

CONSULTANT ASSESSMENT REPORT

DA No:	DA/700/2021 (Lodged on 15 July 2021)
Description:	Construction of a dwelling house
Property:	Lot 115 DP 1110754, No. 14A Nancy Place, Galston
Applicant:	James & Brigid Martin
Owner:	James & Brigid Martin
Estimated Value:	\$486,681

- The application involves the erection of a two storey split level dwelling house, with vehicular access via the existing access handle and driveway from Nancy Place.
- The proposed development originally proposed vehicular access from Arcadia Road and was amended during the assessment due to Transport for NSW not supporting the proposed access to a classified road. Amended plans were submitted in March 2022, which proposed vehicular access from Nancy Place via an existing access handle.
- The proposal complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- A total of one (1) submission has been received in respect of the original application. The amended plans resolved the issues raised within the submission and were re-notified and no submissions were received.
- The application is required to be determined by the Hornsby Council Local Planning Panel as the applicant is a Council employee.
- It is recommended that the application be approved.

BACKGROUND

The site is a vacant lot created under DA/438/2001 and Subdivision Certificate SC/2/2007 issued on 13 March 2007.

SITE

The 602m² lot is located on the western side of Nancy Place and has vehicular access from Nancy Place via an existing access handle / driveway over the adjoining land at No. 14.

The site has a rear boundary to Arcadia Road, which is a classified road. Electricity lines exist along Arcadia Road and the area between the road and the lot boundary is vegetated. Galston Public School is located opposite the rear of the site to the west.

The site is currently vacant and does not contain any vegetation.

The site is generally flat, however has a gentle slope towards Nancy Place.

The site is not bushfire or flood prone.

Boundary fencing is in place to the north and south comprising Coloubond fencing and to the east on the eastern side of the driveway being timber fencing with privacy screen above and planting between the driveway and the fence.

Various easements are in place on the site including for services, drainage and access, which both benefit and burden the subject site. A Restriction on Use of the Land previously existed along the rear, western portion of the site adjoining Arcadia Road however was extinguished on 4 March 2021.

The site is surrounded by a mix of single and two storey dwellings.

The site does not contain a heritage item, is not in the vicinity of a heritage listed item and is not located within a heritage conservation area.

PROPOSAL

The application proposes the construction of a two storey split level dwelling house, with vehicular access via the access handle from Nancy Place.

The upper floor would comprise three bedrooms, bathroom, ensuite and storage.

The lower floor would comprise a double garage, laundry, powder room, fourth bedroom, home theatre area, open plan living & kitchen which adjoins the rear alfresco and backyard.

A water tank is proposed and site stormwater pits with overflows being directed to the existing drainage pit in the south-east corner of the site within the existing concrete driveway.

The original development proposed a new driveway opening on Arcadia Road and removal of two (2) street trees. The amended plans removes this proposed access and the trees would be retained.

A new boundary fence is proposed to Arcadia Road to secure the site, and includes a gate.

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

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The Plan sets a strategy and actions for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. The Plan also identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, Northern Beaches and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for Northern District for the next 20 years. The identified challenge for

Hornsby Shire will be to provide an additional 4,350 dwellings by 2021 with further strategic supply targets to be identified to deliver 97,000 additional dwellings in the North District by 2036.

The proposed development would be consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities and the North District Plan, by contributing to achieving the dwelling targets for the region.

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 Hornsby Local Environmental Plan 2013 (HLEP) applies to all land within Hornsby Shire. An assessment of the development against the relevant sections of the HLEP is provided below.

2.1.1 Zoning of Land and Permissibility

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

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

The proposed development is defined as a *dwelling house* and is permissible in the zone with Council's consent. The proposal meets the zone objectives and provides for the housing needs of the community.

2.1.2 Minimum lot size

Clause 4.1 (Minimum lot size) of the HLEP requires a minimum lot size of 500m². The existing lot has an area of 602m², which exceeds the requirement. No subdivision is proposed as part of this application.

