

SYDNEY NORTH PLANNING PANEL

Panel Reference	PPSSNH-182
DA Number	DA/1062/2020
LGA	Hornsby Shire Council
Proposed Development	Place of public worship including ancillary development, basement car parking, associated site and external works
Street Address	669 Old Northern Road, Dural (Lot 1 DP 231126)
Applicant	Ms Emily Hou - Calibre Group
Owner	Ms Rosanna Frasca
Date of DA Lodgement	3 December 2020
Number of Submissions	3
Recommendation	Approval
Regional Development Criteria) (Schedule 7 of the SEPP (State and Regional Development) 2011)	Private Infrastructure and Community Facilities over \$5 million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 Remediation of Land • State Environmental Planning Policy No. 64 Advertising and Signage • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River • Hornsby Local Environment Plan 2013 • Hornsby Development Control Plan 2013 • Section 7.12 Development Contributions Plan
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Architectural Plan Set prepared by Design Cubicle • Landscape Plans prepared by Site Image Landscape Architects • Operational Plan of Management
Report prepared by	Ben Jones - Senior Town Planner
Report date	24 May 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.22)? **No**

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 the demolition of a shed and the construction of a place of public worship including ancillary development, basement car parking, associated site and external landscaping works at No. 669 Old Northern Road Dural, (Lot 1 DP231126).
- The proposed development complies with the requirements of the relevant environmental planning instruments, including *State Environmental Planning Policy (Infrastructure) 2007*, the *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*.
- The proposed development does not create unreasonable environmental impacts to the adjoining residential development with regard to visual bulk, overshadowing, solar access, traffic, parking, amenity or privacy.
- 3 submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. DA/1062/2020 for the construction of a place of public worship at Lot 1 DP231126, No. 669 Old Northern Road, Dural be approved subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

On 27 April 2020, Council held pre-lodgement meeting PL/18/2020, regarding the provision of planning advice for a proposal to develop No. 669 Old Northern Road into a place of public worship, community centre, youth sports centre, shop, ancillary buildings, landscaping works, earthworks and car parking.

Subsequent to PL/18/2020, the applicant submitted DA/1062/2020 to Council for assessment on 3 December 2020.

SITE

The 2.023ha site is located on the corner of Old Northern Road and Franlee Road, Dural and currently contains a dwelling house and a childcare centre. A large paddock occupies the centre of the site.

The site is generally regular in shape and has a frontage of 97 metres to Old Northern Road and 188 metres to Franlee Road. Vehicular access to the site is possible from both frontages, with multiple entry points located on Franlee Road and a single point of entry to the site from Old Northern Road.

The existing dwelling on the site is located in the north western portion of the allotment and the childcare centre is located in the south western corner. Approval to operate the childcare centre on site was granted under DA/56/1986 and comprises of a small sized single level building of approximately 311m², an 8 space carpark, a child play area and a sewerage disposal field.

The site experiences a fall of approximately 16 metres from the north western corner of the site to the south eastern corner.

The site is bushfire prone with a western portion of the site being within 100m of bushfire prone vegetation.

The site is not flood prone.

The site is not burdened or benefitted by any easements or restrictions.

The site does not contain a heritage listed item and is not located within a heritage conservation area. Heritage item No. 347, 671-673 Old Northern Road is located adjacent to the northern side boundary of the site. Heritage item No. 347 comprises a brick dwelling of the interwar period, representative of the “symmetrical Inter-War” architectural style.

The development site is surrounded to the north, east and south, by large lot rural-residential lands, with allotments to the west in the neighbouring Hills Shire being currently undeveloped, business and medium density zoned land. Approximately 250 metres to the north of the site is “Round Corner” a local shopping and business precinct.

PROPOSAL

The development application proposes the construction of a place of public worship. The proposed works would comprise the following;

- Demolition of shed ancillary to existing residence.
- Removal of roadside vegetation and vegetation within the site that cannot be retained.
- Construction of a new place of public worship including:
 - On-grade and basement car parking comprising of 238 car spaces (including 8 accessible), 7 motorcycle spaces and 33 bicycle spaces;
 - 350 seat main church and 70 seat chapel;
 - 20 seat choir loft and media room at a mezzanine level;
 - Multi-functional room and commercial kitchen;
 - Confessional booths, sacristies, robing room, piety supply room, altar server room and collection room;
 - Ancillary building including offices, meeting rooms, reception, kitchen and staff dining room for administration and counselling;
 - Amenities for parishioners and staff;
 - Waste storage and collection areas;
 - Drop off area and covered forecourt;
 - 2 x ground mounted crosses;
 - 2 x entry / exit driveways and 3 pedestrian pathways from Franlee Road;
 - Extensive Landscaping works including a formal children’s memorial garden;
 - Stormwater treatment works including provision of OSD tank; and
 - On-site effluent disposal system including aerated wastewater treatment system and subsurface drip irrigation

- The redesign of Franlee Road and Old Northern Road intersection including:
 - Upgrade of pavement, kerb, guttering and footpaths fronting the site;
 - Construction of approximately 45m of footpath from the site to the nearest bus stop at Old Northern Road;
 - Provision of channelised left turn lane and channelised right turn lane on Old Northern Road into Franlee Road; and
 - Regrading of road verges to suit provision of footpath adjacent to roadway.

In total, 106 trees would be removed to facilitate the development. The existing dwelling house and childcare centre would remain.

ASSESSMENT

The development application has been assessed having regard to *the Greater Sydney Region Plan*, 'A Metropolis of Three Cities', the 'North District Plan' and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

A *Metropolis of Three Cities* has been prepared by the NSW State Government to guide land use planning decisions to the year 2056. The population of Greater Sydney is expected to grow by 3.2 million people by 2056. The Plan sets a strategy for accommodating Sydney's future population growth and demographic change, while improving liveability.

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 District planning process to define objectives and set goals for job creation, housing supply and choice in each District. The *North District Plan* is a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the 40 year vision for Greater Sydney.

Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde, and Willoughby LGAs to form the North District. The *North District Plan* will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development. The *Metropolis of Three Cities* sets a District 20 year strategic housing target of 92,000 dwellings over the next 20 years.

The proposed development would be consistent with 'A *Metropolis of Three Cities*', by providing additional services to support a growing population. Further, the development would not be incompatible with the protection and enhancement of the environmental social and economical values in the Dural area, and would not detrimentally impact upon the ongoing rural use of any surrounding properties.

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider "any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations".

2.1 Hornsby Local Environmental Plan 2013

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

2.1.1 Zoning of Land and Permissibility

The subject land is zoned RU2 Rural Landscape under the *HLEP*. The objectives of the RU2 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

The proposed development is defined as an “*place of public worship*” under the *HLEP* and is permissible in the zone with Council’s consent. The proposed development is consistent with the objectives of the RU2 – Rural Landscape zone by providing for a compatible land use to support the rural and urban populations, whilst having negligible detrimental impact on any rural undertakings on surrounding properties and maintaining the rural landscape character of the area.

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* prescribes 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 10.5m. The proposal complies with this provision, with a maximum building height of 10m.

2.1.3 Heritage Conservation

Whilst the site is not located in a heritage conservation area and does not contain a heritage listed item, it is adjacent to heritage item No. 347, 671-673 Old Northern Road, a brick dwelling of the interwar period, representative of the “symmetrical Inter-War” architectural style.

In assessing the heritage impacts of the proposal, it is noted that the proposal seeks to alter the built form within the subject site only. The adjoining heritage items seek to preserve physical form of the existing dwelling house and the significant elements of its architectural style. The proposal would have negligible impact on these items and would not adversely impact the continued heritage value of the item, or detrimentally alter its setting.

The proposal meets the desired outcome of Clause 5.10 Heritage Conservation of the *HLEP* and Part 9.4.1 Development in the Vicinity of Heritage Items and Heritage Conservation Areas of the HDCA and is considered acceptable.

