indicated that the additional sunlight demonstrated at 8am has not been relied upon to demonstrate achievement of the required solar access.

The modified development does not involve a change to the residential footprint of the approved development. It is considered that the apartments in the adjoining building would continue to receive adequate solar access to the living room windows and private open space between 9am and 3pm at mid-winter.

6.1.7 The two very large floor-to-ceiling glass sliding doors lighting the interior bedroom, kitchen and dining area would not receive solar access.

The *Apartment Design Guide* (AGD) requires consideration of the amount of sunlight received by a development at mid-winter (21 June), between the hours of 9am and 3pm to the living room windows and private open space of apartments. The modified development satisfies this requirement.

6.1.8 The Avanti living room window would be completely in shadow

A submission has raised concern that the internal areas of our Avanti apartments would be will be left with only a tiny amount of sunlight via small windows after 9am.

The modified proposal does not involve change to the residential footprint of the approved development. Each of the apartments in the adjoining development would still maintain adequate solar access between 9am and 3pm at mid-winter.

6.1.9 Use of flammable cladding on the proposed building.

A submission has raised concern regarding the potential use of flammable cladding on the building.

It is a requirement under the *Environmental Planning and Assessment Act 1979* and *Regulation* that building work is carried out in accordance with the *Building Code of Australia*. In accordance with the Condition No. 6 prior to the issue of a Construction Certificate all approved building work, including the use of external cladding must be carried out in accordance with the relevant requirements of the *Building Code of Australia*, which includes Section C – Fire Resistance.

6.1.10 Fire Safety

A number of residents of Nos. 88-90 George Street have raised an issue with the potential spread of fire between the approved building and the adjoining development. A submission has requested that certification be provided for the correct installation of fire safety measures. In accordance with the Condition No. 6 prior to the issue of a Construction Certificate all approved building work must be carried out in accordance with the relevant requirements of the *Building Code of Australia*, which includes Section C – Fire Resistance.

6.2 A number Public Agencies

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

6.2.1 Sydney Trains

The modified development was referred to Sydney Trains for comments. Sydney trains reviewed the proposal and requested information to be provided to confirm that all excavation (including footings and pilings) are more than 25m from the rail corridor boundary.

The applicant submitted shoring information overlaid with survey information, confirming that the piling/shoring would be clear of the 25m setback from the rail corridor. Sydney Trains raised no further objections to the proposal, subject to an additional condition of consent No. 33A requiring geotechnical and structural engineers' certification.

7. 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 Section 96 application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

8. CONCLUSION

The application proposes Section 96(2) modification to Development Application No. DA/213/2015. The proposed modification consists of amendments to the basement, commercial and residential levels, increasing the overall building height and the floor to ceiling

heights for the residential levels, reduction of the ground floor communal open space area and amending the balustrades on the George Street elevation.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 96(2) of the *Environmental Planning and Assessment Act 1979*.

Having regard to the circumstances of the case, 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. Location and Site Plan
3. Basement Floor Plans
4. Commercial Floor Plans
5. Residential Floor Plans
6. George Street Elevation
7. Hunter Lane Elevation
8. Section
9. Landscape Plan
10. Shadow Diagrams
11. Shadow Analysis Report

Date of 1st modification:	2 August 2017
Details of 1st modification:	Section 96(1) application was lodged to modify Condition No. 5(a) of the development consent relating to payment of Section 94 contributions
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	5(a)

Date of this modification:	13 December 2017
Details of this modification:	Section 96(2) application was lodged to modify the basement, commercial and residential levels, increase the overall building height and the floor to ceiling heights for the residential levels, reduction of communal open space area and alteration of the balustrades on the George Street elevation
Conditions Added:	3(a)(ix), 26(g)-(j), 33A, 64(m)-(o), 69A, 69B, 69C
Conditions Deleted:	3(a)(i), 3(a)(v), 3(a)(vi)
Conditions Modified:	1, 3(a)(vii), 3(a)(viii), 5, 26(c), 26(d), 26(e), 26(f), 56, 57, 64(b), 64(d), 71(a), 71(b)

