

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	17 September 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Mark Colburt and Chandi Saba
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Ms Morrish declared that her company including herself are involved in a proposal at a proximate site. As such, she would not participate in this determination.

Papers circulated electronically on 4 September 2020.

#### MATTER DETERMINED

2019CCIO24 – DA1392/2019/JP – The Hills Shire, 11-15 Fishburn Crescent and 28-30 Chapman Avenue, Castle Hill, Residential flat building development. Demolition of the Existing Structures and Construction of an Apartment Building Development containing 94 Units and Associated Works (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

The Panel determined to **approve** the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the conclusion of the Council Assessment Report.

The decision was **unanimous**.

The reasons for the decision included that the application satisfactorily addressed requirements related to:

- The local context and neighbourhood character
- Built form and scale
- Density, housing diversity and social interaction
- Sustainability
- Landscape and aesthetics
- Safety and amenity.

#### CONDITIONS

The development application was approved subject to deferred commencement conditions and operational conditions in the Council Assessment Report, with amendment to Conditions 5, 37 and 60 as per Council memorandum dated 15 September 2020.

#### Condition 5 to read as follows –

##### Compliance with Endeavour Energy requirements

##### • **Network Capacity / Connection**

The submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works. The applicant will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required indoor / chamber or padmount substation/s will need to be located within the property (in a suitable and accessible

location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Note the Design Brief issued by Endeavour Energy on 25 January 2019 (EE Ref: UML8670 – 2018/00567/001) is only valid for three (3) months from the date of issue.

Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch. Alternatively the applicant should engage a Level 3 ASP approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- **Urban Network Design**

The proposal is to comply with Endeavour Energy's Company Policy 9.2.5 'Network Asset Design' and requirements for electricity connections to new urban subdivision/development under Section 5.11 Reticulation Policy.

- **Earthing**

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

- **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- **Dial Before You Dig**

Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- **Asbestos**

Endeavour Energy's G/Net master facility model indicates that the site is in a location identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- customer meter boards;
- conduits in ground;
- padmount substation culvert end panels; and
- joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

- **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead and underground cables etc.

- **Public Safety**

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

If the applicant has any concerns over the proposed works in proximity of the electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is:

[Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au) .

- **Emergency Contact**

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

**Condition 37 to read as follows –**

**Internal Pavement Design Certification**

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must

be adequate to withstand the loads imposed by a loaded 8.8m long medium rigid waste collection vehicle from the boundary to the waste collection point including any manoeuvring areas.

**Condition 60 to read as follows –**

**60. Working Hours**

All work must be restricted to between the following hours:

7:00am and 5:00pm, Monday to Saturday (*with the exception of concrete pours which are permitted between the hours of 7.00am to 6.00pm*).



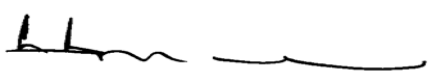
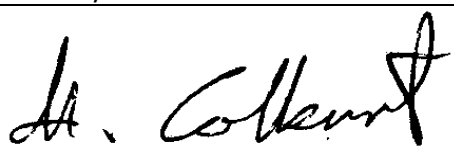
No work to be carried out on Sundays or public holidays.

The builder/contractor must instruct sub-contractors regarding the hours of work.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that there were no written submissions made during the public exhibition.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Chandi Saba	 Mark Colburt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCIO24 – DA1392/2019/JP – The Hills Shire
2	PROPOSED DEVELOPMENT	Residential flat building development. Demolition of the Existing Structures and Construction of an Apartment Building Development containing 94 Units and Associated Works
3	STREET ADDRESS	11-15 Fishburn Crescent and 28-30 Chapman Avenue, Castle Hill
4	APPLICANT/OWNER	Applicant – Fishburn Group Pty Ltd Owner – Mr P Venhuizen, Mrs J R Venhuizen, Mrs C Mancone, Mr M J J Mancone, Mr J M Kok, Mrs S S Kok, Mrs J A Speth, Mr M R Gillies and Mr R C Gillies
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments:               <ul style="list-style-type: none"> <li>Environmental Planning Policy - State and Regional Development 2011</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 55 — Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings.</li> <li>• State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</li> <li>• The Hills Local Environmental Plan 2012</li> </ul> <p>○ Draft environmental planning instruments: Nil</p> <p>○ Development control plans:</p> <p>The Hills DCP 2012 –</p> <ul style="list-style-type: none"> <li>○ Part B Section 5 – Residential Flat Building</li> <li>○ Part C Section 1 – Parking</li> <li>○ Part C Section 3 – Landscaping</li> <li>○ Part D Section 19 – Showground Precinct</li> <li>○ Apartment Design Guide</li> </ul> <p>○ Planning agreements: Nil</p> <p>○ Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> (Clause 92 (1) (b))</p> <p>○ Coastal zone management plan: [Nil]</p> <p>○ The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>○ The suitability of the site for the development</p> <p>○ Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>○ The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: September 2020</li> <li>• Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>• Briefing – 24 October 2019</li> <li>• Papers were circulated on 4 September 2020.</li> </ul>
9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report