2.1.4 Earthworks

The objective of Clause 6.2 Earthworks of the *HLEP* is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The Preliminary Construction Traffic Management Plan, prepared by The Transport Planning Partnership, dated 18 February 2021 identifies that the development would involve the excavation of approximately 20,000-30,000m³ of soil, with the bulk of excavation being required for the construction of the basement carpark area. An assessment of the requirements listed under Clause 6.2(3) of the *HLEP* is required to be undertaken before development consent is granted. An assessment of these requirements is provided in the table below:

Matter for Consideration	Comment
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development	<p>The bulk of proposed earthworks are associated with the construction of the basement carparking area, with minor earthworks also proposed for landscaping works.</p> <p>With regard to the basement excavation, it is noted that this excavation would be centrally located on the site. Existing grades would be maintained at all property boundaries and the supplied stormwater plans indicate that all stormwater would be disposed of at the natural low point of the site, adjacent to Franlee Road. Consequently, drainage patterns would remain largely consistent with pre-development flows.</p> <p>The development would also have negligible impact on soil stability on the site, subject to the implementation of adequate retaining devices designed and installed by a suitable qualified engineer. Appropriate conditions of consent to this effect are included in schedule 1 of this report.</p>
(b) the effect of the development on the likely future use or redevelopment of the land	<p>The proposed excavation would not sterilise the site from any future land use should the site be redeveloped for other purposes in the future. The proposed development represents a substantial building that is likely to continue to be used for a community purpose for the foreseeable future.</p>
(c) the quality of the fill or the soil to be excavated, or both	<p>The applicant provided a Preliminary Site (Contamination) Investigation, prepared by Douglas Partners, dated 29 October 2020. The contamination report took soil samples from the site and identified that the general sub surface profile was that of fill/silty clay and siltstone. Contaminates on the site were identified to be within limits for soil contamination.</p> <p>Subject to the imposition of conditions requiring soil exported from the site to be appropriately classified as disposed of, the development is considered acceptable in this regard.</p>
(d) the effect of the development on the existing and likely	<p>Excavation works would require the preparation of a construction management plan (CMP) and construction traffic management plan (CTMP) during the construction phase of the development.</p>

amenity of adjoining properties	<p>The applicant has provided a preliminary CMP and CTMP to Council for assessment and no objections are raised to these documents subject to the imposition of the conditions recommended in Schedule 1 of this report including conditions requiring the preparation of final versions of these documents prior to the issue of a construction certificate.</p> <p>Upon the completion of the earthworks, there would be negligible impact on the amenity of any adjoining property as a result of the earthworks, as all cut is contained within the subject site and setback from adjoining neighbours.</p>
(e) the source of any fill material and the destination of any excavated material	<p>Fill material is not identified to be exported onto the site. Conditions of development consent are recommended in Schedule 1 of this report to prohibit the importation of fill material onto the site.</p> <p>Excavated material is identified to be reused on the subject site where possible for backfilling and landscaping, with the balance being sent to a licensed recycling facility or landfill as appropriate. No objections are raised subject to the recommended conditions of development consent within Schedule 1 of this report.</p>
(f) the likelihood of disturbing relics	<p>Council has no record of any historical items or events of note on the subject site, of either Aboriginal or European Heritage. It is therefore considered that the proposed works are unlikely to disturb any relics.</p>
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area	<p>There is no drinking water catchment or environmentally sensitive area within close proximity to the site.</p> <p>The closest waterway to the site is an ephemeral tributary of Georges Creek, which is located approximately 110m to the south-east of the site. Subject to the implementation of sediment and erosion control, and appropriate devices for stormwater disposal, the proposed development would have negligible impact on this adjoining waterway.</p>
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	<p>Appropriate measures have been included as conditions of development consent in Schedule 1 of this report to avoid, minimise and mitigate the impacts of the development.</p>

2.2 State Environmental Planning Policy No. 55 Remediation of Land

The application has been assessed against the requirements of *State Environmental Planning Policy No. 55*. This Policy provides State-wide planning controls requiring 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.

A search of Council's records indicates that the site has a long history of agricultural use, and more recently from 1986 onwards has been used for a rural-residential purpose and as a childcare centre. The majority of the site does not appear to be used for any identifiable intensive rural purpose since the establishment of the childcare centre, with the large centre section of the site being maintained as a paddock.

A Preliminary Site (Contamination) Investigation (PSI) report was prepared by Douglas Partners, dated October 2020 to support the development.

The PSI report concluded the following with respect to contamination on site:

Based on the site observations, field and analytical results reported herein, it is concluded that the site is suitable, from a contamination perspective, for the proposed Maronite Catholic Church and associated works, subject to the following:

Implementation of an Unexpected Finds Protocol such that any finds of suspected contamination (e.g., asbestos) can be documented and managed under an appropriate management procedure.

Council's assessment raises no concerns with respect to the proposal, subject to the imposition of conditions of development consent as recommended in the PSI report and contained within Schedule 1 of this report.

2.3 State Environmental Planning Policy No. 64 Advertising and Signage

The proposed signs have been assessed against the requirements of State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64). This Policy provides State-wide planning controls for advertising signs and prevails over other environmental planning instruments including the HLEP and the Hornsby Development Control Plan 2013. The aims of the Policy are to ensure that advertising and signage is compatible with the desired amenity and visual character of an area, to provide effective communication in suitable locations and to ensure signage is of high quality design and finish. The proposed development includes the installation of two crucifixes adjacent to the proposed building and lettering located on the corner of Franlee and Old Northern Roads. The lettering would take the form of dark coloured lettering attached to a low brick retaining wall which states "Christ the Redeemer"

The proposed signs are 'business identification signs' as defined under *Standard Instrument - Principle Local Environmental Plan 2006*.

Council's assessment of the proposal with respect to the criteria in Schedule 1 of SEPP 64 is provided below.

State Environmental Planning Policy No. 64		
Control	Requirement	Comment
Schedule 1 – Assessment Criteria (to be considered for all advertising structures including "business identification signs")		
Character of the area	<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	Yes - The signage is limited in scale and appropriate for the rural residential locality.

	<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	Yes - The signage is consistent with the general theme of outdoor advertising the locality, which generally comprises of limited business identification signage adjacent to Old Northern Road.
Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No - The proposed signage is limited in scale and appropriate with respect to its rural setting.
Views and vistas	<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>No important views would be impacted.</p> <p>The proposal does not dominate the skyline or impact on vistas. The height and scale of the signage is compatible with the locality.</p> <p>The signage would not impact on the viewing rights of existing nearby signage.</p>
Streetscape, setting or landscape	<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>Yes - The scale, proportion and form is appropriate for the streetscape and landscape.</p> <p>Yes - The proposed signs contribute to the visual interest of the streetscape.</p> <p>N/A- No existing advertising on site.</p> <p>No.</p> <p>The proposed crucifix adjacent to the western façade of the church building would protrude above the building. However, the crucifix is limited in scale, consistent with the height restriction for the site and would be adequately screened by proposed vegetation.</p> <p>No vegetation management is required with respect to the proposed signage.</p>

Site and building	<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both</p>	<p>Yes - The scale of the signage is considered appropriate having regard to the scale of the proposed buildings on the site.</p> <p>The proposed signage is compatible with the architectural design of the proposed church building.</p> <p>The signage is appropriate for the site and consistent with the proposed architectural theme.</p>
Associated devices and logos	<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>There are no devices, platforms, overhangs or protrusions as part of this proposal.</p>
Illumination	<p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>N/A – No Illumination proposed</p> <p>N/A – No Illumination proposed</p> <p>N/A – No Illumination proposed</p> <p>N/A – No Illumination proposed</p> <p>N/A – No Illumination proposed</p>
Safety	<p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>No – the signage would not include flashing or moving images.</p> <p>No</p> <p>No - The signage would not obscure sightlines from public areas.</p>

As outlined in the table above, the proposal satisfies the assessment criteria under Schedule 1 and is consistent with the objectives of *SEPP 64*.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The application is subject to assessment under Clause 101(2) of the *State Environmental Planning Policy (Infrastructure) 2007 (SEPP)* given the proposal has a frontage to a classified road being Boundary Road. The application was also referred to Transport for NSW (TfNSW) (formally NSW Roads and Maritimes Services) for comment.

Clause 101(2) of the *ISEPP* states:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In regard to Clause 101(2)a, vehicle access to the site is proposed via Franlee Road. The existing access point to the dwelling house in the western portion of the site would be retained, to be used in conjunction with the existing dwelling.

In regard to Clause 101(2)b, the development application was referred to TfNSW for comment. On 26 March 2021, TfNSW responded to Council providing support to the development subject to conditions of development consent, which have been included as conditions recommended in Schedule 1 of this report.

In regard to Clause 101(2)c, it is considered that the development is sufficiently setback from Old Northern Road to ameliorate potential impacts arising from traffic.

2.5 State Environmental Planning Policy (State and Regional Development) 2011

Section 4.5(b) of the *Environmental Planning and Assessment Act 1979* provides that the Sydney district planning panel for the area in which the development is to be carried out is the consent authority for development of a kind that is declared by an EPI as regionally significant development. Schedule 7(5) of the *State and Regional Development SEPP* provides that development for the purposes of a *place of public worship* that has a CIV of more than \$5 million is regionally significant development. The provided Quantity Surveyors Report provides a CIV of \$14,873,451 which satisfies the criteria.

As the proposed development has a CIV of more than \$5 million, it is deemed to be regionally significant development and the Sydney North Planning Panel is the consent authority for the application.

2.6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The application has been assessed against the requirements of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)*. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Part 3 of the *Vegetation SEPP* states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1B.6.1 of the Hornsby Development Control Plan 2013 (HDCP) prescribes works that can be undertaken with or without consent to trees.

Part 3.1.2 of this report provides an assessment in accordance with Part 1B.6.1 of the HDCP.

2.7 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.

The proposal includes details of soil and water management during construction works. A condition is recommended with respect to installation of sediment and erosion control measures prior to, and during, construction.

The proposed development would have minimal potential to impact on the Hawkesbury-Nepean Rivers Catchment subject to the implementation of recommended conditions contained with Schedule 1 of this report.

2.8 Clause 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Clause 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

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

2.9 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)* as outlined in Part 1, Part 2 and Part 7 of the HDCP. Detailed assessment of the relevant planning controls is provided below.