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

1. Approved Plans and Supporting Documentation

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

Architectural Plans prepared by Tony Owen Partners

Plan No.	Revision No.	Plan Title	Dated
S96-A 100	10	Basement 4 Plan	19.10.2017
S96-A 101	5	Basement 3 Plan	19.10.2017
S96-A 102	6	Basement 2 Plan	10.08.2017
S96-A103	8	Basement 1	14.07.2017
S96-A 104	11	Ground Floor Plan	24.10.2017
S96-A 105	5	Level 1 Plan	19.10.2017
S96-A 106	5	Level 2 Plan	19.10.2017
S96-A 107	3	Level 3 Plan	19.04.2017
S96-A 108	2	Level 4, 6, 8 & 10 FL Plan	3.03.2017
S96-A 109	2	Level 5, 7, 9 FL Plan	3.03.2017
A96-A 110	2	Level 11 FL Plan	3.03.2017

Plan No.	Revision No.	Plan Title	Dated
S96-A 111	2	Level 12 FL Plan	3.03.2017
S96-A 112	2	Roof Plan	3.03.2017
S96-A 200	6	Section A	19.10.2017
S96-A 300	5	George Street Elevation	20.05.2017
S96-A 301	5	Hunter Lane Elevation	19.10.2017
S96-A 302	2	North Elevation	3.03.2017
S96-A 303	3	South Elevation	12.04.2017
A350	Z	Adaptable Units	24.05.2016
S96-A 502	1	Ventilation Shaft Diagram	16.12.2016

Landscape Plans prepared by Formed Gardens

Plan No.	Revision No.	Plan Title	Dated
001	H	Landscape Works Basement Level	7.07.2017
002	H	Landscape Works Ground Floor Plan	7.07.2017
003	G	Landscape Works Communal Roof Terrace	30/10/15
003	H	Landscape Sections Details and Schedule	7.07.2017

Stormwater Plans prepared by C & M Consulting Engineers

Plan No.	Revision No.	Plan Title	Dated
01310_110	01	General Notes & Legend	1/06/2015
01310_201	02	General Arrangement Plan – Basement Level 4	18/09/2015
01310_202	02	General Arrangement Plan – Basement Level 3	18/09/2015

Plan No.	Revision No.	Plan Title	Dated
01310_203	02	General Arrangement Plan – Basement Level 2	18/09/2015
01310_204	02	General Arrangement Plan – Basement Level 1	18/09/2015
01310_205	02	General Arrangement Plan – Ground Floor	18/09/2015
01310_206	02	General Arrangement Plan – First Floor	18/09/2015
01310_621	02	On-Site Detention Tank Plan & Detail	18/09/2015

Supporting Documents

Document title	Prepared by	Dated
Noise and Vibration Assessment	Acoustic Logic Consultancy Pty Ltd	15/12/2014
BASIX Certificate No. 596601M_05	VIPAC Engineers	09 June 2016
Plan Showing Detail and Levels (Reference No. 76524 Sheets 1-4)	Rygate Surveyors	8/12/2014
FSR – Ground Level (Reference Drawing No. S96-A 450 Revision 11)	Tony Owen Partners	25.10.2017
FSR – Level 1 (Reference Drawing No. S96-A 451 Revision 4)	Tony Owen Partners	19.10.2017
FSR – Level 2 (Reference Drawing No. S96-A 452 Revision 4)	Tony Owen Partners	19.10.2017
FSR – Level 3 to Level 10 (Reference Drawing No. S96-A453 Revision 2)	Tony Owen Partners	3.03.2017