2.1.3 Height of buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5m. The proposal complies with this provision. The plans indicate a maximum height from existing natural ground level of 6.7m, however from a review of the plans it is estimated that at the highest point of the roof above existing natural ground level that it is up to 7m. Notwithstanding this, the height of the proposed dwelling is well below the maximum height limit.

2.1.4 Heritage Conservation

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

2.1.5 Earthworks

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

The objectives of this clause are to ensure that required earthworks will not have a detrimental impact on environmental functions and processes. Minor earthworks are required for the proposed development however it is considered that the proposed excavation would not adversely impact on environmental functions and processes, subject to standard conditions of consent being applied in regard to sediment control.

Council's assessment of the proposed works and excavation concludes that minor cut and fill works will not impact upon surrounding properties, including drainage.

2.2 State Environmental Planning Policy No. 55 - Remediation of Land

The site was deemed satisfactory for residential purposes at the time of the original consent for subdivision under DA/438/2001. No change of use from residential is proposed and no evidence was found of contaminating land activities having occurred on the land. The current and previous planning controls do not allow for potentially contaminating uses. As such, no further investigation is required.

Based on the above assessment, the provisions of Clause 7 of *State Environmental Planning Policy No. 55 - Remediation of Land* have been considered along with the contaminated land planning guidelines and the site is considered suitable for the proposed development.

2.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004*. The proposal includes a copy of the BASIX Certificate (Cert. No. 1210382S_03 dated 10 March 2022) for the proposed dwelling house which meets the requirements of the SEPP. A condition is recommended in Schedule 1 of this report requiring the recommendations of the BASIX certificate be complied with.

2.4 State Environmental Planning Policy (Infrastructure) 2007

Clause 100 of State Environmental Planning Policy (Infrastructure) 2007 relates to development on a classified road. The proposal has direct frontage to a classified road, being Arcadia Road to the rear.

The application as lodged proposed vehicular access from Arcadia Road and the application was referred to Transport for NSW. The proposed development was amended during the assessment to alter the access from Arcadia Road due to Transport for NSW not supporting the proposed access.

Vehicular access is now proposed via the access handle from Nancy Place, which does not trigger referral to Transport for NSW.

The proposed fence along Arcadia Road contains a gate, which is common along this boundary. A condition has been recommended that this gate not be used for permanent vehicular access.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

Part 3, Clause 9(2) 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 and objectives for tree preservation.

The application has been assessed against the requirements of the Vegetation SEPP and it has been determined that the proposal would meet the objectives of the Vegetation SEPP.

2.6 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 - 1997)

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

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

2.7 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

Section 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.

2.8 Hornsby Development Control Plan 2013

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

HDCP – Part 3.1 Dwelling Houses			
Control	Proposal	Requirement	Complies
Site Area	602m ²	N/A	N/A
Building Height	7m	8.5m	Yes
No. storeys	2 storeys	max. 2 + attic	Yes
Site Coverage	31%	50%	Yes
Floor Area	255.52m ²	380m ²	Yes
Setbacks			
- Side (north)			

<i>Ground floor</i>	3.7m	900mm	Yes
<i>First floor</i>	7.9m	1.5m	Yes
- <i>Side (east)</i>			
<i>Ground floor</i>	6.2m	900mm	Yes
<i>First floor</i>	8.2m	1.5m	Yes
- <i>Side (south)</i>			
<i>Ground floor</i>	2m	900mm	Yes
<i>First floor</i>	2m	1.5m	Yes
- <i>Rear</i>			
<i>Ground floor</i>	8.7m	9m	No
<i>First floor</i>	9.7m	9m	Yes
Landscaped Area (% of lot size)	47%	30%	Yes
Private Open Space			
- <i>minimum area</i>	342m ²	24m ²	Yes
- <i>minimum dimension</i>	9m	3m	Yes
Car Parking	2 spaces	2 spaces	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the HDCP. A brief discussion on compliance with relevant performance requirements and Part 1C General Controls is provided below.

2.8.1 Scale/ height

The scale of the proposed two storey split level dwelling is consistent with the dwellings on the adjoining lots. The area has a mix of older and new dwellings, with the four lots created at the rear of 12-18 Nancy Place (including the subject site) all being two storeys in height. The size and scale of the dwelling is below the requirements of Council's DCP in terms of floor area, site coverage and height and is deemed to be appropriate.