2.9.1 Site Requirements

Part 7.1.1 Site requirements of the HDCP outlines the site-specific requirements for a place of public worship.

The proposed development is generally consistent with these requirements, by being located within walking distance to public transport, being adequately separated from rural land uses and being adequately setback from Old Northern Road.

The proposed development is however inconsistent with prescriptive measure 7.1.1(c) which states that community uses should not be situated in a street that ends in a cul-de-sac. Franlee Road is a no through road which terminates in a cul-de-sac and as such the development does not comply with this restriction.

In support of this variation, it is noted that the development site is located at the corner of Franlee Road, with vehicular access only being required for the first 100m of the road. Sufficient parking and vehicular access are provided on site to cater for the expected vehicle demand and vehicles would be unlikely to travel to the end of Franlee Road to access the site. Whilst the proposal would increase traffic on Franlee Road during events, the proposed public domain works, intersection upgrade and onsite vehicular parking would adequately cater for vehicles.

It is also noted that the site is not permitted to gain access from Old Northern Road, as this road is a classified road, and providing vehicular access to the site from a classified road when a suitable alternate access is available is inconsistent with the requirements of Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*.

The proposed development is considered to meet the desired outcomes of Part 7.1.1 Site requirements of the HDCP and is considered acceptable.

2.9.2 Scale

The relevant desired outcome of Part 7.1.2 Scale of the HDCP is for development with a height, bulk and intensity that is compatible with the character of the area.

The prescriptive measures outline that for rural zones, the scale and site coverage controls outlined in Part 2.1 of the HDCP are applicable.

Part 2.1 of the HDCP prescribes that the scale of buildings is restricted by the maximum building height for the land as prescribed within the *HLEP* and the site coverage is unlimited, however must have regard to the site constraints.

The proposed place of public worship would have a maximum height of 10.0m at the top of the west facing crucifix which complies with the maximum 10.5m height of buildings permitted under *HLEP* 2013 and the HDCP. The majority of the proposed place of public worship would be under 8.5 metres height above existing ground level.

Site coverage for the building would be equal to approximately 22% of site area, which is considered to be appropriate for the site, as the proposed bulk has been centrally located within the site and is consistent with side setback requirements. Further, the bulk of the building has been condensed via the introduction of the basement parking and lower level multi-function room which permits extensive landscaping to be included on site.

The proposed scale is therefore considered to be consistent with the desired outcome of Part 7.1.2 of the HDCP.

2.9.3 Setbacks

The desired outcome of Part 7.1.3 setbacks of the HDCP is for:

- *Setbacks that are compatible with adjacent development and compliment the streetscape; and*
- *Setbacks that allow for the retention of significant landscape features and respect site constraints*

The relevant prescriptive measure to support the desired outcomes outlines that within in the RU2 - Rural Landscape zone, setback controls as outlined in Part 2 of the HDCP should be applied. Relevant setback distances in this instance would be equal to 10m to the northern side boundary, 15m to the eastern rear boundary, 10m to the Franlee Road frontage and 30m to the Old Northern Road frontage.

The proposed church buildings and basement area would all be compliant with the above-mentioned setback controls. Minor structures, including landscaping, retaining walls, vehicular access points and pedestrian pathways would encroach into the prescribed setback distances on the Franlee and Old Northern Road frontages. No objections are raised to these encroachments as these minor elements would have negligible impact on the streetscape and would largely be screened by proposed landscaping elements. Retaining walls on boundaries would assist in retaining some of the cut required to support the installation of the pedestrian footpath around the site frontage and would permit the introduction of street trees along both frontages.

It is therefore considered that the proposed development is compatible with adjacent development and that structures are appropriately setback with respect to site constraints.

2.9.4 Landscaping

The desired outcome of Part 7.1.4 Landscaping is for:

- *Landscaping that is compatible with the character of the locality; and*
- *Landscaping that retains existing landscape features such as significant trees, flora and fauna habitats and urban streams.*

The applicant provided landscape plans by Site Image Landscape Architects detailing the extent of landscaping works on the subject site.

A total of 106 trees would be removed from the site to facilitate the development, with the majority of those trees being located around the boundaries of the subject site. The loss of trees would be offset with the planting of 248 trees, with 55% (137) of these being endemic species. The replacement planting would similarly be placed primarily around the peripheries of the site, and include feature trees within the property boundaries, street tree planting on Old Northern and Franlee Roads and planting associated with the establishment of the Children Memorial Garden.

In addition to tree planting, landscaping works include a mid-storey of mass planted garden beds, including hedging, formal garden areas and entry / exit treatments. Large areas are also maintained as grassed lawns within the front and rear setbacks of the site.

The proposed landscaping is considered to be appropriate to integrate the proposed built form into the surrounding landscape, and the landscaping treatments are considered to be generally compatible with the character of the locality, which generally comprises of landscaped peripheries with large paddocks or fields central to allotments.

It is therefore considered that the proposed landscaping treatment generally complies with the desired outcomes of Part 7.1.4 Landscaping of the HDCP and is acceptable.

2.9.5 Privacy, Security and Sunlight Access

The desired outcomes of Part 7.1.6 of the HDCP is for:

- *Development designed to provide reasonable privacy and sunlight to adjacent properties; and*

- *Development designed to provide high levels of security.*

The proposed building would not overshadow any adjoining neighbour. Shadow diagrams indicate that shadows cast by the building during the winter solstice would fall within the boundaries of the subject site between 9am and 3pm.

With respect to privacy, the building is centrally located in the centre of the site, with the primary congregation and outdoor areas orientated towards the rear of the site or the Franlee Road frontage. The closest adjoining residences are located adjacent to the north western corner of the site. The building has not been orientated towards these residences and no points of interest are located within close proximity to the adjoining dwellings. Landscaping plans depict the establishment of landscaping adjacent to the boundary in this location to provide some screening and physical separation between land uses.

The proposed development is considered to be adequately designed with respect to security. The proposed building is setback from the public spaces of Old Northern and Franlee Roads and provides a clear delineation between the private and public realms. Provision for an onsite presence is achieved via the delineation of the existing dwelling as a priest's residence which would assist in providing a caretaker presence.

The proposed development generally meets the desired outcomes of Part 7.1.6 of the HDCP and is considered acceptable.

2.9.6 Vehicular Access and Parking

The desired outcome of Part 7.1.7 of the HDCP, is for development with simple, safe and direct vehicular and pedestrian access, and for carparking that meets the requirements of future occupants and their visitors. Additionally, further controls relating to transport and parking are contained within Part 1C.2.1 Transport and Parking of the HDCP. Part 1C.2.1 of the HDCP prescribes the following parking rates for a school:

- 1 space per 5 seats min (subject to parking study)

The applicant provided a Transport and Parking Impact Assessment (TPIA), prepared by The Transport and parking Partnership, dated 18 February 2021 which detailed vehicular access arrangement and parking at the site.

2.9.6.1 Parking

The proposed development includes the provision for an at grade parking area at the rear of the building accommodating 22 car parking spaces and a drop-off area for special vehicles such as limousines or hearses. Below grade, a basement accommodating 216 car parking space would be provided. The basement would also house seven motorcycle spaces, a bicycle parking area accommodating 33 bicycle spaces and a loading and was pick up area.

The proposed place of public worship would include a church with seating capacity of 350 persons, a chapel with seating for 70 persons and a mezzanine level with seating for a further 20 persons. A total of 440 seats would be provided which requires a minimum of 88 spaces to be provided on site. The supplied TPIA also included 11 car parking spaces for the nominated office spaces on site and identified a minimum of 101 spaces required by the HDCP. The TPIA however adopted a stricter parking rate methodology, which is described as follows:

TTPP assessed car parking demand of the proposed development based on a first principles approach. It has been assumed that 90% of visitors attending the major events (i.e. funerals, weddings and annual special events) would travel to the site via private vehicles while 9% of visitors would travel via taxi/Uber or be dropped off and picked up, and 1% of visitors would use active and public transport methods.

Visitors travelling via private vehicles generally travel in groups. As such, the following car occupancy rates have been adopted:

- *2 people per vehicle for visitors of weddings and funerals with an attendance capacity of 440 people.*
- *2.5 people per vehicle for special event visitors with an attendance capacity of 450 people.*
- *1 person per vehicle for staff at the site undertaking pastoral and administrative works on weekdays.*

Based on the above, it is anticipated that the peak parking demand of the proposed development is 172 to 208 car parking spaces for special events. A breakdown is shown as follows:

- *90% of the 450 attendees travel by car with a car occupancy of 2.5 people per car:*
- *216 parking spaces*
- *All 6 to 10 staff drive to work: 6 to 10 parking spaces.*

Council supports the above methodology, as the proposed place of public worship is located in an area that traditionally sees private car usage as the dominant transport method, and public transport to the site is provided by a limited bus service or hire car. When the above parking rates are applied, the proposed development would require 208 car parking spaces, which is thirty fewer than the number provided on the subject site. The additional capacity above the minimum required number is considered to be acceptable as it would allow for additional onsite capacity in the event that more patrons utilise private motor vehicles at a rate above the modelled behaviour, and the additional thirty spaces would be contained within the footprint of the proposed building, and do not contribute to additional unacceptable bulk and scale on the site.