Document title	Prepared by	Dated
Level – 11 & 12 FL Plan (Reference Drawing No. S96A 454 Revision 2)	Tony Owen Partners	3.03.2017
Ventilation Diagram (Reference Drawing No. Sec96-A 500 Revision 1)	Tony Owen Partners	16.12.2016
Ventilation Diagram Level 11 & 12 (Reference Drawing No. Sec96-A 501 Revision 1)	Tony Owen Partners	16.12.2016
Shadow Diagram (Reference Drawing No. S96-A 600-A602 Revision 1)	Tony Owen Partners	16.12.2016
Solar Diagram Level 02 (Reference Drawing No. S96-A 604 Revision 1)	Tony Owen Partners	16.12.2016
Solar Diagram Level 03 (Reference Drawing No. S96-A 605 Revision 1)	Tony Owen Partners	16.12.2016
Solar Diagram Level 4, 6, 8 & 10 (Reference Drawing No. S96-A 606 Revision 1)	Tony Owen Partners	16.12.2016
Solar Diagram Level 5, 7, 9 (Reference Drawing No. S96-A 607 Revision 1)	Tony Owen Partners	16.12.2016
Solar Diagram Level L11 (Reference Drawing No. S96-A 608 Revision 1)	Tony Owen Partners	16.12.2016
Solar Diagram Level L12 (Reference Drawing No. S96-A 609 Revision 1)	Tony Owen Partners	16.12.2016
Perspective 01 (Reference Drawing No. A700 Revision Z)	Tony Owen Partners	24.05.2016
Stormwater Management Plan (Reference: Report No.	C & M Consulting Engineers	September 2015

<i>Document title</i>	<i>Prepared by</i>	<i>Dated</i>
R01310-WQF)		
Sediment & Erosion Management Plan (Reference Drawing No. 01310_701 Revision 02)	C & M Consulting Engineers	18/09/2015
Sediment & Erosion Management Details (Reference Drawing No. 01310_702 Revision 01)	C & M Consulting Engineers	18/09/2015
Preliminary Site Investigation	Aargus	19 December 2014
External Finishes (Reference Drawing No. A800 Revision C)	Tony Owen Partners	04.12.2014
Waste Management Plan	Elephants Foot Recycling Solutions	December 2014
FSR Calculations (Reference No. S96-A 420 Issue 9)	Tony Owen Partners	25.10.2017

2. Removal of Existing Trees

- a) This development consent permits the removal of all trees from the site.

3. Amendment of Plans

- a) The approved plans are to be amended as follows:
- i) **Deleted**
 - ii) The proposed allocation of residential, visitor and commercial car parking spaces are to be specified on the Construction Certificate drawings.
 - iii) Five additional bicycle parking spaces are to be provided on the Construction Certificate drawings.
 - iv) The ensure security is maintained residential lifts are to restrict access through the use of fobs.
 - v) **Deleted**
 - vi) **Deleted**

- vii) The approved Landscape Works Communal Roof Terrace plan prepared by Formed Gardens (Reference Drawing Nos. 003 Issue G and dated 30 October 2015) must be amended in accordance with the approved roof plan (Reference: Drawing No. S96-A 112 Issue 2 dated 3.03.2017) prepared by Tony Owen Partners.
 - viii) The approved Stormwater Plans prepared by C & M Consulting Engineers (Reference Drawing Nos. 01310_201 Issue 02 and dated 18 September 2015) must be amended in accordance with the approved architectural plans prepared by Tony Owen Partners.
 - ix) The approved South Elevation plan prepared by Tony Owen Partners (Reference Drawing Nos. S96-A 303 Issue 3 and dated 12.04.2017) must be amended in accordance with the approved floor plans prepared by Tony Owen Partners.
- b) These amended plans must be submitted with the application for the Construction Certificate.

4. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

5. 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 2014-2024*, the following monetary contributions must be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$64,423.20
Open Space and Recreation	\$732,786.10
Community Facilities	\$281,704.90
Plan Preparation and Administration	\$3,300.65
TOTAL	\$1,082,214.85

being for 36 x 1 bedroom units, 32 x 2 bedroom units, 8 x 3 bedroom units, Commercial GFA 1763.50m² and Retail GFA 183 m² (including a credit for the existing PCYC).

- b) The value of this contribution is current as at 27 November 2017. If the contribution is not paid within the financial quarter that this condition was generated, the contribution 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:

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

Where:

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

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

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

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

- c) The monetary contribution must 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.

Note: 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.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

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

Where 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, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.