2.8.2 Setbacks

The desired outcomes of Part 3.1.2 Setbacks under the HDCP are to encourage "*setbacks that are compatible with adjacent development and complement the streetscape*". The site is a battle-axe arrangement with an access handle for vehicular access. As such, in accordance with the DCP, there is no front setback.

The proposed side and rear setbacks meet or exceed the HDCP requirements and are consistent with the adjoining dwellings.

The prescriptive measures set out in Table 3.1.2(a) requires a 1.5 metre side setback for 2nd storey elements. The application proposes ground floor, and first floor setbacks comply with the prescriptive measures. The HDCP allows for certain features to encroach within setbacks, however all parts of the dwelling achieve the required setbacks.

The proposed rear, western setback for the dwelling house from Arcadia Road varies between 8.7 metres to 9.2 metres, the former does not comply with the 9 metre setback provision for this “designated road”.

The proposed rear, western setback for the dwelling house from Arcadia Road varies between 8.7 metres to 9.2 metres, the former does not comply with the 9 metre setback provision as the rear setback adjoins Arcadia Road which is a “designated road”.

In support of this setback non-compliance, it is noted that the adjoining property, No.16A Nancy Place has abandoned this setback control as the assessment of DA/1072/2020 treated Arcadia Road as its rear boundary with a 2.2 metre approved encroachment to Arcadia Road with respect to a pergola structure.

It is also noted that the dwelling house at No.32D Arcadia Road, was approved under DA/677/2017, with a front boundary setback to Arcadia Road of between 6.4 metres and 8 metres.

Given that Council has abandoned the 9 metre setback provision to Arcadia Road with respect to these two adjoining developments, it would be unreasonable for Council to apply a stringent setback for the subject DA.

The proposal meets the desired outcomes of Part 3.1.2 Setbacks under the HDCP and is considered acceptable.

2.8.3 Landscaping

The proposal provides greater than the minimum amount of landscaping required under the HDCP. A Landscape Plan was provided, which indicates grass will be the dominant feature, with pockets of plantings at the front of the dwelling adjoining the driveway and along the rear boundary.

2.8.4 Private Open Space

An area of private open space has been proposed at the rear of the dwelling, exceeding the HDCP requirements. The large area of private open space at the rear is directly accessible from the family and rumpus room and incorporates the alfresco. This area is regular in shape and comprises grass, which will be highly useable for the occupants of the dwelling.

2.8.5 Sunlight and ventilation

The desired outcome of Part 3.1.5 Sunlight Access under *HDCP* is:

- a. *“Dwelling houses designed to provide solar access to open space areas.*
- b. *Development designed to provide reasonable sunlight to adjacent properties.”*

On 22 June, 50 percent of the required principal private open space on any adjoining property should receive 3 hours of unobstructed sunlight access between 9am and 3pm.

The application was accompanied by Shadow Diagrams which indicate that due to the orientation, the dwelling to the south will be overshadowed during mid-winter. This is unavoidable given the orientation; however 3 hours will be achieved between 9am to 12pm or 12pm to 3pm for the required principal private open space on the adjoining property. No. 16A to the south has to the rear of the dwelling a

covered alfresco area adjoining the common boundary and a large grassed further south. The shadow diagrams reveal that the overshadowing will fall onto the roofed alfresco at 9am and be clearing at around 12pm. The extent of the shadowing impact does not extend to the grassed area of No. 16A.

As such, the overshadowing impacts are deemed acceptable and meet the HDCP requirements.

2.8.6 Privacy

The desired outcome of Part 3.1.6 Privacy under the *HDCP* is to encourage “*development that is designed to provide reasonable privacy to adjacent properties*”.