2.9.6.2 Vehicular Access

Vehicular access to the site would be achieved via four access points, one being off Old Northern Road to service the existing dwelling and one being off Franlee Road to service the existing childcare. No changes are proposed to these two access points. The third and fourth access points would be newly designed vehicle entries to the site and would facilitate access to the ground and basement level parking areas from Franlee Road.

The TPIA identifies that during peak periods, such as during weddings, large funerals, special religious events that maximum two way traffic would generate a maximum of 278 vehicle movements an hour.

As all vehicular traffic is to be provided from Franlee Road, the TPIA provided intersection studies for the intersection of Franlee and Old Northern Road.

The intersection studies identified that the existing intersection layout would expect significant delays and queues on Franlee Road as vehicles would be required to find suitable gaps in traffic on Old Northern Road in order to turn right. In order to achieve an acceptable level of service, the TPIA states that:

The intersection is proposed to be upgraded to provide a left turn lane to separate the southbound through and left turning movements on Old Northern Road, also a right turn lane to separate the northbound through and right turning movements on Old Northern Road. This would meet the Austroads turn treatment requirements and achieve a better capacity and road safety outcome. The development of a design plan of the CHL and CHR should consider the existing domestic driveway located on the west side of Old Northern Road that serves 486 Old Northern Road to ensure property access is maintained.

The proposed intersection treatment is depicted on the intersection design plan prepped by Australian Consulting Engineers Drawing C103 Revision A. The intersection treatment indicates the provision of a north bound right turn lane and a south bound left turn lane. The proposed treatment would permit access to the driveway of 486 Old Northern Road in a northerly direction.

Council referred the proposed intersection treatment to TfNSW for comment, as Old Northern Road is a classified road. TfNSW provided in principle support to the design, subject to conditions including detailed design at construction certificate stage. All conditions recommended by TfNSW have been adopted in Schedule 1 of this report.

2.9.6.3 Vehicular Access - Event Management

Whilst the TPIA identified that sufficient car parking was available for single events, Council assessment identified potential for additional vehicles to be present on site at time when events overlapped or short turnaround times between events was proposed.

In response to these concerns, the applicant amended the operational plan of management to remove overlapping events and provide for a dwell time between events. Subject to these changes, it is considered that vehicle access and parking are satisfactory on site.

2.9.6.4 Vehicular Access - Future Compatibility

The TPIA also assessed the impact of the signalisation of the Franlee Road and Old Northern Road, which is proposed under a separate development application currently under assessment by The Hills Shire Council. The TPIA describes the intersection works as the signalisation of the intersection and the addition of a western access road to the proposed staged mixed use development which would be located on the western side of Old Northern Road. Whilst the signalisation of the intersection is not proposed under this application, the TPIA assessed the intersection treatment and determined that if the alternate signalised intersection were to be approved at a future date, the intersection treatment would be acceptable with the addition of the proposed place of public worship.

2.9.7 Design Details

The relevant desired outcome of Part 7.1.8 Design Details of the HDCCP is for “*Development that compliments the streetscape*”.

This desired outcome is supported by prescriptive measures that state that building design should complement the desired future character of the zone, which includes a detailed list of design areas in which consideration should be provided.

The proposal is considered to be compatible with the sites zoning, and the desired future character of the area as it incorporates extensive landscaping, contains acceptable built form elements including the use of stone and natural colours, sufficient building setbacks and a balance between hard built structures and landscaped verges.

2.9.8 Effluent Disposal

The development site is not served by the Sydney Water Sewer System, and no suitable connection point is located within 800m of the subject site. As a consequence, an onsite sewerage disposal system is proposed, comprising of an aerated wastewater treatment system. The applicant prepared an On-Site Effluent Disposal Assessment Report, detailing the requirements of the system, and identifying the portions of the site that would be used as storage tanks and dispersion fields. The supplied wastewater report identifies sufficient space on the subject site for the proposed system, including a primary dispersion field, a reserve area equal to 100% of the primary field area and sufficient space to accommodate existing sewerage management requirements for the dwelling house and the childcare centre. The proposed dispersion fields are adequately setback from site boundaries and proposed stormwater inlet pits.

The system would require that sewerage be treated in a sewerage tank for a minimum time period of generally no less than 24 hours prior to disposal in the dispersion field. Consequently, sufficient time needs to be provided between large events to allow for the sewerage to be treated and the system to function as expected. As a consequence, Council identified that the Operational Plan of Management (PoM) would be required to identify event frequency and intensity to ensure that the waste water system functioned correctly. Consequently, amendments were made to the PoM to limit the frequency of large events, such as weddings and funerals. These changes have been incorporated in the CTR – Operational Plan of Management, dated 14 May 2021 V5 document.

Subject to the implementation of the PoM, and conditions requiring further approval of the onsite waste water management system under the *Local Government Act 1993* the proposed on site sewerage disposal is considered to be adequate.

2.9.9 Heritage

Part 9 of the HDCP provides heritage controls for development of heritage items, development near heritage items or development within the Heritage Conservation Areas contained within the shire. These controls, in conjunction with the requires of Clause 5.10 of the *HLEP* are discussed within Part 2.1.3 of this report.

2.9 Section 7.12 Contributions Plan

Hornsby Shire Council Section 7.12 Contributions Plan 2019- 2029 provides an exemption under Section 2.8 of the Plan that states;

“Council will provide an exemption to development contributions required by this Plan as follows”;

In respect of development applications (or modifications thereto) where the Applicant is a charity demonstrated by submission of any of the following prior to determination of the application:

• *A Certificate of Registration with the Australian Charities and Not-for-Profit Commission;....”*

The applicant provided a certificate of Registration with the Australian Charities and Not-for-Profit Commission for the applicant being Christ the Redeemer – Maronite Catholic Parish of The Hills (ABN: 44227695585). Further, Council confirmed the registered status of the charity using the Australian Charities and Not-for-Profit Commission search function and identified that the charity status was active.

Therefore, as per the exemption listed in Section 2.8 of the Hornsby Shire Council Section 7.12 Contributions Plan 2019- 2029 no contribution fees are payable for the development.

3. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Flora and Fauna Impact

The applicant provided a Flora and Fauna Assessment and an Arboricultural Impact Assessment to support the proposal, with both documents being prepared by Eco-logical Australia.

The flora and fauna report identifies the following with respect to vegetation present on the subject site:

“The study area is predominantly exotic vegetation with the development footprint being comprised of exotic grassland. The perimeter of the study area is dominated by weeds and exotic vegetation. The eastern part of the study area is not subject to development, and the western part will be subject to development and reconstruction of part of Old Northern Road; these parts of the site are vegetated by native and exotic plantings.

No native vegetation communities were identified in the study area, or the perimeter/ roadside of the study area.”

In addition to the above, no threatened flora or flora habitat was identified on the site, no hollow bearing trees were identified, and no threatened fauna was identified. Marginal foraging habitat was identified on site for the threatened Grey-Headed Flying Fox and the Yellow-bellied Sheath-tailed bat. However, the proposed works were determined to not have an impact on this habitat. The Flora and Fauna Assessment recommended that all trees be maintained on the subject site and that a landscape plan be implemented. Suitable conditions to this effect are included in Schedule 1 of this report.

3.1.2 Tree and Vegetation Preservation

All trees within the Hornsby Shire are protected under Part 1B.6.1 of the HDCP, with the exception trees listed as exempt and identified within Table 1B.6(a).

The proposal involves the removal of 106 established trees to facilitate the construction of the proposal. Trees to be removed are described within the supplied Arboricultural Impact Assessment prepared by Eco-logical Australia.

Of the trees to be removed, 17 trees are identified as dead trees and four are exempt weed species, no additional approval is required to remove these trees, unless the dead trees provide for fauna habitat. As outlined in the preceding section of this report, no such trees meet the criteria of being considered to provide habitat worthy of being a development constraint.

Of the remaining trees, one tree is identified as having a high retention value, 27 are identified to have a medium retention value and 57 are of a low retention value. Trees that were clear of the proposed works have been retained on site with the majority of trees to be removed being located adjacent to the Old Northern and Franlee Road frontages.

No objections are raised to the removal of trees on the subject site as the proposed tree removal works primarily involve the removal of medium to low retention value trees and are limited to include only trees that are directly impacted by the proposed works. Whilst it is noted that one tree is identified as being of a high retention value, the tree in question, Tree 79, a lemon scented gum adjacent to the front

boundary of the site, would be located within the footprint of the proposed public domain works and would not be able to be retained.

The removal of 106 trees on the subject site would be offset by the replanting of 248 trees on site, which includes 137 endemic trees. Trees are proposed to be planted around the peripheries of the site to reintroduce a vegetated setback, with street trees proposed for both site frontages. Trees proposed to be planted on the site include large canopy trees, as well as mid storey tree, with no tree having a mature growth height of less than 6 metres.

No objections are raised to the proposed tree removal.