8. **Notification of Home Building Act, 1989 Requirements**

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

- a) In the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor; and
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
 - i) The name of the owner-builder; and
 - ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

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

9. **Utility Services**

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

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

10. **Sydney Water – Quick Check**

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

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

11. **Dilapidation Report**

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of all adjoining properties at No. 90 George Street and 100-102 George Street, Hornsby.

- a) To record the structural condition of all properties adjoining the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate.

12. **Site Investigation**

A detailed investigation of the proposed development site must be prepared by a suitably qualified environmental consultant and submitted to Council prior to the issue of a construction certificate as proposed in the Preliminary Investigation prepared by Argus, document number ES6109, dated 19 December 2015. Such investigation must be undertaken in accordance with NSW Environment Protection Authority's Contamination Sites – Guidelines for Consultants reporting on Contamination Sites and Contamination Sites – Sampling Design Guidelines.

13. **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* and the following requirement:

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

14. **Noise – Rail Corridor**

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled, prepared by Acoustic Logic and dated 15 December 2014 and the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and RailCorp's *Interim Guidelines for Applicants*.

Note: The Department of Planning's document is available at www.planning.nsw.gov.au (development assessments). The RailCorp document is available at www.railcorp.nsw.gov.au/publications.

15. Crane and Other Aerial Operations

Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

16. Stormwater Drainage

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

- a) Connected directly to Council's piped drainage system in Hunter Lane via the on-site detention system.
- b) The Water Quality devices as recommended in the design C & M Consulting Engineers are to be incorporated in the stormwater drainage design.

17. 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 38 cubic metres, and a maximum discharge (when full) of 17 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.
- e) The OSD, being a "confined space" is to be located in an area which allows clear access and good ventilation.

18. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary must be obtained from Council.
- b) The driveway must be a rigid pavement.

19. **Footpath**

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

- a) The existing footpath being removed.
- b) Construction of Claypave "Monarch Tan" pavers across the full frontage of the subject site. The pavers are to be laid in a herringbone pattern with header course.
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.
- d) Prior to any works an approval under Section 138 of the Roads Act is to be obtained from Hornsby Shire Council.

20. **Vehicular Crossing**

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

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

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.

21. **Road Works (George Street)**

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

- a) The existing kerb and gutter in George St is to be removed and reconstructed.
- b) A kerb, gutter and road pavement is to be constructed across the frontage of the site in Hunter lane. The alignment of the kerb and gutter is to match the existing kerb alignment to the south of the site. The work shall include the adjustment of services and any other works required to make the work effective.
- c) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.
- d) No work is to commence within the existing road reserve or future road reserve until such time as written approval is issued by Hornsby Shire Council under Section 138 of the Roads Act.

22. **Road Works (Hunter Lane)**

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

- a) The existing kerb and gutter is to be removed. A new kerb and gutter and road pavement is to be constructed across the frontage of the site in Hunter Lane. The alignment of the kerb and gutter is to match the existing kerb and gutter alignment (in Hunter lane) for the development at 88-90 George St.
- b) A concrete footpath to be constructed across the frontage of the site in Hunter lane.
- c) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.
- d) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

23. **Minimum Floor Levels**

The minimum floor level (MFL) of the ground floor units including the ground floor lobby is to have a MFL of 175.65 AHD. The driveway crest is to have a minimum level of 300mm above the 1% adjacent flood level. The loading dock (including the garbage collection area) is to have a minimum level of 300mm above 300mm above the 1% flood level. The finished surface levels are to be in accordance with the Stormwater Management Plan prepared by C & M Consulting Engineers Revision b dated Sep 2015.

24. **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 plan prepared by a suitably Chartered and Qualified Chartered Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted with the Construction Certificate according to the following requirements:-

- a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.
- b) 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.
- 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 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 including the frequency of truck movements at the different stages of the development.
- 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) Hours of operation.
- i) If there is a requirement to obtain a Work Zone an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate.

25. 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.

26. Waste Management Details

The following waste management requirements must be complied with:

- a) The approved on-going waste management system must not be amended without the written consent of Council.
- b) A bulky waste storage area of at least 8 square metres must be provided at the basement level.
- c) The chute system must include volume handling equipment (4x660L carousel or equivalent, with no compaction) to automatically change the bin under the chute when it becomes full.