This is supported by the prescriptive measures which state that:

“a. Living and entertaining areas of a dwelling house should be located on the ground floor and orientated towards the private open space of the dwelling house and not side boundaries.

b. A proposed window in a dwelling house should have a privacy screen if:

- it is a window to a habitable room, other than a bedroom, that has a floor level of more than 1 metre above existing ground level,*
- the window is setback less than 3 metres from a side or rear boundary, and*
- the window has a sill height of less than 1.5 metres.*

c. A deck, balcony, terrace or the like should be located within 600mm of existing ground level where possible to minimise potential visual and acoustic privacy conflicts.

d. Decks and the like that need to be located more than 600mm above existing ground should not face a window of another habitable room, balcony or private open space of another dwelling located within 9 metres of the proposed deck unless appropriately screened.”

The application proposes satisfies the above requirements, with the dwelling being designed to cut into the land assisting with providing the main private open space at the rear at ground level well away from the side boundaries.

The layout has orientated the dwelling towards the rear, with large side setbacks and minimising windows for privacy loss.

The application proposes a first floor level which comprises bedrooms, not living areas.

As such, there is no need for any privacy screens.

The proposal meets the desired outcome of Part 3.1.6 Privacy of the *HDCP* and is considered acceptable.

2.8.7 Vehicle access and parking

The *DCP* requires sufficient and convenient parking for residents with vehicular access that is simple, safe and direct, and requires car parking for dwelling houses should be provided behind the front building line.

In this instance, the proposed dwelling includes a double garage immediately off the battle-axe handle driveway. The *HDCP* requires 2 spaces for the dwelling house, and a double is proposed.

Various easements are in place on the site including for access, which both benefit and burden the subject site. The proposed development utilises the restrictions and does not prevent use by the benefited properties.

2.9 Section 7.12 Contributions Plan

Hornsby Shire Council Section 7.12 Contributions Plan 2019–2029 applies to the development as the estimated costs of works is greater than \$100,000. Should the application be approved, an appropriate condition of consent is recommended requiring the payment of a contribution in accordance with the Plan.

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 Tree and Vegetation Preservation

The original development proposed a new driveway opening on Arcadia Road and removal of two (2) street trees. The amended plans removes this proposed access and the trees would be retained

3.1.2 Stormwater Management

The proposed drainage plan indicates the provision of pits and pipes which capture the water and dispose of it to the existing pit within the concrete driveway, which connects to the Nancy Place.

3.1.3 Effluent Disposal

The proposal will be connected to the Sydney Water sewer system which is in place.

3.2 Built Environment

3.2.1 Built Form

The proposed built form is consistent with the dwellings on the adjoining properties in terms of height, design and materials.

3.2.2 Traffic

At the time of subdivision, the traffic generation from the additional lot was considered and deemed acceptable and within the capacity of the road network. This proposal is for ns a single dwelling only and does not intensify the traffic generation from that previously assessed.

3.3 Social Impacts

The residential development would improve housing choice in the locality by providing a range of house hold types. This is consistent with Council’s Housing Strategy which identifies the need to provide a mix of housing options to meet future demographic needs in Hornsby Shire.

The location of the development is in close proximity to a primary school, commercial centre, recreational, health and education facilities for future residents.

3.4 Economic Impacts

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One (1) submission objected to the development, generally on the grounds that:

- The pine trees along Arcadia Road are an important part of the Galston tree scape and should be retained and removal for a driveway is not warranted.

The matter raised in community submission has been resolved by way of the amended plans which removed the proposed access to Arcadia Road.

The amended proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 22 March 2022 to 14 April 2022. No submissions were received during the re-notification period.

5.2 Public Agencies

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

5.2.1 Transport for NSW

The application as lodged proposed vehicular access from Arcadia Road which is a classified road and the application was referred to Transport for NSW. The proposed development was amended during the assessment to alter the access from Arcadia Road due to Transport for NSW not supporting the proposed access.

Vehicular access is now proposed via the access handle from Nancy Place, who does not trigger referral to Transport for NSW.

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.

CONCLUSION

The application proposes the construction of a dwelling house.

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 one (1) submission during the public notification period. The matters raised have been addressed in the body of the report and the issues resolved by way of the amended plans.

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 and the *Hornsby Development Control Plan 2013*.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, 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.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is Donna Clarke from Landmark Planning Pty Ltd.

RECOMMENDATION

THAT Development Application No. DA/700/2021 for construction of a dwelling house at Lot 115 DP 1110754, No. 14A Nancy Place, Galston be Approved subject to the conditions of consent detailed in Schedule 1 of this report.