As the proposed development is seeking to retain trees on the site, suitable conditions of development consent for the appointment of a project arborist to implement tree protection measures during construction have been recommended in Schedule 1 of this consent.

3.1.3 Stormwater Management

The supplied Public Domain Works - Civil Engineering Plans prepared by Australian Consulting Engineers detail that stormwater would be disposed of via on site detention into Georges Creek to the east of the site. The proposed stormwater disposal method maintains natural flows across the site and would not divert water from any other catchment.

No objections area raised to the proposed stormwater disposal method, subject to the conditions of development consent recommended in schedule 1 of this report, which include measures for onsite detention, stormwater quality control measures and minimum system requirements.

3.2 Built Environment

3.2.1 Noise and Vibration

Part 1C.2.5 Noise and Vibration of the HDCP provides planning controls to limit the impact of noise and vibration on adjoining receivers, especially when those adjoining receivers are sensitive in nature, such as dwelling houses.

The development site is generally well separated from adjoining residences, with the closest being the dwelling house situated on 671-673 Old Northern Road.

Noise and vibration impacts can be categorised into two development stages, being construction impacts and post construction operational noise.

The applicant prepared a DA Acoustic Assessment report, prepared by Renzo Tonin and Associates, dated 28 January. This report primarily focussed on the limitation of construction noise from the development and included a number of recommendations with respect to the establishment of matters to limit the generation of operational noise.

Council's assessment considered that operational noise can be adequately controlled via the adoption of the recommendations of the DA Acoustic Assessment report and appropriate conditions of development consent have been recommended in Schedule 1 of this report with respect to this matter.

With regard to construction noise management, Council recommends that the applicant prepare a Construction Noise and Vibration Management Plan for submission to Council prior to the granting of any construction certificate. Additionally, conditions of development consent are recommended in Schedule 1 of this report limiting hours of construction and requiring that the requirements of the construction management plan are complied with at all times during construction work.

Subject to the implementation of these conditions, it is considered that the development would be consistent with the desired outcomes of Part 1C.2.5 Noise and Vibration of the HDCP.

3.3 Social and Economic Impacts

The development would have a positive impact by providing services to support a growing population in the north western Sydney area.

A minor positive economic impact will occur during the construction phase, via continued employment of construction workers. No substantial detrimental social or economic impacts are identified with respect to the proposed development.

4. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

4.1 Bushfire

The site is bushfire prone, with a western portion of the site being within 100 metres of bushfire prone vegetation. The proposed church building would not be located within the portion of the site that is bushfire prone and would be setback 21 metres from the fire prone portion.

The applicant provided a Bushfire Protection Assessment, prepared by Ecological Australia, to support the proposal. The report concluded the following:

As demonstrated in Section 1.3 and Section 2 of this report, the proposed development is:

- *Not located in a bushfire prone area; and*
- *Greater than 100 m from any vegetation constituting a bushfire hazard.*

Based on the above information, no further bushfire protection measures are required to be addressed for the proposed development in accordance with PBP. It is recommended that the ongoing maintenance of the site and any future landscaping should comply with the specifications detailed in Appendix 4 of PBP and included in Appendix A of this report.

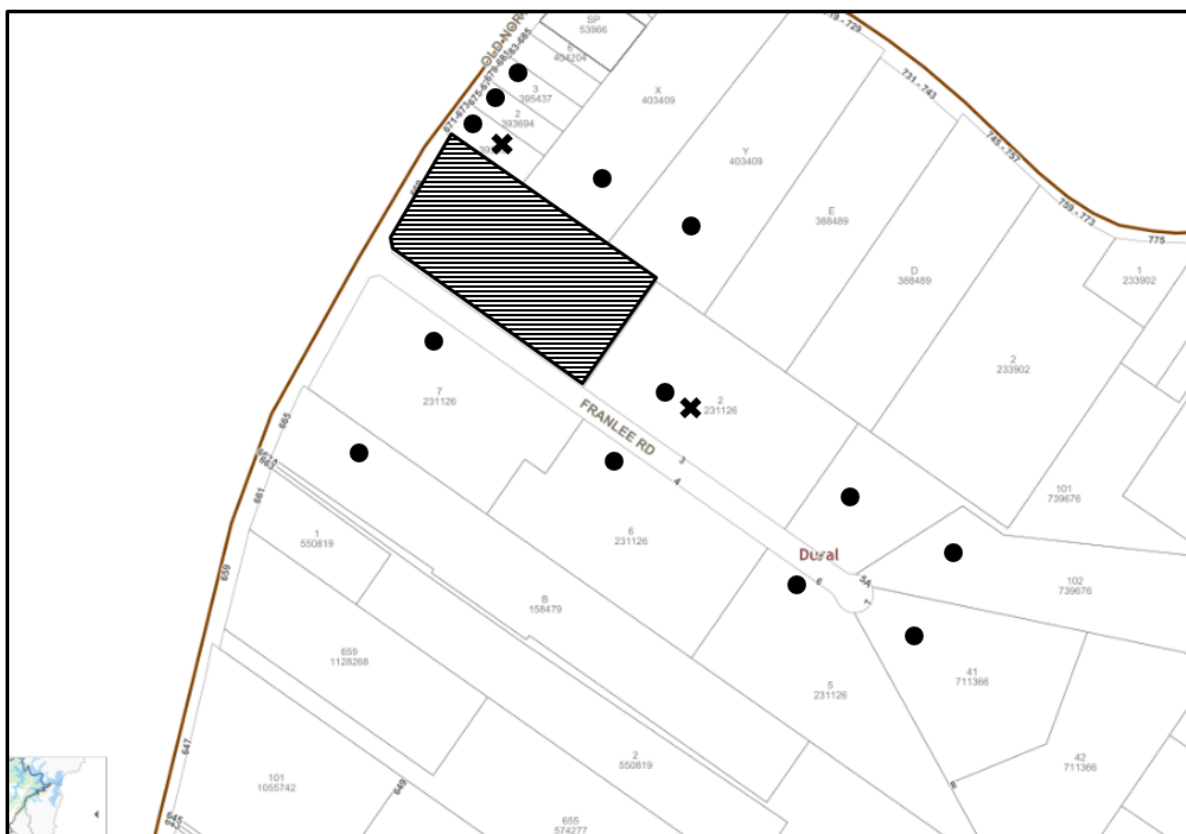
Consequently, as per the recommendations of the supplied bushfire report, no conditions of development consent are recommended in Schedule 1 of this report with respect to bushfire mitigation.

5. PUBLIC PARTICIPATION



Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners within the Hornsby and Hills Shire in accordance with the *Hornsby Community Participation Plan*. Notification was undertaken from 3 December 2020 to the 21 January 2021. Notified properties are depicted in the below plan:



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
1 SUBMISSIONS RECEIVED OUT OF MAP RANGE			
12 PROPERTIES NOTIFIED IN HILLS SHIRE LGA (NOT SHOWN)			

Council received 3 submissions on the development, two being by way of support and one being by way of objection.

Of the submissions of support, one such submission contained 101 signed form letters completed by residents generally located in the north western Sydney area. Letters of support indicated that the proposal development would provide facilities for the Maronite Catholic Community, have minimal environmental and amenity impact, a positive impact on the local economy and be compatible with adjacent development.

One submission objected to the development raising concerns with regard to privacy. These concerns are discussed below;

5.1.1 Privacy

A submission raised concerns regarding privacy for an adjoining dwelling house adjacent to the northern boundary of the site. The submission requested the retention of existing privet trees which are located

adjacent to the northern boundary of the site and suggested that these trees can be retained until after construction.

In assessing this submission it is noted that privet is a serious environmental weed and listed as an exempt tree species under the HDCP. No approval is required to remove privet from a property and as a consequence, the retention of privet on the development site is not considered to be an acceptable environmental outcome despite any privacy the weed may currently offer between properties.

Despite the above, it is noted that the supplied landscape plans indicate the installation of a continuous hedging screen adjacent to the northern side boundary of the subject site, which would provide an adequate level of privacy between the adjoining allotments. Further, windows that face this property are setback at a distance of ten metres to the side boundary and service office spaces, it is therefore considered unlikely that these windows would generate any unacceptable privacy impacts.

5.2 Public Agencies

The development application was referred to Transport for NSW for comment. Advice received from the agency is discussed in the body of this report.

6. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “*the public interest*”.

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

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

7. CONCLUSION

The application proposes the demolition of a shed and the construction of a place of public worship including ancillary development, basement car parking, associated site and external works at 669 Old Northern Road Dural, (Lot 1 DP231126).

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received 3 submissions during the public notification period. The matters raised have been addressed in the body of the report.

Having regard to the circumstances of the case, approval of the application is recommended.

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments, including the *State Environmental Planning Policy (Infrastructure) 2007*, the *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*.