Note: Consultation with the chute system supplier is required to ensure the chute service room dimensions are adequate, the selected volume handling equipment will be able to be installed and operated in the available space, and that access to all sections of the room is retained.

- d) The access way (including ramp, vehicle turning area, loading bay 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.

Note: Note: AS2890.2-2002 includes a maximum gradient of 1:8 for reverse travel and a minimum vertical clearance of 4.5 m.

- e) There must be a waste facility (a garbage chute and a 240 L recycling bin in a cupboard) on each residential level for each lift core of each building. Each waste facility must:
- i. be accessible by persons with a disability after the garbage chute and 240 L recycling bin are installed; and
 - ii. comfortably house the required garbage chute and 240 L recycling bin; and
 - iii. have door(s) wide enough and positioned so that the 240 L recycling bin can fit through.

Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin for manoeuvring and to avoid damage by scraping – 75 mm is recommended. That is, the internal dimensions of the recycling bin cupboard should be no less than 750 mm wide by 900 mm deep. These dimensions do not include wall thickness, door thickness, ventilation ducting etc, which must be added. The chute system supplier must be consulted for chute space requirements. AS 1428.1 requires at least 800 mm clear doorway opening for wheelchair access.

- f) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
- i) An estimate of the types and volumes of waste and recyclables to be generated;
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

- g) At the basement 1 level, there must be sufficient space to place all of the residential bins within 6 m of the truck loading bay for servicing, with sufficient aisle space (1.5 m wide) to access and manoeuvre the bins.

Note: If necessary, it is acceptable for there to be two collection areas for the residential bins, provided one is for all the garbage bins and the other for all the recycling and paper bins. The residential waste collection area(s) need to be large enough to comfortably place 5 of 660 L garbage bins, 10 of 240 L recycling bins and 2 of 660 L or 1 of 1100L paper/cardboard bins at the same time. The 660L bins are 1400 mm wide by 800 mm deep, 240 L recycling bins are 600 mm wide by 750 mm deep, 1100L bins are 1400 mm wide by 1100 mm deep; allow for ease around the bin – 75 mm is recommended. Allow aisle space (1.5 m wide) to access and manoeuvre the bins.

- h) The commercial bin storage room (Garbage room 2) must be within 6m of the loading bay and have sufficient space for all of the commercial bins (4 of 1100L bins or 7 of 660L bins) plus aisle space (minimum 1.5m wide) to access and manoeuvre them.
- i) The door(s) to the residential bin storage room (Garbage room 1) and to the commercial bin storage room (Garbage room 2) must be sufficiently wide to allow the largest bin to pass through.

Note: 1100L bins are 1400 mm wide by 1100 mm deep.

- j) The commercial/retail units and levels must not have access to the residential garbage chute system.

27. **Preservation of Survey Marks**

Prior to the issue of any construction Certificate, a Registered Surveyor shall identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a Registered Surveyor in accordance with Section 24 (1) of the surveying and Spatial Information Act 2002 and the following the Surveyors General Directions No 11 – “**Preservation of Survey Infrastructure**”

28. **Car Parking Design and Access**

Prior to the issue of any construction Certificate, the plans shall demonstrate that:

- a) Residential parking spaces are secure spaces with access controlled by card or numeric pad.
- b) Visitors are able to access the visitor parking spaces in the basement car park at all times.
- c) All parking for people with disabilities complies with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.
- d) Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993 Bicycle parking facilities; and

- e) Motorcycle parking spaces are to be designed in accordance with AS 2890.5-1993.

29. Adaptable Units/Storage

The following details must be provided with the Construction Certificate plans.

- a) The development is required to provide 24 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the *Hornsby Development Control Plan 2013*. In this regard, 8 car parking spaces are to be designed for people with a disability and allocated to 8 accessible units; and
- b) Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) for 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.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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30. 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, address and telephone number of the principal certifying authority for the work;
 - ii) 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
 - iii) 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.

31. 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.

32. 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*.

33. 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.