Schedule 1

GENERAL CONDITIONS

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

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

1. Approved Plans and Supporting Documentation

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

Plan No.	Plan Title	Drawn by	Dated	Council Reference
A1 of 9 Rev 2c	Site Plan	Montgomery Homes	15/3/22	
A2 of 9 Rev 2c	Over-All Site Plan	Montgomery Homes	15/3/22	
A3 of 9 Rev 2c	Upper Floor Plan	Montgomery Homes	15/3/22	
A4 of 9 Rev 2c	Mid / Lower Floor Plan	Montgomery Homes	15/3/22	
A5 of 9 Rev 2c	East & West Elevations	Montgomery Homes	15/3/22	
A6 of 9 Rev 2c	South & North Elevations	Montgomery Homes	15/3/22	
A7 of 9 Rev 2c	Sections	Montgomery Homes	15/3/22	
A8 of 9 Rev 2c	Sediment & Erosion Control Plan	Montgomery Homes	15/3/22	
A9 of 9 Rev 2c	Sun Study	Montgomery Homes	15/3/22	
L/01	Landscape Plan	A Total Concept	29/3/22	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
C1	Coversheet & Notes	Nastasi & Associates	18/6/21	
C2	Drainage Plan	Nastasi & Associates	18/6/21	
C3	Stormwater Details	Nastasi & Associates	18/6/21	

Document Title	Prepared by	Dated	Council Reference
BASIX Certificate No. 1210382S_03	Building Sustainability Assessments	10/3/22	D08373616
Waste Management Plan	Montgomery Homes	Undated	D08209143
Schedule of Exterior Finishes	Montgomery Homes	Undated	D08209137

2. 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) The Construction Certificate plans must be consistent with the Development Consent plans.

3. Retaining Walls

To ensure the stability of the site:

- a) Complete structural details of all required retaining walls, prepared by a suitably qualified structural engineer, must be submitted with the application of the Construction Certificate.
- b) All retaining walls must be constructed to contain cut prior to the commencement of any slab or foundations works for the dwelling house.

4. Section 7.12 Development Contributions

- (a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.12 Development Contributions Plan 2019 - 2029*, **\$4,866.80** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$486,681**.
- (b) The value of this contribution is current as of **26 April 2022**. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section

7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

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

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

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

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

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

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

Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

5. Gate

The proposed fence along Arcadia Road contains a gate, which is not to be used for permanent vehicular access. Vehicular access to the dwelling is to be via Nancy Place.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia

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

7. Contract of Insurance (Residential Building Work)

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

8. Notification of Home Building Act 1989 Requirements

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

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

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

9. Sydney Water

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 in™ through www.sydneywater.com.au under the Building and Development tab.

10. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained and connected to the existing internal drainage system approved under SC/2/2007.

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, AS3727* and the following requirements:

- a) The driveway be a rigid pavement & match into existing driveway approved under SC/2/2007.

- b) The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
- c) Longitudinal sections along one side of the access driveway shall be submitted to the principal certifying authority in accordance with the relevant sections of AS 2890.1. The maximum grade shall not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades. Any transition grades shall have a minimum length of 2 metres.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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12. 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.

13. Protection of Adjoining Areas

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

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

14. 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*.

15. Erosion and Sediment Control

- a) 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.
- b) 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.

REQUIREMENTS DURING CONSTRUCTION

16. Construction Work Hours

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

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

17. 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*.

18. Council Property

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

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

19. 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.

20. 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.

21. Waste Management

All work must be carried out in accordance with the approved waste management plan.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

22. Fulfilment of BASIX Commitments

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

23. Damage to Council Assets

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

24. Retaining Walls

All retaining walls must be constructed as part of the development and prior to the issue of an Occupation Certificate.

25. Completion of Works and Compliance Certificate

All engineering works identified in this consent are to be completed and a Compliance Certificate issued by a suitable qualified engineer prior to the issue of an Occupation Certificate.

- 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). (HDCCP 1B.6.1.c).

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.

Rain Water Tank

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