- The proposed development does not create unreasonable environmental impacts to the adjoining residential development with regard to visual bulk, overshadowing, solar access, traffic, parking, amenity or privacy.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

SCHEDULE 1

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Approved Plans:

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA101 Rev L	Site Coverage Diagram	Design Cubicle	21.01.2021	
DA102 Rev L	Crosses Diagram	Design Cubicle	21.01.2021	
DA201 Rev L	Site Plan	Design Cubicle	21.01.2021	
DA202 Rev L	Basement 1	Design Cubicle	21.01.2021	
DA203 Rev L	Basement 2	Design Cubicle	21.01.2021	
DA204 Rev L	Ground Floor Plan	Design Cubicle	21.01.2021	
DA205 Rev L	First Floor Plan	Design Cubicle	21.01.2021	
DA206 Rev L	Roof Plan	Design Cubicle	21.01.2021	
DA300 Rev L	Elevations	Design Cubicle	21.01.2021	
DA400 Rev L	Sections 1/3	Design Cubicle	21.01.2021	
DA401 Rev L	Sections 2/3	Design Cubicle	21.01.2021	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA402 Rev L	Sections 3/3	Design Cubicle	21.01.2021	
-	External Materials and Finishes	Design Cubicle	-	
L-001 Issue G	Tree Management Plan	Site Image Landscape Architects	25.11.2020	
C-100 Issue F	Rendered Landscape Plan	Site Image Landscape Architects	25.11.2020	
L-101 Issue G	Landscape Masterplan	Site Image Landscape Architects	25.11.2020	
L-110 Issue G	Children Memorial Garden	Site Image Landscape Architects	25.11.2020	
L-301 Issue G	Landscape Planting Plan 1	Site Image Landscape Architects	25.11.2020	
L-302 Issue G	Landscape Planting Plan 2	Site Image Landscape Architects	25.11.2020	
L-303 Issue G	Landscape Planting Plan 3	Site Image Landscape Architects	25.11.2020	
L-304 Issue G	Landscape Planting Plan 4	Site Image Landscape Architects	25.11.2020	
L-500 Issue D	Specification and Planting Schedule	Site Image Landscape Architects	25.11.2020	
L-501 Issue D	Landscape Details	Site Image Landscape Architects	25.11.2020	
L-502 Issue D	Landscape Details	Site Image Landscape Architects	02.11.2020	
101 Issue C	Stormwater Concept Plan Basement Level 1 & 2	Ace Civil Stormwater Services Pty Ltd	23.04.2021	
102 Issue C	Stormwater Concept Plan Ground Level	Ace Civil Stormwater Services Pty Ltd	23.04.2021	
103 Issue C	Stormwater Concept Plan Level 1 and Roof Plan	Ace Civil Stormwater Services Pty Ltd	23.04.2021	
104 Issue C	OSD and WSUD Details and Calculations Sheets Sheet 1 of 2	Ace Civil Stormwater Services Pty Ltd	23.04.2021	
105 Issue C	OSD and WSUD Details and Calculations Sheets Sheet 2 of 2	Ace Civil Stormwater Services Pty Ltd	23.04.2021	
106 Issue C	Sediment and Erosion Control Plan	Ace Civil Stormwater Services Pty Ltd	23.04.2021	
107 Issue C	Miscellaneous Details Sheet	Ace Civil Stormwater Services Pty Ltd	23.04.2021	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
C101 Issue B	Civil Works Layout Plan Sheet 1 of 2	Australian Consulting Engineers	7.04.2021	
C102 Issue C	Civil Works Layout Plan Sheet 2 of 2	Australian Consulting Engineers	7.04.2021	
C103 Issue A	Intersection Design Plan	Australian Consulting Engineers	2.11.2020	
C201 Issue B	Typical Cross Sections Sheet 1 of 2	Australian Consulting Engineers	20.01.2021	
C202 Issue A	Typical Cross Sections Sheet 2 of 2	Australian Consulting Engineers	12.02.2021	
C301 Issue A	Old Northern Road Longitudinal Section Sheet 1 of 2	Australian Consulting Engineers	2.11.2020	
C302 Issue A	Old Northern Road Longitudinal Section Sheet 2 of 2	Australian Consulting Engineers	2.11.2020	
C303 Issue A	Franlee Road Longitudinal Section Sheet 1 of 3	Australian Consulting Engineers	2.11.2020	
C304 Issue A	Franlee Road Longitudinal Section Sheet 2 of 3	Australian Consulting Engineers	2.11.2020	
C305 Issue A	Franlee Road Longitudinal Section Sheet 3 of 3	Australian Consulting Engineers	2.11.2020	
C401 Issue A	Old Northern Road Cross Sections Sheet 1 of 2	Australian Consulting Engineers	2.11.2020	
C402 Issue A	Old Northern Road Cross Sections Sheet 2 of 2	Australian Consulting Engineers	2.11.2020	
C403 Issue A	Franlee Road Cross Section Sheet 1 of 3	Australian Consulting Engineers	2.11.2020	
C404 Issue A	Franlee Road Cross Section Sheet 2 of 3	Australian Consulting Engineers	2.11.2020	
C405 Issue A	Franlee Road Cross Section Sheet 3 of 3	Australian Consulting Engineers	2.11.2020	
C501 Issue D	Construction Notes and Details Sheet	Australian Consulting Engineers	22.04.2021	
C601 Issue A	Catchment Plan	Australian Consulting Engineers	07.04.2021	
C701 Issue A	Stormwater Longitudinal Section	Australian Consulting Engineers	07.04.2021	

Supporting Documentation:

Document Title	Prepared by	Dated	Council Reference
Arboricultural Impact Assessment Version 3	Ecological Australia	27/11/2020	D08063148
Waste Management Plan	MRA Consulting Group	26/10/2020	D08063160
On-site Effluent Disposal Assessment	Douglas Partners	17/05/2021	D08166734
CTR – Operational Plan of Management V5	-	14/05/2021	D08168536
Preliminary Site (Contamination) Investigation Revision 1	Douglas Partners	29/10/2020	D08063145
DA Acoustic Assessment Revision 6	Renzo Tonin & Associates	28/01/2021	D08132901
Bushfire Protection Assessment	Eco Logical Australia	28/10/2020	D08063151
Report on Geotechnical Investigation	Douglas Partners	30/10/2020	D08063146
669 Old Northern Road Dural Flora and Fauna Assessment	Eco Logical Australia	3/11/2020	D08063150

2. Removal of Trees

This development consent permits the removal of 106 trees as identified in Part 3 “Trees to be removed” within the Arboricultural Impact Assessment report, prepared by Ecological Australia, dated 27 November 2020 Version 3 (page 8).

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013.

3. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.
- b) A Subdivision Works Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any subdivision works under this consent.
- c) A separate Subdivision Works Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- d) A separate Subdivision Works Certificate must be obtained from Council for all works within drainage easements vested in Council.
- e) The Construction Certificate / Subdivision Works Certificate plans must be consistent with the Development Consent plans.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the *National Construction Code - Building Code of Australia*. All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.

5. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction certificate application. The schedule shall distinguish between existing and proposed fire safety measures and shall include all buildings that have fire safety measures situated at the property. The schedule shall distinguish between each building and what measures are contained in each building on the schedule.

6. Sydney Water – Approval

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

Note: Building plan approvals can be obtained online via Sydney Water Tap inTM through www.sydneywater.com.au under the Building and Development tab.

7. Identification of Survey Marks

A registered surveyor must 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 following the Surveyor General's Directions No.11 *Preservation of Survey Infrastructure*.

8. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Connected to the existing watercourse in Franlee Road generally in accordance with approved plans listed in Condition 1.
- b) Council's drainage system be piped to contain the 20 year *Average Recurrence Interval* storm event with an overland flow provided above it.

9. 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 74.7 cubic metres, and a maximum discharge (when full) of 127 litres per second;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;

10. Water Saving Urban Design (WSUD) Measures

The stormwater drainage system shall be provided with water quality control measures so as to comply with the Water Quality Targets as detailed within the Hornsby Development Control Plan 2013. The WSUD is to achieve the following targets:

- a) Gross Pollutants - 90% Reduction
- b) Total Suspended Solids - 80% Reduction
- c) Total Phosphorous- 60% Reduction
- d) Total Nitrogen - 45% Reduction

11. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards AS2890.1, AS2890.2, AS3727* and the following requirements:

- a) Design levels at the front boundary be obtained from Council.
- b) The driveway be a rigid pavement.
- c) Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- d) The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.

12. Footpath

A concrete footpath must be designed across the full frontage of the subject site in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

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

13. Road Works

All road works approved under this consent must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Old Northern Road shall be constructed with kerb and gutter in accordance with the requirements of TfNSW.
- b) Franlee Road shall be constructed with kerb, gutter and road pavement in accordance with the requirements of Hornsby Shire Council.
- c) The existing road pavement to be saw cut a minimum of 500 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.

14. Construction Management Plan (CMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist, and submitted to Council's Compliance Team at:

<https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and approval.

The CMP must include the following details:

- a) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - iii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
 - iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - a. Public notification of proposed works;
 - b. Long term signage requirements;
 - c. Short term (during actual works) signage;
 - d. Vehicle Movement Plans, where applicable;
 - e. Traffic Management Plans;
 - f. Pedestrian and Cyclist access and safety.
 - v) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.