33A. Geotechnical and Structural Stability and Integrity

Prior to the commencement of works, the Applicant must provide certification from a qualified Geotechnical and Structural Engineers to Sydney Trains stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION
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34. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances). No work is to be undertaken on Sundays or public holidays.

35. 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.

36. 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.

37. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Hunter Lane during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

38. Construction vehicle work zone

All construction vehicles associated with the proposed development are to be contained on site or in an approved "Work Zone" in Hunter Lane.

39. Waste Management Details

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

- a) The identity of the person removing the waste.
- b) The waste carrier vehicle registration.
- c) Date and time of waste collection.

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

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

40. **Council Property**

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

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

41. **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 suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) A compaction certificate must be provided by a geotechnical engineer certifying any fill within road reserves, and all road sub-grade and road pavement materials.
- d) The compaction certificates must be included with the application for an occupation certificate.

42. **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 and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

43. Survey Report – Finished Floor Level

To ensure that the approved development has been located at the setbacks and levels shown on the relevant plans and elevations, a report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a) The building, retaining walls and the like have been correctly positioned on the site; and
- a) The finished floor level(s) are in accordance with the approved plans.
- b) Confirming that the waste collection vehicle standing area complies with *AS2890.1 – 2004 and AS20890.2 – 2002* for small rigid vehicles (SRV).

44. Compliance During Construction Works

The development must be carried out in accordance with the following approved document:

- a) Construction Traffic Management Plan (CTMP).

45. Maintenance of Public Footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION 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.

46. Road Widening – Hunter lane

The land that is identified as being required for Road Widening within Hunter Lane is to be dedicated as Public Road and registered with the Land Titles Office as a stratum lot. The stratum lot to be dedicated is to be unlimited in height and limited in depth to that level which is approximately 2 metres below the finished road pavement. In this regard a Subdivision Certificate is to be issued by Hornsby Shire Council.

47. Fulfilment of BASIX Commitments

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

48. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA..

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.

49. **Certification of WSUD Facilities**

Prior to the issue of an Occupation Certificate 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.

50. **Certification of Survey Marks**

A certificate by a Registered Surveyor shall be submitted to the Principal Certifying Authority, 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 Surveyors General's Direction No 11 – "Preservation of Survey Marks".

51. **Certification of Minimum Floor Levels**

A Certificate from a registered Surveyor is to be submitted to the Principal Certifying Authority that the minimum floor levels have been achieved.

52. **Damage to Council Assets**

Any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified in accordance with Council's Civil Works Specifications.

53. **Consolidation of Allotments**

All allotments are to be consolidated under the one title.

54. **Creation of Easements**

The following easements are to be created on the title of the property under the provisions of the *Conveyancing Act 1919*:

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention water sensitive urban design (WSUD) 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 and water quality facilities, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system and water quality facilities must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved

plans must be shown in red on the “works-as-executed” plan and supported by calculations.

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

55. 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.

56. Planter Boxes / On slab planting

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

57. Street Tree Plantings – George Street

Planting to the George Street verge shall be three (3) *Tristanopsis laurina* ‘luscious’ (Water gums) as shown on the landscape plans. Trees are to be located in tree planter pits 2m x 4m x 0.5m deep per tree creating a minimum volume of structural soils of 4m³ per tree. Imported tree pit soil is to be a *structural soil* created using 40mm aggregate free draining granular material to create an adequate lateral growing volume below the pavement. Tree pits are to have a surface area opening of 2m x 1m created within the concrete slab. Tree pits are to have a finished surface matching the surrounding paver level of compacted decomposed granite. Trees are to be installed at minimum 100 litre pot size.

Note: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure Nurseries have stock available at the time of install.

58. Completion of landscaping

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

59. 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.

60. **Retaining Walls**

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

61. **Installation of Air Conditioner**

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

62. **External Lighting**

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

63. **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.

64. **Waste Management Details**

The following waste management requirements must be complied with:

- a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the garbage chute system, volume handling equipment, bin lifter, motorised bin trolley or similar, recycling bin storage on each residential level, bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, etc.