- vi) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
 - vii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
 - viii) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
 - ix) Swept path analysis for ingress and egress of the site for all stages of works.
 - x) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
 - xi) The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
 - xii) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
 - xiii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - xiv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - xv) The source site location of any proposed fill to be imported to the site, for all stages of works.
 - xvi) The Plan must state that 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.
 - xvii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- b) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with *AS 2601-2001 – 'The Demolition of Structures'*, and the *Protection of the Environment Operations (Waste) Regulation 2005*.

- iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:
 - i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
 - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - iv) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
 - i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
 - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
 - v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
 - vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Identification of approved sediment and erosion control measures.
- g) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

15. Appointment of a Project Arborist

- a) To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent.
- b) Details of the appointed project arborist must be submitted to Council and the PCA with the application for the construction certificate/subdivision works certificate.

16. Waste Management Details

The following waste management requirements must be complied with and adequate documentation provided with any application for a construction certificate:

- a) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the bin carting route from the basement level 1 bin storage room to the parked waste collection vehicle has been designed to be constructed in accordance with the following requirements:
 - i) Must be smooth hard surface;
 - ii) Must be no less than 2.0m wide (including through any gates or doors);
 - iii) Must be devoid of steps;
 - iv) Must have a gradient no steeper than 1:30 for 660L or 1100L bins;
 - v) There is no raised loading dock. Bins must be at the same level as the waste collection vehicle for collection services to be able to take place.
- b) There must be no steps along any bin carting route.
- c) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all waste storage room(s) have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections;
 - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - iv) The room is to be provided with artificial light controllable within the room and adequate ventilation;
 - v) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - vi) The doors are to be robust and lockable, with a door opening of no less than 2m. The doors must be able to be opened from inside the room without a key.
- d) A design certificate from a qualified traffic engineer and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the basement level as detailed in the Waste Management Plan and the Traffic Report. The design certificate is to specifically confirm that the:
 - i) Waste collection vehicle is able to enter the site in a forward direction, adequately manoeuvre into position near the bins, load bins and exit the site in a forward direction
 - ii) Vertical clearance of 4.3m is provided along the entire route of travel of the waste collection vehicle on site and the loading bay

- iii) The installation of ceiling mounted cable trays, pipes, ducting, lights, signs etc will not reduce the vertical clearance of the waste collection vehicle travel path on site to less than 4.3m.
- iv) The waste collection vehicle must be able to manoeuvre in the basement with limited need for reversing
- v) The grades along the entire travel path of the waste collection vehicle on site must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle
- vi) The vehicle ground clearance is sufficient to prevent scraping
- vii) All pavement has been designed to carry the load of the heavy rigid vehicle.

Note: Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste management system or the waste collection vehicle travel path on site, then written clarification must be obtained from Council

17. Certification – Waste Management Details

Prior to the issue of a Construction Certificate, a Certificate from an appropriately 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 AS2890.1, AS2890.2 and the approved Development Consent plans and conditions.

18. Unexpected Finds Protocol

- a) An Unexpected Finds Protocol is to be developed by an appropriately qualified environmental consultant. Prior to the issue of the Construction Certificate, the Protocol is to be submitted to Council for approval. If Council is not the certifying authority for this development, the Unexpected Finds Protocol is required to be provided to Council for approval.
- b) The Unexpected Finds Protocol is to address, at minimum, the management of any contamination found on the site during the excavation and construction phases of the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The approved Unexpected Finds Protocol is to be complied with at all times during the excavation and construction phases of the development. Should any Unexpected Finds be identified during site works, works are to cease immediately and Council shall be notified.

19. Noise

The recommendations provided in the DA Acoustic Assessment prepared by Renzo Tonin & Associates, dated 28/1/21, reference TL591-01F02 (r6), (TRIM: D081322901) shall be implemented and incorporated into the design and construction of the development and shall be shown on the plans accompanying the Construction Certificate application.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

20. 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.

21. 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; and/or
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

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

22. 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*.

23. 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.

24. Installation of Tree Protection Measures

- a) Trees to be retained must have tree protection measures for the ground, trunk and canopy installed by the project arborist in accordance with the following:
 - i) For the duration of construction works, in accordance with Tree Protection Plan contained within the Arboricultural Impact Assessment, prepared by Ecological Australia, dated 27 November 2020 Version 3.
- b) Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with *Australian Standard AS4687-2007 Temporary fencing and hoardings*.
- c) The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- d) The circumference of the trunks must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- e) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.

25. Garbage Receptacle

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
- a) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- b) The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
- c) Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

26. Construction Work Hours

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

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

27. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with *Australian Standard AS2601-2001 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; and
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; 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.

28. Environmental Management

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, 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*.

29. Site Access for Construction Vehicles

To protect residential amenity of the surrounding low density residential environment, all construction vehicle access must be via Franlee Road, with no construction access permitted via Old Northern Road for the duration of works.

30. Compliance with Construction Management Plan (CMP)

The Council approved Construction Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

31. Prohibited Actions within the Fenced Tree Protection Zone

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

- a) Soil cutting or filling, including excavation and trenching
- b) Soil cultivation, disturbance or compaction
- c) Stockpiling storage or mixing of materials
- d) The parking, storing, washing and repairing of tools, equipment and machinery
- e) The disposal of liquids and refuelling
- f) The disposal of building materials
- g) The siting of offices or sheds
- h) Any action leading to the impact on tree health or structure

32. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees to be retained on the approved plans. A report on tree health and condition is to be provided to the PCA at intervals no exceeding 1 month.

33. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with the tree protection plan contained within the Arboricultural Impact Assessment, prepared by Ecological Australia, dated 27 November 2020 Version 3, and the conditions of this development consent for the duration of works.

34. Approved Works within Tree Protection Zone

- a) Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
 - i) Using sharp secateurs, pruners, handsaws or chainsaws with the final cut being clean.
 - ii) The maximum diameter of roots permitted to be cut is 50mm.
- b) No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans, are permitted unless specifically nominated on the approved plans.
- c) To minimise impacts within the Tree Protection Zone (TPZ) of retained trees on the approved plans, the installation of services must be undertaken as follows:
 - i) The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
 - ii) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
 - iii) For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
 - iv) The excavation for entire length of the trench required for the installation of the stormwater pipe in Franlee Road must be supervised by the project arborist in accordance with this condition.
- d) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of a 100mm deep layer of woodchip and;
 - ii) Installation of geotextile fabric ground covering and;
 - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

35. Street Sweeping

- a) To protect the surrounding environment, street sweeping must be undertaken following sediment tracking from the site along Old Northern Road and Franlee Road during works and until the site is established.
- b) 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.
- c) Street cleaning is to be provided for the full length of sediment tracking.

36. 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.

37. Disturbance of Existing Site

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

38. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to a licensed waste management facility. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate.

39. Importation of Landfill not approved

Landfill from external properties is not permitted to be imported to the site as part of the approved development.

40. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor level(s) are in accordance with the approved plans.
- b) Confirming that the waste collection vehicle turning area complies with *Australian Standard AS2890.1 – 2004* and *AS20890.2 – 2002* for small rigid vehicles (SRV).

41. Waste Management

Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition and throughout all construction works. When implementing the Waste Management Plan, the developer is to ensure:

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the Protection of Environment Operations Act 1997
- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the Protection of Environment Operations Act 1997
- c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- d) The installation of ceiling mounted cable trays, pipes, ducting, lights, signs etc must not reduce the vertical clearance of the waste collection vehicle travel path on site to less than 4.3m.
- e) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- f) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the Protection of Environment Operations Act 1997 must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- g) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works
- h) 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:
 - i) The identity of the person removing the waste.
 - ii) The waste carrier vehicle registration.
 - iii) Date and time of waste collection.
 - iv) A description of the waste (type of waste and estimated quantity).
 - v) Details of the site to which the waste is to be taken.
 - vi) The corresponding weighbridge tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
 - vii) Whether the waste is expected to be reused, recycled or go to landfill.

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

42. Fire Safety Statement – Final

In accordance with the *Environmental Planning and Assessment Regulation 2000*, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

43. 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.

44. 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 Development Control Plan 2013.

45. 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 AS2890.2-2002 Off Street Commercial* and the following requirements:

- 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.

46. Commercial Kitchen

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 - Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2015 and the Food Standards Code developed by Food Standards Australia New Zealand*. *Food Standards 3.3.1. 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

47. Kitchen Exhaust Installation

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

48. Final Certification

The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:

- a) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works and;
- b) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans and;
- c) Dates, times and reasons for all site attendance and;
- d) All works undertaken to maintain the health of retained trees and;
- e) Details of tree protection zone maintenance for the duration of works.

Note: Copies of monitoring documentation may be requested throughout the development works.