- b) The residential bin storage room and the commercial bin storage room at the basement 1 level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility rooms/cupboards at each residential level must include sealed and impervious surface, adequate lighting and ventilation.
- c) A report must be prepared by an appropriately qualified person, certifying the following:
 - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.
Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report
 - ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.]\

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.
 - iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 20 litre containers, one each for general waste and recyclable materials.
- e) 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.
- f) The bin carting routes must be devoid of any steps.
Note: Ramps between different levels are acceptable

- g) “No parking” signs must be erected to prohibit parking in the waste collection loading bay.
- h) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with *Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities* for heavy rigid vehicles.

Note: encroachments of the vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces cannot be tolerated.

- i) The 4.5 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or anything else.
- j) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point(s) by waste removal services.
- k) Access to the volume handling equipment by unauthorised persons (including residents, commercial tenants etc) must be prevented.

Note: Caging of the volume handling equipment or a separate lockable room is acceptable.

- l) The means must be in place to prevent Commercial tenants from using the residential bins and prevent residents from using the commercial bins.

Note: Separate lockable bin storage rooms/cages are acceptable.

- m) “No Parking” signs must be erected on both sides of Hunter Lane to prohibit vehicles from parking in the waste collection vehicle turning path.
- n) The road widening works in Hunter Lane must be completed prior to occupation.
- o) There must be a bulky waste storage area of at least 8 square metres at the basement level.

65. **Unit Numbering**

All units are to be numbered consecutively commencing at No.1. The strata plan lot number is to coincide with the unit number, e.g. Unit 1 = Lot 1. The allocated of unit numbering must be authorised by Council prior to the numbering of each units in the development.

66. Site Remediation Verification

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 Scheme and any recommendations of any Remedial Action Plan prepared.

67. Construction of engineering works.

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate or Subdivision Certificate

68. Provision for National Broadband Network (NBN)

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

69. Safety and Security

This site must include the following elements:

- a) An intercom system must be installed at gate locations to ensure screening of persons entering the units;
- b) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments;
- c) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces;
- d) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces;
- e) CCTV cameras must be installed at the entry and exit point and the around the mailbox;
- f) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting;
- g) The driveway and basement car parking must be illuminated with low luminance at all times;
- h) Security deadlocks are to be provided to each apartment door; and
- i) Peep holes are to be provided to individual apartment doors to promote resident safety.

69A. **Tree planting Hunter Lane frontage**

Tree planting within the deep soil area along the Hunter Lane frontage is to include:

- a. Two (2) *Tristaniopsis laurina* 'luscious' (Water gums) in mulched planter beds. Trees shall be installed at minimum 75 litre pot size.

69B. **Streetscape paving**

Streetscape pavement works should be provided within the George Street road verge. Paving works are to include a fully paved verge using Claypave 'Monarch Tan' 230 x 110 x 60mm unit paving laid in 45° herringbone pattern with header course. Pavers are to be laid on bedding sand over a 100mm thick concrete base slab.

69C. **Convex Safety Mirror**

Prior to Occupation Certificate, a convex safety mirror must be installed under the instructions of a Traffic Engineer on the north wall of the Basement 1 level near the loading dock so that vehicles approaching from within the car park can see entering vehicles including waste collection vehicles reversing into the building.

OPERATIONAL CONDITIONS

70. **Landscape Establishment**

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

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

71. **Waste Management**

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

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc), ensuring all residents and commercial tenants are informed of the use of the waste management system, and managing the loading dock to ensure that it is sufficiently available for all necessary waste collection services to take place. 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.

- b) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.
- c) The commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.

72. 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).

73. Car parking and Deliveries

All car parking must be operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off-street car parking* and *Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities* 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.

74. 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.

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). (HDCP 1B.6.1.c).

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

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

Disability Discrimination Act

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

Covenants

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

Tenancy Fit-Out – Separate DA Required

This consent does not permit the fit-out of individual retail and commercial tenancies. A separate development application is required for the fit-out of individual tenancies prior to the occupation of the building.

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.

Unit Numbering (Strata Units)

All units are to be numbered consecutively commencing at No1. The strata plan lot No is to coincide with the unit number. Eg Unit 1 = Lot 1.