49. Wastewater System Approval

- a) Prior to the installation of an on-site sewage management system, Council approval must be obtained in the form of an 'Approval to Install' licence issued pursuant to the *Local Government Act 1993*. The Approval to Install application shall be accompanied by an amended Wastewater Report which suitably demonstrates that the subsurface irrigation area is appropriately sized for the development with storage tanks of sufficient storage capacity to adequately treat and store effluent generated by the development.
- b) An Approval to Install license is required for the installation of separate systems to service the dwelling and Place of Worship.
- c) The on-site sewage management systems must be commissioned and certified by a licensed plumber in accordance with *Australian Standard AS1547 – Onsite Domestic Wastewater Management (2012)* and Environment & Health Protection Guidelines – *Onsite Sewage Management for Single Households (1998)*.
- d) Prior to the operation of the on-site sewage management systems, Council approval must be obtained in the form of a separate 'Approval to Operate' licences issued pursuant to the *Local Government Act 1993*, and a copy of the 2 separate licences shall be submitted to the PCA prior to the issue of an Occupation Certificate.

50. Entertainment Sound Monitor Device

- a) A permanent sound 'monitor' device incorporating a cut-off mechanism must be installed to the development in accordance with the specifications provided in Section 7.5 of the DA Acoustic Assessment prepared by Renzo Tonin & Associates, dated 28/1/21, reference TL591-01F02 (r6) (TRIM: D081322901).
- b) The noise limits and setting of the device shall be made during acoustic compliance testing by an appropriately qualified acoustic consultant in conjunction with the system engineer/technician with the set noise limits not exceeding the maximum permissible noise levels (Leq) specified in Table 7-1 of the abovementioned DA Acoustic Assessment.

51. Acoustic Compliance Certificate

- a) An Acoustic Compliance Certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved DA Acoustic Assessment prepared by Renzo Tonin & Associates, dated 28/1/21, reference TL591-01F02 (r6)(TRIM: D081322901).
- b) The Acoustic Compliance Certificate must provide details of the noise limits and setting of the Entertainment sound monitor device required by Condition 51 of this consent and of any ongoing maintenance/servicing requirements needed to maintain the ongoing effective operation of this device at all times
- c) The Acoustic Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

52. 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 AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

53. Creation of Easements

The following easements are to be created on the title of the property in accordance with the *Conveyancing Act 1919*:

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/WSUD systems and outlet works, within the property 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/WSUD, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations;

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

54. 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.

55. 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. The vehicular crossing

must be constructed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing.

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

56. Preservation of Survey Marks

A certificate by a Registered Surveyor must 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 Surveyor General's Direction No.11 *Preservation of Survey Infrastructure*.

57. 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.

58. Completion of Landscaping

A certificate must be submitted to the PCA by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works and tree planting depicted on the approved landscape plans have been satisfactorily completed.

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

59. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority

Tipping dockets for the total volume of excavated material that are received from the licensed waste facility must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

60. 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 occupation certificate.

61. Demolition of Structures

All structures noted for demolition on the approved demolition plans must be completely demolished and waste disposed of in accordance with the conditions of this development consent, prior to the issue of any occupation certificate.

62. Waste Management Details

To ensure waste management requirements have been adequately installed on the subject site, a report must be prepared by an appropriately qualified person, certifying the following:

- a) A comparison of the estimated quantities of each demolition and construction waste type against the actual quantities of each waste type. Explanations of any deviations to the approved Waste Management Plan is required to be included in this report
- b) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled. If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.
- c) All demolition and construction waste were taken to site(s) that were lawfully permitted to accept that waste.
- d) All bin carting routes are devoid of any stairs. Ramps and service lifts between different levels are acceptable.
- e) The bin storage room(s) must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surfaces, robust door(s), adequate lighting and ventilation, and must be lockable.
- f) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by SRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority and to Council. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to Council and 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 SRV (for layout, dimensions, manoeuvring clearances, gradients, rates of change of grade, vertical clearance, vehicle ground clearance).
- g) Motorised bin lifting equipment must be provided to assist the site caretaker/cleaner in the safe decanting of the 240 L garbage bins into the 1100 L garbage bins. Storage space must be provided for the bin lifter.

OPERATIONAL CONDITIONS

63. Use of Premises

- a) The development approved under this consent, excluding the Priest's residence, must be used for the purpose of a 'place of public worship' as defined by *Hornsby Local Environmental Plan 2013* and not for any other purpose without Council's separate written consent.
- b) The use of the premises must at all times be carried out in accordance with the CTR - Operational Plan of Management dated 14/5/21 Version 5 (TRIM: D08168536).
- c) The maximum number of attendees at the premises at any one time shall not exceed the numbers detailed in the CTR - Operational Plan of Management dated 14/5/21, Version 5 (TRIM: D08168536).
- d) In any given week (Monday to Sunday), there must not be more than:
 - i) 1 wedding and 1 funeral event, each with a maximum of 220 attendees; OR
 - ii) 1 wedding OR 1 funeral event with a maximum of 440 attendees.
- e) The Entertainment sound monitor device as well as any noise limiters installed to the development must at all times be maintained in accordance with the specifications provided in Section 7.5 of the DA Acoustic Assessment prepared by Renzo Tonin & Associates, dated 28/1/21, reference TL591-01F02 (r6) (TRIM: D081322901) and maintained in accordance with any servicing details provided in the Acoustic Compliance Certificate.

64. Use of Dwelling

The dwelling (Priest's residence) must be used only for the purpose of 'residential accommodation' as defined by *Hornsby Local Environmental Plan 2013* and not for any other purpose without Council's separate written consent.

65. Advertising Signs

No signage approved under this consent is permitted to be illuminated, including the two crosses or the lettering signage located adjacent to the corner of Old Northern and Franlee Roads

66. Noise

Noise levels from the premises must not exceed the relevant noise criteria detailed in the DA Acoustic Assessment prepared by Renzo Tonin & Associates, dated 28/1/21, reference TL591-01F02 (r6), (TRIM: D081322901). The recommendations provided in the above-mentioned Acoustic Assessment shall be implemented at all times during operation.

67. Noise – Plant and Machinery

- a) The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.
- b) An acoustic assessment is to be undertaken by a suitably qualified environmental consultant and submitted to Council within 60 days of occupying the site in accordance

with the Environment Protection Authority's *Noise Policy for Industry* (2017), *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government* (2004). Should the assessment find that noise from the premise exceeds 5dB(A) above background noise levels, appropriate measures must be employed to rectify excessive noise.

68. Maintenance of Wastewater Device

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

Council is to be provided with an Annual Environmental Performance Report detailing the performance of the system including but not limited to the following information:

- a) Details and records of maintenance checks of disposal areas.
- b) Copies of maintenance report sheets.
- c) Results of effluent output testing.

The first Annual Environmental Performance Report is to be provided to Council 12 months after the system is commissioned.

69. Maintenance of Landscaping

To ensure that all landscaping approved under this consent is adequately established, all approved landscaping must be maintained for a minimum period of 24 months after the issue of an occupation certificate. Any plantings that die, or show signs of significant ill health in the opinion of a certified horticulturalist or Council must be replaced within a new specimen of the same species during the monitoring period.

70. 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' certifying each essential service installed in the building.

71. Waste Management Requirements

To ensure adequate waste management occurs on the subject site, the following requirements must be observed at all times;

- a) All commercial tenant(s) must keep written evidence on site of a valid and current contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- b) There must be sufficient bins on site to contain the volume of waste and recycling expected to be generated between collection services.

- c) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.
- d) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.

72. Internal Lighting

To avoid light pollution into the adjoining rural-residential environment, internal lighting of the building must comply with the following:

- a) All internal lighting within the building must be automatically extinguished upon dusk when the building is not in use.
- b) If the building is in use after dusk, all lighting must be extinguished no later than 15 minutes following the cessation of the use of the building.
- c) Nothing in this condition requires the dimming or extinguishment of any internal lighting required for fire safety or any other similar safety or emergency purpose.

CONDITIONS OF CONCURRENCE - TRANSPORT FOR NEW SOUTH WALES

73. TfNSW 1

As no detailed design is provided at this stage, TfNSW provides 'in principle' support only subject to further review of the details prior to the issue of Construction Certificate to ensure the design and construction of the proposed improvements on Old Northern Road are to TfNSW's satisfaction. This may require further traffic modelling and amendments of the civil design plans.

74. TfNSW 2

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

75. TfNSW 3

TfNSW requests swept path plans at the intersection of Old Northern Road/Franlee Road for the largest vehicle accessing the site. The plans should be provided for all turning movements and demonstrate that the intersection can cater for the turning path of vehicles without conflict with other vehicles turning at the intersection or through traffic.

76. TfNSW 4

Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued

77. TfNSW 5

Direct access is not allowed from Old Northern Road to the proposed development

78. TfNSW 6

A construction zone will not be permitted on Old Northern Road

79. TfNSW 7

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

80. TfNSW 8

A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Old Northern Road during construction activities.

81. TfNSW 9

Any new buildings or structures, together with any improvements integral to the future use of the site, are to be erected clear of the land reserved for road widening (unlimited in height or depth).

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 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

Hornsby Development Control Plan 2013 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Environmental Planning and Assessment Act 1979*.

In accordance with these provisions a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, lop or otherwise remove a substantial part of the trees or vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

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

Note: 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).

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. 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 1992*. This is the sole responsibility of the applicant.

Covenants

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

Dial Before You Dig

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

www.safework.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* on 13 10 50.